

December 15, 2007

The Honorable Sheldon Silver  
Speaker of the Assembly  
State Capitol, Room 349  
Albany, New York 12248

Dear Speaker Silver:

As Chair of the Assembly Standing Committee on Governmental Operations, I respectfully submit to you the 2007 Annual Report. I have outlined the Committee's significant legislation and our outlook for the 2008 Session.

The Committee had a number of accomplishments this year. Chapter 14 of the Laws of 2007 was enacted to comprehensively reform and strengthen New York's ethics and lobbying laws. New laws were enacted to improve the State's responsiveness and services to crime victims.

The agenda for 2008 will continue the Committee's focus on improving the efficiency and fairness of government in New York State. The Committee will continue to improve the State's procurement process to encourage greater participation by New York's minority- and women-owned businesses. Oversight of the Statewide Wireless Network (SWN) will continue as the Office for Technology will decide to accept or reject the first-phase rollout of the SWN.

I would like to take this opportunity to thank the Speaker and the Committee members for their continued support. I look forward to meeting the challenges ahead in the 2008 Legislative Session.

Sincerely,



RoAnn M. Destito, Chair  
Assembly Committee on  
Governmental Operations

**NEW YORK STATE ASSEMBLY**

**STANDING COMMITTEE ON**

**GOVERNMENTAL OPERATIONS**

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## **I. INTRODUCTION**

The Governmental Operations Committee's jurisdiction encompasses a broad spectrum of legislative issues. The Committee's subject areas include: governmental reform, lobbying laws, crime victims, human rights, the rights of the physically challenged, State procurement, Indian affairs, the Freedom of Information and Open Meetings Laws, disaster preparedness, public lands and buildings, 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.

## **II. DISASTER PREPAREDNESS, FIRE AND SAFETY**

The Governmental Operations Committee considers legislation concerning the entities charged with the delivery of emergency services in the State: the Office of Fire Prevention and Control in the Department of State, the State Emergency Management Office within the Division of Military and Naval Affairs, and the Office of Homeland Security.

### **A. Creating Urban Search and Rescue Teams (Chapter 303 of the Laws of 2007/A.50, Weisenberg)**

This law authorizes the State Fire Administrator to establish urban search and rescue, specialty rescue, and incident support teams within the State, and establishes an accreditation program to review and evaluate new and existing local and regional technical rescue teams. It also provides indemnification and insurance coverage to any volunteer members of such teams for actions performed as a team member.

### **B. Increasing Accessible Training for Firefighters and Emergency Medical Technicians (Chapter 580 of the Laws of 2007/A.4251-A, Ramos)**

This law makes training more accessible to firefighters and EMTs by authorizing the use of training by video or computer. This bill requires the State Fire Administrator and the State Emergency Medical Services Council to study the use of video and computer training programs for firefighters and EMTs, and requires that the Office of Fire Prevention and Control permit the use of video and computer training to the maximum extent possible.

### **C. Studying the Security of Commercial Aviation and Other Fuel Facilities (Chapter 630 of the Laws of 2007/A.9086-A, Gianaris)**

This law requires the State Office of Homeland Security to conduct a review and analysis of the security measures taken at the commercial aviation fuel, facilities and pipelines in the State which are not located on the premises of a commercial airport, and grants it the authority to audit and inspect facilities that fall under the scope of this study. The Office must issue confidential reports of its findings and recommendations to the Governor, Legislature and Public Service Commission by December 31, 2008, within three years following, and within every five years subsequently.

### **D. Equipping State Police Vehicles with Automatic External Defibrillators (A.616, Paulin)**

This bill would enhance public safety and may reduce the number of deaths caused by sudden cardiac arrest by equipping State Police patrol vehicles with automatic external defibrillators. Time is critical when responding to cardiac arrest. State Police are often the first to arrive at the

scene of an emergency situation. By equipping State Police patrol vehicles with automatic external defibrillators, this bill would provide more people with the opportunity to survive if struck by sudden cardiac arrest.

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

**E. Ensuring the Safety of Individuals with Disabilities in the Event of a Disaster  
(A.958-A, Destito)**

This bill would enhance the safety of individuals with disabilities by making the current registry of such people who may be in need of special assistance in the event of an emergency or disaster, which is currently recommended to counties, mandatory. In a March 2006 hearing, testimony was received that only two of sixty-two counties have a county registry of people with disabilities. Testimony was also received from State officials identifying the lack of registries as a vulnerability in disaster response. By requiring mandatory registries, this bill would enhance disaster response capabilities across the State.

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

**F. Requiring Evacuation Time Estimates (A.1375, Brodsky)**

This bill would enhance disaster preparedness by requiring cities with a population of 500,000 or more to include evacuation time estimates in their disaster preparedness plans. This information would be valuable in coordinating a large scale emergency evacuation effort by enabling cities to mitigate potential loss of life and harmful effects.

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

**G. Establishing Emergency Evacuation Plans for Individuals with Disabilities  
(A.7105, Titus)**

This bill requires every high-rise building owner to establish and maintain an emergency evacuation plan for disabled occupants and visitors of the building. Additionally, the building owner would be responsible for maintaining and updating the emergency evacuation plan for persons with disabilities as necessary and ensuring that such plan 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.**

**H. Regulating Live Fire Training (A.7954, Destito)**

This bill would authorize the Office of Fire Prevention and Control to establish standards relating to structures used for live fire training, establish minimum training requirements for participation in live training, and specify standards governing how live fire training is to be conducted. The bill also would require a report and investigation whenever any person is burned, injured, or killed during a live fire training evolution.

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

### III. CRIME VICTIMS

The Governmental Operations Committee considers legislation addressing the Crime Victims Board, the agency charged with advocating for and compensating eligible crime victims. The Committee's interest and commitment to the concerns of crime victims goes beyond issues directly relating to the Board itself. The Committee developed a legislative package to improve the responsiveness of the criminal justice system to crime victims and to improve the structure of the Board.

**A. Reimbursing 9/11 Rescue Workers, Victims and Their Families for Certain Expenses  
(Chapter 21 of the Laws of 2007/A.6621, Silver)**

This law provides for the continued reimbursement of otherwise unreimbursed or unreimbursable counseling expenses or indebtedness incurred by relief workers who worked at the World Trade Center site in the immediate aftermath of the September 11, 2001, terrorist attacks, victims of such attacks and their families, and witnesses to those attacks, and provides for the waiver of certain filing fees related to applying for such reimbursement.

**B. Increasing Emergency Award Grants Prior to a Final Decision  
(Chapter 318 of the Laws of 2007/A.7955, Destito)**

This law eliminates the requirement that each emergency award from the Crime Victims Board be no more than \$500, and raises the cap on total emergency awards from \$1,500 to \$2,500. These thresholds had not been changed since 1996; the amendments recognize current prices. This law also allows for greater flexibility for the Board in handling emergency situations when the victim may need immediate, expensive medical treatment due to harm suffered as a result of a crime.

**C. Continuing Education for Public Officials Who Interact With Crime Victims  
(A.846, Destito)**

This bill would establish the Victims' Assistance Education Program, which would be developed by the Crime Victims Board and the Division of Criminal Justice Services. Attendance by the staff of the Crime Victims Board would be mandatory on a biennial basis; board members would attend at least one program. Education programs would also be developed for use by police, sheriffs, administrative law judges, district attorneys, and providers of victim assistance services. This measure would ensure that members and staff of the Crime Victims Board are knowledgeable and trained in skills that provide assistance to crime victims. Additionally, the Crime Victims Board would be required to report to annually to the Governor and the Legislature on the use of the program.

