

New York State Assembly

Carl E. Heastie

Speaker



Committee on
Governmental Operations

Crystal D. Peoples-Stokes

Chair

2016

ANNUAL REPORT



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CRYSTAL D. PEOPLES-STOKES
141st Assembly District
Erie County

CHAIR
Committee on
Governmental Operations

COMMITTEES
Alcoholism and Drug Abuse
Environmental Conservation
Health
Higher Education
Insurance

MEMBER
Black, Puerto Rican, Hispanic and
Asian Legislative Caucus

December 15, 2016

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

Dear Speaker Heastie,

It is my pleasure to respectfully submit to you the 2016 Annual Report of the Assembly Standing Committee on Governmental Operations. Contained within are descriptions of the Committee's significant legislation and other activities from 2016, and an overview of the Committee's outlook for the 2017 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, gender equality, crime victims, procurement and government reform.

In 2017, the Committee will 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-owned and women-owned businesses. The Committee is very much looking forward to reviewing the Disparity Study and crafting a statute that meets the goals and objectives of obtaining meaningful participation by minority- and women-owned business enterprises on state contracts. 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 2017 legislative session.

Sincerely,

Crystal Peoples-Stokes, Chair
Assembly Standing Committee on Governmental Operations

MEMBERS OF THE NEW YORK STATE ASSEMBLY

**STANDING COMMITTEE ON
GOVERNMENTAL OPERATIONS**

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Michael Blake
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Paul Nickson, Committee Analyst
Teri Kleinmann, Associate Counsel
Kendall Jacobsen, Committee Assistant
Diana Campbell, Committee Clerk
Kathleen Quackenbush, 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).

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.

A. Establishing Emergency Evacuation Plans for Individuals with Disabilities (A.2200, Weprin)

This bill would require every high-rise building owner to establish and maintain an emergency evacuation plan for disabled occupants of and visitors to the building. The building owner would be responsible for maintaining and updating the plan for persons as necessary and ensuring that it is readily available to emergency personnel, with a \$500 penalty for non-compliance.

This bill passed the Assembly, but died in the Senate Housing, Construction and Community Development Committee.

B. Ensuring the Safety of Individuals with Disabilities in the Event of a Disaster (A.2658-A, Weprin)

This bill would enhance the safety of individuals with disabilities by requiring all counties to maintain voluntary 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 voluntary confidential registries, this bill would enhance disaster response capabilities across the State.

This bill passed the Assembly, but died in the Senate Veterans, Homeland Security and Military Affairs Committee.

C. Alternate Generated Power Source for Dialysis Services (A.2726, Peoples-Stokes)

This bill would require facilities offering dialysis services to have an alternate generated power source for use during a general power outage, disaster or emergency.

This bill passed the Assembly, but died in the Senate Investigations and Governmental Operations Committee.

**D. Emergency Medical Technicians
(A.3590-B, Skoufis)**

This bill will increase the safety of the general public by requiring ambulance companies and services to check the sex offender registry when an application is received from potential emergency medical technicians and other first responders.

Chapter 429 of the laws of 2016

**E. Violations of the Uniform Fire Prevention and Building Code
(A.5856, Zebrowski)**

This bill would impose a civil penalty up to \$7,500 upon the owner of a building determined to have had knowledge or who should have had knowledge of alterations to buildings in violation of any provision of the uniform fire prevention and building code, or any lawful order obtained thereunder that impedes exit from a building during a fire or emergency evacuation.

This bill passed the Assembly, but died in the Senate Rules Committee.

**F. Dialing 911 in Public Buildings
(A.7294-B, Paulin)**

This bill would promote public safety by ensuring that multi-line telephone systems in public buildings can directly dial to 911, or if not possible ensure that telephone users are informed how to use the telephone to connect to 911.

This bill passed the Assembly, but died in the Senate Rules Committee.

**G. Access to Medical Supplies During Emergencies
(A.8562-A, Dinowitz)**

This bill would require the State Disaster Preparedness Plan to ensure that medical supplies and medication can be delivered to pharmacies, hospitals and nursing homes located within an area declared to be experiencing a disaster emergency.

Veto Memo 241 of 2016.

**H. Home Health Care Access to Patients During Emergencies
(A.9381-B, Cusick)**

This bill would require all counties and all cities with a population of one million or more to prepare a comprehensive emergency management plan prepared with advice and assistance from several agencies and organizations, including those that provide home health care and hospice services. This bill would require such plans to establish procedures for allowing access of physicians, nurses, other medical professionals,

personnel of certified home health agencies, long term home health care programs or licensed home care services, personnel of hospices or any other personnel deemed necessary to provide vital health care, including procedures for identification in order to access restricted areas in declared emergencies.

Veto Memo 279 of 2016.

