

NEW YORK STATE ASSEMBLY

ANNUAL REPORT

2020



COMMITTEE ON
GOVERNMENTAL OPERATIONS

CARL E. HEASTIE
SPEAKER

KENNETH P. ZEBROWSKI
CHAIR



KENNETH P. ZEBROWSKI
Assemblyman 96th District
Rockland County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIRMAN
Committee on
Governmental Operations

COMMITTEES
Rules
Judiciary
Government Employees
Ethics and Guidance

December 15, 2020

The Honorable Carl Heastie
Speaker of the Assembly
Legislative Office Building, Room 932
Albany, NY 12248

Dear Speaker Heastie,

It is my pleasure to submit to you the 2020 Annual Report of the Assembly Standing Committee on Governmental Operations. Contained within are descriptions of the Committee's significant legislation and other activities from 2020, and an overview of the Committee's outlook for the 2021 session.

I am proud to report that the Committee successfully enacted many important pieces of legislation and helped to ensure critical funding for various endeavors in the state budget. I am especially pleased with the work the Committee did in the areas of emergency management, human rights, crime victims, procurement, and government reform.

In 2021, the Committee will monitor the state response to COVID-19 and evaluate emerging technologies. The Committee will also continue to focus on improving the efficiency and fairness of government in New York State. Disaster and emergency preparedness, transparency and efficiency, and equal protection under the law for all New Yorkers will remain top priorities. It is also a goal of the Committee to encourage greater participation by small, minority- and women-owned businesses. In addition, the Committee is committed to ensuring that everyone in New York State is treated with dignity and respect.

I would like to take this opportunity to thank you, your staff and the Committee members for their continued support. I look forward to meeting the challenges ahead in the 2021 legislative session.

Sincerely,

Kenneth P. Zebrowski, Chair
Assembly Standing Committee on Governmental Operations

MEMBERS OF THE NEW YORK STATE ASSEMBLY

**STANDING COMMITTEE ON
GOVERNMENTAL OPERATIONS**

Kenneth P. Zebrowski, Chair

MAJORITY

Sandra Galef
Deborah Glick
Ron Kim
David Buchwald
Rodneyse Bichotte
Michael Blake
Alicia Hyndman
Jaime Williams
Harvey Epstein

MINORITY

Mark Johns
Ranking Minority Member
Andrew Goodell
Kieran Michael Lalor
Kevin M. Byrne

COMMITTEE STAFF

Aaron Suggs, Assistant Secretary for Program and Policy
Brian Williams, Committee Analyst
Nathan Kerstein, Associate Counsel
Kathryn Kilichowski, Committee Assistant
Kim Giordano, Committee Clerk
Dawn Fowler, Secretary

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I. INTRODUCTION

The Governmental Operations Committee's jurisdiction encompasses a broad spectrum of legislative and regulatory issues. The issue areas of the Committee include: governmental reform, lobbying and ethics laws, crime victims' rights, human rights, rights of individuals with disabilities, state procurement and technology policies, Freedom of Information and Open Meetings Laws, disaster preparedness, homeland security, public lands and buildings, redistricting and reapportionment, and the organization and operation of the executive and legislative branches of state government. The Committee also acts on legislation proposed to it by the Assembly Ethics and Guidance Committee, the Assembly Committee on Oversight, Analysis and Investigation, the Administrative Regulation Review Commission, and the Legislative Commission on Government Administration. In addition, the Committee oversees the Subcommittee on the Oversight of Minority- and Women-Owned Business Enterprises (MWBEs), and the Subcommittee on Emergency Response/Disaster Preparedness.

II. DISASTER PREPAREDNESS, UNIFORM FIRE PREVENTION AND BUILDING CODE, AND PUBLIC SAFETY

Legislation related to the delivery of emergency services and public safety within the state is often referred to the Governmental Operations Committee. The Committee examines the activities of the Division of Homeland Security and Emergency Services (DHSES), which includes the Office of Fire Prevention and Control, the State Emergency Management Office, the Office of Counterterrorism and the Office of Interoperability and Emergency Communications. The Committee is also concerned with the Office of Cyber Security within the Office of Information Technology Services, the New York State Police and the Municipal Police Training Council, and reviews the State Uniform Fire Prevention and Building Code.