**This bill passed the Assembly, but died in the Senate Investigations and Government**

**Operations Committee.**

**D. Designation of Fines to the Crime Victims Board (A.931, Destito)**

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

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

**E. Streamlining Reporting Requirements (A.1110, Destito)**

This bill would change the reporting requirements relative to restitution and fair treatment standards from annually to biennially and would consolidate annual reporting requirements. While annual reporting for crime victim service programs would be maintained, biennial reporting would be implemented regarding the manner in which the rights, needs, and interests of crime victims are being addressed by the criminal justice system.

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

**F. Awards for Parents and Guardians of Crime Victims (A.2656, Diaz, R)**

This bill would allow crime victim awards to include lost wages of the parents or guardians of a victim when the victim of a crime is under the age of eighteen. In the event that a minor child is physically or emotionally injured as the result of a criminal act committed against him or her and hospitalization is necessary, the presence of parents or other caretakers is not only helpful in the healing process of the child but sometimes a necessary assistance for medical personnel. Current law does not allow the parents of victims to seek wage reimbursement, thus adding the burden of lost income to families dealing with the aftermath of a crime. By allowing parents and guardians to seek reimbursement for wages lost as the result of a crime committed against their child, the State would be strengthening support afforded to the victims' families.

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

**G. Specialized Training for Public Officials Who Handle Sexual Assault Cases (A.2419, DelMonte)**

This bill would aid victims of sexual assault by increasing the awareness of various aspects of sexual assault crimes by requiring public officers, district attorneys, and judges who have contact with such victims to undergo specialized training. By requiring police officers, attorneys employed

by district attorneys, judges and justices to undergo specialized training, the needs of sexual assault victims would be better understood by those public officials that handle such cases.

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

**H. Protecting the Confidentiality of Addresses of Victims of Domestic Violence  
(A.2990, Weinstein)**

This bill would help to protect victims of domestic violence by maintaining the confidentiality of their addresses. This bill would provide that a victim of domestic violence may apply to the Secretary of State to have an address designated by the Department of State to serve as the address of such victim in lieu of the victim's actual address. Upon acceptance of the application, the Secretary of State would serve as the applicant's agent for the service of process and receipt of mail for a period of four years from the date the application is approved. By providing this service, the State would further protect victims of domestic violence from potential abuse.

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

**I. Clarification of Statutory Language (A.6675, Ortiz)**

This bill would define the term “necessary court appearance” for the purpose of determining a crime victim’s award for compensation. The success of the judicial system is directly influenced by the treatment of and input from crime victims. Our judicial system can function more effectively when victims report crimes, confer with prosecutors, testify at hearings and trials, and participate in other phases. Some victims, however, cannot afford the transportation costs associated with attending and participating in all phases of prosecution. This legislation would define the term “necessary court appearance” in order to aid crime victims in the process of determining crime victims’ awards.

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

#### **IV. DIVISION OF HUMAN RIGHTS**

The State Division of Human Rights is the agency charged with enforcement of the State's Human Rights Law, which protects the citizens of New York from discrimination based on race, sex, marital status, and other protected categories.

**A. Clarifying Provisions Regarding Service Dogs  
(Chapter 133 of the Laws of 2007/A.7952, Benedetto)**

This law defines the terms “guide dog,” “seeing eye dog,” and “service dog” in the Human Rights Law, and clarifies that hearing-impaired persons have the same rights to the use of service dogs as other disabled persons. Since the addition of the hearing impairment provision, the law has been further amended to include the use of a duly trained dog by any disabled individual. This law clarifies that hearing-impaired persons have the same rights to have their hearing dogs with them as other persons with disabilities. This amendment also makes the Human Rights Law consistent with the Civil Rights Law, which protects all persons with disabilities in their use of service dogs.

**B. Protecting Against Discrimination in Public Accommodations  
(Chapter 394 of the Laws of 2007/A.4932-B, Paulin)**

This law clarifies the scope of protection against discrimination on the basis of disability in relation to public accommodations. Specifically, this law makes the Human Rights Law more consistent with Title III of the Americans with Disabilities Act (ADA). This law also defines the term “discriminatory practice” to include: a refusal to make reasonable accommodations; a refusal to take steps to ensure that no individual with a disability is excluded or denied services for lack of auxiliary aids or services; a refusal to remove certain barriers; and a refusal to make such things available through an alternative method, if such a method is feasible. These definitions include exemptions for actions that would fundamentally alter the nature of the accommodation, facility, privilege, or advantage.

**C. Authorizing Awards Against Parties for Unlawful Discriminatory Practices  
(A.609, Dinowitz)**

This bill allows the award of attorneys’ costs, fees, and exemplary damages in actions brought for unlawful discrimination pursuant to the human rights law. This bill would strengthen the remedies and awards in relation to such actions and would provide financial relief to those parties filing a discriminatory complaint.

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

**D. Authorizing Class Actions (A.716, Christensen)**

This bill would direct the Division of Human Rights to promulgate rules to permit complaints alleging unlawful discriminatory practices to be filed as class actions or to be consolidated. Currently, grievances that are filed with the Human Rights Division can be filed on an individual basis only. Complaints alleging unlawful discriminatory practices often involve several people in the same job classification subject to similar discrimination. In such a situation, this bill would enable a group of similarly situated plaintiffs to file their complaints with the Human Rights Division in a manner that would allow a more efficient, less expensive resolution.

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

**E. Preventing Discrimination Against Victims of Domestic Violence (A.1222, Paulin)**

This bill would add domestic violence victim status to the list of protected classes who shall not be discriminated against by an employer or licensing agency in terms of hiring or employment practices. This would protect the economic viability of victims of domestic violence and support their efforts to preserve their personal safety and gain independence from their abusers.

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

**F. Reducing the Dismissal of Complaints Due to Administrative Convenience (A.3331, Peoples)**

This bill would designate a time frame in which a court action may be filed after a case is dismissed by the State Division of Human Rights. Occasionally, complaints before the State Division of Human Rights are dismissed for administrative convenience after investigation and conciliation efforts. The Division has broad powers regarding its ability to dismiss complaints and may impose such a dismissal against the wishes of a complainant to pursue his or her complaint. This legislation would ensure that the rights of the aggrieved party to obtain redress will be maintained if his or her complaint is dismissed after the statute of limitations within which such cases can be filed in court has expired.

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

**G. Protecting Victims of Domestic Violence (A.5916, Destito)**

This bill would protect individuals from housing discrimination based on status as a domestic violence victim by incorporating a 1985 formal opinion issued by the Attorney General into the

Human Rights Law. The opinion (85-F15) recognized that barring rentals to domestic violence victims has a disproportionate impact on women, and stated that individuals seeking housing should not be denied based on a third party's prior violence. This bill would ensure that domestic violence victims and property owners have notice of their legal rights and responsibilities.

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

**H. Protecting Against Disability Discrimination by Public Entities (A.6303, Paulin)**

This bill would clarify the scope of protections against discrimination on the basis of disability in relation to services provided by public entities, bringing the Human Rights Law into conformity with Title II of the Americans with Disabilities Act (ADA). The bill would also make it an unlawful discriminatory practice for a public entity to refuse to make reasonable modifications, to remove certain barriers, or to refuse to provide auxiliary aids and services to a qualified, eligible person with a disability unless the entity can demonstrate that doing so would impose an undue hardship.

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

**I. Protecting Against Discrimination by Public Entities and in Public Accommodations  
(A.6304, Paulin)**

This bill would clarify the scope of protections against discrimination on the basis of disability in relation to public accommodations and services provided by public entities, bringing the Human Rights Law into conformity with Titles II and III of the Americans with Disabilities Act. This bill would also define "discriminatory practice" to include a refusal to make reasonable accommodations, take steps to ensure that no individual with a disability is excluded or denied services for lack of auxiliary aids or services, remove certain barriers, or to make such things available through an alternative method, if feasible. The definitions include exemptions for actions that would fundamentally alter the nature of the accommodation or public entity.