**I. Standards for Inspections of Parking Structures
(A.9614-A, Lupardo)**

This bill would require the State uniform fire prevention and building code to include standards requiring the periodic inspections of parking structures at least once every five years, and require inspections where the structural integrity of a parking structure is known to have been compromised.

Veto Memo 250 of 2016.

**J. Code Enforcement Officer Certificates
(A.10235-A, Zebrowski)**

This bill would give the Secretary of State the authority to promulgate rules and regulations with respect to minimum training and examination requirements necessary to qualify for code enforcement officer certification. The Secretary of State would issue code enforcement officer certifications, and would be able to revoke or suspend of the certification of any code enforcement personnel found after a hearing to have materially failed to uphold duties of a code enforcement officer.

This bill passed the Assembly, but died in the Senate Rules Committee.

**K. Protecting Water Supplies from Cyber Terrorism
(A.10129, Dinowitz)**

This bill would require vulnerability analysis assessments submitted by water suppliers as part of its water supply emergency plan to also include an analysis of vulnerability to terrorist attacks, including cyber-attacks. In addition, this bill would require the Commissioner of the Division of Homeland Security and Emergency Services to review vulnerability analysis assessments submitted by water suppliers and issue recommendations or general guidance to the water supplier based on the assessment to enhance protections against a terrorist attack or cyber-attack.

Chapter 516 of the Laws of 2106.

III. CRIME VICTIMS

The Governmental Operations Committee considers legislation addressing the Office of Victim Services. This agency advocates and is responsible for compensating 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.

A. Crime Victim Awards for Necessary Court Appearances (A.1097-A, Ortiz)

This bill would define the term "necessary court appearance" for purposes of determining eligibility for crime victim awards to include, but not be limited to, any part of trial from arraignment through sentencing, pre-and post-trial hearings and grand jury hearings.

Veto Memo 228 of 2016.

B. Directing Fines to the Office of Victim Services (A.2661, Englebright)

This bill would grant courts the discretion to designate part or all of any fine or penalty paid by a violator of the State's Antitrust Law to be paid to the Office of Victim Services. The bill would also provide that funds collected from these fines and deposited with the Office of Victim Services be expended for the provision of aid, care and support of crime victims.

This bill passed the Assembly, but died in the Senate Consumer Protection Committee.

C. Domestic Partners Eligible for Crime Victim Compensation (A.3694-A, Glick)

This bill would allow people maintaining significant and long-term, yet not legally formalized, relationships with persons who become victims of homicide to be eligible for compensation from the Office of Victim Services for actual out-of-pocket losses and counseling expenses.

This bill passed the Assembly, but died in the Senate Finance Committee.

D. Improving Public Defense (A.5994, Lentol)

This bill would improve public defense functions by authorizing public defenders, legal aid societies and administrators of assigned counsel programs to obtain access to the Department of Criminal Justice Services' criminal history records.

This bill passed the Assembly, but died in the Senate Finance Committee.

**E. Burial Expenses for Crime Victims
(A.9762, Peoples-Stokes)**

This bill was submitted for introduction by the Office of Victim Services and clarifies that the Office of Victims Services may reimburse a business entity for burial expenses incurred by a person who represents a business that pays for an eligible burial.

Chapter 243 of the laws of 2016.

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.

A. Prohibiting Employers from Discriminating Against Domestic Violence Victims (A.272, Weinstein)

This bill would prohibit employers from barring or discharging from employment, or refusing to hire, employ or license, a victim of domestic violence because of his or her status as a victim of such violence. In addition, employers could not discriminate against such individuals in compensation or in terms, conditions or privileges of employment. This bill would require an employer to provide reasonable accommodation to an employee who is a victim of domestic violence when he or she must be absent from work for a reasonable time.

This bill passed the Assembly, but died in the Senate Investigations and Government Operations Committee.

B. Prohibiting Discrimination on the Basis of Gender Identity or Expression (A.4558-B, Gottfried)

This bill would prohibit discrimination based on gender identity or expression in matters of employment, credit, education, housing, public accommodation and ownership, the use or occupancy of public space, and membership in any firehouse or fire department. Additionally, this bill would include violent crimes against individuals based on their gender identity or expression as a hate crime. This bill would also include gender identity or expression as one of the specific areas identified in the Human Rights Law for which the Division may form an advisory council in order to study the problems of discrimination and develop plans and policies.

This bill passed the Assembly, but died in the Senate Investigations and Government Operations Committee.

C. Protecting State Employees with Disabilities (A.5388, 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 Americans with Disabilities Act. 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, but died in the Senate Codes Committee.

**D. Nondiscrimination in Rental Advertisements
(A.7514, Buchwald)**

This bill was submitted for introduction by the Division of Human Rights and would conform the state's Human Rights Law with the federal Fair Housing Act by providing that there is no exemption from the requirement of nondiscrimination in advertisements and inquiries for the rental of an apartment in an owner-occupied two-unit dwelling, and that engaging in discriminatory advertising or inquiries will cause such property to no longer be exempt from full coverage by the nondiscrimination provisions of the Human Rights Law.

