



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Senator Gallivan's Votes for the Week of May 15, 2023

JIM RANNEY May 18, 2023

| ISSUE: **NYS SENATE**



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

S629A Requires the community gardens task force to conduct an assessment of all community gardens located on publicly owned land in the state to facilitate each garden's designation as a critical environmental area (CEA). AYE

S2418 Amends section 382 of the executive law as it relates to increasing the penalties for building code violations when the condition is deemed an imminent threat to the safety and

welfare of the building's occupants by the local government. The bill provides for graduated penalties for repeat offenders. A first time violation carries a fine of no less than one thousand dollars and no more than five thousand dollars. A second violation will carry a fine of no less than five thousand dollars and no more than ten thousand dollars. Finally, a third violation will result in a fine that is no less than ten thousand dollars per day of violation or imprisonment not exceeding one year or both. NAY (Onerous penalty structure. Local Governments already authorized to issue fines for violation of the uniform building code.)

S2299A This legislation requires the DOL to provide every employer in the state with a registration form to afford such employers the ability to voluntarily register with the emergency alert notification system. AYE

S3114A 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. A PRINT - changes this language to directly require state agencies to conform their websites to the most current version of the Web Content Accessibility Guidelines adopted by the World Wide Web Consortium for accessibility, or any successor standards and directs the Office of Information and Technology Services to issue guidance for state agencies in their compliance with the Web Content Accessibility Guidelines. AYE

S979 Prohibits the formation of a subsidiary of a public authority without prior approval of the legislature; allows the formation of a subsidiary of a public authority without prior approval of the legislature if such public authority files a written notice sixty days prior to the organization of such subsidiary with the governor and the legislature. AYE

S2449 Prohibits an employer, licensing agency or employment agency from requesting or requiring that a prospective employee disclose his or her age, date of birth or date of graduation from an educational institution on an initial employment application or during an interview, except in the case of a bona fide occupational qualification or need. AYE

S27 CONSTITUTIONAL AMENDMENT - Authorizes the state to convey at public or private sale up to ninety-two acres of forest preserve land along State Route 86, part of Lot 78, Township 18, and Great Tract 1, notwithstanding the foregoing provisions and subjects to legislative approval prior to actual transfers of title. Any revenue derived from such conveyance must be paid into an account of the state to be used only for acquisitions to the forest preserve. AYE

S5287 EXTENDER BILL - Extends the authority of NYSARC, Inc., to maintain bonds until 2028. AYE

S1469 Extends the exemption from filing requirements only with respect to rates and policy forms to out of state businesses underwritten and transacted from an office outside this state. It allows insurers to take advantage of the Free Trade Zone regardless of whether they maintain a physical office in-state. AYE

S5441 Provides employment protections during the performance of state active duty by members of the national guard; makes technical corrections. AYE

S2976 This bill would require the Department of Labor to issue notice of initial determination for unemployment benefits within 30 days of the claimant furnishing the necessary documentation. If the commissioner is unable to issue a determination within such time frame, they shall inform the claimant of the new estimated time frame for the issuance of a determination. AYE

S1891 Establishes the New York state cryptocurrency and blockchain study task force to provide the governor and the legislature with information on the effects of the widespread use of cryptocurrencies and other forms of digital currencies and their ancillary systems, including but not limited to blockchain technology, in the state. AYE

S6220B Updates the educational requirements for the practice of physical therapy; requires individuals to have received a doctoral degree or an education determined equivalent in physical therapy. NOTE - Grandfathers in current license and permit holders. AYE (Reconciles the law with current requirements.)

