

# 2023 ANNUAL REPORT

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COMMITTEE ON Governmental Operations



THE ASSEMBLY STATE OF NEW YORK ALBANY CHAIR Governmental Operations

COMMITTEES Alcoholism and Drug Abuse Higher Education Health Ways and Means

December 15, 2023

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

Dear Speaker Heastie,

It is my pleasure to submit to you the 2023 Annual Report of the Assembly Standing Committee on Governmental Operations. Contained within are descriptions of the Committee's significant legislation, other notable activities from 2023, and an overview of the Committee's outlook for the upcoming 2024 session.

I am proud to report that throughout 2023, the Committee successfully enacted many important pieces of legislation and helped secure critical funding for various endeavors in the State budget. The Governmental Operations Committee remains dedicated to eliminating inequality in New York State, passing legislation to establish a task force on missing women and girls who are Black, Indigenous, and People of Color and supporting the passage of several bills intended to streamline the Minority and Women Business Enterprise process, including legislation to ensure MWBEs receive notice if they have failed to secure a bid. Further, the Committee advanced legislation to incentivize the use of electric vehicles and curb retail crime in the State.

In 2024, the Committee will continue to focus on improving the efficiency and fairness of government in New York State. Disaster and emergency preparedness, government transparency, and equal protection under the law for all New Yorkers will remain top priorities. It is also a goal of the Committee to promote proper and cost-efficient procurement practices and to encourage greater participation by small, minority- and women-owned businesses in State contracting. In addition, the Committee is dedicated to ensuring that everyone in New York State, regardless of their background, 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 2024 Legislative Session.

Sincerely,

Hon. John T. McDonald III, RPh Member of Assembly, 108<sup>th</sup> District

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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, civil rights, rights of individuals with disabilities, State procurement and technology policies, Freedom of Information and Open Meetings Laws, disaster preparedness, homeland security, State police, 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 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 directs the Subcommittee on the Oversight of Minority- and Women-Owned Business Enterprises (MWBEs) and the Subcommittee on Emergency Response/Disaster Preparedness.

The pages that follow will detail significant legislation that the Governmental Operations Committee has advanced throughout the 2023 session.

In addition, this report will outline significant legislation negotiated in the State Fiscal Year 2023-24 Enacted Budget and issues discussed at public hearings hosted by the Committee in 2023. This report will conclude with a look ahead at the upcoming 2024 Legislative Session.

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

Legislation related to the delivery of emergency services and public safety 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.

## 1. Delivery of Medical Supplies During Declared Disaster Emergencies A.609 (Dinowitz) / S.2223 (Scarcella-Spanton) – Chapter 6 of the Laws of 2023

This law amends Chapter 726 of the Laws of 2022, which required the State Disaster Preparedness Plan to account for the delivery of medical supplies within an area declared to be experiencing a disaster emergency, by making technical changes to effectuate the intent of the underlying law.

## 2. Standards for Code Enforcement Personnel Training A.623 (Zebrowski) / S.849 (Persaud) – Chapter 88 of the Laws of 2023

This law amends Chapter 797 of the Laws of 2022, which made several enhancements to the continuing education requirements for code enforcement personnel, by removing requirements that set forth a new amount for the annual minimum number of in-service training hours to be completed by such personnel.

### 3. Hot Tub and Spa Safety Covers Building Code Requirements A.625 (Thiele) / S.1347 (Skoufis) – Chapter 18 of the Laws of 2023

This law makes technical changes to Chapter 725 of the Laws of 2023, further clarifying building code safety provisions related to safety barriers for hot tubs and spas.

### 4. Building Code Requirements for Flood Mitigation A.626-A (Otis) / S.828-A (Mayer) – Chapter 19 of the Laws of 2023

This law amends Chapter 831 of the Laws of 2022, which required the State Fire Prevention and Building Code Council to investigate how the building code might be changed to better protect buildings from sea level rise, flooding, storms, and certain other water-based hazards. Further, it updated the building code to include new protective standards against such weather events. This legislation makes changes to the scope of the types of construction and geographic areas captured by the provisions of the underlying law.