This bill passed the Assembly, but died in the Senate Investigations and Government Operations Committee.

**E. Use of an Animal as a Reasonable Accommodation
(A.9760, Dilan)**

This bill was submitted for introduction by the Division of Human Rights and would make it an unlawful discriminatory practice to refuse to make reasonable accommodations for in public and private housing to permit the use of an animal as a reasonable accommodation to alleviate symptoms or effects of a disability.

This bill passed the Assembly, but died in the Senate Investigations and Government Operations Committee.

V. OPEN GOVERNMENT

The Freedom of Information Law (FOIL) dictates the instances of the public's right to know about the process of 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 governments' accountability to the people.

A. Public Employee Retirees (A.3149, 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, but died in the Senate Investigations and Governmental Operations Committee.

B. Waiving of State Copyright Claims for Public Records (A.3489, Galef)

This bill would increase access to records that are required to be disclosed pursuant to FOIL by waiving government copyrights in records that are prepared by public bodies and are required to be disclosed pursuant to FOIL, except where the record reflects artistic creation, scientific or academic research, or if the body intends to sell the record to the public. This bill responds to governmental entities' practice of copyrighting government documents.

This bill passed the Assembly, but died in the Senate Investigations and Governmental Operations Committee.

C. Open and Transparent Public Records (A.4468, Englebright)

This bill would require a particularized and specific justification for the denial of access to records under FOIL. This bill would provide that when an agency is considering denying access to records under the law enforcement exception to FOIL because disclosure would interfere with a judicial proceeding, then the decision of whether to grant access would be made by the judge presiding over that judicial proceeding. This bill would also clarify that a denial of access to records under FOIL does not prevent a person from obtaining records under any other law, and that parties to any civil or criminal action or proceeding can use FOIL to obtain records concerning the action or proceeding. Furthermore, this bill would

clarify that access to a record cannot be withheld due to the type or category of record or solely because it relates in some manner to an investigation or criminal proceeding.

This bill passed the Assembly, but died in the Senate Investigations and Governmental Operations Committee.

**D. Online FOIL Requests
(A.5768, Peoples-Stokes)**

This bill would require each state agency that maintains a website to ensure that such website provides for the online submission of FOIL requests.

This bill passed the Assembly, but died in the Senate Investigations and Governmental Operations Committee.

**E. Expedited FOIL Appeals
(A.9711-A, Buchwald)**

This bill would expedite the appeal process for agencies in FOIL cases when a trial court has rendered a decision. Such an appeal from an agency relating to a FOIL case would be given preference, brought on for argument on such terms and conditions as the presiding justice may direct, and would be deemed abandoned if the agency fails to serve and file a record and brief within 60 days after the date of service, unless consent to an extension is given by all parties or is granted by the court.

Chapter 487 of the Laws of 2016.

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.

A. Expanding Diversity in State Data Collection (A.2403-C, Bronson)

This bill would require every state agency, board or commission that directly collects data on ethnic origin to use separate collection categories and tabulations for sexual orientation and gender identity or expression.

This bill passed the Assembly, but died in the Senate Finance Committee.

B. Expanding Diversity and Ethnicity Groupings in State Data Collection (A.2430-A, Kim)

This bill would require every state agency, board or commission collecting demographic information to utilize separate collection categories and tabulations to include all major Asian and Pacific Islander demographic and ethnic groups.

This bill passed the Assembly, but died in the Senate Finance Committee.

C. Cost Effectiveness Analysis of Consultant Contracts (A.2499-A, Bronson)

This bill would require that before a state agency enters into a contract for consultant services which would cost more than \$750,000 in a twelve month period, the state agency would be required to conduct a cost comparison review to determine if the services can be provided by state employees at equal or lower costs. This bill would also require agencies to develop business plans should entering into consultant contracts be necessary detailing the feasibility of entering into such a contract.

This bill passed the Assembly, but died in the Senate Rules Committee.

VII. REGULATORY REFORM

The Governmental Operations Committee reviews bills that would amend the State Administrative Procedure Act (SAPA), which establishes uniform administrative procedures for the State. Regulations are promulgated by agencies in order to carry out their missions and to implement laws. In many cases, regulations issued by State agencies have as much impact on the health, safety and welfare of New Yorkers as do the laws of the State.

A. Preparing for Rules and Regulations Prior to Effective Date (A.3856, Gottfried)

This bill would authorize state agencies and local governments to take actions, including the adoption of rules and regulations, prior to the effective date of an act of the legislature signed into law which necessitates such rules, regulations or actions.

This bill passed the Assembly, but died in the Senate Investigations and Government Operations Committee.

