



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Senator Gallivan's Votes for the Week of May 8, 2023

JIM RANNEY May 15, 2023

| ISSUE: [NYS SENATE](#)



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

S101A Enacts the "New York Land-Home Property Act" establishing a process for converting a manufactured home from personal property to real property. NOTE - Provides for processes by which an owner of a manufactured home, that is affixed to a permanent foundation or which the owner(s) intend to affix to a permanent foundation, may surrender the manufacturer's certification of origin and/or the title to the Commissioner of the DMV.

Additionally, allows for those who are unable to produce a certification of origin or title to apply for confirmation of conversion with the Commissioner of DMV. AYE

S1812 Establishes a commission to be known as the "New York seawall study commission" which will study the feasibility, costs, impacts, and best locations for construction of a seawall or sea gate being created to protect the city of New York from sea level rise and storm surge along the entire coastline. AYE

S1448A This bill would create a task force on school transportation safety. It would have 18 total members, with five appointed by the Governor, five by the Senate Leader, five by the Assembly Speaker, as well as the commissioners of SED, DOT, and the DMV. A PRINT - adds school bus drivers and other school bus personnel who are members of a labor union to the list of members that shall be included in the taskforce. AYE

S4899 Designates a portion of the state highway system in the town of Fishkill, Dutchess county as the "Chief Daniel Nimham Memorial Highway". AYE

S2349A Provides that a voter may register to vote at any residence to which the voter maintains a continuous connection with an intent to return, including a second home or a vacation home. NAY (Allows voters to vote-shop and choose which local elections they want to vote in.)

S4459 COSPONSOR Designates the state of New York a purple heart state. AYE

S1899 Designates May as Korean American Family Month. AYE

S5082 Establishes a Latina suicide prevention task force; provides for the number of members, manner of appointment and the topics to be reviewed. AYE

S5905 This legislation provides that dependent persons under the age of eighteen shall not be listed in eviction petitions or warrants, and that the records pertaining to the eviction proceeding of a person under the age of eighteen shall be sealed. This bill also has provisions that seal records pertaining to children who have been named in eviction warrants. NAY

S5603 Provides the NYC water board shall not establish a limit of less than six years to challenge any fee, rate, rent or other service charges for the use of or services furnished by the water board and/or sewerage systems. AYE

S6285 This bill would amend current law to make it easier for cemetery corporations to access funds from their permanent maintenance fund, by adopting standards that conform with the uniform not-for-profit standard of the Prudent Management of Institutional Funds Act. AYE

S5890 This bill would allow life insurers to establish a wellness program. Customers that participate in the program would be able to receive rewards and incentives such as a full or partial reimbursement of participating in certain program such as weight management or nutrition education. AYE

S5442 This bill would add a new fourth veterans exemption to the real property tax law, by adding a new section 458-c, to provide active duty military personnel with a real property tax exemption equal to 15% of the assessed value of their residential property, and provide an additional 10% property tax exemption if such active duty personnel are deployed in an active combat zone. AYE

S443 Authorizes the boards of education in union free school districts and central school districts to establish wards for the purpose of school board elections in Orange County. NAY (Lacks requirements to ensure that election wards appropriately represent

communities.)

S6007 Increases the value of homesteads which are exempt from civil judgments from one hundred fifty thousand to two hundred fifty thousand dollars. NAY (Does not apply to all counties.)

S4540 This bill provides that recovery of wages due to a clerical error by the employer or vendor of the employer is prohibited if such clerical error did not result in an overpayment or other inaccuracy in the amount of wages paid or the time in which wages were dispersed. AYE

S3607 This legislation would license and regulate laser hair removal technicians. The licensing would be performed through the Department of State. Currently, DOS has a licensing structure in place for those that practice a nail specialty, waxing, natural hair styling, esthetics and cosmetology. AYE

S4036 Places a cap on the amount that a rental vehicle company may charge a renter for refueling a rental vehicle; imposes a maximum fine for a violation of such cap on charges. AYE

S5913A Requires feminine hygiene products to be offered for free in non-public schools. AYE