## 5. Agricultural Representation on the Fire Prevention and Building Code Council A.1080-A (Woerner) / S.1218-A (Comrie) – Passed the Assembly

This bill would expand the number of members on the State Fire Prevention and Building Code Council from 15 to 16 and require the Governor to appoint a member from an agricultural advocacy organization to the Council.

## 6. Electric Vehicle Charging Stations in Private Construction A.3780-C (Fahy) / S.1736-C (Krueger) – Reported to the Codes Committee

This bill would amend the building code to require a certain amount of electric vehicle-capable parking spaces in new private construction of one- to three-family homes, multi-family homes, and privately-owned commercial buildings. A waiver may be applicable in certain instances, including if the owner demonstrates that such requirements would present an undue hardship due to limitations of the local utility provider or that the geographic location of the site is such that compliance would result in a significant burden on the owner. Such provisions would apply to new construction contracts entered into after the effective date.

## 7. Policy Regarding Police Usage of Automatic License Plate Readers A.4157 (Paulin) / S.3165 (Hoylman-Sigal) – Passed the Assembly

This bill would require the Municipal Police Training Council to develop a policy regarding minimum standards to be applied across police departments regarding the usage of automatic license plate readers.

## 8. Electric Vehicle Charging Stations in State Owned Parking Facilities A.4871-A (Kelles) / S.1535-A (Hoylman-Sigal) – Advanced to Third Reading

This bill would require certain state owned and operated parking facilities to install and maintain electric vehicle charging stations. It would provide for the required number of spaces based on the size of the parking facility. Under this legislation, the Office of General Services would be responsible for the installation and maintenance of such electric vehicle charging equipment.

### 9. Electric Vehicle Emergency Response Training Program A.6517 (Eachus) / S.6723 (Skoufis) – Passed the Assembly

This bill would require the State Fire Administrator to establish a specialized electric vehicle emergency response training program with the intent of training emergency response personnel how to approach the unique challenges electric vehicles may present in an emergency.

#### **III. CRIME VICTIMS, CRIME PREVENTION AND PROTECTIONS**

The Governmental Operations Committee considers legislation dealing with crime victims, including the purview of the Office of Victim Services. This agency advocates for, and is responsible for, issuing awards to eligible crime victims. The Committee has also contributed several key bills related to preventative protections, such as expanding eligibility to the Address Confidentiality Program, which is administered by the Department of State.

#### 1. Expanding Eligibility and Access to Crime Victim Compensation A.2105-A (Meeks) / S.214-A (Myrie) – Chapter 695 of the Laws of 2023

This law expands eligibility and access to victim compensation funds for victims and survivors of certain crimes. This is accomplished by providing alternatives for reporting, beyond law enforcement; permitting alternative forms of evidence to show that a qualifying crime occurred; and increasing the time in which a victim has to file a victim compensation claim with the Office of Victim Services from one year to three years after an applicable incident. A chapter amendment to this legislation has been subsequently agreed upon pursuant to Approval Memorandum No. 43.

## 2. Notification Regarding Potential Eligibility for Crime Victim Compensation A.4973-A (Anderson) / No Same-As – Reported to Ways and Means Committee

This bill would require the Division of Criminal Justice Services, in cooperation with the Office of Victim Services, to develop and implement procedures for police to notify family members and dependents of crime victim compensation awards they may be eligible to receive. Further, it would incorporate notification of crime victim compensation and support services into the current policy that exists regarding police notifying an individual's next of kin of their death.

## 3. Expanding Eligibility to the Address Confidentiality Program A.5048-A (Lavine) / S.7494 (Hoylman-Sigal) – Passed the Assembly

This bill would bolster protections for court officials and their families in the event of threats made against them by allowing them to participate in the Address Confidentiality Program, which allows certain eligible individuals the option to hide their private address from public record.

### 4. Task Force on Missing BIPOC Women and Girls A.5088-A (Reyes) / S.4266-A (Webb) – Passed Both Houses

This bill would establish a task force on missing women and girls who are Black, Indigenous, and People of Color. The responsibilities of such task force would include, but not be limited to, developing policies to address the lack of attention given to missing and murdered BIPOC women and girls in New York State, sharing knowledge with communities across the State, and increasing awareness of the issue.