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

**J. Promoting Pay Equity (A.6959-A, Lifton)**

This bill would make it an illegal discriminatory practice to compensate employees of different sexes differently for work of comparable worth. A 1998 Assembly hearing on comparable worth and pay equity issues yielded several suggestions that would help resolve some of the problems resulting from gender-based wage discrimination in the work place. Of these suggestions, the

greatest impact would be achieved by an explicit prohibition in the Human Rights Law of gender-based wage setting in female-dominated job classifications.

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

**K. Protecting State Employees with Disabilities (A.7653, Lifton)**

This bill would establish liability on the part of the State for violations of the Americans with Disabilities Act (ADA). Under this prospective 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 Investigations and Government Operations Committee.**

**L. Reforming Civil Complaint Procedures (A.8521-A, Dinowitz)**

This bill would expand the types of cases in which the Department of Human Rights could require attorney's fees and civil fines for discriminatory acts. In the case of employment discrimination, businesses employing fewer than fifty people would be exempted from attorney's fees and allowed to pay fines in installments. It would also streamline the process for civil complaints to be filed by no longer requiring notaries and increase the maximum notice respondents have of public hearings from fifteen days to sixty days.

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

## V. FREEDOM OF INFORMATION AND OPEN MEETINGS LAWS

The Freedom of Information Law enhances the public's right to know the process of governmental decision-making by allowing citizens to review documents that form the basis of governmental decisions and actions. The Open Meetings Law enables citizens to understand and observe the performance of public officials by listening to the deliberation and decisions that go into the making of public policy. Both of these laws ensure the government's accountability to the people.

### A. Awarding of Attorney's Fees for Violations of the Open Meetings Law (A.1033, Paulin)

The Open Meetings Law would expand access to attorney's fees for those who successfully complain about violations of the open meetings law. It would mandate the award of fees to complainants if the public body met to vote or for substantial deliberations in violation of the law. The court, however, could waive the award if the public body had reason to believe it could meet legally in closed session.

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

### B. Allowing the Photographing, Broadcasting and Recording of Open Meetings (A.1111, Destito)

This bill would allow for photographing, broadcasting and recording of open meetings, so long as such activities are not disruptive to the meeting. This bill would allow the public body to adopt rules governing the location of equipment and personnel during the meeting to ensure orderly proceedings. In doing so, this measure would provide increased public access to public meetings.

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

### C. Requiring Online Notice of Public Meetings (A.4053, Bradley)

This bill would require that, when a public body has the ability to do so, it must post notice of the time and place of a meeting subject to the Open Meetings Law on the public body's internet website. This would improve compliance with both the letter and the intent of the Open Meetings Law.

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

**D. Increasing Access to Records (A.5472, Galef)**

This bill would increase access to records that are required to be disclosed pursuant to the Freedom of Information Law (FOIL) by waiving certain copyright claims. Specifically, this bill would waive government copyrights in records that are prepared by agencies and are required to be disclosed pursuant to FOIL, except where the record reflects artistic creation or scientific or academic research. Government entities have increasingly copyrighted government documents. For example, a school board has copyrighted a board of education meeting, thereby requiring citizens to request permission to use the public document. This bill would limit such uses of the copyright to preserve access to government documents.

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

**E. Strengthening the Open Meetings Law (A.5809, John)**

This bill would strengthen the Open Meetings Law by providing alternate judicial remedies to the courts when any aspect of a meeting is closed in violation of the Open Meetings Law. A court could stay or remand to the public body for reconsideration any action or substantial deliberation taken or held in violation of the Open Meetings Law. This bill would also allow courts to impose a fine of up to five hundred dollars on any public body that violates the Open Meetings Law.

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

**F. Providing Interpreters at Public Hearings (A.7106, Titus)**

This bill would require public bodies to make or cause to be made all reasonable efforts to ensure that an interpreter is provided at meetings when an interpreter is requested in advance and in writing, unless it imposes an undue hardship on the public body holding such meeting.

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

## **VI. PROTECTION OF PERSONAL IDENTIFYING INFORMATION**

### **A. Requiring Registration for Document Destruction Contractors (Chapter 679 of the Laws of 2007/A.6501-B, Pheffer)**

This law protects residents from identity theft by requiring businesses that offer document destruction services to register with the Department of State (DOS). Some businesses hire document destruction companies to ensure compliance with a recently implemented Federal rule, which requires businesses to take appropriate measures to dispose of sensitive information derived from consumer reports. This law requires those businesses to register with the State of New York.

### **B. Requiring Local Law Enforcement to Take Police Reports for Identity Theft Offenses (Chapter 346 of the Laws of 2007/A.8835-A, Pheffer)**

This law aids victims of identity theft in recovering from the crime by requiring that local law enforcement to take a police report when a citizen makes a complaint of an identity theft offense against them. Victims of identity theft often need police reports to document the crime and fully recover from its effects, including obtaining documents relating to any fraudulent credit or other transactions processed in their name. Additionally, creditors may require a consumer to present a police report to challenge fraudulent charges. Filing a police report also makes it more likely that law enforcement will pursue an investigation of the identity theft.

### **C. Restricting Social Security Number Use by State Agencies (A.1108, Destito/Veto Message #78)**

This bill would combat identity theft by prohibiting State agencies from using Social Security numbers as a means of employee identification. Identity thieves commit such theft by obtaining personal identifying information, such as an individual's Social Security number, and using it to gain access to accounts and to open new accounts and incur debt in the victim's name. By prohibiting agencies from using Social Security numbers as a means of employee identification, the possibility of Social Security number misappropriation would be reduced.

The Governor vetoed this bill because six months would be too short a timeframe for State agencies to implement the changes called for in the bill, and because the blanket restrictions on the use of Social Security Numbers as identifiers would be an overly broad solution to identity theft concerns.

## VII. GOVERNMENTAL REFORM

The Governmental Operations Committee has jurisdiction over the Public Officers Law, which regulates many of the actions of public employees. Some of these regulated actions deal with interactions between individuals and State agencies and address professional ethics, while others deal with protection for public employees. In many cases these laws are an important demonstration to the public of government's desire to have an open and ethical system of government.

### **A. Strengthening Ethics Restrictions on Public Officials and Lobbyists (Chapter 14 of 2007/A.3736-A, Silver)**

This law prohibits all gifts to public officials of more than nominal value, bans most honoraria for speeches by public officials, strengthens barriers against nepotism and political hiring, closes revolving door loopholes, restricts the electoral activity of agency heads, prohibits elected officials and candidates for elected office from appearing in taxpayer-funded advertisements, and increases penalties for violations of the Public Officers Law. It also restricts the activities of lobbyists by prohibiting gifts of more than nominal value to elected officials, requiring increased disclosure of lobbying activities, and increasing penalties for violations of the lobbying law, and creates a new State Commission on Public Integrity and a new Legislative Ethics Commission.

### **B. Strengthening Prompt Payment Requirements from State Entities to Not for Profits (Chapter 292 of the Laws of 2007/A.6018-A, Bing)**

This law strengthens New York's prompt payment requirements for State entities that contract with Not-for-Profit (NFP) organizations, including a prohibition of automatic waivers of interest by a NFP, a condition of a contract or its renewal, mandated notification to NFPs of the government agency's intentions regarding contract renewal before the expiration of an existing contract, and annual reporting mechanisms by State agencies to the Office of the State Comptroller to ensure compliance with prompt payment requirements.