S936 Requires statewide housing authorities, in reviewing applicants, to grant domestic violence survivors the same preference as granted other prioritized populations, should the authority establish waiting list preferences. Establishes a standardized definition of domestic violence when determining applicant eligibility for the preferred population. AYE

S303 This legislation expands within the definition of “essential personal property”, as it relates to monetary awards being provided to crime victims, the term “personal property

necessary and essential to the welfare of the victim” to mean such items that were lost, stolen or damaged as a result of a crime for which reimbursement or replacement is reasonably necessary for the victim to restore stability or maintain a reasonable and/or basic standard of living. For such personal property, this bill sets forth that the Office of Victim Services may request from the claimant, estimates or receipts for such property lost, but does not disqualify said claimant if they are unable to produce the requested information. AYE

S1138 Expands the use of foreign fire insurance premium taxes by the Volunteer and Exempt Firemen's Benevolent Association of Lewiston Fire Company No. 1. AYE

S3340 This bill requires the courts to notify the statewide computerized registry of orders of protection and warrants of arrest of the issuance of any temporary or final extreme risk protection order (red flag law). This bill further clarifies that the statewide computerized registry of order of protection and warrants of arrest shall include extreme risk protection orders. NAY

S1901 Amends criminal procedure law to enact Emma's law. Permits the court to allow victims of misdemeanor crimes to request and be granted an opportunity to speak at sentencing. AYE

S1951 Amends penal law to remove the "within ten years" element for the charge of persistent sexual abuse. Meaning any person who is convicted two or more separate times of the prerequisite offenses is guilty of the charge regardless of the amount of time said convictions were adjudicated. AYE

S3071 This bill would allow prosecutors to access records related to prior prosecutions of criminal defendants that would be otherwise sealed where access to such records would be

necessary to proceed with a new prosecution of such defendants. This is particularly useful in the context of domestic violence prosecutions where defendants violate orders of protection. AYE

S3236 Amends executive law to define a victim of sexual offense as including any victim of any act constituting an offense of unlawful dissemination or publication of an intimate image or threats to commit such an offense. This bill also allows for the expansion of the Address Confidentiality Program to include victims of the revenge porn law. AYE

S4686 Enacts the "New York State Phoenix Act"; extends the statute of limitations for felony family offenses to ten years and misdemeanor family offenses to five years. AYE

S5916 Clarifies that claims filed against governmental entities under the Adult Survivors Act (Ch. 203 of 2022) do not require the filing of a notice of claim or a notice of intention to file a claim. AYE

S289 Authorizes municipal bonding for the acquisition, construction, or replacement of broadband and related telecommunications infrastructure for a ten-year period of probable usefulness. AYE

S2364A Establishes an "operation SNUG" program within the division of criminal justice services which provides grant awards to reduce, prevent or respond to gun violence. \$5 million would be made available for program awards designated by the Senate and \$5 million would be made available for program awards designated by the Assembly. \$20 million would be allocated for grants to provide services in counties across the state. \$15 million would be divided between specified counties in accordance with a sub schedule. AYE

S1683 Adds a new section to the Public Health law to require the department, on a quarterly basis, to publish the number of individuals receiving home care services; county of recipient;

and services authorized by a county department of social services and by each Medicaid Managed Care plan on the department's website. AYE

S2824 Allows for distinctive plates to be issued for members of the New York city fire riders motorcycle club. AYE

S2463A Directs the department of health to create an informational pamphlet regarding the laparoscopic power morcellation surgery technique. NOTE - Laparoscopic myomectomy surgery is a surgery intended to remove fibroids. From this technique cancerous cells can spread, infecting the patient in multiple parts of the body. The use of the power morcellation technique has been flagged by the FDA due to its possible endangerment of patients. AYE

S3608A Directs the Department of Health to create and make available a video regarding the dangers of drowning geared toward toddlers and young children to be viewed by new parents prior to their release from the maternity ward. AYE

S3119 This bill requires the Commission of the Office of Children and Family Services, in consultation with the Office for People with Developmental Disabilities to conduct a study, make recommendations and provide a report to the Governor and Legislature to determine the number of children who have been placed in foster care and who have been diagnosed with a developmental disability. The bill also provides a definition of developmental disability. AYE