## 5. Increasing Awareness of Economic Abuse A.5347 (Rosenthal L) / S.5915 (Gonzalez) – Chapter 537 of the Laws of 2023

This law requires the Office for the Prevention of Domestic Violence to create and distribute informational materials regarding economic abuse to raise awareness of the issue and share information about State resources available to help victims.

#### IV. HUMAN RIGHTS AND CIVIL RIGHTS

The Division of Human Rights is the agency responsible for the enforcement of the New York State Human Rights Law, which protects the citizens of New York from discrimination based on race, color, creed, age, national origin, sexual orientation, gender identity or expression, sex, military status, disability, predisposing genetic characteristics, familial status, marital status, or status as a victim of domestic violence. The Committee reviews important issues related to human rights as well as civil rights.

## 1. Prohibiting the Disclosure of Certain Toll and Transit Records A.517 (Rosenthal L) / S.3271 (Sepulveda) – Passed the Assembly

This bill would provide privacy protections under the Civil Rights Law by specifying that electronic toll and fare information would remain confidential, with limited exceptions, such as if required by a warrant in the course of an investigation. It would provide that any person knowingly in violation of such confidentiality provisions would be subject to a civil penalty up to five thousand dollars.

#### 2. Sovereign Immunity A.6541 (Kelles) / S.1164-A (Sanders) – Passed the Assembly

This bill would waive the State's sovereign immunity to liability for violations of the Americans with Disabilities Act of 1990, the Fair Labor Standards Act of 1938, the Age Discrimination in Employment Act of 1967, and the Family and Medical Leave Act. This would permit state employees to sue the State of New York, as their employer, for damages due to violations under such federal statutes.

### 3. Real Estate Appraiser Violations of the Human Rights Law A.6833 (Jean-Pierre) / S.7175 (Bailey) – Chapter 572 of the Laws of 2023

This law adds a violation of the Human Rights Law committed while acting as a real estate appraiser to the list of violations that may cause revocation or suspension of a real estate license.

## Prohibiting Discrimination on the Basis of Gender Identity or Expression Departmental #1- Division of Human Rights A.7355 (Simone) / S.7382 (Hoylman-Sigal) - Chapter 305 of the Laws of 2023

This law makes a technical change to align the intern provisions of the Human Rights Law with other corresponding provisions. It closes a loophole whereby previously, "gender identity and expression" was not listed as a protected class within the provisions protecting interns against discrimination.

## 5. Updating the Definition of Sexual Orientation in the Human Rights Law A.7367 (Simone) / S.7382 (Hoylman-Sigal) - Chapter 142 of the Laws of 2023

This law corrects outdated language and updates the definition of "sexual orientation" in the Human Rights Law.

#### V. OPEN GOVERNMENT

The Freedom of Information Law (FOIL) governs the public's right to know about governmental decision-making by allowing for review of documents that form the basis of governmental decisions and actions. The Open Meetings Law enables the public to monitor the performance of public officials by observing the deliberations and decisions that go into the making of public policy. Changes to the Open Meetings Law have been particularly relevant in recent years to ensure that government can continue running smoothly by conducting meetings remotely. FOIL and the Open Meetings Law, as well as other laws in the jurisdiction of the Governmental Operations Committee, help to ensure governments' accountability and accessibility to the public.

### 1. Charging FOIL Request Fees for Subsequent Identical Electric Copies A.610 (Paulin) / S.2220 (Skoufis) – Chapter 7 of the Laws of 2023

This law makes clarifying technical changes to Chapter 745 of the Laws of 2022, which specified that if a FOIL request is made for an electric copy and an identical record has been produced already within the past six months and such electronic copy is available, an agency shall not charge a fee for such record.

## 2. Public List of All State Boards A.611 (Paulin) / S.1328 (Skoufis) – Chapter 8 of the Laws of 2023

This law amends Chapter 773 of the Laws of 2022, which required all state boards to maintain a publicly accessible website, by changing certain specific requirements for state boards or agencies to maintain a website and the content of the information to be available on such website. Further, the effective date is changed to April 1, 2023.

## 3. Disclosure of LLC Ownership when Leasing Public Buildings A.1628 (McDonald) / S.2694 (Breslin) – Passed Both Houses

This bill would require the disclosure of the names and addresses of members, managers, or other authorized person of a limited liability company (LLC) when such LLC executes a lease agreement where the State of New York is the tenant.