B. Job Impact Statements (A.9347-A, Zebrowski)

This bill would revise the process for reviewing the impact of a proposed rule on jobs and employment opportunities by requiring an agency to report on any measures that it or any other agency has taken or could take to minimize adverse impacts of a proposed rule. In addition, this bill would enhance the Commissioners of Labor and Economic Development ability to require further evaluation of jobs impacts through a statement of concurrence.

Veto Memo 277 of 2016.

C. Online Posting of Rules (A.9612, Zebrowski)

This bill provides greater access to proposed rules by requiring that in the event that only a summary of a proposed rule or regulatory document is published in the State Register in lieu of the full text, the full text be made available to the public on a state agency's website.

Chapter 304 of the laws of 2016

D. Minimum Standards for Online Posting of Rulemaking Information (A.9625, Zebrowski)

This bill would require that when a notice is published in the State Register refers to a rule, text, or other information that has been posted on a website maintained by a state entity in lieu of publication, the text or information would be required to be posted at the same time or earlier than the notice in the State Register, and be maintained on the website during the entire period for which such notice is effective. The notice would be required to provide

sufficient information to find such text or information without extensive searching. In addition, this bill would authorize the Secretary of State to prescribe guidance, in consultation with the Office of Information Technology Services, for such online posting.

Chapter 490 of the Laws of 2016.

VIII. 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.

A. Procurement Stewardship Act

The Procurement Stewardship Act (the Act) is the set of laws that govern how state agencies procure goods and services. The Act was extended and amended as part of the enacted 2016-2017 budget. The Legislature extended the Act for five years and was successful in modifying the Act to improve the procurement process. Changes to the act included: allowing for non-material deviations in requests for proposals to be made without having to be re-submitted; requiring agencies to provide enhanced debriefings to unsuccessful offerors; clarifying when governmental entities should commence the “restricted period” for communications during the procurement process; and increasing the threshold for OSC approval of certain contracts, and clarifying that the valuation of non-cash contracts includes the intrinsic value of such contracts.

B. Equal Pay Disclosure on State Contracts (A.8487-B, Glick)

This bill would require all contractors, as a condition upon entering into a contract with the state, to submit equal pay reports, which would include a summary of the contractor’s workforce pay averages, calculated by job category, gender, race, and ethnicity, with the differences between pay averages in each category expressed as an absolute percentage. The Comptroller would be authorized to promulgate regulations to facilitate such reports, and would publicly report the data.

This bill passed the Assembly, but died in the Senate Rules Committee.

C. Notice Provisions of Contracts (A.10136, Cusick)

This bill would require certain language in all public work contracts relating to notice provisions providing that the failure to give notice as may be required in such contracts would not automatically bar certain claims by contractors unless the public owner was materially prejudiced by the failure to give timely notice. The language required would read: "The failure to give any notice required to be given by such contract within the time prescribed therein shall not invalidate any claim made by the contractor or any other claimant, unless the failure to provide timely notice has materially prejudiced the public owner."

Veto Memo 304 of 2016.

**D. Efficiency and Transparency of the Procurement Process
(A.10688, Peoples-Stokes)**

This bill was submitted for introduction by the State Comptroller and would increase the transparency, accountability, efficiency and flexibility of the procurement process, including by requiring state agencies to participate in a system maintained by the Comptroller to compile vendor responsibility information.

Veto Memo 295 of 2016.

IX. MINORITY- AND WOMEN-OWNED BUSINESS ENTERPRISES (MWBEs)

**A. Ensuring the Integrity of the MWBE Program
(A.5243-E, Rodriguez)**

This bill would to reduce fraud and abuse related to the MWBE program by, amongst other measures, requiring the development of standardized certification forms to be completed under penalty of perjury, which would require a certification from the prime contractor that the MWBE in fact performed the services of provided the materials. The MWBE would also be required to certify that they in fact performed the services or provided the materials they were contracted to perform or provide. In addition, this bill would establish the “Minority and Women –Owned Business Enterprise Fund” as a fund of the State.

This bill passed the Assembly, but died in the Senate Rules Committee.

**B. Increasing Participation of Minority and Women-Owned Business Enterprises
(MWBEs)
(A.6872-A, Blake)**

This bill would require all contracting state agencies to develop a three-year growth plan to determine means of promoting and increasing participation of MWBEs on state contracts and sub-contracts. Every three years, beginning May 15, 2016, such plan would be submitted to the Governor and Legislature as part of each state agency’s annual report.

This bill passed the Assembly, but died in the Senate Rules Committee.

**C. MWBE Mentorship Program
(A.9122-A, Bichotte)**

This bill would require the Empire State Development Corporation to conduct a study to explore the feasibility of an MWBE capacity mentorship program, the feasibility of using such program to pre-qualify MWBEs, and how each program could be tailored to better prepare MWBEs for bidding on contracts.