S4133A Permits county superintendents to rent machinery from any other local government entity and authorizes town superintendents to contract with municipalities, regardless of location, for the provision of services or the rental/use of equipment. AYE

S5410 Requires state agencies to offer a mobile-friendly version of all websites and make such versions available for all mobile devices. NOTE - mobile friendly means with respect to a website, that such website is configured in such a way that such website may be navigated, viewed and accessed on a smartphone, tablet computer, or similar mobile device. AYE

S6323A Requires a person or business that provides a consumer an online account to access services shall, if a consumer believes that a theft of their identity has occurred, upon request provide an opportunity to such consumer to prove their identity in person using a physical proof of identification to recover their online account and restore access thereto, provided that the person or business providing such online account has a physical presence and at least one retail location within New York. AYE

S1738 This bill would add a new section 60.77 to the Criminal Procedure Law, which would create a presumption against the introduction of a defendant's creative or artistic

expression, whether original or derivative against a defendant in a criminal proceeding. Such evidence may be introduced only if, after an offer of proof, the court determines that such evidence is relevant and admissible. NOTE - "Creative expression" is defined as the expression or application of creativity or imagination in the production or arrangement of forms, sounds, words, movements or symbols, including by not limited to music, dance, performance art, visual art, poetry, literature, film and other such objects or media. NAY (Impacts the admissibility of creative expressions to prove essential facts beyond just the commission of the crime.)

S6518 This bill directs the Division of Housing and Community Renewal (DHCR) to work in coordination with the Empire State Development Corporation, the Department of State, the Department of Transportation, and the office of Parks and Recreation to develop a "New York Main Street Development Center" within DHCR. The Center would provide resources and technical assistance to local government entities and developers to revitalize local business districts across New York. AYE

S150 This bill prohibits the state from reimbursing a state employee's reasonable attorneys' fees or litigation expenses for the criminal defense of such employee, where such funds are used to reimburse: 1) a campaign or political committee; or 2) a legal defense fund which paid all or a portion of such employee's attorneys' fees or litigation expenses. also prohibits the state from reimbursing a state employee's reasonable attorneys' fees or litigation expenses for the criminal defense of such employee, where a legal defense fund or legal defense funds have been established for such employee and all of the moneys in such funds have not been fully expended. AYE

S608C This legislation adds medicine to the list of goods and services that can be classified as possibly being subject to price gouging by amending subdivision 2 of section 396-r of the general business law to add the phrase "drug shortage" to the definition of "abnormal

disruption of the market" and to further define the phrase "drug shortage" to mean the issuance of a notice by the U.S. Food and Drug Administration declaring a drug shortage. AMENDMENTS - makes grammatical corrections. The C print defines drug shortage as any drug or medical product intended for human use that is publicly reported as being subject to a shortage by the U.S. Food and Drug Administration. AYE

S334 Requires utility bills for residential and demand-metered customers include certain information to allow customers to better understand their monthly charges - this information includes the quantity billed, the unit of measurement and the highest measurement of a specific line item as measured over the preceding 52 week period. NAY (Information already available to customers.)

S1571 Requires the ethics commission of the unified court system to post each state-paid judge's annual financial disclosures on the ethics commission's public website for five years beginning with filings made on January 1, 2018. AYE

S333 This bill requires the inspection of non-fireproof buildings every three years, it also requires that dwelling not in compliance with New York City Housing Maintenance Code make repairs within six months. If a property owner fails to comply with standards within those six months, a lien will be placed on the dwelling. NOTE - This bill also implements a \$100 daily fine for property owners who fail to submit a report on inspection by September 1, in the third year of a three year cycle. NAY (Negative impact on property owners.)

S1396 Requires colleges, universities, professional, proprietary and graduate schools to provide written notice to all students of the institution's tuition liability policy. AYE

S2060A Requires colleges receiving state aid to indicate on their website how to access campus crime statistics that are filed annually with the United States Department of

Education and specifically and separately report and post incidents of hate crimes on their website. Specifies that such colleges must review security policies and procedures for educating the community regarding bias-related crime prevention and hate crime offenses; adopt and implement a plan for the investigation of any hate crime that occurs on the grounds of their institution including a requirement to notify the appropriate law enforcement agency no later than 24 hours after the report of a hate crime; inform incoming students about hate crime prevention measures, reporting of hate crimes, and general information about hate crimes. A PRINT - makes technical changes. AYE

S1930 Relates to distinctive license plates issued to gold star mothers; permits gold star mothers to retain one keepsake plate as a commemorative item after distinctive plates are surrendered. AYE