## 4. Adding Cryptocurrency to the State Annual Financial Disclosure Form A.2873-B (Kelles) / S.5621-B (May) – Chapter 591 of the Laws of 2023

This law specifically requires the disclosure of cryptocurrency holdings on the annual financial disclosure statement required by the Commission on Ethics and Lobbying in Government.

### 5. Updating Copyright Claims on State Records A.4453 (Raga) / No Same-As – Passed the Assembly

This bill would waive the ability of government agencies to claim copyright protection on certain records, thereby maintaining public access to such records. This would not apply

to certain records that fall into categories including artistic creation or academic research.

### 6. Digitizing State Agencies' Public Documents A.4591-A (McDonald) / S.5807-A (Tedisco) – Passed the Assembly

This bill would make state agencies' public documents, including reports and digests, available on their respective websites.

#### 7. Public Employees On-Site at Infrastructure Investment Act Projects A.4720 (McDonald) / S.5664 (Kennedy) – Veto Memo 85

This bill would clarify that on public work contracts awarded under the Infrastructure Investment Act, a public employee should be on site to approve of the work done in accordance with the contract.

## 8. Updating Copyright Claims on State Records A.5118 (Thiele) / S.5174 (Jackson) – Reported to the Ways and Means Committee

This bill would clarify provisions regarding assessment of remedies, such as reasonable attorney's fees and litigation costs, in the event of an agency failing to respond to a Freedom of Information Request in accordance with statute.

## 9. Updating Financial Disclosure Statement A.5308-A (McDonald) / S.6184-A (Skoufis) – Chapter 643 of the Laws of 2023

This law makes a clarifying change to the financial disclosure filing requirements to ensure parity between Public Employee Federation and Civil Service Employees Association employees' requirements.

### 10. Lobbying for the Nomination of Persons to State Office A.5786 (McDonald) / S.4152 (Gianaris) – Veto Memo 102

This bill would close a loophole regarding the disclosure of lobbying for or against the New York State Senate's confirmation of persons to state office.

## 11. Public Posting of Exempted and Emergency State Contracts Departmental #4 – Office of the State Comptroller A.7404 (Solages) / S.6941 (Cooney) – Passed Both Houses

This bill would require State contracts that are exempted from Comptroller pre-approval, including emergency contracts, to be publicly posted. It outlines what contract details would need to be included, including an explanation as to why a competitive bidding process was not undertaken. This legislation would apply to all future contracts as well as any contracts active at the time of the effective date.

#### 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 efficient and responsive. The Committee has advanced legislation to ensure that government services are widely accessible to all people, including targeted populations which have been historically overlooked.

#### 1. Accessible State Agency Websites A.266-A (Burdick) / S.3114-A (Mannion) – Passed Both Houses

This bill would require state agencies' website content to comply with the most current version of the Web Content Accessibility Guidelines as adopted by the World Wide Web Consortium for accessibility. It would specify that no such updates in an effort to comply shall be taken if they interfere with the administration of services. In addition, it would require the Office of Information Technology Services to submit a report the Governor and the Legislature detailing compliance progress. Finally, it would require the Office of Information Technology Services with guidance regarding compliance.

## 2. Sexual Orientation and Gender Identity Expression Data Collection A.358 (Bronson) / S.3225 (Hoylman-Sigal) – Chapter 674 of the Laws of 2023

This law requires state agencies, boards, and commissions to collect information regarding sexual orientation and gender identity expression when collecting data in order to better capture and identify the needs of the state's LGBTQ+ population. It also requires public annual reporting of such data. A chapter amendment to this legislation has been subsequently agreed upon pursuant to Approval Memorandum No. 34.

### 3. Gender Neutral Language in Law A.1142 (Kelles) / S.155 (Krueger) – Chapter 139 of the Laws of 2023

This law requires the usage of gender-neutral terms in any law, rule, regulation, ordinance, or resolution. For example, this may be implemented by the replacement of any gendered terms with gender-neutral terms including, but not limited to, "they," "them," and "theirs."

