



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Senator Gallivan's Votes for the Week of March 20, 2023

JIM RANNEY March 28, 2023

| ISSUE: **NYS SENATE**



The following bills were approved in the NYS Senate. Senator Gallivan's vote is noted.

S636 Amends business corporation and limited liability company law to require corporations and LLCs that have to file Employer Information report EEO-1 with the federal Equal Employment Opportunity Commission to file similar information on race, ethnicity and sex/gender with the DOS annually. DOS must publish statistics within 90 days on its website. NAY (Administrative burden placed on businesses.)

S1918 Amends environmental conservation law to allow the department of environmental conservation to enter into leases or easements for the purpose of aiding in the siting and connectivity of renewable energy installations, as well as the transmission and distribution of electricity from those installations on state forest lands classified as reforestation lands. Such action is not permitted to interfere with reforestation areas. AYE

S447C Amends the education law to require nurse training programs to provide clinical education in a degree required by the commissioner through regulation, provided that up to a third of the clinical training may be provided by suitable simulation. AYE

S1361 Amends the public authorities law to wave initial deposits for EZ passes for 60 days following a Thruway Authority vote to increase tolls. Further requires retail locations to accept cash payment to reload EZ pass tag. AYE

S1147 This bill creates exemptions to the license suspension law for taxpayers who are 1) on public assistance, or 2) a taxpayer whose income does not exceed 250 percent of the poverty level (from \$31,225 1 person in household to \$108,535 - 8 people in household.) Additionally, this bill would add an inflation factor to the \$10,000 in tax liens required to trigger the possible suspension of a taxpayer's driver's license. The \$10,000 figure would be increased for inflation every year. NAY (Disparate impact.)

S490 Amends the not-for-profit corporation law to allow abandoned city cemeteries to merge with solvent not-for-profit cemeteries and have access to funds for maintenance of abandoned cemeteries. AYE

S410 This bill amends sections 198-a and 198-b of the general business law regarding warranties and the sale or lease of new and used motor vehicles. The amendment changes the word "consumer" to "purchaser" throughout the law. Additionally, the bill amends the

definition of "purchaser" to include vehicles used primarily for commercial or business purposes. NAY (Can open up car manufacturers to expensive and time consuming lawsuits. Increase consumer costs.)

S3306 Amends the business corporation law and not-for-profit corporation law to exempt veterans from paying filing fees related to the incorporation of a business so long as they are within 5 years of honorable discharge, or receiving confirmation of a qualifying condition from NYS Department of Veterans Affairs (DVS), or receiving a confirmation of their status as a discharged LGBT veteran from DVS under the Restoration of Honor Act. AYE

S2298 Amends the election law to require subpoenas relating to election matters be served with a separate informational sheet summarizing the reason for each subpoena being issued and other related information. AYE

S3403 Reduces the minimum nonforfeiture interest rate for annuities from one percent to one half of one percent for annuities during the surrender charge period, and from one percent to fifteen hundredths of one percent during any contract period with no surrender charge. AYE

S3459 Amends the alcoholic beverage control law to allow brewery supply stores to sell NYS labelled beer for off premises consumption. AYE

S3249 Amends the executive law, multiple dwelling law, multiple residence law, the administrative code of the City of New York and the New York City building code to require the installation of smoke detectors in common places of certain dwellings. NOTE - multiple dwellings mean a rented, leased, let or hired out, to be occupied or is occupied as the temporary or permanent residence or home of three or more families living independently of each other. Includes dwellings with five or more boarders, roomers or lodgers residing

with any one family. AYE

S724 Prohibits the lease of state forests, wildlife management areas and unique areas for the purpose of gas production. AYE

S1979 Requires the Empire State Development Corporation, in consultation with SUNY, CUNY, public housing authorities and the Commission on Independent Colleges and Universities to conduct a study on the economic impact of the establishment of kitchen incubators; requires a report to the governor and the legislature. AYE

S395 Directs the New York state interagency task force on human trafficking to investigate connections between social media and human trafficking. AYE

S799 Extends the period given to a disabled applicant for, or recipient of, public assistance benefits to request a fair hearing on a determination of their ability to participate in work activities from ten days to sixty days or within sixty days of receipt of a work activity assignment. NAY

S2518 This bill would amend the Labor Law by adding a new section 201-h to the general provisions of the Labor Law governing hours of labor. The bill would prohibit employers from requesting, requiring or coercing user name and password information from an employee as a condition of employment or during the course of continuing employment. AYE

S1360 Amends vehicle and traffic law to increase fines to between \$1,000 and \$5,000 ( up from \$500-\$2,500) when bus companies fail to inform DMV of a bus driver commencing employment, terminating employment or being disqualified from employment with/because of a certain criminal driving conviction as required by existing law. Fines increase further for multiple violations within an 18 month span. AYE

S1124 COSPONSOR Directs the department of economic development, in conjunction with other departments and entities, to conduct a comprehensive study of public and private museums, including taking a census of public and private museums in the state, and to report the findings and recommendations of such study. AYE

S1160 Provides that school districts may hold elections in any building owned or leased by the district, in addition to any district schoolhouse. AYE

S1748 Enacts the New York state money transmission disclosure act; requires each licensee providing a transmission transaction which involves currency of one country into the currency of another country to provide the customer with a written disclosure; authorizes the superintendent of financial services to implement any necessary rules and regulations. NAY (Applies to NYS banks only.)

S4305 Requires that all cellular telephone service providers shall provide full plans by December thirty-first, two thousand twenty-four for the conversion of all respective cell towers to renewable energy by two thousand thirty. NAY (Cost prohibitive. Any additional costs will be passed down to mobile customers.)