This bill passed the Assembly, but died in the Senate Rules Committee.

**D. MWBE Contract Waivers
(A.9708-A, Bichotte)**

This bill would require a contracting agency, within 30 days of the issuance of a partial or total waiver of compliance, to report the issuance of the waiver to the director of the Division of Minority and Women's Business Development. The Division would be required to keep records of such waivers, and make such records publicly available on its website.

This bill passed the Assembly, but died in the Senate Investigations and Government Operations Committee.

E. Annual Report of the Division of Minority and Women's Business Development (A.9733-A, Bichotte)

This bill would require the Division of Minority and Women's Business Development to report on contracts in a more detailed manner which would allow data related to MWBE participation in state contracts to be sorted and reviewed more substantively.

This bill passed the Assembly, but died in the Senate Rules Committee.

F. MWBE Certification of Businesses Owned by Indian Nations or Tribes (A.10095, Peoples-Stokes)

This bill would require the Director of the Division of Minority and Women's Business Development to establish a procedure enabling the approval of an application by a business entity that is wholly owned by an Indian nation or tribe in lieu of requiring the applicant to complete the state certification process.

Veto Memo 256 of 2016.

X. LAND TRANSFERS

**A. St. Lawrence Psychiatric Center
(A.6519-D, Russell)**

This bill authorizes the Commissioner of the Office of General Services to transfer and convey, for fair market value, to the city of Ogdensburg, a parcel of land at the St. Lawrence Psychiatric Center for private development. This bill requires a certain amount of housing units be set aside for individuals in need of supported housing.

Chapter 169 of the laws of 2016.

**B. Coxsackie Correctional Facility
(A.9853, Lopez)**

This bill amends a previous chapter of laws that authorized the Commissioner of General Services to transfer a parcel of abandoned land at the Coxsackie Correctional Facility to Greene County in order to expand the potential uses of such lands to include a 911 emergency call center; and other necessary law enforcement and municipal facilities.

Veto Memo 290 of 2016.

**C. Montefiore Medical Center
(A.10349, Dinowitz)**

This bill authorizes the Commissioner of General Services to transfer for fair market value a certain parcel of land to the Montefiore Medical Center.

Chapter 324 of the laws of 2016.

**D. New York Institute of Technology
(A.10587-A, Ramos)**

This bill amends a previous chapter of laws to authorize the New York Institute of Technology to convey a parcel of land provided that fair and reasonable consideration is provided to the State of New York.

Chapter 395 of the laws of 2016.

XI. MISCELLANEOUS

A. Closed Captioning on Televisions at Public Places (A.2035-B, Zebrowski)

This bill would require accommodations be made for individuals who are deaf, have hearing loss, or for any reason want televisions to display closed captions by requiring places of public accommodation to turn on closed captioning upon request on all public televisions.

This bill passed the Assembly, but died in the Senate Codes Committee.

B. Prohibiting the Unnecessary Filing of Personal Identifying Information (A.3580, Englebright)

This bill would 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, but died in the Senate Consumer Protection Committee.

C. Naming of Public Buildings (A.4439, McDonald)

This bill would prohibit public officers from having a building or space named after them while they hold public office based on the fact that they were responsible for securing public funds for the building or for an entity's cause or agenda.

This bill passed the Assembly, but died in the Senate Investigations and Government Operations Committee.

D. 100th Anniversary of World War I Commission (A.9524, DenDekker)

This bill would establish a temporary commission for the purposes of celebrating the 100th anniversary of the end of World War I.

Chapter 486 of the Laws of 2016.

**E. Women in Policy-making Roles
(A.9538, Seawright)**

This bill would require the Secretary of State to maintain a list of public officers at all state agencies who hold policy-making positions, and to record how long such positions have been held, and the number of positions held by women as compared to the number held by men.

This bill passed the Assembly, but died in the Senate Investigations and Government Operations Committee.

**F. New York State 2020 Complete Count Commission
(A.9554-A, Crespo)**

This bill would establish the New York State 2020 Complete Count Commission to identify issues that may have led to past US Census undercounts in New York State and to make recommendations to ensure an accurate count in the 2020 US Census.

This bill passed the Assembly, but died in the Senate Corporations, Authorities and Commissions Committee.

**G. Lactation Rooms in Public Buildings
(A.9767-A, Solages)**

This bill would require public buildings that are covered by the Public Buildings Law to contain a lactation room that would be available for use by a member of the public to express breast milk. This requirement would not apply when such building does not contain a lactation room for employees who work in the building, does not have a room that could be repurposed or reconstructed at a reasonable cost.

This bill passed the Assembly, but died in the Senate Investigations and Government Operations Committee.