### **C. Studying the Production and Preservation of Electronic State Documents (Chapter 477 of the Laws of 2007/A.8961, Destito)**

This law requires the State Office for Technology to conduct a study of the State's policies relating to electronic document production and preservation, and to make recommendations to the Governor and Legislature regarding appropriate governmental control, access, choice, interoperability, and vendor neutrality by January 15, 2008. This study will be a critical first step in taking appropriate measures to ensure State electronic documents and public records remain accessible to all of New York's citizens.

**D. Preserving Documentary Materials (A.6017, Sweeney/Veto Message #136)**

This bill would preserve legislative information pertaining to new statutes or vetoes. Documentary material provides information such as legislative intent as well as subsequent actions on the bill. Currently, documentary material is not required to be preserved. This bill would require that all such material be submitted both for inclusion in the bill jacket for inclusion in the legislative archive and to the State archives upon veto or passage of the bill.

The Governor vetoed this bill because, he states, it merely codifies existing practice and lacks a requirement for the Legislature to forward all documents in support or opposition to proposed legislation to the Executive Chamber.

**E. Prohibiting State Agency Loans to Employees (A.371, Morelle)**

This bill would prohibit the practice of State agencies offering interest-free loans to employees. This practice has the potential to divert State funds, which could be used for other purposes, with no tangible benefit to the taxpayers or the State as a whole. By prohibiting this practice, the State would ensure State funds intended for economic development and other public projects will not be used as personal loans.

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

**F. Allowing for Copying State Ethics Commission Documents (A.959, Destito)**

This bill would provide greater access to government documents. Currently, the public is allowed access to State Ethics Commission and Legislative Ethics Committee documents, but the State Ethics Commission asserts that such documents may not be copied. This bill would allow the public to view and copy these documents, thus providing more useful public access.

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

**G. Preserving Executive Records (A.2066, Hoyt)**

This bill would reform the record keeping of the Executive Chamber by requiring that the executive keep both public and private records during his or her term in office. At the end of the term, all such records would be turned over to the State archives, at which point the State archivist would take control of the records and make decisions regarding access to and disposition of those records.

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

## VIII. GOVERNMENTAL ADMINISTRATION

### **A. Directing Improvement in Public Language Referring to Persons with Disabilities (Chapter 455 of 2007/A.4375-A, Weisenberg)**

This law requires public officials and lawmakers, when referring in legislation to a person with disabilities, to avoid language that implies that a person as a whole is disabled (e.g., the learning disabled); equates persons with their conditions (e.g., epileptics); has negative overtones (e.g., afflicted with cerebral palsy); or is regarded as derogatory or demeaning (e.g., handicapped or mentally deficient). By using more appropriate language in legislation, New York State lawmakers can make a positive impact on how people with disabilities are perceived by society.

### **B. Requiring the Online Posting of the New York State Code (Chapter 407 of the Laws of 2007/A.7885-A, Lancman)**

This law requires the Department of State to post the New York Code, Rules and Regulations (NYCRR) on its website at no cost to the end user, and also requires all State agencies that have adopted rules and regulations in the State Code to link to that page. The NYCRR contains the rules and regulations that State agencies follow in executing their respective responsibilities, and in many cases are more essential to the operation of government than the statutes that the NYCRR executes. Citizens and businesses should have access to the laws that govern them.

### **C. Changing Mail Requirements for Department of State Proceedings (Chapter 266 of the Laws of 2007/A.8971, Hevesi)**

This law amends various provisions of the General Business Law, Real Property Law, and Executive Law to save significant, unnecessary mailing costs for notifying respondents of pending disciplinary proceedings by changing such mailings from registered mail to certified mail.

### **D. Creating State Agency Installment Payment Plans for Small Businesses (A.719-A, Christensen/Veto Message # 116)**

This bill would assist small businesses by requiring each State agency to create a program making it possible for small businesses to make installment payments for civil penalties owed to it. Currently, small businesses are required to pay civil penalties that are owed to State agencies in a lump sum, which can impose a disproportionate burden on small businesses. Allowing small businesses to pay in installments is one way to alleviate that burden.

The Governor vetoed the bill on the ground that the bill failed to provide agencies with appropriate discretion to limit the use of installment payments based on such factors as the cost and administrative burden associated with such payments, the financial needs of the payor, and the

payor's progress in addressing the conduct that gave rise to the liability.

**E. Modifying Bidding Requirements for Public Authorities and Benefit Corporations (A.5933, Schimminger/Veto Message # 93)**

This bill would allow most public authorities and public benefit corporations to bid for architectural services based on cost and quality on the same basis as other State agencies and departments. The intent of this bill is to ensure that public authorities and public benefit corporations receive the services of the most qualified contractor through the extension of this mechanism for the procurement of engineering, architectural, and surveying services.

The Governor vetoed the bill because he states that, despite attempting to require public authorities to follow the same procedures as State agencies, the bill mandates that these procedures be followed notwithstanding any other procurement requirements, and would preclude public authorities and benefit corporations from relying on exemptions in existing procurement law when addressing emergencies involving a danger to life, safety or property.

**F. Preventing Police Misconduct (A.715, Wright)**

This bill would ensure fairness and public confidence in the judicial system by giving the attorney general expanded authority to investigate and prosecute police officers who have allegedly committed criminal offenses in relation to the performance of their duties.

This legislation would ensure the effective investigation and prosecution of alleged criminal conduct committed by police officers in instances when the local prosecutor lacks adequate resources to prosecute or when it is needed to safeguard the public's confidence in the judicial system.

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

**G. Submitting Materials to Crime Laboratories (A.3451, Koon)**

This bill would increase tools available to law enforcement to solve cases by requiring law enforcement agencies to submit expended projectiles, expended shell casings, and seized or found guns to the State Police and to enter them in an automated electronic database and also to submit such material to an American Society of Crime Laboratory Directors laboratory within thirty days of acquiring the material. Currently, local law enforcement agencies are not required to submit evidence to a centralized crime laboratory. By requiring agencies to do so, this bill would facilitate the exchange of information, which would increase the effectiveness of both the labs and the local law enforcement agencies.

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

**H. Regulating Filing Fees (A.5075, Eddington)**

This bill would provide that the Department of State may refund fees if a document is not accepted for filing. Currently, fees for the filing of documents are retained by filing offices even if documents are not accepted for filing.

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

**I. Exclusion of Advertising Material Related to Agency Mission (A.5266, Hoyt)**

This bill would require that when a State agency enters into a contract to disseminate to the public advertising materials on behalf of a private entity, such a contract must exclude the advertisement of products or services that relate to the authority, mission or subject matter of the agency. By prohibiting advertising contracts to be negotiated with providers of related products or services, State agencies will avoid a perception of favoritism toward one competitor to the disadvantage of other competing providers.

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

**J. Requiring Multiple Payment Options for Notary Fees (A.5414, Gottfried)**

This bill would require county clerks and the Secretary of State to accept money orders, checks, and cash as payment for fees due for a notary public license, and permit them to accept payment of such fees by credit or debit card. This would accommodate the convenience of the public and help bring the Department of State and county clerks up to date with modern methods of financial transactions. By accepting fees by credit and debit cards, as well as by internet transactions, paperwork could also be drastically reduced.

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

**K. Assisting Public Employees Called to Military Service (A.6533, Towns)**

This bill would assist public employees called to military service by extending the period of time for which such employee may receive paid military leave. Currently, public employees receive a total of thirty days of paid leave a year for military service. By increasing the number of such days of paid leave to a total of sixty days, this bill would assist the brave men and women who leave their homes and families to answer the call of duty.

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

**L. Regulating Firefighter Support Charities and Fighting Fraudulent Solicitations (A.7953, Lentol)**

This bill would enhance efforts to prevent fraudulent campaigns that divert funds from firefighter support organizations, by regulating them in the same manner as law enforcement support organizations, as well as increase the penalties for fraudulent charitable solicitations of all types.