Protecting the Public from Dangerous Building Code Violations **(A.3343, Zebrowski)**

This bill would impose penalties on building owners of up to \$7,500 for violations of the uniform fire prevention and building code that impede egress during a fire or other emergency evacuation.

Passed both houses.

Ensuring the Safety of Individuals with Disabilities in the Event of a Disaster **(A.3923, Weprin)**

This bill would enhance the safety of individuals with disabilities by requiring all counties to maintain confidential registries of people with disabilities who may be in need of special assistance in the event of an emergency or disaster. Superstorm Sandy highlighted the need for a more coordinated response to provide the necessary assistance to people with disabilities following a disaster or emergency. By requiring confidential registries, this bill would enhance disaster response capabilities across the state.

This bill passed the Assembly.

Establishing a Body-Worn Camera Program for New York State Police Officers **(A.8674-A, Walker)**

This bill would provide body-worn cameras to all state police officers while on patrol. This bill would detail when a body camera must be used, exceptions to their use, as well as requirements for the preservation of body camera footage, and the maintenance of the body camera. The attorney general may investigate any instance where body cameras fail to record.

Chapter 105 of the Laws of 2020.

Establishing a Task Force Related to Volunteer Firefighter Recruitment and Retention

(A.9779-A, Thiele)

This bill would create a volunteer firefighter recruitment and retention task force, which is made up of relevant state agencies representing volunteer firefighters, to provide the governor and state legislature with recommendations to assist in the recruitment and retention of volunteer firefighters.

Chapter 258 of the Laws of 2020.

Ensuring the Safety and Accessibility of Fire Coverage and Equipment within Certain State Parks

(A.10786-A, Stern)

This bill would direct the Office of Fire Prevention and Control and the Department of Parks, Recreation and Historic Preservation to conduct a study of fire services within Caumsett State Park.

Vetoed.

III. CRIME VICTIMS

The Governmental Operations Committee considers legislation dealing with crime victims and the Office of Victim Services. This agency advocates and is responsible for issuing awards to eligible crime victims. The Committee's interest and commitment to the concerns of crime victims go beyond issues directly relating to the Office itself. The Committee contributed several key bills to various legislative packages that seek to improve the responsiveness of the criminal justice system to domestic violence and other crime victims.

Authorizing Reimbursement of Employment-Related Transportation Expenses for Victims of Certain Crimes

(A.10307, Cruz)

Directs the Office of Victim Services to reimburse an individual's employment related transportation expenses, resulting from their personal physical injuries when they are the result of a crime. The Office of Victim Services would reimburse such reasonable

expenses, up to \$2,500, for the period of time necessary, as determined by the victim's relevant medical information.

Chapter 233 of the Laws of 2020.

IV. DIVISION OF HUMAN RIGHTS

The Division of Human Rights is the agency responsible for the enforcement of the state's Human Rights Law, which protects the citizens of New York from discrimination based on race, sex, religion, marital status and several other protected categories.

Protecting State Employees with Disabilities
(A.1092, Lifton)

This bill would waive the state's sovereign immunity from liability under the Americans with Disabilities Act (ADA). Under this legislation, employees of the state would attain the right to seek damages in state court for violations of their rights under the ADA. In addition, this bill would allow citizens with disabilities to seek damages if the state does not meet the ADA's standards for access to government buildings, programs and services.

This bill passed the Assembly.

Statement on Preventing Human Trafficking
(A.8061, Williams)

This bill would require a statement from parties submitting bids for competitively bid procurements affirming that they will not transact business with any organization, person or entity engaged in human trafficking. In addition, if an entity submitting a bid has a human trafficking prevention policy, a copy of the policy shall be submitted with its bid.

This bill passed the Assembly.

Requiring the Disclosure of Disabled Tenants' Rights to Reasonable Accommodations
(A.8149-A, O'Donnell)

This bill would require tenants in publicly-assisted housing and all other housing shall be notified of their rights to request reasonable modifications and accommodations if they have a disability.

Chapter 311 of the Laws of 2020.