**H. Missing Adults
(A.9957, Barron)**

This bill, known as Lamont Dottin's Law, requires in the event a police agency receives a report that an adult person is missing from his or her normal and ordinary place of residence and whose whereabouts cannot be determined by an individual whose relationship with such adult person would place such individual in a position to have knowledge of his or her whereabouts, and that such missing adult person has a proven disability, may be in physical danger, is missing after a catastrophe, may have disappeared involuntarily, or is missing under circumstances where there is a reasonable concern for his or her safety; and such missing adult person does not qualify as either a missing child or a vulnerable adult, such police agency is required to collect information necessary to file an electronic report regarding the missing adult person with the national crime information center register and

would be required to submit such electronic report to the national crime information center register.

Chapter 316 of the laws of 2016.

**I. Identification of Unknown Dead and Missing Persons
(A.10278-A, Otis)**

This bill requires every county medical examiner and coroner to promptly furnish to the National Missing and Unidentified Persons System created by the Office of Justice Program's National Institute of Justice, in addition to the New York State Division of Criminal Justice Services, with certain information related to deceased persons whose identity is unknown.

Chapter 153 of the laws of 2016.

XII. COMMITTEE HEARINGS AND ROUNDTABLES

The Committee, in collaboration with the Small Business Committee, Oversight, Analysis and Investigation Committee, and the Subcommittee on Oversight of Minority- and Women-Owned Business Enterprises planned to hold a public hearing on the MWBE program on December 16, 2016. The purpose of the hearing was to obtain input and feedback from stakeholders involved in the State's various MWBE programs, and to examine the impact of funding for the programs included in the enacted State budget.

This hearing needed to be postponed. The Committee very much looks forward to holding this hearing when it is rescheduled in 2017. The information from the hearing will be useful to help guide discussions on possible adjustments to the MWBE program as it is set to be renewed in 2017.

XIII. OUTLOOK FOR THE 2017 LEGISLATIVE SESSION

During the 2017 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 for small businesses while also working to find fiscal savings for the State.

The Committee will continue its oversight over Article 15-A of the Executive Law and the implementation of the Business Diversification Act of 2010, both of which regulate the participation of minority- and women-owned businesses in state contracts. The State of New York contracted Mason Tillman Associates, Ltd to perform a Disparity Study to determine if MWBEs have had equal access to contracting opportunities with State Agencies and Authorities. The Study will review MWBE participation on State contracts awarded from April 1, 2010 to March 31, 2015 and look at policies related to maximizing MWBE participation. The study is statutorily due to be delivered to the Governor and Legislature by August 15, 2016. The Committee is very much looking forward to reviewing the Disparity Study and working to improve upon the applicable laws to facilitate meaningful and frequent participation by MWBEs on state contracts. The Committee will seek input from various stakeholders on this important program. With the program set to expire at the end of 2017, it is critical to conduct careful and thoughtful review of the guiding statutes.

The Committee will also continue to focus on reviewing and upholding sound policies relating to the use and transfer of state-owned real property.

Finally, 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. The Committee will also continue its evaluation of alternative project delivery methods such as design-build.

APPENDIX A

**2016 SUMMARY OF ACTION ON ALL BILLS REFERRED TO
THE ASSEMBLY COMMITTEE ON GOVERNMENTAL OPERATIONS**

<u>Final Disposition of Bills</u>	Assembly Bills	Senate Bills	Total
<u>Bills Reported With or Without Amendment</u>			
To Floor; Not Returning to Committee	14		14
To Ways and Means	22		22
To Codes	23		23
To Rules	8		8
To Judiciary	0		0
Total	67		67
<u>Bills Having Committee Reference Changed</u>			
To Governmental Employees	1		1
Total	1		1
<u>Senate Bills Substituted or Recalled</u>			
Substituted		9	9
Recalled		4	4
Total		13	13
Bills Defeated in Committee	0	0	0
Bills Held In Committee with a Roll-Call Vote	101	0	101
Bills Never Reported, Died in Committee	411	53	464
Bills Having Enacting Clause Stricken	15	0	15
Motions to Discharge Lost	0	0	0
Total Bills in Committee	595	66	661
Total Number of Committee Meetings Held			8

