



NEW YORK STATE SENATOR

Patrick M. Gallivan

Senator Gallivan's Votes for Week of May 22, 2023

JIM RANNEY May 25, 2023

| ISSUE: **NYS SENATE**



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

S155 This bill amends the general construction law to provide that whenever masculine or feminine gender words appear in any law, rule or regulation, they shall be deemed to refer to persons of any gender, unless the sense of the sentence indicates otherwise. AYE

S636A 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. A PRINT - makes technical amendments. NAY (Administrative burden placed on businesses.)

S2518A 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. A PRINT -specifically excludes law enforcement agencies, fire department and corrections from these provisions. NAY (Due to exclusion of law enforcement agencies, etc.)

S2683A Provides that certain charitable annuities may be unisex in nature and shall be computed on the basis of currently applicable mortality tables for calculating the reserves for individual annuities; makes related provisions. A PRINT - makes a technical amendment to clarify the calculation of the rate will be based on the 10-year treasury bond. AYE

S4270A Establishes a tax credit for farmers who maximize carbon sequestration potential through a "carbon farming" land management strategy; directs DEC to develop regulations related to certifying the amount of carbon sequestered or emissions reduced. A PRINT - If the amount of the credit allowable under this subdivision taxpayer's tax for such year and the taxpayer's New York adjusted gross income for such year does not exceed sixty thousand dollars, the excess shall be treated as an overpayment of tax to be credited or refunded and If the taxpayer's New York adjusted gross income for such year exceeds sixty thousand dollars, the excess credit may be carried over to the following year or years. AYE

S2294A Requires owners and agents of multiple residences and multiple dwellings to provide names and contact information of residents to emergency personnel where the physical

safety of such residents must be accounted for by ascertaining their whereabouts. NAY
(Puts additional requirements on landlords or their agents.)

S485A Requires the New York state thruway authority to submit quarterly reports to the legislature of all purchases, procurements and expenditures related to contracts entered into by such authority. A PRINT - makes it a biannual report. AYE

S3473A Amends education law to prohibit Gubernatorial or Mayoral appointees from serving as trustees to the State or City University system. Makes exceptions for ex-officio members and classified civil service employees. A PRINT - alters the language to restrict paid employees serving at the pleasure of the Governor, in the cases of the SUNY and CUNY boards, and/or the Mayor, in the case of the CUNY Board, from serving as a trustee. Additionally, it removes the exception for ex-officio members and classified civil service employees. AYE

S143 Amends tax law to prevent any federal loan forgiveness, authorized by 20 U.S.C. § 1098aa, 1098bb, 1098cc, 1098dd or 1098ee, from being considered taxable income for New York income tax purposes. AYE

S40 GALLIVAN Directs the division of criminal justice services to accept electronic submission of reports or other information from local law enforcement agencies. AYE

S4097A Directs the president of the civil service commission to collect health care claims data relating to the price and utilization of hospital benefits by active employees, retired employees and their dependents and to publish a New York State health benefit plan hospital pricing report. AYE

S5711 EXTENDER BILL - Extends provisions related to the New York State Rehabilitation Association from December 31, 2023 to December 31, 2028. AYE

S5890A 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. A PRINT - clarifies a permissible rewards and incentive for a wellness program may include a premium refund, discount, or policy value credit, or other increase in benefits or decrease in charges under a life insurance policy. AYE

S653 Relates to distinctive plates for medal of honor recipients; removes the word "congressional" from distinctive plates; provides for the reissuance of plates to persons assigned distinctive plates for medal of honor recipients. AYE

S1042A Adds to the elements of the crime of unlawful dissemination or publication of an intimate image an image created by digitization. Enhances the cause of action provision regarding the disclosure, dissemination or publication of sexually explicit material to include threatening such. A PRINT - removes the private right of action. AYE

S2730 This legislation adds more modern definitions to computer offenses in the penal law, including adding a definition for computer system, government computer system, public safety infrastructure computer system, computer contaminant, electronic mail and profile, among others. The bill adds new computer related crimes:- unlawful disruption of computer services in the 1st and 2nd degrees - unlawful computer access assistance in the 1st and 2nd degrees - unauthorized use of internet domain name or profile - unlawful introduction of a computer contaminant. AYE