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

**M. Modifying Distribution of the State Register (A.8522, Eddington)**

This bill would repeal Executive Law, §148(1)(c), which requires that the Secretary of State send annual written notice to the office of the clerk of every city, town, and village in New York State stating that they may receive the State Register upon written request of their governing body. Now that the Register is available online, this mailing is unnecessary and wasteful of State and local resources.

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

**N. Waiving Deposit for Electronic Copies of Plans (A.8523, Latimer)**

This bill would allow State agencies to waive the deposits required for bidders to obtain copies of plans and specifications for public works projects, where such documents are produced electronically.

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

**O. Providing for Reform of the Procurement Process (A.8680, Destito)**

This bill would require agencies to provide debriefings to unsuccessful bidders, document the procurement record with rationales for the use of a contract let by any department of the United States or of any other state, and eliminate provisions allowing for strategic partnerships. It would also enable program procurements to be entered into by agencies with the approval of the Office of the State Comptroller (OSC) and require the procurement opportunities newsletter to be published on a daily basis and available, free of charge, on the internet. The State Procurement Council would also be charged with studying the implementation of a statewide electronic procurement opportunity network.

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

## **IX. REGULATORY REFORM**

The Governmental Operations Committee has jurisdiction over the State Administrative Procedure Act (SAPA), which governs the conduct of State administrative hearings and proceedings. 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 citizens as do the laws of the State.

### **A. Requiring Agency Production of Regulation Guides (Chapter 419 of 2007/A.718-A, Christensen)**

This law requires agencies that promulgate a rule or group of rules that affects small businesses, in consultation with the Governor's Office on Regulatory Reform, to post on their websites guides to assist such small businesses in complying with such a rule or groups of rules upon their adoption.

### **B. Requiring Online Posting of FOIL Information (Chapter 102 of the Laws of 2007/A.1689, Diaz, R.)**

This law makes information on the Freedom of Information Law (FOIL) more accessible to the public, by requiring that information on FOIL be posted online.

### **C. Requiring Online Posting by State Agencies of Subject Matter Lists (A.1975, Diaz, R.)**

This bill would require each State agency to update its subject matter list annually, indicate the date of the most recent update on the list, and post its current list on its website. This posting shall also be linked to the website of the Committee on Open Government.

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

### **D. Requiring Guidance Documents (A.3403, Diaz, R.)**

This bill would improve State agency preparation of subject matter lists of records maintained pursuant to FOIL. A recent study found that many agency lists were outdated and that many lists lacked detail. This bill would improve the preparation of subject matter lists by requiring the Committee on Open Government to provide guidance on the development and maintenance of such lists.

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

## **X. LEGISLATION AFFECTING MINORITY- AND WOMEN-OWNED BUSINESS ENTERPRISES**

The Governmental Operations Committee has jurisdiction over Article 15-A of the Executive Law, which regulates participation of Minority- and Women-owned Business Enterprises (MWBEs) in State contracts. In 2005, the Speaker created the Subcommittee on Oversight of Minority- and Women-owned Business Enterprises, chaired by Assemblywoman Crystal D. Peoples, to help ensure oversight of the MWBE program.

### **A. Increasing Oversight on State Agency Goals (A.1311-A, Brodsky)**

This bill would increase State oversight of the MWBE program by requiring State agencies to submit a goal plan for approval by the Division of Minority and Women's Business Development in the Department of Economic Development. Agencies would also have to submit quarterly compliance reports regarding such goals. By providing a mechanism for both goal submission and compliance with clear guidelines to facilitate participation, this bill would enhance MWBE participation in contracts with the State.

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

### **B. Establishing an MWBE Implementation Fund (A.2204, Millman)**

This bill would establish a funding stream for enhanced implementation of Article 15-A of the Executive Law. It would require all State agencies to transfer .01% of all contract amounts to an implementation fund to be created by the State Comptroller. Establishing an MWBE implementation fund will increase business opportunities for MWBEs, making State contracting dollars go further and creating a more competitive marketplace.

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

### **C. Providing Dispensation for Certain Bonds for Contracts with MWBEs (A.3329, Millman)**

This bill would increase the contract threshold for which performance and payment bonds are required to \$500,000 for small, minority- and women-owned businesses, and require information on bonding requirements or dispensations in advertisements for bids. By providing a targeted dispensation of bonding requirements this bill would enable small and minority- and women-owned businesses to gain experience with larger projects, and would benefit contracting agencies as well as the targeted businesses by creating a larger pool of qualified contractors and subcontractors available for public works projects.

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

**D. Posting Agency MWBE Utilization Plans (A.3330, Millman)**

This bill would strengthen compliance with Article 15-A by requiring contracting agencies to post utilization plans on their website. Posting the plans, along with waivers granted to contractors exempting them from meeting agency goals, on agency websites would enable subcontractors to verify that good faith efforts are being made to achieve MWBE participation, and to identify and notify agencies about utilization discrepancies. Placing utilization plans on agency websites would promote agency efforts to meet their goals.

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

**E. Establishing Mentor-Protégé Programs for Small or Minority- and Women-Owned Business Enterprises (A.3392, Millman)**

This bill would improve the ability of small businesses and MWBEs to enter into contracts with the State by promoting mentor-protégé relationships between established businesses and small business concerns and certified MWBEs. Similar programs have been implemented federally, by other states, and by two New York public authorities, and all have been very successful in enhancing the capabilities of MWBEs.

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

**F. Evaluating Minority- and Women-Owned Business Enterprise Programs (A.4498, Cook)**

This bill would strengthen the provisions of Article 15-A of the Executive Law by prohibiting the use of automatic waivers of requirements to contract with MWBEs, enhancing agency reporting requirements, and requiring the recertification of MWBEs every three years. This bill would ensure greater agency compliance with Article 15-A.

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

## **XI. OFFICE OF GENERAL SERVICES**

### **A. Conveying Certain State Lands in the County of Seneca (Chapter 308 of the Laws of 2007/A.6498-B, Morelle)**

This law authorizes the Commissioner of the Office of General Services to sell, convey, transfer, and exchange State surplus land in the town of Romulus, County of Seneca, to that County in exchange for fair market value. The purpose for the acquisition of the land is to establish a veteran's cemetery.

### **B. Increasing the Maximum Value of Unappropriated State Land Eligible for Sale (Chapter 187 of the Laws of 2007/A.8524, Reilly)**

This law increases the maximum value of lands that do not constitute legal building lots, which the Commissioner of General Services may sell to a private owner of adjacent land, from \$10,000 to \$20,000. Such sales dispose of small parcels of State land that do not warrant the expense of public sale because of their lack of frontage or encroachment. Typically, these types of sales involve leftover State highway lands too small for construction but which can be annexed by an adjacent land owner and thereby put on the tax roll. Consideration for such sales would continue to be for a price not less than the appraised value of the land.

### **C. Increasing the Maximum Value of Emergency Construction Contracts (Chapter 84 of the Laws of 2007/A.8632, Destito)**

This law increases the maximum value of emergency construction contracts that the Commissioner of General Services may let without bidding from \$200,000 to \$300,000, and extends the sunset date for such authorization to June 30, 2009. These provisions permit both the adherence to the full, formal construction contracting method to the maximum practicable extent and the reduction of the State's losses from emergencies that demand expedited emergency contracting. The maximum value of such emergency contracts had not been adjusted since 1993.

### **D. Conveying Certain State Lands to the County of Rockland (Chapter 634 of the Laws of 2007/A.8751, Jaffee)**

This law authorizes the Commissioner of the Office of General Services to sell, convey, transfer, and exchange State surplus land in the Town of Orangetown, County of Rockland, to that county for fair market value.