S214A This bill would expand Office of Victim Services (OVS) ability to grant awards to those who have been victims of crime by explicitly authorizing awards where no suspect has been arrested or charged and would give victims more times to seek such awards. AYE

S5502 This bill requires prosecutors or the court to provide to the parent or guardian of a crime victim or a surviving family member in a homicide case with an informational

pamphlet detailing the rights of crime victims. AYE

S1144A This bill would add a new section 78-a to the banking law to provide that the financial frauds and consumer protection unit of the department of financial services shall refer any instances of a person, partnership, association, corporation or other entity which is operating without being chartered, licensed or registered as required under the banking law, to the attorney general and to any other federal, state or local agency or entity for appropriate enforcement action. NAY

S1059 Requires the secretary of state to offer code enforcement training programs for code enforcement personnel to be completed online, with flexible options for when such training programs may be completed. AYE

S2780 Allows out of state health care professionals to perform services at the Ironman Lake Placid 2023. AYE

S2241 Designates March 21st as "Down Syndrome Awareness Day". AYE

S5178 Establishes a temporary commission to study aging in place in mental health housing; provides for the repeal of such commission upon expiration thereof. AYE

S6056 Relates to certain economic development programs; requires reporting on the use of fiber-optic technology in certain economic development grant programs; adds access to high-speed broadband internet service as consideration in certain competitive grant projects. AYE

S142 The bill would provide a new section within Article 26 of Agriculture and Markets Law to restrict the surgical devocalization of a dog or cat to only instances when the procedure is medically necessary to treat or relieve a physical illness, disease, injury, or correct a congenital abnormality. AYE



S761 The bill would amend P353-a of Agriculture and Markets Law to eliminate the term 'serious' from the level of physical injury required to charge someone with felony aggravated cruelty to animals. AYE

S1677A Increases the penalty for selling disabled equidae to be misdemeanor punishable by a fine not more than \$1,000 (up from \$5 to \$100). AYE

S5325 Enacts "Tucker's law"; removes the provision that provides that any term of imprisonment for a violation of aggravated cruelty to animals may not exceed two years. AYE

S6365 The bill would amend section 373 of Agriculture and Markets Law to require the property owner or lessor of property that has been vacated as a result of an eviction, foreclosure, default, or abandonment, to inspect the property within three days of such known vacancy to search for the presence of abandoned animals. AYE

S3552 Provides for the licensing of genetic counselors; creates the state board for genetic counseling. AYE

S5616 This bill allows a student's Tuition Assistance Program (TAP) award to be applied to credits earned in a dual or concurrent enrollment high school program upon such student's enrollment in and acceptance of the credits by a postsecondary degree program. AYE

S2894 This bill amends the Family Health Care Decisions Act (codified under chapter 8 of the laws of 2010) in relation to Do Not Resuscitate (DNR) health care decisions for adult patients by surrogates and without surrogates. NAY (This bill gives too much discretion to medical professionals and not enough discretion to the patients who will be most affected in such matters.)

S5707 Amends Vehicle and Traffic Law and Insurance Law to create a rebuttable presumption that every person guilty of reckless driving and causes injury or death to another person shall be found to have acted with criminal negligence under section 15.05 of the Penal Law. If not rebutted, a person convicted of reckless driving shall be subject to a class A misdemeanor. Any driver who causes injury or death to any person while violating one or more laws ordinance etc. has a rebuttable presumption of driving recklessly. Any person convicted of reckless driving is required to take a motor vehicle accident prevention course. Furthermore, "Reckless Driving and Vehicular Violence" awareness course are required during the application period for a driver's license. Insurance companies are to provide a rate reduction for drivers who voluntarily participate in such a class. NAY (Fails to materially change the definition of reckless driving to be more expansive while at the same time folding lower level traffic infractions (not exercising due care) into a new paradigm with potentially more severe punishments.)

S1902A Requires notice to unemployment applicants of the supplemental nutrition assistance program and the special supplemental nutrition program for women, infants and children (WIC). NOTE - this information would be added to the already required information to be provided to unemployment applicants, including utility assistance, rental and mortgage assistance programs. AYE