S497 Allows an authorized organization to receive a license to hold a game of chance on Easter Sunday and Christmas Day; eliminates time restrictions for such games held on a Sunday. AYE

S2779 This bill would amend section 334 of Racing, Pari-Mutuel Wagering and Breeding Law to remove the requirement that 2 & 3 year old colts and fillies participating in the New York Sire Stakes races must be dropped from a mare bred in this state. AYE

S5757 Establishes the position of an insurance liaison on the disaster preparedness commission to be appointed by the governor and serve as a non-voting member. AYE

S6491 This bill amends the laws governing confirmations of awards for arbitrations between a public employer and an employee of a public employer. Specifically, it provides that courts shall confirm an award in such a public sector arbitration proceeding when a party makes an application for confirmation within one year of delivery of the award to such party, unless an application was made to the court to vacate or modify the award within 90 days after the delivery of such arbitration award(to the party seeking to modify or vacate the award). AYE

S1716 Prohibits any elected official serving at the county, town, city, or village level, from serving as member of the board of any industrial development agency (IDA) located within the county. AYE

S1195 Requires the department of agriculture and markets to maintain a publicly available database of the results of its graded inspections on its website; requires the department to provide information as to where a customer may file a consumer report; requires the department to facilitate and coordinate the planning and implementation of an awareness and educational program to inform the general public on the standards retail food stores shall meet and how consumers may report retail food stores with poor sanitary conditions. AYE

S6238 Defines the term "mass shooting" for purposes of emergency response measures and access to emergency funding as a shooting incident involving one or more firearms and

during which four or more people, other than the perpetrator of the shooting or an accomplice of perpetrator, were injured or killed. AYE

S4175 Includes extreme winter weather preparedness in local comprehensive emergency management plans; updates the definition of "disaster". AYE

S1198 Directs the commissioner of health to do a comprehensive assessment of the existing methodology used to determine payment for early intervention screenings, evaluations, services and service coordination; directs recommendations on reimbursement methodology as well as needs under the program. AYE

S1068 Exempts the East Dunkirk Volunteer Fire Company, Inc. from the requirement that the percentage of non-resident fire department members not exceed forty-five percent of the membership. AYE

S6746 Amends various sections of law to expand the powers of the Authorities Budget Office to include the removal of public authority board members who are in violation of the Public Authorities Law (PUB) P2824 and also to dissolve state or local public authorities for cause. NAY (Hinders economic development. Sufficient oversight already exists.)

S6088 Relates to requiring a notice to be posted regarding skimming; requires every person, firm, partnership, association or corporation who is engaged in a sales transaction and accepts electronic benefit transfer cards to place a sign at the point of sale containing a notice regarding skimming; defines terms; establishes the issuing of a warning and for additional violations a civil penalty. AYE

S2473A This bill would allow non-CPAs to own up to 49 percent of such a firm, provided they are actively engaged in working for the firm or an affiliated entity. AYE

S2699 Extends the time period from eighteen years to twenty-five years that a school shall be guaranteed recovery of energy performance contract costs from energy savings incurred by school districts over that time period. AYE

S3284 Establishes September twenty-second of each year as a day of commemoration known as Veteran Suicide Awareness and Remembrance Day. AYE

S4071 This bill would require DOCCS to notify an inmate's next of kin or personal representative by electronic means immediately prior to transferring the inmate and would allow the inmate to make at least one personal telephone call, free of charge, immediately prior to an inmate's transfer, except under exceptional circumstances when allowing so would create an unacceptable risk to the safety of inmates or staff. NAY (Could pose safety risk for staff and incarcerated persons.)

S5131 This bill would allow a retired member to change his or her option election or designate a new beneficiary where the beneficiary has been convicted of a family offense. Such change of beneficiary shall take place within 180 day of the conviction. AYE

S5655 Removes the requirement that where a municipal corporation, school district or district corporation issues indebtedness to finance certain costs of preparation of plans and specifications for a proposed capital improvement there must be a waiting period of at least one year authorizing the undertaking of the capital improvement. AYE

S6720 Establishes procedures regarding orders of post-termination visitation and/or contact between a child and such child's parent. The bill authorizes that upon application of any party the court shall order post-termination visitation and /or contact between the child and such child's parent to such proceeding on such terms and conditions as may be agreed upon by the parent, the child and the foster parent or authorized agency prior to the entry of an

order committing the guardianship and custody of the child. AYE

S2022 Requires putrescible and non-putrescible waste to be covered by a hard tarp when transported by rail. AYE

S205 Prohibits state chartered banking institutions from investing in and providing financing for private prisons. NAY (Does not apply to foreign banks or federally chartered banks. Unfair.)