### **E. Extending the Procurement Lobbying Law (Chapter 501 of the Laws of 2007/A.8797-A, Destito)**

This law will extend the sunset date of Chapter 1 of the Laws of 2005 (the “Procurement Lobbying Law”) to July 31, 2009, thereby preventing its expiration at the end of 2007.

**F. Conveying Certain Land to American Legion Post #1113  
(A.360-A, Destito/Veto Message #10)**

This bill would authorize the Commissioner of the Office of General Services to sell, convey, transfer, and exchange land now owned by the New York State Office of Mental Health in exchange for a parcel of American Legion land.

**G. Offering Surplus State Personal Property to Municipalities (A.361-B, Destito)**

This bill would direct the Office of General Services to place State surplus personal property on the OGS website for municipalities to review for a minimum of seven days and authorize the commissioner of general services to offer such surplus personal property for sale to non-municipal purchasers after determining that there are no interested municipalities willing to purchase such surplus personal property. This would provide municipalities with the first opportunity to obtain State-owned surplus personal property, and therefore increase municipal cost efficiency.

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

## **XII. MISCELLANEOUS**

### **A. Exclusion of Farm Buildings from State Building Code (Chapter 108 of the Laws of 2007/A.4367, Magee)**

This law excludes permanent structures used in conjunction with the working of a farm operation from the definition of the term "building" for purposes of the New York State Uniform Fire Prevention and Building Code Act. Agricultural buildings have previously been effectively exempt from the Building Code of New York State. This legislation extends and confirms that exemption to avoid unnecessary regulation.

### **B. Memorializing Slain Federal Law Enforcement Officers (Chapter 526 of 2007/A.5089-A, Reilly)**

This law authorizes the Commissioner of the Department of Criminal Justice and the Police Officers Advisory Memorial Commission to add the names, departments, and dates of death of federal law enforcement officers killed in the line of duty inside NYS to the Police Officers Memorial on the Empire State Plaza.

### **C. Residency Requirements for Village Justice in Wellsville, Allegany County (Chapter 442 of 2007/A.6073, Giglio)**

This law eliminates the requirement that the village justice in the village of Wellsville, Allegany County, be a resident of the village. Instead such a justice must reside in the town of Wellsville, Allegany County.

### **D. Residency Requirements for Assistant District Attorneys in New York City (Chapter 287 of 2007/A.8079, Lentol)**

This law eliminates the requirement that Assistant District Attorneys (ADAs) in New York City reside in the county in which they are employed. ADAs in New York County have not been subject to this restriction since 1962, but ADAs in the other four counties that comprise New York City have been subject to this restriction.

### **E. Authorizing the Collection of Maps and Other Geographic Data by the CSCIC (Chapter 604 of 2007/A.8525, Lancman)**

This law provides the Office of Cyber Security and Critical Infrastructure Coordination (CSCIC) with the authority to create, maintain, and publicly disseminate Geographic Information Systems (GIS) data, including maps, geographic images and data, and metadata. It codifies the transfer of functions for certain mapping functions formerly undertaken by the Mapping and Geographic Information Systems Group at the Department of Transportation, and now administered in

conjunction with the GIS program at CSCIC, based on a memorandum of understanding between the two in 2001.

**F. Eliminating Income Eligibility Limits for Employment with Green Thumb  
(Chapter 372 of the Laws of 2007/A.9193, Destito)**

This law eliminates income eligibility requirements for senior citizens to be hired under the Green Thumb Beautification Program. This law will enable more senior citizens to become or stay eligible for the Program, thereby increasing the numbers of seniors eligible to qualify for these minimum wage positions. Currently, the number of senior citizens available for these positions is dwindling due to income limitations that force seniors out of the program or bar them from initial participation.

**G. Exclusion of Farm Buildings from Periodic Inspection under the State Building Code  
(Chapter 159 of the Laws of 2007/A.9249, Magee)**

This law, a chapter amendment to Chapter 108 of the Laws of 2007 (A.4367), excludes permanent structures used in conjunction with the working of a farm operation from regular, periodic inspection under the New York State Uniform Fire Prevention and Building Code Act. Agricultural buildings have previously been effectively exempt from the Building Code of New York State. This legislation preserves the presumptive compliance of agricultural buildings to avoid costly, unnecessary regulation, while keeping the Code intact and without denying the Department of State the ability to intervene in cases of potential immediate danger to communities and the public.

**H. Establishing the Civil Air Patrol Board (A.4497, Destito/Veto Message #25)**

This bill would establish a Civil Air Patrol Board in the Division of Military and Naval Affairs to promulgate rules and regulations for the New York Civil Air Patrol and coordinate the roles of the Patrol with other State and Federal entities in State agency communications, rescue work, mercy missions, aerial observation, and any other function within the scope and activity of the Civil Air Patrol.

The Governor vetoed this bill because a separate Board would be duplicative of existing arrangements and possibly interfere with the Patrol's integration into statewide emergency and disaster response plans.

**I. Waiving Fees for Professional Fundraisers to Encourage Ethics Training  
(A.6068-A, Destito/Veto Message #62)**

This bill would provide for a one year registration fee waiver for professional fundraisers who complete a course of instruction in the law and ethics of fundraising for the year following the

year in which they completed the course, in order to promote such ethics training among the professional fundraisers which solicit funds from New York State residents.

The Governor vetoed this bill because the State should not subsidize the training of a profession that has mandatory registration with the State and that provides differential benefits to different individuals in its profession.

**J. Establishing a Genetics Advisory Council (A.3284, Cahill)**

This bill would establish a council to evaluate and advise the Governor and the Legislature regarding issues involving genetic counseling and tests. Currently, State law requires informed consent prior to taking a genetic test, but it does not mandate such counseling. However, to be fully informed, professional counseling is needed. By establishing a council to evaluate issues involving genetic counseling and tests, this bill would allow for more informed decisions and provide much needed information about current applications as well as future implications.

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

**K. Conveying an Easement to Marlin R. and Joan M. White (A.7157, Finch)**

This bill would authorize a conveyance of an easement and right-of-way of land to Marlin and Joan White for the transmission of phone service in exchange for a piece of the White's land to be conveyed to the State and used for reforestation purposes. The Whites would be required to exchange land of greater value to the State than the easement.

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

### **XIII. COMMEMORATION**

#### **A. A Day of Commemoration for School-Related Professionals (Chapter 278 of 2007/A.274-B, Clark)**

This law designates the third Tuesday in November of each year as “New York State School-Related Professionals Recognition Day,” a day of commemoration. By establishing School-Related Professionals Recognition Day as a Day of Commemoration, New Yorkers can honor and recognize the contributions school-related professionals make to our communities.

#### **B. A Day of Commemoration for Ukrainian Independence (Chapter 25 of 2007/A.369-A, Magnarelli)**

This law designates August 24th of each year as “Ukrainian Independence Day,” a day of commemoration. By establishing Ukrainian Independence Day as a Day of Commemoration, New Yorkers can honor and recognize the contributions Ukrainian-Americans make to New York’s cultural heritage.

#### **C. A Day of Commemoration for New York State Teachers (A.7569-A, Magnarelli)**

This bill would designate the first Tuesday in May of each year as “New York State Teacher Day,” a day of commemoration. By establishing New York State Teacher Day as a Day of Commemoration, New Yorkers can honor and recognize the contributions teachers make to our communities.

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

## **XIV. COMMITTEE HEARINGS**

### **A. Reapportionment**

The United States Constitution requires that congressional and state legislative district boundaries be redrawn every ten years in a manner reflecting population shifts identified by the Federal census, a process referred to as “redistricting and reapportionment.” In New York State, the State Legislature, pursuant to statute, is responsible for meeting this constitutional requirement.