S4398 Requires the state commission on judicial conduct to transmit its annual budget request to the governor for inclusion in the executive budget without revision; relates to complaints regarding judges and confidentiality of records; extends the jurisdiction of the state commission on judicial conduct as to judges who resign or retire while under investigation or formal charges. AYE

S4187 Changes the official name of the Staten Island Expressway to the "POW-MIA Memorial Highway". AYE

S775A Amends the vehicle and traffic law and the penal law to require persons convicted of certain DUI offenses to be required to serve a period of probation with an ignition interlock device and establishes requirements for monitoring the same and penalties for failure to comply with terms. Also defines the term ignition interlock monitor. A PRINT - establishes legislative findings and definitions. AYE

S6211B This bill expands the definition of a wild animal and adds a definition of an exotic animal. It also prohibits exotic or wild animals from being possessed, harbored, sold, bartered, transferred, exchanged, or imported. The bill also adds certain wild or exotic animals to the list of non-companion animals such as kangaroos, elephants, hyenas, rhinoceroses, seals, ostriches, cassowaries, sloths, bears, cynomys, and capybaras. AYE

S5572 This bill would amend section 190 (7) of the Labor Law that defines "clerical and other worker" to increase the threshold for applicability of wage payment protections for certain persons employed in a bona fide executive, administrative, or professional capacity, from \$900 to \$1,300 per week. AYE

S6383 This bill provides for a continuation of senior citizen rent increase exemption benefits in the City of New York after a period of ineligibility due to a head of household's temporary increase in income. The temporary spike in income cannot exceed two years. AYE

S1811 This bill would create a 120-day grace period for congressionally chartered veterans' organizations to cure certain violations that are handed down by certain state or local agencies. AYE

S3310 Amends the Public Officers Law to prohibit statewide elected official, state officer or employee, member of the legislature, legislative employee or political party chairman who owns or controls a certain percentage of a corporation or limited liability company from receiving compensation for consulting or legal services from a state or local authority. NAY (Public bidding should be open to all.)

S4152 This bill amends the Lobbying Act to expand the provisions of the act so that acts to influence nominations or confirmations are viewed as lobbying under the act, and thus are subject to reporting requirements of the act. NAY (Overly cumbersome. Retroactive.)



Democratic process should allow people to speak up for/against.)

S4397 Authorizes the chief administrator of the courts to require and provide at least three hours of annual training regarding bail, recognizance, and commitment procedures and standards for all judges exercising preliminary jurisdiction over any offense. NAY (Not necessary. Laws not always clear. Separation of powers.)

S6417 Provides for review of bail data reports by the state commission on judicial conduct to study such reports for evidence of bias or prejudice by any judge or justice, and where appropriate based on such reports, to initiate, investigate, and hear complaints and otherwise comment on matters of bias and prejudice evidenced therein. NAY (Data lacking. Statistics not only criteria for sufficient evaluation.)

S6665 This bill requires the Chief Administrator to compile data on legal training programs by OCA for judges of the Unified Court System and annually report such data to the governor, temporary president, and speaker. Such data would include: 1) the date, time, location and topic of each program; 2) the judges who attended each program; and 3) any materials presented at such program, including slide shows and reference guides. NAY (Separation of powers.)

S5620A Adds Doodletown Brook to the definition of inland waterways eligible for the local waterfront revitalization program. AYE

S160 Amends Judiciary Law and repeals section 52 of the Civil Rights Law to allow for video recordings of all judicial proceedings, except when the presiding judge or justice prohibits it for certain participants for safety and the fair administration of justice or if the courtroom is order closed to the public. The manner of such recordings is controlled by the statute. State is required to install cameras in all courtrooms and provide streaming of proceedings free of

change on a state website. AYE

S634 COSPONSOR Renames the state aid for certain independent institutions of higher learning to the Leonard P. Stavisky student success grants; requires certain institutions and colleges to submit a report on the use of the state aid apportionment received including how it supported student success. AYE

S346 This bill establishes a student loan repayment information notice. Requires the DOL commissioner, in consultation with the President of the Higher Education Services Corporation and the Superintendent of DFS to develop a notice, pamphlet or other written materials with regard to responsibilities and repayment options for student loans. Further requires all employers in the State to provide such information materials to new employees who have been hired for a post-graduate internship or entry-level position that requires an associate's degree or higher such notice. NAY (Government program and therefore should not be responsibility of the employer. Adds to cost of doing business in NYS.)