S4072A Extends the authorization granted to the county of Essex to impose an additional one percent of sales and compensating use taxes until November 30th, 2025. AYE

S2199A Extends the authorization for Otsego county to impose additional rates of sales and compensating use taxes. AYE

S2781A Extends the authorization granted to the county of Warren to impose an additional mortgage recording tax until December 1, 2025. AYE

S3535A Extends the authorization of the county of Onondaga to impose an additional rate of sales and compensating use taxes from November 30, 2023 until November 30, 2025. AYE

S4068A Extends the expiration of the authorization to the county of Wyoming to impose an additional one percent sales and compensating use tax from November 30, 2023 to November 30, 2025. AYE

S4088A Extends the authorization granted to the county of Franklin to impose an additional one percent of sales and compensating use taxes until November 30th, 2025. AYE

S4567A Extends the authorization granted to the county of St. Lawrence to impose an additional one percent of sales and compensating use taxes until November 30th, 2025. AYE

S4585A Extends the authorization for the county of Schoharie to impose a county recording tax on obligation secured by a mortgage on real property. AYE

S4593A Extends the authorization for additional sales and use tax for Schoharie county. AYE

S4735A Extends the authorization granted to the county of Clinton to impose an additional one percent of sales and compensating use taxes until November 30th, 2025. AYE

S4975A Extends the expiration of the authorization for the county of Seneca to impose an additional one percent sales and compensating use tax for two years. AYE

S5002A Extends the authorization for Ontario county to impose additional rates of sales and compensating use taxes until 2025. AYE

S5023A Extends the expiration of the authorization to the county of Genesee to impose an additional one percent sales and compensating use tax from 11/30/2023 to 11/30/2025. AYE

S5118A Extends the additional one percent sales and compensating use taxes in the county of Wayne. AYE

S5119A Authorizes the county of Livingston to impose an additional one percent sales tax. AYE

S5183 Extends the period during which the county of Orleans is authorized to impose additional rates of sales and compensating use taxes. AYE

S5348A Extends the one percent increased county sales tax for Putnam county for two years. AYE

S5501A Extends authorization to impose certain taxes in the county of Sullivan. AYE

S5535A Extends the authorization of the county of Delaware to impose an additional one percent of sales and compensating use taxes. AYE

S5606A Relates to the imposition of sales and compensating use tax in Schenectady county; extends such authority until November 30, 2025. AYE

S5609A Extends the authorization of the county of Yates to impose an additional one percent of sales and compensating use taxes through November 30, 2025. AYE

S5610A Extends provisions relating to the mortgage tax in the county of Steuben until December 1, 2025. AYE

S5611A Extends the authorization of the county of Schuyler to impose an additional one percent of sales and compensating use taxes through November 30, 2025. AYE

S5612A Extends provisions relating to the mortgage tax in the county of Yates until December 1, 2025. AYE

S6444 Extends the authority of the county of Nassau to impose hotel and motel taxes; extends the expiration of certain provisions relating to a surcharge on tickets to places of entertainment in such county, a charge for copying and searching for police accident reports, and receipt of service charges by the Nassau county traffic and parking violations agency; extends the authority of Nassau County to impose additional sales and compensating use taxes and local government assistance programs in Nassau County. AYE

S6446 Extends the authority of the county of Ulster to impose an additional 1 percent sales and compensating use tax by two years. AYE

S6447 Extends the authority of the county of Columbia to impose an additional 1 percent sales and compensating use tax by two years. AYE

S6448 Extends the authority of the county of Columbia to impose an additional real estate transfer tax by two years. AYE

S6449 Extends the authorization of the county of Greene to impose an additional mortgage recording tax. AYE

S6450 Extends the authorization for imposition of additional sales and compensating use taxes in Greene county. AYE

S6475 Extends the imposition of additional rates of sales and compensating use taxes by Erie county to November 30, 2025. AYE

S6505 Extends the authorization of the county of Oswego to impose an additional one percent of sales and compensating use taxes from 2023 to 2025. AYE