S3114 Requires the Office of Information and Technology Services to adopt a protocol for state agencies and entities to maintain accessible websites. Requires such protocol to be published publicly online and a written report that documents the compliance of websites maintained by or on behalf of state agencies or state entities with the protocol be submitted on December 31, 2022, and every two years thereafter. AYE

S4647 Increases penalties for endangerment of a highway worker, promote work zone safety awareness, and establish a fund for additional work zone safety enforcement. AYE

S2450 COSPONSOR Amends penal law to add contact via text, private message, direct message, email or other electronic communication to the list of types of communication for the purposes of proving aggravated harassment in the second degree. Presently, only telephone calls qualify. AYE

S2922 Amends penal law to add a new section deeming a person who engages in sexual conduct during the period of their probation with his or her supervising probation officer as being incapable of consent. AYE

S4354 Extends the authority of the Excess Line Association of NY (ELANY) for five years until July 1, 2029. Further provides ELANY the power to examine the records of excess line brokers pertaining to placement of excess line risks and clarifies that ELANY has capacity of an unincorporated association to protect its rights in a legal proceeding. AYE

S623 This bill would direct the Committee on Open Government to conduct a study on the feasibility of agencies proactively increasing the disclosure of information to the public. This report would be required to be delivered to the Governor, the Speaker of the Assembly, and the Temporary President of the Assembly by January 31, 2026. AYE

S147A Establishes potable water testing standards at state or local parks. Periodic first-drawn tap testing must be conducted to monitor for lead contamination at each park and testing must be carried out and analyzed by an entity approved by DOH. Periodic testing also must occur once every three years. AYE

S1054 Increases the number of cuisine trails in the state from 15 to 25 in order to accommodate new opportunities across the state. AYE

S151 Amends criminal procedure law and civil practice law and rules to provide for the tolling of all criminal and civil statutes of limitation for causes of action against a person while said

person holds the office of President of the United States. NAY (Political.)

S5262 Provides retroactivity to the original date of eligibility for the senior citizens rent increase exemption (SCRIE) and disability rent increase exemption (DRIE) in the City of New York. AYE

S1296 This bill would expand the informal caregiver training program to include an individual providing care for a person in need of assistance or an older adult providing care to a minor relative in their home. The bill removes language related to frail or disabled person but includes language related to a person in need of assistance. Further, the bill defines person in need of assistance to mean any person who requires assistance with one or more activities of daily living or instrumental activities of daily living. AYE

S4516 Amends section 5-336 of the general obligations law to prohibit any settlement or other resolution of a claim involving sexual harassment or any other form of unlawful discrimination from including any term or condition that requires the complainant, to pay the defendant liquidated damages in the event that the plaintiff violates a non-disclosure agreement. AYE

S5186 Requires the department of environmental conservation to authorize and encourage the use of nature-based solutions as the preferred alternative for stabilizing tidal shorelines in the state; provides such solutions should be considered when promulgating and implementing rules and regulations relating to such. AYE

S259 Requires cultural awareness and competence training for medical professionals, including two hours of course work encompassing minority healthcare issues. This bill applies to physicians, physician assistants (PAs), registered professional nurses (RNs), licensed practical nurses (LPNs), podiatrists, optometrists and nurse practitioners who

provide direct patient care. Training must be completed by July 1, 2024. NAY (No evidence necessary. Cost exceeds benefit.)

S1669 COSPONSOR Allows the granting of academic credit at state or city operated institutions to veterans. Requires State or City operated institutions to recognize courses and award educational credits for courses that were part of a veteran's military training or service if the courses meet the standards of the American Council on Education or equivalent standards for awarding academic credits. AYE

S440 Designates the fourth Thursday in March as "Tuskegee Airmen Commemoration Day". AYE

S1181 Designates March 25, "Medal of Honor Day", as a day of commemoration. AYE

S1851 Permits the rendering of an estimated bill from a utility corporation or municipality under certain circumstances; requires each utility corporation and municipality within six months to submit to the commission a model procedure for the calculation of estimated bills that incorporates best practices and technology and accounts for any barriers to the use of actual meter readings. AYE

S1180 This bill would amend section 61 of Volunteer Firefighters' Benefit Law, so as to make permanent, the procedures regarding a presumption that the death or disability of a volunteer firefighter from a disease or malfunction of heart or coronary arteries was caused due to work related factors. AYE

S4435 This bill permits health insurance carriers and HMOs to offer premium discounts or other benefits for participation in wellness programs approved by DFS. AYE



S4597 This bill is a proposed constitutional amendment to provide a 10 year extension on the exclusion of sewer debt from the constitutional debt limits on counties, cities, towns and villages. AYE

S1522 Replaces all instances of the words or variations of the words feminine hygiene products and sanitary napkins with the words menstrual products and pads, respectively, or a variation thereof. AYE

S4886 This bill would amend Article 71 of Environmental Conservation Law (ECL) to expand the Department of Environmental Conservation's (DEC) powers for General Civil Penalty (section 71-4003) to also include injunctive relief, revoking/suspending a permit/certificate, or deny a pending renewal application. AYE (Accountability.)

S5036 This bill relates to codifying federal standards for the supervision of the manufacturing and repacking of certain medical gases or wholesaling of respiratory therapy agents. AYE

S1398 Requires public utility companies in the City of New York to repair or replace all damaged residential lateral sewer and water pipes where such damage was caused by such public utility company. AYE

S5399 Includes within the health care and wellness education and outreach program under the NYS Department of Health the physical, sexual and psychological impact of nonemergent medical procedures performed on individuals with variations in sex characteristics who have not themselves consented to the procedure. Such program must include an advisory council made up of intersex persons, intersex-led organizations and health care providers with demonstrated medical expertise treating intersex individuals in a manner that respects their bodily integrity and self-determination. AYE (Information can

help with educated decision.)