## 4. Establishing a LGBTQ+ Advisory Board A.1273 (Kelles) / S.5532 (May) – Passed Both Houses

This bill would establish a LGBTQ+ Advisory Board to advise the Executive Chamber and the Legislature on LGBTQ+ issues. It would also provide for the membership requirement, powers, and duties of such Advisory Board.

## 5. Gender-Neutral Terminology on State Websites A.1371-A (Rosenthal L) / S.208-A (Cleare) – Chapter 140 of the Laws of 2023

This law requires state agencies to use gender-neutral terminology on their state websites. It does not prohibit the usage of gendered language, however, when such language is referring to a specific person or group of people in accordance with their gender identity.

### 6. Establishing the Office of Native American Affairs A.2792 (Jones) / S.4648 (Kennedy) – Veto Memo 77

This bill would establish a new Office of Native American Affairs within the Executive Department. Such office would serve as a centralized office for Native American nations to access information on state programs. Further, the responsibilities of the office would include developing relationships with Native Americans in New York State and providing guidance on policies to serve Native communities.

# 7. Establishing the New York Asian American and Pacific Islander Commission A.3301-A (Rajkumar) / S.1051-A (Cooney) – Chapter 639 of the Laws of 2023

This law establishes the New York Asian American and Pacific Islander Commission. It also provides for the makeup of such commission and its duties and responsibilities, including developing policies to address the needs of the Asian American and Pacific Islander communities in the state. A chapter amendment, implementing technical changes, to this legislation has been subsequently agreed upon pursuant to Approval Memorandum No. 24.

### 8. Establishing the Office of Racial Equity and Social Justice A.4187 (Peoples-Stokes) / S.1359 (Kennedy) – Veto Memo 67

This bill would establish an Office of Racial Equity and Social Justice within the Executive Branch. It outlines what the makeup of employment in such office should be as well as duties and responsibilities, including serving as the official state coordinating office for changes in policy to support racial equity and social justice.

## 9. Commission of the Deaf, Deafblind, and Hard of Hearing A.5683 (Zebrowski) / S.7251 (Cooney) – Veto Memo 55

This bill would establish the Commission of the Deaf, Deafblind, and Hard of Hearing. Such Commission would be responsible for guiding policy and providing recommendations as to how the state can adequately meet the needs of the deaf, deafblind, and hard of hearing population in the state and further would be a resource for deaf, deafblind, and hard of hearing individuals, as needed. In addition, the bill would outline the responsibilities of the Commission, including, but not limited to, creating a comprehensive statewide plan for delivering services, maintaining a website, and expanding employment opportunities for deaf, deafblind, and hard of hearing New Yorkers.

## 10. Mobile-Friendly State Agency Websites A.6972 (Otis) / S.5410 (Fernandez) – Passed Both Houses

This bill would require all state agencies to maintain mobile-friendly platforms for their existing websites to be navigable via smartphone, tablet, or a similar mobile device.

#### VII. PROCUREMENT AND STATE CONTRACTS

One important function of the Governmental Operations Committee is to review state procurement laws and regulations. The Committee is also interested in monitoring the contracts of the State, for example, to ensure there is proper oversight in the procurement process. Further, the Committee is dedicated to increasing participation of Minority- and Women-Owned Business Enterprises (MWBEs) in state procurement and oversees legislation related to the State's MWBE program.

### 1. Buy American Rock Salt A.620 (Bronson) / S.814 (Kennedy) – Chapter 72 of the Laws of 2023

This law amends Chapter 729 of the Laws of 2022, which implemented a Buy American requirement for the procurement of rock salt. This legislation makes consistent changes applicable to contracts for purchase or procurement of rock salt made by state or local agencies or authorities- shifting the Buy American provisions to a preference rather than a firm requirement. Under this legislation, entities awarding rock salt contracts are directed to award contracts to the most responsible and reliable bidder supplying rock salt that is mined or hand harvested within the United States which is within 10% of the lowest price or best value offer, rather than to the lowest bidder.

#### 2. Modernizing Preferred Source A.621 (Burdick) / S.858 (Mannion) – Chapter 91 of the Laws of 2023

This law amends Chapter 565 of the Laws of 2022, which modernized the preferred source statute, by making technical changes.