Authorizing the Option to Appeal a Final Order in another Court of Law
(A.9525, Buchwald)

This bill would amend the Human Rights Law to provide that, in cases of housing discrimination only, following a dismissal by the Division of Human Rights for lack of probable cause or lack of jurisdiction, the complainant would have the option either to appeal the final order or bring a de novo action in court.

Chapter 236 of the Laws of 2020.

V. OPEN GOVERNMENT

The Freedom of Information Law (FOIL) governs the public's right to know about governmental decision-making by allowing for review of documents that form the basis of governmental decisions and actions. The Open Meetings Law enables the public to monitor the performance of public officials by observing the deliberations and decisions that go into the making of public policy. FOIL and the Open Meetings Law, as well as other laws, help to ensure government's accountability to the people.

Clarification of Privacy Provisions of FOIL
(A.119-B, Buchwald)

This bill would clarify certain provisions of FOIL related to the personal privacy protections for lists of names and addresses if such a list would be used for solicitation or fundraising purposes only. Such disclosure would only apply to natural persons and residential addresses. This bill would also clarify how agencies respond to FOIL requests within certain time frames.

This bill passed the Assembly.

Hearing Impaired Accommodations in Public Buildings for Certain Hearings
(A.3385-A, Dickens)

This bill would require public bodies and public officers responsible for the scheduling of public hearings to provide the services of a qualified interpreter, if available, at no charge to persons who are hearing impaired and who make a written request for those services. In addition, public bodies and public officers responsible for the scheduling of public hearings would be required to equip any rooms that accommodate more than one hundred people and that are used for public hearings with assistive listening systems by January 1, 2022.

This bill passed the Assembly

Public Employee Retirees
(A.4061, Englebright)

This bill would clarify that the name of a retiree in a public employees' retirement system is subject to disclosure under FOIL by amending the Public Officers Law to define "retiree" as a former officer or employee of a state agency, the legislature, or the judiciary who is also a member of a public employees' retirement system. This bill would also define "beneficiary" as a person chosen by a retiree to receive pension benefits following the retiree's death.

This bill passed the Assembly.

Creating the Law Enforcement Misconduct Investigative Office
(A.10002-B, Taylor)

This bill established the Law Enforcement Misconduct Investigative Office within the Department of Law, which would be tasked with receiving and investigating complaints from any source, or upon the office's initiative, concerning allegations of corruption, fraud, use of excessive force, criminal activity, conflicts of interest, or abuse in certain law enforcement agencies.

Chapter 104 of the Laws of 2020.

Disclosing Law Enforcement Disciplinary Records and Repealing Section 50-a of the Civil Rights Law
(A.10611, O'Donnell)

This bill repeals section 50-a of the civil rights law. This section had been used as a justification for the concealment of disciplinary records of police officers and certain other public employees. The bill amends the Freedom of Information Law (FOIL) to establish a procedure for the release of disciplinary records for certain public employees and to protect the personal information of police officers and those other employees.

Chapter 96 of the Laws of 2020.

VI. GOVERNMENTAL ADMINISTRATION AND REFORM

The Governmental Operations Committee has jurisdiction over bills that seek to amend the Public Officers Law, the Legislative Law and other laws that regulate many of the actions of state government and public employees. Many of these laws are important components of efforts to make government more open and responsive.

Improving the Process Evaluating the Potential Impact of Rules on Jobs and Employment Opportunities

(A.6747-A, Schimminger)

This bill would make various improvements to the process for evaluating the potential impact of proposed rules and regulations on jobs and employment opportunities. The current process, while useful, does not provide sufficient information on the quality of jobs that could be gained or lost by pursuing various policy choices, and does not guarantee that the most appropriate data and methodologies are used.

Vetoed.

VII. PROCUREMENT AND STATE CONTRACTS

One important function of the Governmental Operations Committee is to review the procurement laws and regulations. The Committee is also interested in monitoring the contracts of the state.

Limited Liability Company Owners of State Leased Property

(A.3832, McDonald)

This bill would require that when the Office of General Services enters into a real property lease with a Limited Liability Company (LLC) and the State of New York is the tenant, the names and residential addresses of the natural persons who are members, managers, or other authorized persons of such LLC must be disclosed.

This bill passed the Assembly.