S6821 Extends certain provisions relating to additional sales tax imposed by the city of Yonkers. AYE

S6822 Extends the expiration of the mortgage recording tax imposed by the city of Yonkers. AYE

S6823A Extends the county of Westchester's additional one percent rate of sales and compensating use tax until November 30th, 2025. AYE

S6825 Extends the expiration date of the personal income tax surcharge imposed by the city of Yonkers. AYE

S5486 Requires civil service examination announcements to be issued to the local board of cooperative educational services (BOCES), high schools, colleges, universities, local social services districts, and job training programs. AYE

S2737 Directs the division of homeland security and emergency services to conduct a review and analysis of security measures at rail yards and to issue related reports and recommendations. Preliminary report due by June 1, 2025 to the Governor, Senate leader and Assembly Speaker, NYS DOT and the CEO of the affected facility. Authorizes the DOT and DEC commissioners to require the recommendations be implemented by any owner or operator of a rail yard facility. AYE

S5775 Provides that no person operating or controlling any Class I railroad or Class II railroad shall allow the operation of any railroad train or locomotive for the movement of freight unless such railroad train or locomotive has a crew of not less than two individuals; provides exemptions; defines terms; imposes civil penalties. AYE

S6921 Requires every railroad corporation which operates any freight train within the state to submit quarterly reports to the department of transportation detailing such railroad corporation's inspections of any train yard and freight train operated in the state by such corporation; directs the department of transportation to conduct follow up inspections. AYE

S6922 Requires the department of transportation to establish a publicly available central registry of reports, audits, plans and public inspections regarding freight rail operators, rail cars and freight lines or routes and rights of way. AYE

S6923 Requires railroad corporations to conduct a comprehensive safety inspection when a freight train is parked in a train yard prior to traveling on tracks within the state including, but not be limited to, a review of tracks, safety equipment, including brakes, and train cars. AYE

S6924 Requires railroad corporations to inform the division of homeland security and emergency services, department of environmental conservation and department of

transportation about freight rail trains transporting hazardous materials prior to traveling on tracks within the state. AYE

S6925 Prohibits freight trains traveling on a track within the state from exceeding eight thousand five hundred feet in length; directs the commissioner of transportation to promulgate rules and regulations to establish a waiver process to permit the operation of freight trains in excess of eight thousand five hundred feet for situations as deemed appropriate by such commissioner. AYE

S6926 Requires the department of transportation to conduct a follow up inspection of any freight rail train or freight rail track audit within the state conducted by the federal railroad administration that identifies safety-related deficiencies or violations. AYE

S6934 Requires the department of transportation to promulgate rules and regulations for the installation of heat safety gauges or hot bearing detectors on freight rail tracks in the state; requires the installation of positive train control systems on all freight trains operated within the state. AYE

S6935 Establishes the freight rail safety task force to review the state of freight rail safety in the state and make policy and budgetary recommendations related thereto. AYE

S5416 Requires a certificate of release or discharge from active duty which was issued by the United States government and delivered to the division, shall be forwarded to the appropriate local veterans' service agency, based upon the mailing address after separation noted on such certificate, within sixty days of receipt. AYE

S406A Authorizes utility corporations, telegraph and telephone corporations, and cable television corporations to provide notice of bills to third parties at the request of the customer. AYE

S5613A Extends the authorization of the county of Steuben to impose an additional one percent of sales and compensating use taxes through November 30, 2025. AYE

S5734A Extends the authorization of the county of Genesee to impose a county recording tax on obligation secured by a mortgage on real property from 2023 to 2025. AYE

S5778 Extends the additional one percent sales and use tax for Chenango county. AYE

S5804A Extends the authorization of the county of Tioga to impose an additional one percent of sales and compensating use taxes through November 30, 2025. AYE

S5805A Extends the authorization of the county of Chemung to impose an additional one percent of sales and compensating use taxes to November 30, 2025. AYE

S5811A Extends the expiration of the provisions authorizing the county of Allegany to impose an additional one and one half percent sales and compensating use taxes until November 30, 2025. AYE

S6023 Extends the authority of Oneida county to impose additional rates of sales and compensating use taxes and to allocate and distribute a portion of net collections from such additional rates. AYE

S6024 Extends the authority of the county of Madison to impose an additional rate of sales and compensating use taxes for two years. AYE