**APPENDIX B
CHAPTERS OF 2016**

A.1099	Lavine	Relates to the distribution of the state register; requires the department of state make available at no cost an online version of the weekly state register, quarterly index and any special issues as directed by statute or deemed appropriate by the secretary of state. Chapter 266 of the Laws of 2016.
A.6519-D	Russell	Authorizes the commissioner of general services to transfer real property from the St. Lawrence psychiatric center to the city of Ogdensburg. Chapter 169 of the Laws of 2016.
A.6959-A	Galef	Relates to giving public notice of meetings through electronic means; allows notice to be given by posting through electronic means or electronic transmission. Chapter 302 of the Laws of 2016.
A.7673	Dilan	Relates to the timeframe in which an invoice of assessment is to be submitted to the State Comptroller. Chapter 449 of the Laws of 2016.
A.9172	Titone	Amends legislative bills numbers A.2756 and S.3856, designating working dogs as the official state dog. Chapter 2 of the Laws of 2016.
A.9173	Kaminsky	Relates to quarterly claim reports for certain disaster assistance. Chapter 3 of the Laws of 2016.
A.9207	Morelle	Relates to certain smoke detecting devices and the effectiveness thereof. Chapter 4 of the Laws of 2016
A.9524	DenDekker	Relates to establishing a temporary commission for the purposes of celebrating the 100th anniversary of World War I. Chapter 486 of the Laws of 2016.
A.9612	Zebrowski	Relates to online posting of full text of rules, statements and analyses. Chapter 304 of the Laws of 2016.
A.9615	Zebrowski	Makes the text of emergency rules available online. Chapter 305 of the Laws of 2016.
A.9625	Zebrowski	Relates to minimum standards for online posting of rulemaking information. Chapter 490 of the Laws of 2016.
A.9711-A	Buchwald	Would limit the amount of time to appeal certain judgments regarding freedom of information violations. Chapter 487 of the Laws of 2016.

A.9762	Peoples-Stokes	Authorizes awards for burial expenses of crime victims to be paid to a business. Chapter 243 of the Laws of 2016.
A.9957	Barron	Requires police agencies to take reports of missing adults whenever the adult is reported to be missing. Chapter 316 of the Laws of 2016.
A.10129	Dinowitz	Provides for enhanced protection of water supplies from, and emergency planning for, terrorism and cyber terrorism attacks. Chapter 516 of the Laws of 2016.
A.10242	Zebrowski	Relates to requiring certain agencies to submit regulatory agendas for publication in the state register. Chapter 418 of the Laws of 2016.
A.10262	Richardson	Provides that a retired state employee shall not be barred from providing direct care or other services to an individual for whom those services were provided by such person while a state employee. Chapter 152 of the Laws of 2016.
A.10278-A	Otis	Relates to the identification of unknown dead and missing persons; requires the county medical examiner and coroner to provide certain information to the division of criminal justice services and to the National Missing and Unidentified Persons System created by the Office of Justice Program's National Institute of Justice. Chapter 153 of the Laws of 2016.
A.10296	Peoples-Stokes	Clarifies the definition of "restricted period" for purposes of disclosure of state contracts. Chapter 156 of the Laws of 2016.
A.10349	Dinowitz	Authorizes the office of general services to sell certain state-owned land to the Montefiore Medical Center. Chapter 324 of the Laws of 2016.
A.10587-A	Ramos	Provides for the use of certain property in the county of Suffolk. Chapter 395 of the Laws of 2016.
A.10589-A	Otis	Authorizes the taking and filing of oaths of office. Chapter 94 of the Laws of 2016.

**APPENDIX C
VETOES OF 2016**

A.1097-A	Ortiz	Would define “necessary court appearance” for purposes of determination of crime victim’s award. Veto Memo 228 of 2016.
A.8562-A	Dinowitz	Relates to disaster preparedness and access to medical supplies and medication. Veto Memo 241 of 2016.
A.9347-A	Zebrowski	Relates to improving evaluations of the potential impact of rules on jobs and employment opportunities. Veto Memo 277 of 2016.
A.9381-B	Cusick	Relates to comprehensive emergency management plans' provisions for home healthcare and hospice in counties and in cities with a population of one million or more. Veto Memo 279 of 2016.
A.9614-A	Lupardo	Relates to standards for the inspections of parking structures. Veto Memo 250 of 2016.
A.9853	Lopez	Relates to the transfer and conveyance of certain unappropriated state land to the county of Greene, in relation to using the land for a 911 emergency call center. Veto Memo 290 of 2016.
A.10095	Peoples-Stokes	Would direct the director of the Division of Minority and Women's Business Development to provide for the minority- and women-owned business certification of business entities owned by Indian nations or tribes. Veto Memo 256 of 2016.
A.10136	Cusick	Relates to notice provisions in public works contracts; requires certain language in contracts; requires a showing of material prejudice. Veto Memo 304 of 2016.
A.10688	Peoples-Stokes	Relates to participation by state agencies in a system used by the comptroller to compile vendor responsibility information; defines information technology for procurement purposes; clarifies the use of best and final offers for invitations for bids and requests for proposals for goods, services and technology; clarifies the use of contracts let by another governmental agency; clarifies the valuation of non-cash contracts by the state comptroller. Veto Memo 295 of 2016.