The Committee on Governmental Operations held a joint hearing with the Task Force on Demographic Research and Reapportionment on October 24, 2007, in Albany to examine if the current process should be retained or altered in order to ensure that a fair and efficient process for creating election districts is in place before the next reapportionment following the 2010 census. Other hearings for this issue were held in Utica, Buffalo, and New York City in 2006.

### **B. Budget Implementation Hearings**

One of the responsibilities of each Assembly Standing Committee is to examine the impact of the State Budget on programs within its jurisdiction. The hearings are useful to assess the implementation of policy and to plan for the upcoming budget cycle.

On October 11, 2007, the Committee held a joint hearing with the Committee on Local Governments to review the budget of the various agencies involved with disaster preparedness in New York State. The committees received testimony from the New York State Office of Homeland Security, the State Emergency Management Office, and the Office of Fire Prevention and Control.

Prior to the hearing, the Committee toured the State Emergency Management Command Center, which is mobilized in times of emergency.

## **XV. FOCUS OF THE 2008 LEGISLATIVE SESSION**

The Committee will continue to focus on improving the implementation of the MWBE program and will continue its efforts to strengthen the State's disaster preparedness and response protocols. The Committee will also focus on improving the State's procurement process and will address a number of proposed procurement reforms, including green procurement.

Oversight of the Statewide Wireless Network is in a crucial stage as Phase I of SWN is in the process of being tested. The State Office for Technology will have to make the decision to accept or reject the initial Phase based on the testing results. The Committee continues to stress the importance of local involvement in the formulation and implementation of SWN.

**APPENDIX A  
2007 SUMMARY SHEET**

**Summary of Action On All Bills  
Referred to the Committee On  
Governmental Operations**

FINAL ACTION	ASSEMBLY BILLS	SENATE BILLS	TOTAL BILLS
<b>Bills Reported With Or Without Amendment</b>			
To Floor; Not Returning To Committee	28	0	28
To Floor; Recommitted and Died	0	0	0
To Ways and Means	41	0	41
To Codes	30	0	30
To Rules	19	0	19
To Judiciary	0	0	0
<b>Total</b>	<b>118</b>	<b>0</b>	<b>118</b>
<b>Bills Having Committee Reference Changed</b>			
To Consumer Affairs & Protection Committee	1	0	1
To Codes Committee	1	0	1
To Judiciary Committee	1	0	1
To Local Governments Committee	1	0	1
To Real Property Taxation Committee	1	0	1
<b>Total</b>	<b>5</b>	<b>0</b>	<b>5</b>
<b>Senate Bills Substituted Or Recalled</b>			
Substituted		12	12
Recalled		5	5
<b>Total</b>		<b>17</b>	<b>17</b>
<b>Bills Defeated In Committee</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Bills Never Reported, Held In Committee</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Bills Never Reported, Died In Committee</b>	<b>435</b>	<b>51</b>	<b>486</b>
<b>Bills Having Enacting Clause Stricken</b>	<b>18</b>	<b>0</b>	<b>18</b>
<b>Motions To Discharge Lost</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL Number of Bills In Committee</b>	<b>576</b>	<b>68</b>	<b>644</b>
<b>TOTAL Number of Committee Meetings Held</b>	<b>17</b>		

**APPENDIX B  
CHAPTERS OF 2007**

<b>Bill #</b>	<b>Sponsor</b>	<b>Description/Chapter #</b>
A.50	Weisenberg	Authorizes the creation of a program for development of urban search and rescue teams, specialty rescue teams, and incident support teams. <b>Chapter 303 of the Laws of 2007</b>
A.274-B	Clark	Designates the third Tuesday in November as “New York State School-related Professionals Recognition Day,” a day of commemoration. <b>Chapter 278 of the Laws of 2007</b>
A.369-A	Magnarelli	Designates August 24th as “Ukrainian Independence Day,” a day of commemoration. <b>Chapter 25 of the Laws of 2007</b>
A.718-A	Christensen	Requires agencies promulgating regulations to publish small business regulation guides explaining actions necessary to comply with regulations. <b>Chapter 419 of the Laws of 2007</b>
A.1689	Diaz, R.	Requires State entities that maintain a website to post certain information on their websites. <b>Chapter 102 of the Laws of 2007</b>
A.3736-A	Silver	Relates to ethics provisions for all public employees. <b>Chapter 14 of the Laws of 2007</b>
A.4251-A	Ramos	Requires the State Fire Administrator to make training programs available on video or computer to the maximum extent possible. <b>Chapter 580 of the Laws of 2007</b>
A.4367	Magee	Excludes permanent structures used in conjunction with a farm operation from the definition of the term “building” for purposes of the New York State Fire Code. <b>Chapter 108 of the Laws of 2007</b>
A.4375-A	Weisenberg	Requires the use of certain language or terminology in legislation when referring to individuals with disabilities. <b>Chapter 455 of the Laws of 2007</b>
A.4932-B	Paulin	Clarifies the scope of protections against discrimination on the basis of disability in public accommodations. <b>Chapter 394 of the Laws of 2007</b>
A.5089-A	Reilly	Authorizes the inclusion on the police officers memorial located at the Empire State Plaza of names of federal law enforcement officers slain in the line of work in New York State. <b>Chapter 526 of the Laws of 2007</b>

<b>Bill #</b>	<b>Sponsor</b>	<b>Description/Chapter #</b>
A.6018-A	Bing	Relates to State contracts with not-for-profit organizations. <b>Chapter 292 of the Laws of 2007</b>
A.6073	Giglio	Eliminates the requirement that the village justice of the village of Wellsville, Allegany county, be a resident of such village. <b>Chapter 442 of the Laws of 2007</b>
A.6498-B	Morelle	Authorizes the commissioner of general services to transfer and convey certain State lands in the county of Seneca. <b>Chapter 308 of the Laws of 2007</b>
A.6621	Silver	Provides for reimbursement for unreimbursed or unreimbursable counseling expenses or indebtedness incurred by relief workers who worked at the WTC site. <b>Chapter 21 of the Laws of 2007</b>
A.6501-B	Pfeffer	Requires for document destruction contractors to register with the Department of State. <b>Chapter 679 of the Laws of 2007</b>
A.7885-A	Lancman	Requires the posting of the New York Code, Rules and Regulations on the Department of State website. <b>Chapter 407 of the Laws of 2007</b>
A.7952	Benedetto	Relates to unlawful discriminatory practices against persons with a disability on the basis of the use of a guide dog, hearing dog, or service dog. <b>Chapter 133 of the Laws of 2007</b>
A.7955	Destito	Authorizes an increase in the amount of an emergency award granted prior to the issuance of a final decision of the board. <b>Chapter 318 of the Laws of 2007</b>
A.8079	Lentol	Allows an assistant district attorney in New York City to reside in a county other than the one in which he or she is employed. <b>Chapter 287 of the Laws of 2007</b>
A.8524	Reilly	Relates to the sale of unappropriated State land. <b>Chapter 187 of the Laws of 2007</b>
A.8525	Lancman	Authorizes the Office of Cyber Security and Critical Infrastructure Coordination to maintain maps, geographic images/data, and metadata. <b>Chapter 604 of the Laws of 2007</b>
A.8632	Destito	Increases, from \$200,000 to \$300,000, the value of construction contracts that may be let without bidding on an emergency basis. <b>Chapter 84 of the Laws of 2007</b>