S3587 Creates the twelve member rural suicide prevention council to examine the causes of rural suicides or attempts and to make recommendations for rural suicide reduction. AYE

S2694 This bill would amend the authority of the commissioner of general services to lease public buildings by requiring that any lease to an LLC requires that the LLC provides the personal identifying information of the shareholders, directors, officers, members, managers and partners of the LLC. AYE

S5907 Directs the state office for the aging to conduct a study on the number of older adults residing in naturally occurring retirement communities or neighborhood naturally occurring retirement communities who are suffering from social isolation and loneliness; makes related provisions. AYE

S1381A Requires proposed amendment to the constitution or other question provided by law to be submitted to a statewide vote be submitted to the people for their approval in plain language and no higher than an eighth grade reading level. AYE

S5537A Authorizes county boards of elections to establish countywide polling places. NAY  
(Potential to limit voter access. Difficult implementation.)

S5357 Relates to allowing bed and breakfasts to sell cider, liquor, beer and wine on the licensed premises. AYE

S3611 Permits the Cleveland Hill union free school district to establish an insurance reserve fund. AYE

S5914A This bill authorizes nursing homes, residential health care facilities and hospices to utilize automated dispensing devices (ADD), which is a mechanical system that stores prescribed medications at such facilities and dispenses such medications for the sole use of the facilities residents. The ADD remains the property of the pharmacy and the pharmacy shall maintain all controls, record keeping and regulations of the state. Utilization of such devices for dispensing of controlled substances shall obtain a machine specific federal Drug Enforcement Administration (DEA) registration number and appropriate NYS licensing. Also adds the automated storage and dispensing of medications under the education law as opposed to the public health law; removes assisted living facilities and requires additional reporting by ADDs. AYE

S6223 This bill permits certain registered pharmacy technicians assisting in home infusion services through a home care agency to assist a licensed pharmacist in preparing prescriptions. AYE

S1552 Permits local sanitation departments install and use security cameras in order to help enforcement officers identify and fine individuals who have engaged in illegal dumping.

AYE

S419 Authorizes municipalities to adopt a local law, ordinance or resolution providing for a sales tax exemption for clothing and footwear after March 1, 2023 and no later than August 1, 2023; provides for the repeal of such provisions on January 1, 2024. AYE

S2099B Amends Public Health Law to allow health care professionals or pharmacists to dispense drug adulterant testing products used for determining whether a controlled substance contains fentanyl, a fentanyl analog, or Xlanzine. But no more than five kits may be conveyed per transaction. AYE

S2193 Amends Criminal Procedure Law to make accusatory instruments and/or supporting depositions made by a deponent in a language other than English to be insufficient unless such documents are filed in the deponents native language with an affidavit from an interpreter or the writing in English from the translator with supporting affidavit. NAY  
(Onerous on law enforcement agencies. Highly technical.)

S2675 Designates August thirty-first of each year as a day of commemoration to be known as "Overdose Awareness Day". AYE

S4648 COSPONSOR Establishes the office of Native American affairs to act as a centralized office for Native American nations to access information on state programs that are provided to Native Americans. AYE

S319 Requires anti-bias training for every medical student, medical resident and physician assistant student in the state, and requires the department of health to make an annual report on the implementation and effectiveness of such training. NAY (Duplicative of

current practice.)