VIII. MISCELLANEOUS

Establishing a Task Force to Explore the Effects of Cyber-Bullying in New York State

(A.3057-C, Barrett)

This bill would establish a task force to conduct a study on cyber bullying, and requires the task force to report findings, conclusions and recommendations to address cyber bullying to the governor and to the legislature.

Passed the Assembly.

Prohibiting the Unnecessary Filing of Personal Identifying Information

(A.3349, Englebright)

This bill would help protect New York State residents from identity theft by prohibiting businesses from filing personal identifying information with an agency if such personal identifying information is not required to be filed by state or federal law. Public records such as mortgage or judgment documents often contain personal identifying information that is not required by statute. When these documents are available to the public, this creates an opportunity for identity theft. By prohibiting businesses from filing unnecessary personal identifying information with the state or any state entity, residents are further protected from identity theft.

This bill passed the Assembly.

Designating Single Occupancy Bathroom Facilities in Public Places and Schools as Gender Neutral

(A.5240-A, O'Donnell)

This bill would amend the civil rights law to require certain single occupancy bathroom facilities in public places to be designated as gender neutral for use by no more than one occupant at a time. The bill would also require every school district, board of cooperative educational services, charter school, and school within the state to develop policies to require all single occupancy bathroom facilities to be designated as gender neutral. The language would also apply to State University facilities, City University facilities and community colleges.

Chapter 353 of the Laws of 2020.

Land Transfer
(A.7767-A, Galef)

This bill authorizes the Commissioner of General Services to transfer and convey certain unappropriated state land to the Village of Ossining. The transferred land will be used for the purpose of a public museum.

Passed the Assembly.

Land Transfer
(A.8555, Mosley)

This bill authorizes the Commissioner of General Services to transfer and convey certain unappropriated state land in New York City, to TCH Holdings, LLC. The transferred land will be used for the purpose of early childhood, elderly programs, and one after-school program alongside a mix of creative commercial/retail uses to provide a variety of goods and services.

Chapter 248 of the Laws of 2020.

Residency Exemption
(A.8609, Woerner)

This bill would amend the Public Officers Law, in relation to the residency requirements of the person holding the office of deputy mayor, deputy commissioner of finance, deputy commissioner of public works, deputy commissioner of public safety, or deputy commissioner of accounts for the city of Saratoga Springs, in Saratoga County.

Chapter 207 of the Laws of 2020.

Establishing the Office of the Advocate for People with Disabilities
(A.9004, Steck)

This bill would establish an “Office of the Advocate for People with Disabilities” within the Department of State to advise and assist state agencies in developing policies designed to help meet the needs of persons with disabilities.

This bill passed the Assembly.

Residency Exemption

(A.9590, Woerner)

This bill would amend the Public Officers Law, in relation to the residency requirements of the person holding the office of city attorney of the City of Mechanicville, in Saratoga County.

Passed the Assembly.

Residency Exemption
(A.9744, Santabarbara)

This bill would amend the Public Officers Law, in relation to the residency requirements of the person holding the office of corporation counsel of the City of Amsterdam, in Montgomery County.

Chapter 193 of the Laws of 2020.

Residency Exemption
(A.9905-A, Hawley)

This bill would amend the Public Officers Law, in relation to the residency requirements of the person holding the office of assistant district attorney in Orleans County.

Chapter 176 of the Laws of 2020.

Residency Exemption
(A.9937-A, Woerner)

This bill would amend the Public Officers Law, in relation to the residency requirements of the person holding the office of clerk-treasurer, deputy clerk, deputy treasurer, code enforcement officer, or building inspector to reside outside of the Village of South Glens Falls, in Saratoga County.

Chapter 197 of the Laws of 2020.

Designating June Nineteenth as a Public Holiday
(A.10628, Hyndman)

This bill would establish June Nineteenth (Juneteenth), a day which commemorates Black and African American freedom from slavery, as an official public holiday in the State of New York.

Chapter 249 of the Laws of 2020.

Designating the Second Monday in July to be Known as Abolition Commemoration Day
(A.10831, Pretlow)

This bill would establish a day of commemoration to be known as Abolition Commemoration Day in New York State which will be observed annually on the second Monday of the month of July. The commemoration day will solemnly remember the abolishment of slavery in New York State on July 4, 1827 and honor the bravery and sacrifices of abolitionists of the state; those known and those whose names will never be known.