**APPENDIX D
BILLS THAT PASSED THE ASSEMBLY**

A.272	Weinstein	Would prevent victims of domestic violence from being discriminated against in matters of employment.
A.1080	Galef	Relates to filing requirements for the annual statement of financial disclosure.
A.1669-A	Wright	Would require public officers and bodies to provide interpreters and assistive listening devices for the hearing impaired at public hearings under certain conditions.
A.2035-B	Zebrowski	Requires places of public accommodation, resort or amusement that operate televisions during regular hours of operation to provide closed captioning on certain televisions upon request.
A.2049-A	Weprin	Would prohibit discrimination against religious attire.
A.2200	Weprin	Would establish emergency evacuation plans for individuals with disabilities and establishes \$500 fine for failure to comply.
A.2403-C	Bronson	Would require the collection of certain demographic information by certain state agencies, boards and commissions.
A.2430-A	Kim	Would require every state agency, board or commission that directly or by contract collects data about the ethnic origins of New York state residents to use separate categories for a number of major Asian groups.
A.2499-A	Bronson	Relates to the cost effectiveness of consultant contracts by state agencies.
A.2658-A	Weprin	Would require counties to maintain a confidential registry of people of all ages with disabilities for disaster preparedness.
A.2661	Englebright	Would grant courts discretion to designate part or all of any fine or penalty paid by an adjudicated violator of the State's antitrust law to be paid to the Office of Victim Services.
A.2726	Peoples-Stokes	Would require dialysis center disaster preparedness plans.
A.3149	Englebright	Would clarify that the name of a retiree in a public employees' retirement system is subject to disclosure under the Freedom of Information Law.

A.3489	Galef	Would increase the transparency of government by waiving the ability of state agencies to claim copyright protection in many instances.
A.3580	Englebright	Would prohibit persons or business entities from filing unnecessary personal identifying information with an agency.
A.3694-A	Glick	Would expand eligibility for crime victims' compensation to include domestic partners.
A.3856	Gottfried	Permits the adoption of rules and regulations by state and local government entities prior to the effective date of an act of the legislature which necessitates such rules, regulations or actions.
A.4439	McDonald	Prohibits the naming of buildings after public officials.
A.4468	Englebright	Would clarify certain provisions of Freedom of Information Law and other disclosure laws.
A.4558-B	Gottfried	Would prohibit discrimination based on gender identity or expression and include offenses regarding gender identity or expression under the hate crime statute.
A.5243-E	Rodriguez	Relates to integrity of the minority- and women-owned business enterprise program.
A.5388	Lifton	Would waive the State's sovereign immunity to liability under various federal anti-discrimination acts.
A.5768	Peoples-Stokes	Would provide that each state agency that maintains a website shall ensure its website provides for online submission of requests for records subject to the Freedom of Information Law.
A.5856	Zebrowski	Would prevent fire safety hazards by imposing a civil penalty for certain violations of the uniform fire prevention and building code.
A.5994	Lentol	Would improve public defense functions by increasing access by qualified agencies to the Department of Criminal Justice Services' criminal history database.
A.6872-A	Blake	Would direct contracting state agencies to develop a growth plan in order to increase participation of MWBEs with respect to state contracts and subcontracts.
A.6944	Buchwald	Would expand options for complainants in housing discrimination cases.

A.7294-B	Paulin	Relates to dialing 911 from telephones in public buildings.
A.7514	Buchwald	Provides that there is no exemption from the requirement of nondiscrimination in advertisements and inquiries for certain rental properties.
A.7582	Bichotte	Would allow state agencies to waive payment for copies of plans and specifications for public works projects and to require such payment be waived for MWBEs and service-disabled veteran-owned business enterprises.
A.7704	Buchwald	Constitutional amendment that would provide for the reduction or revocation of the public pension upon conviction of certain felonies.
A.8487-B	Glick	Relates to equal pay disclosure with respect to state contracts.
A.9122-A	Bichotte	Would direct the empire state development corporation study the feasibility of a minority- and women-owned business capacity enterprise mentorship program.
A.9538	Seawright	Would require the Secretary of State to compile and make public certain information on persons subjected to section 73-a of the public officers law and who hold policy-making positions.
A.9554-A	Crespo	Would establish the New York state 2020 complete count commission and providing for its powers and duties.
A.9639	McDonald	Relates to the lease of public buildings to limited liability companies.
A.9708-A	Bichotte	Relates to the publication of information regarding waivers of compliance with state contract provisions concerning minority- and women-owned business enterprise participation requirements.
A.9733-A	Bichotte	Relates to the requirements of the annual report from the division of minority and women's business development.
A.9760	Dilan	Would clarify that reasonable accommodation to enable a person with a disability to use and enjoy a dwelling includes the use of an animal to alleviate the symptoms or effects of a disability.
A.9761	Dilan	Relates to expanding the scope of unlawful discriminatory practices to include public educational institutions.
A.9767-A	Solages	Would require the establishment of lactation rooms in certain public buildings.
A.10235-A	Zebrowski	Relates to code enforcement officer training, certification, and revocation of certifications.