#### 3. Electric Vehicle Parking A.622 (O'Donnell) / S.2621 (Krueger) – Chapter 16 of the Laws of 2023

This law amends Chapter 809 of the Laws of 2022, which required certain newly constructed parking garages and parking lots that receive state capital funding to be constructed with infrastructure capable of supporting electric vehicle charging stations. This legislation changes the definitions and therefore scope of applicable construction projects and parking facilities; includes labor provisions for covered projects; provides technical changes to the specifications related to applicable local building code; and builds in a waiver process.

#### 4. Restoring the State Comptroller's Pre-Audit Authority A.624 (Zebrowski) / S.2219 (Cooney) – Chapter 17 of the Laws of 2023

This law amends Chapter 839 of the Laws of 2022, which restored the Comptroller's preaudit authority over Office of General Services centralized contracts, SUNY and CUNY contracts, SUNY Health Care Facility contracts, and SUNY and CUNY Construction Fund contracts to what it was pre-2011, when it was rolled back. These changes raise the threshold dollar amounts which trigger comptroller review over such contracts. Further, the amendments provide that the Comptroller must execute review of applicable contracts within 75 days.

## 5. Increasing Transparency in the MWBE Program A.989 (Peoples-Stokes) / S.841 (Bailey) – Chapter 40 of the Laws of 2023

This law amends Chapter 567 of the Laws of 2022, relating to combatting fraud within the MWBE program, by outlining specific information, such as prepayment declarations, that must be completed and specifying which relevant records would be made publicly available, including certifications, recertifications, and any records of revocation of certification due to conviction for fraudulent activity.

## 6. State Fleet Electric Vehicle Transition A.990 (Fahy) / S.1343 (Parker) – Chapter 99 of the Laws of 2023

This law amends Chapter 836 of the Laws of 2022, which provides protections for workers impacted by the forthcoming transition of the state fleet to zero-emission vehicles, by adding Buy American provisions with regards to the procurement of such zero-emission vehicles and the infrastructure to support them.

## 7. Prohibiting the Sale of Tobacco Products on State Property A.1025 (Bichotte Hermelyn) / S.50 (Hoylman-Sigal) - Chapter 373 of 2023

This law prohibits the sale of tobacco products in shops and vending machines located in certain state owned or leased buildings.

### 8. Publicly Accessible Electric Vehicle Charging Stations A.1122 (Epstein) / S.110 (Krueger) - Passed Both Houses

This bill would require a commercial garage owner or operator that has received state funds or other forms of state assistance related to the installation of electric vehicle charging stations to develop and implement a policy to ensure public access to such garage's electric vehicle charging stations.

### 9. MWBE Mentorship Program A.1447 (Bichotte Hermelyn) / S.2285 (Cleare) – Veto Memo 72

This bill would require Empire State Development to conduct a feasibility study on the topic of establishing a MWBE mentorship program.

## 10. MWBE Annual Report A.1931 (Bichotte Hermelyn) / S.3605 (Webb) – Veto Memo 101

This bill would require additional information to be included in the Division of Minority and Women's Business Development annual report. Such information would include:

the type of contract; whether the contract was awarded to a minority-owned or womenowned business; the name, business address, and name of the contractors; and the dollar value of such contract.

#### 11. Notification of an Unsuccessful MWBE Bid A.3861 (Jackson) / S.1419 (Comrie) – Veto Memo 98

This bill would require all contracting agencies to provide written notice to unsuccessful MWBE bidders detailing the reasons why such bid was rejected.

#### 12. Deforestation-Free Procurement A.5682-A (Zebrowski) / S.4859 (Krueger) – Passed Both Houses

This bill would enact the New York Tropical Deforestation-Free Procurement Act. This act would implement some parameters around New York State procurement in order to curb potential negative effects of tropical deforestation. It would limit the purchase of tropical hardwoods and further require state agencies or authorities to certify that they are not knowingly contributing to tropical deforestation directly through their supply chains.

#### 13. Participation by Individuals with Disabilities on State Contracts A.5815-A (Epstein) / S.6758 (Mannion) – Passed Both Houses

This bill would require the Office of General Services to collect data and submit a report summarizing such information regarding the level of employment and participation by people with disabilities on state contracts. Such report would be submitted to the Governor, the Comptroller, the Procurement Council, the Temporary President of the Senate, the Speaker of the Assembly, the Minority Leader of the Assembly, the Minority Leader of the Senate, the Chief Disability Officer, the Chair of the Assembly Committee on People with Disabilities, and the Chair of the Senate Committee on Disabilities.