Chapter 237 of the Laws of 2020.

IX. COMMITTEE HEARINGS AND ROUNDTABLES

Evaluating Constitutional Provisions Impacting Redistricting in 2022

In 2014, New York voters approved amendments to the New York State Constitution altering the process for legislative redistricting. Among other changes, a 10 member Independent Redistricting Commission was created to propose legislative district lines during the once-a-decade reapportionment. Since the enactment of these redistricting reforms, additional developments raised questions of the process by which redistricting will occur. The process of undertaking the decennial census was thrown into question due to the impacts of COVID-19. As a result, New York faces a series of unprecedented questions and challenges in undertaking the necessary redistricting process. This legislative hearing examined the state law on the redistricting process in the context of current events, in order to determine what challenges the state will face in undertaking this critical work. On July 15, 2020, the Senate and the Assembly held this important virtual hearing which has led to necessary legislation passing both houses to address the much needed changes to the redistricting process.

Power and Communication Failures Resulting from Tropical Storm Isaias

On August 4th, Tropical Storm Isaias hit New York with heavy rain, tornadoes, and winds gusting up to 70 miles per hour. The storm left hundreds of thousands of New Yorkers without power across New York City, Long Island, Westchester, Rockland, the Hudson Valley, and other areas of the state within the service territories of PSEG-LI, Con Edison, Orange and Rockland, National Grid, Central Hudson, NYSEG and other utility providers. The storm also disrupted the regions' telephone, cable, and internet services that are particularly essential for New Yorkers during the COVID-19 pandemic. The outages and service disruptions lasted for multiple days, and in some cases even longer,

which created additional difficulty to those trying to work from home in addition to the normal problems associated with being cut off from power and essential services. With the increased frequency of extreme weather, it will be important for utility and telecommunications providers to more readily and effectively respond to emergencies. On August 20, 2020, the Senate and the Assembly held this important virtual hearing which will hopefully serve as the beginning of a dialogue on improving the response New Yorkers can expect from utility providers after extreme weather events.

X. OUTLOOK FOR THE 2021 LEGISLATIVE SESSION

During the 2021 legislative session, the Committee on Governmental Operations will continue to focus on protecting the safety and rights of New Yorkers and increasing the efficiency and openness of government. The Committee will continue to advance legislation advocating more effective disaster preparedness, greater fairness for crime victims and increased opportunities and economic equity for small businesses. The Committee will monitor the effects of COVID-19 and the effectiveness of state responses to COVID-19. Additionally, the Committee will continue to consider how to improve systems, protocols and practices to ensure the safety of the people and businesses of New York State.

In addition, the Committee will continue to investigate solutions to protect the state and its citizens from various cybersecurity threats and ensure that the state is well prepared for emerging technologies. The Committee will continue to monitor and review the state's procurement laws in order to ensure that the procurement process remains fair, open, transparent and competitive.

APPENDIX A
SUMMARY OF ACTION ON ALL BILLS
REFERRED TO THE COMMITTEE ON

Governmental Operations

TOTAL NUMBER OF COMMITTEE MEETINGS HELD 5

<u>TOTAL</u>	<u>ASSEMBLY</u>	<u>SENATE</u>
	<u>BILLS</u>	<u>BILLS</u> <u>BILLS</u>

2020 SUMMARY SHEET

BILLS REPORTED FAVORABLE TO:

Codes	10	0	10
Judiciary	0	0	0
Ways and Means	9	0	9
Rules	8	0	8
Floor	11	0	11
TOTAL	38	0	38

COMMITTEE ACTION

Held For Consideration	85	0	85
Defeated	0	0	0
Enacting Clause Stricken	15	0	15
REMAINING IN COMMITTEE	598	25	623

BILLS REFERENCE CHANGED TO:

Banks 1
Governmental Employees 1
Ways and Means 5

TOTAL	7	0	7
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**APPENDIX B
CHAPTERS OF 2020**