S1605 To direct the Division of Criminal Justice Services to provide criminal background checks to not-for-profit mentoring programs free of charge. AYE

S1303 Directs the Public Service Commission (PSC) to adjust each utility corporation's residential fixed-charge upon such corporation's filing with the department of an amendment of rate schedules. The adjustment would allow the utility to recover only the fixed costs and operation and maintenance expenses directly related to metering, billing, service connections and the provision of customer service. AYE

S1851A 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. A PRINT - precludes costs being passed on to the customer. AYE

S1199A Authorizes the Public Service Commission to set standards for payment plans for eligible customers set up by utility companies. Requires utility companies to make available to its residential customers for service provided at the customer's primary residence a payment plan which averages estimated utility costs over a 10 or 12 month period. If a rate change occurs while a customer is enrolled in a payment plan, the effect of the rate change will be included ratably over the remainder of the payment plan period. AYE

S1200A Establishes a statewide program to provide eligible participants with affordability payment plans. The company must provide "appropriate payment plans" to qualifying low income individuals and the fiscal impact of the program shall not be borne by the customers and shall not be added to bills rendered by the investor owned combination utility company

to customers. AYE

S405 This bill would establish a procedure for intervenors in a utility rate case brought before the Public Service Commission (PSC) to be compensated for their participation. This bill also establishes a "utility intervenor account" to hold such compensation. NAY (Could result in higher electricity costs as the utility will be responsible for paying the reimbursement of the intervenors.)

S4349 This bill would require municipalities participating in Senior Citizen Rent Increase Exemption (SCRIE) and Disability Rent Increase Exemption (DRIE) programs to provide language access services. AYE

S5915 Requires the office for the prevention of domestic violence to distribute informational materials on recognizing economic abuse and the support available to victims. AYE

S5164 GALLIVAN Exempts the Crittenden Volunteer Fire Department, Inc. located in the town of Alden, county of Erie, from the forty-five percent limit on non-resident members. AYE

S5850 Authorizes Seaford Fire District to file with the county of Nassau assessor an application for a retroactive real property tax exemption. AYE

S5355 Requires the SUNY and CUNY boards of trustees to establish a policy for the awarding of posthumous degrees; requires such policy to waive any remaining credits for students who are killed and would otherwise have been eligible for graduation had they been able to complete their academic career. AYE

S5518 This bill would expand the continuing education requirement for psychologists to include at least three hours of course work in the area of diversity, equity and inclusion.

Additionally, the bill provides that courses from the American Psychological Association (APA), its divisions and its affiliations shall be considered for continued education without application to SED. AYE

S2285 Directs the empire state development corporation to conduct a study on the feasibility of a minority and women-owned business enterprise capacity mentorship program. AYE

S4890 This bill creates a new section within the public health law regarding chain restaurants; sodium content of menu items. Defines "chain restaurant" means a food service establishment, which is one of 15 or more locations that are operated under the same name, regardless of the type of ownership of the locations, and offering for sale substantially similar menu items. NAY (Selective nature of application to chain restaurants only.)

S6086 Increases the number of members of the public health and health planning council from 25 to 26; requires that a representative of freestanding ambulatory surgery centers be selected as a member of the public health and health planning council. AYE

S4882 Expands the manner in which the Public Service Commission (PSC) can fine a utility found out of compliance, and removes the maximum value of fines that can be imposed. Expands from violations of the statute or PSC orders to also include violations of regulation that can be fined in the event a public utility company or its agents or employees knowingly fails or neglects to obey with said regulation. NAY (Could be a very dangerous expansion of powers.)

S5130 Requires a gas corporation, electric corporation, water corporation, steam corporation, telegraph corporation, telephone corporation or a municipality to notify property owners prior to beginning certain services if the service may interfere with the property owner's ability to enjoy, use or access such property owner's property. AYE

S6557A Requires certain utilities to adopt the common equity ratio and rate of return on equity authorized by the public service commission. Creates a standard in which settlement negotiations through commission-led adjudication shall take place when it comes to a utility's rate case. AYE (Could hamstring utilities when they are putting together their rate case.)

S6710 This bill establishes civil penalties for making false material statements to the public service commission in relation to a rate proceeding. NOTE - Knowingly providing false material, representation or certification to the Public Service Commission (PSC) in any rate case would carry a maximum fine of \$250,000. AYE