S6079 Extends the expiration of the provisions authorizing the county of Cattaraugus to impose an additional one percent sales and compensating use taxes until November 30, 2025. AYE

S6083A Extends the authorization of the city of New Rochelle to impose an additional sales and compensating use tax until 2025. AYE

S6147 Extends the authorization of the county of Cattaraugus to impose an additional mortgage recording tax until December 1, 2025. AYE

S6149A Extends the authorization for the county of Monroe to impose certain sales and compensating use taxes until November 30, 2025. AYE

S6205 Extends the effectiveness of certain provisions regarding hotel/motel taxes in Chautauqua county until November 30, 2025. AYE

S6206 Extends the authorization for Chautauqua county to impose an additional one percent rate of sales and compensating use taxes until November 30, 2025. AYE

S6228 Extends from November 30, 2023 to November 30, 2025, the authorization granted to the county of Broome to impose an additional one percent of sales and compensating use taxes. AYE

S6245A Extends the authorization for the town of Wallkill to adopt a hotel or motel tax of up to 5%. AYE

S6272A Extends the authorization of the county of Rensselaer to impose an additional one percent of sales and compensating use taxes until November 30, 2025. AYE

S6274 Extends provisions of law authorizing the county of Cortland to impose an additional mortgage recording tax until December 1, 2025. AYE

S6276 Extends the authorization of the county of Tompkins to impose an additional one percent of sales and compensating use taxes until November 30, 2025. AYE

S6277 Extends the authorization for imposition of additional sales tax in the county of Cortland until November 30, 2025. AYE

S6295 Extends the authority of Dutchess County to impose a sales and compensating use tax for two additional years. AYE

S6345 Authorizes the county of Jefferson to impose additional sales tax until November 30th, 2025. AYE

S6346 Extends authorization for the county of Lewis to impose an additional one percent of sales and compensating use taxes until November 30, 2025. AYE

S6406 Extends authorization of the county of Herkimer to impose a county recording tax on obligation secured by a mortgage on real property to 12/01/2025. AYE

S6407 Extends the period during which the county of Herkimer is authorized to impose additional sales and compensating use taxes to November 30, 2025. AYE

S6506 Extends the authorization of the city of Oswego to impose an additional one percent of sales and compensating use taxes from 2023 to 2025. AYE

S6533 Extends authorization for the county of Fulton to impose an additional one percent of sales and compensating use taxes until November 30, 2025. AYE

S6554 Extends the authority of the county of Orange to impose an additional rate of sales and compensating use taxes; provides for the use of the tax funds collected. AYE

S6572 Extends the authorization of the county of Cayuga to impose an additional one percent of sales and compensating use taxes to 11/30/2025. AYE

S6582 Extends the authority of the county of Suffolk to impose an additional one percent of sales and compensating use tax. AYE

S6595 Extends the authorization of the county of Hamilton to impose an additional one percent of sales and compensating use taxes to November 30, 2025. AYE

S6626 Modifies the allocation of revenue from the hotel and motel taxes in Chautauqua county; extends the authorization for such taxes. AYE

S6672 Relates to the imposition of sales and compensating use taxes by the county of Albany; extends authorization for such tax until 11/30/2025. AYE

S6687 Extends the ability of the county of Albany to impose and collect taxes on occupancy of hotel or motel rooms in Albany county. AYE

S6762 Extends the authorization to impose a county recording tax on obligations secured by a mortgage on real property in Albany County. AYE

S5241 Requires the state university of New York and the city university of New York to examine and conduct a study on the availability of campus services, programs and resources for veteran students. AYE

S3586 Establishes the Alex R. Jimenez New York state military immigrant family legacy program within the department of veterans' services. NOTE - The primary purpose of the program is to assist intended recipients (uniformed service members, veterans, reserve component members, and their family members) secure legal immigration status in the U.S., including citizenship. AYE

S5530 Authorizes a veteran's close friend or family who is reasonably familiar with such veteran's wishes to request that such veteran be buried in a state veterans' cemetery. AYE

S5967 The bill clarifies the definition of veteran to include career members of the armed forces for purposes of the veterans alternative tax exemption by considering individuals who meet the following conditions to have been discharged or released from active military, naval or air service despite the fact that no discharge may have been issued. AYE