A.3343	Zebrowski	Relates to violations of the uniform fire prevention and building code. Chapter 333 of the Laws of 2020.
A.5240-A	O'Donnell	Relates to single-occupancy bathrooms. Chapter 353 of the Laws of 2020.
A.8149-A	O'Donnell	Requires the disclosure of disabled tenants' rights to reasonable accommodations. Chapter 311 of the Laws of 2020.
A.8555	Mosley	Authorizes the commissioner of general services to sell certain land to TCH Holdings, LLC. Chapter 248 of the Laws of 2020.
A.8609	Woerner	Relates to qualifications for holding certain offices in the city of Saratoga Springs. Chapter 207 of the Laws of 2020.
A.8674-A	Walker	Relates to the use of body-worn cameras by New York State police officers. Chapter 105 of the Laws of 2020.
A.9779-A	Thiele	Directs the office of fire prevention and control to form a task force and issue a report relating to volunteer firefighter recruitment and retention. Chapter 258 of the Laws of 2020.

A.9905-A	Hawley	Relates to the qualifications for holding the office of assistant district attorney in the county of Orleans. Chapter 176 of the Laws of 2020.
A.9525	Buchwald	Relates to providing that, in housing cases only, after a dismissal for lack of probable cause or jurisdiction, a complainant would have the option to appeal the final order, or bring a de novo action in court. Chapter 236 of the Laws of 2020.
A.9744	Santabarbara	Relates to qualifications for holding the office of corporation counsel in the city of Amsterdam. Chapter 193 of the Laws of 2020.
A.9937-A	Woerner	Relates to qualifications for holding certain offices in the village of South Glens Falls. Chapter 197 of the Laws of 2020.
A.10002-B	Taylor	Creates the law enforcement misconduct investigative office. Chapter 104 of the Laws of 2020.
A10307	Cruz	Relates to the reimbursement of employment-related transportation expenses incurred due to the physical injuries sustained as a direct result of a crime. Chapter 233 of the Laws of 2020.
A.10611	O'Donnell	Relates to the disclosure of law enforcement disciplinary records; and to repeal section 50-a of the civil rights law relating thereto. Chapter 96 of the Laws of 2020.
A.10628	Hyndman	Relates to designating June nineteenth as a public holiday. Chapter 249 of the Laws of 2020.

A.10831	Pretlow	<p>Designates the second Monday in July each year as a day of commemoration, to be known as Abolition Commemoration day.</p> <p>Chapter 237 of the Laws of 2020.</p>
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**APPENDIX C
VETOES OF 2020**

A.6747	Schimminger	<p>Relates to improving evaluations of the potential impact of rules on jobs and employment opportunities.</p> <p>Veto Memo 66</p>
A.10786-A	Stern	<p>This bill would direct the Office of Fire Prevention and Control and the Department of Parks, Recreation and Historic Preservation to conduct a study of fire services within Caumsett State Park.</p> <p>Veto Memo 71</p>

**APPENDIX D
BILLS THAT PASSED THE ASSEMBLY**

A119-B	Buchwald	Relates to accessing records under the freedom of information law.
A.1092	Lifton	Waives state's sovereign immunity to liability under the Americans with Disabilities Act of 1990 and certain other federal acts.
A.3057-C	Barrett	Establishes a task force to explore the effects of cyber-bullying in New York State and potential measures to address such effects.
A.3349	Englebright	Prohibits persons or business entities from filing unnecessary personal identifying information with an agency.
A.3385-A	Dickens	Requires public officers and bodies to provide interpreters and assistive listening devices for the hearing impaired at public hearings under certain conditions.
A.3832	McDonald	Relates to the authority of the commissioner of general services to lease public buildings.
A.3923	Weprin	Requires counties to maintain a confidential registry of people of all ages with disabilities for disaster preparedness.
A.4061	Englebright	Relates to defining the terms "retiree" and "beneficiary" within the freedom of information law.
A.7767	Galef	Authorizes the commissioner of general services to transfer and convey certain unappropriated state land to the village of Ossining.
A.8061	Williams	Requires state contractors to submit a statement on preventing human trafficking.
A.9004	Steck	Establishes the office of the advocate for people with disabilities.
A.9590	Woerner	Expands the waiver of the residency requirement for the city attorney in the city of Mechanicville, Saratoga county.