<b>Bill #</b>	<b>Sponsor</b>	<b>Description/Chapter #</b>
A.8751	Jaffee	Authorizes the County of Rockland to convey certain land for fair market value. <b>Chapter 634 of the Laws of 2007</b>
A.8797-A	Destito	Amends the effective date of Chapter 1 of the Laws of 2005 amending the State Finance Law and other laws relating to restricting contacts in the procurement process. <b>Chapter 501 of the Laws of 2007</b>
A.8835-A	Pheffer	Relates to police reports for victims of identity theft. <b>Chapter 346 of the Laws of 2007</b>
A.8961	Destito	Relates to the production and preservation of electronic State documents. <b>Chapter 477 of the Laws of 2007</b>
A.8971	Hevesi	Provides uniform service requirements for administrative proceedings held by the Department of State. <b>Chapter 266 of the Laws of 2007</b>
A.9086-A	Gianaris	Directs director of Office of Homeland Security to review security of commercial aviation fuel, petroleum and natural gas transmission facilities and pipelines. <b>Chapter 630 of the Laws of 2007</b>
A.9193	Destito	Eliminates income eligibility levels for persons employed by Green Thumb Environmental Beautification, Incorporated. <b>Chapter 372 of the Laws of 2007</b>
A.9249	Magee	Relates to the definition of the term “building” for purposes of the New York State Fire Code. <b>Chapter 159 of the Laws of 2007</b>

**APPENDIX C  
BILLS THAT PASSED THE ASSEMBLY**

<b>Bill #</b>	<b>Sponsor</b>	<b>Description</b>
A.361-B	Destito	Would require that surplus State personal property be offered to municipalities prior to public sales of such property.
A.371	Morelle	Would prohibit State agencies from making loans to employees.
A.609	Dinowitz	Would permit the award of reasonable attorneys' fees, costs, and exemplary damages in court actions for unlawful discriminatory practices.
A.616	Paulin	Would direct that any State Police vehicle on patrol shall be equipped with automated external defibrillator.
A.715	Wright	Would grant the Attorney General jurisdiction to investigate and prosecute police misconduct.
A.716	Christensen	Would direct the Division of Human Rights to promulgate rules of practice to permit complaints alleging unlawful discriminatory practices to be filed as class actions.
A.846	Destito	Would establish a victims' assistance education program within the Crime Victims Board to enhance and augment services to victims of crime.
A.931	Destito	Would provide that in any action commenced under the State's Anti-Trust Law, the court may direct that all or any part of a criminal fine or civil penalty imposed upon a violator may be ordered to be deposited with the Crime Victims Board.
A.958-A	Destito	Would require counties to maintain a registry of people of all ages with disabilities for the purpose of evacuating and sheltering such persons during disasters.
A.959	Destito	Relates to the copying of State Ethics Commission documents.
A.1033	Paulin	Would provide that a court may award costs and reasonable attorney's fees in matters related to violations of the Open Meetings Law.
A.1110	Destito	Would change the reporting requirements relative to restitution and fair treatment standards from annual to every two years.

<b>Bill #</b>	<b>Sponsor</b>	<b>Description</b>
A.1111	Destito	Would allow open meetings to be photographed, broadcast, and recorded by audio or video means subject to reasonable rules.
A.1222	Paulin	Would prohibit employers from discriminating against victims of domestic violence or stalking.
A.1311-A	Brodsky	Would establish State agency goal submission procedures to increase certified minority- and women-owned business enterprises participation.
A.1375	Brodsky	Would require any city having a population of 500,000 or more to use the best technology available, including computer models, to develop evacuation time estimates.
A.1975	Diaz, R.	Relates to the online posting by State agencies of its subject matter list.
A.2066	Hoyt	Would repeal and re-enact provisions on recordkeeping and preservation for governor and executive chamber records.
A.2204	Millman	Would establish an Article 15-A implementation fund for the implementation of the provisions of the Executive Law relating to minority group members and women in State contracts.
A.2419	DelMonte	Would require police officers and district attorneys to receive certain training and instruction with respect to crimes involving sexual assault.
A.2656	Diaz, R.	Would include in victim awards the loss of earnings of a parent or guardian as a result of the hospitalization of a victim under age eighteen for injuries sustained as a direct result of a crime.
A.2990	Weinstein	Would direct the Secretary of State to accept service of process and mail on behalf of victims of domestic violence wishing to keep their location secret.
A.3284	Cahill	Would establish a genetics advisory council.
A.3329	Millman	Would provide dispensation for performance and payment bonds for certain contracts with small, minority-, or women-owned businesses.

A.3330	Millman	Would require agencies to post contractor utilization plans on the agency website.
<b>Bill #</b>	<b>Sponsor</b>	<b>Description</b>
A.3331	Peoples	Would authorize the institution of a suit in any court of competent jurisdiction alleging a violation of the human rights law for a period of three years after the dismissal of a complaint for administrative convenience by the Division of Human Rights.
A.3392	Millman	Would require certain State agencies, departments or authorities to establish mentor-protégé programs for small, minority-, and women-owned businesses.
A.3403	Diaz, R.	Would require the Committee on Open Government to provide guidance to agencies on the development and maintenance of subject matter lists.
A.3451	Koon	Would provide for the submission of expended projectiles and shell casings and guns to the State Police pistol and revolver ballistic identification electronic databank.
A.4053	Bradley	Would provide that, if a public body has the ability, it must post notices of place and time of public meetings on its website.
A.4498	Cook	Would evaluate the effective implementation of provisions of law relating to participation by minority- and women-owned business enterprises in State contracts.
A.5075	Eddington	Would authorize the Secretary of State and other filing offices to refund fees collected for certain filings.
A.5266	Hoyt	Would require State agencies that contract to disseminate advertising material to exclude material that relates to the agency's mission.
A.5414	Gottfried	Would require the Secretary of State and county clerks to accept payment for notary public appointment or reappointment fees in the form of cash, money order or checks.
A.5472	Galef	Would waive the ability of government agencies in New York to claim copyright protection except when the record reflects artistic creation or scientific or academic research.

A.5809	John	Would provide for the enforcement of the Open Meetings Law.
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<b>Bill #</b>	<b>Sponsor</b>	<b>Description</b>
A.5916	Destito	Would prohibit certain discriminatory practices against victims of domestic violence.
A.6303	Paulin	Would clarify the scope of protections against discrimination on the basis of disability in services provided by public entities.
A.6304	Paulin	Would clarify the scope of protections against discrimination on the basis of disability in public accommodations and in services provided by public entities.
A.6533	Towns	Would authorize an additional thirty days military leave for public employees who are absent on military duty.
A.6675	Ortiz	Would define “necessary court appearance” for the purposes of determining Crime Victims Board awards.
A.6959-A	Lifton	Would make it a discriminatory practice to compensate employees of different sexes differently for work that is of comparable worth.
A.7105	Titus	Would require emergency evacuation plans for individuals with disabilities and establishes \$500 fine for owners who failure to comply.
A.7106	Titus	Would require public officers and bodies to provide interpreters and assistive listening devices for the hearing impaired at public hearings under certain conditions.
A.7157	Finch	Would authorize the conveyance of an easement to Marlin R. White and Joan M. White for transmission of phone service in consideration for land used for reforestation.
A.7569-A	Magnarelli	Would establish the first Tuesday in May as “New York State Teacher Day,” a day of commemoration.
A.7653	Lifton	Would waive the State's sovereign immunity to liability under the Americans with Disabilities Act of 1990 and certain other federal acts.
A.7953	Lentol	Would include firefighter support organizations within the category of those subject to oversight by the attorney general's office.

<b>Bill #</b>	<b>Sponsor</b>	<b>Description</b>
A.7954	Destito	Would establish the powers of the Office of Fire Prevention and Control relating to live fire training.
A.8521-A	Dinowitz	Would relate to certain civil complaints and the procedures pursuing and appealing such complaints and provides for civil fines, attorney's fees and expert witness fees.
A.8522	Eddington	Would repeal certain provisions relating to the distribution of the State Register.
A.8523	Latimer	Would provide for the waiver of deposits for copies of plans and specifications for public works contracts.
A.8680	Destito	Relates to various aspects of the procurement process.