#### 14. Electronic Filing of Contractors' Employment Report A.6505-B (McDonald) / S.6979-A (Cooney) – Passed the Assembly

This bill would change current law providing that all contractors and sub-contractors shall submit an annual employment report to the agency authorizing the contract, the Department of Civil Service, and the Department of Audit and Control, to specify that such reports would need to be filed in an electronic format. The Department of Audit and Control would be responsible for maintaining a searchable database of such electronic forms, to be posted on a publicly available website. The agency awarding the contract would be responsible for ensuring that contractors comply with these provisions.

## 15. Guidelines for State Procurement of Healthy Food and Beverages A.6720 (Solages) / S.4364 (Fernandez) – Reported to the Ways and Means Committee

This bill would require the Department of Health to establish guidelines applicable to all foods and beverages purchased across all state agencies, programs, and institutions. It would provide for certain aspects such guidelines must include, including, but not limited to, recommendations based on the most recent federal Dietary Guidelines, detailing the amount of sodium, whole grains, added sugars, saturated fat, cholesterol, and fiber to be included in foods and beverages.

#### 16. Advisory Council on Public Contracting Reform A.6791 (Bichotte Hermelyn) / S.6787 (Comrie) – Chapter 298 of the Laws of 2023

This law extends the timeframe within which the existing Advisory Council on Public Contracting Reform must issue its report and extends the advisory council's statutory sunset by an additional two years, thereby permitting the Council with the necessary time to complete its work.

#### 17. MWBE Employees During a Declared Emergency A.7295-A (Bichotte Hermelyn) / S.1873-A (Webb) – Chapter 700 of the Laws of 2023

This law adds specifications regarding the requirements of the number of employees a MWBE may have during a declared state disaster emergency or similar such state of emergency, and the amount of work they would be permitted to perform- being 300 employees who work 30 plus hours a week on average during a 52-week period during a declared state disaster emergency. A chapter amendment to this legislation has been subsequently agreed upon pursuant to Approval Memorandum No. 46.

### 18. Increasing the Threshold for MWBE Discretionary Purchasing A.7334 (Bichotte Hermelyn) / S.7563 (Sanders) – Chapter 719 of the Laws of 2023

This law increases the New York City MWBE discretionary purchasing threshold from \$1 million to \$1.5 million. A chapter amendment to this legislation has been subsequently agreed upon pursuant to Approval Memorandum No. 55.

## 19. Establishing Reciprocity Between State and City MWBEs for Certification A.7646 (Septimo) / S.7371 (Sanders) – Veto Memo 97

This bill would authorize reciprocal MWBE certification between New York State and City. Currently, the MWBE certification process for the City and State are separate. This legislation would streamline this process.

#### VIII. MISCELLANEOUS

#### 1. Land Transfer

## A.604 (Paulin) / S.1498 (Fernandez) – Chapter 133 of the Laws of 2023

This law amends Chapter 195 of the Laws of 2022, thereby extending the authority of the Commissioner of General Services to transfer and convey certain lands to the city of New Rochelle through 2024.

#### 2. Updating Terms for Menstrual Products Throughout Law A.1296 (Rosenthal L) / S.1522 (Persaud) – Chapter 650 of the Laws of 2023

This law replaces outdated terms such as "feminine hygiene" products with "menstrual" products throughout various sections of law.

#### 3. Veteran Internship Program A.1347 (Buttenschon) / S.291 (Tedisco) – Chapter 619 of the Laws of 2023

This law establishes a veteran internship program within the Legislature, similar to the existing student internship program.

#### 4. Task Force on Daylight Savings Time A.2626-A (Vanel) / No Same-As – Reported to the Rules Committee

This bill would establish a task force to examine the impacts of New York State opting out of daylight savings time. The responsibilities of the task force would be including, but not limited to, identifying potential effects of daylight savings time, such as on traffic and time, and submitting a report on the findings.

#### 5. Residency Exemption A.4106 (Gallahan) / S.3601 (O'Mara) – Chapter 385 of the Laws of 2023

This law amends the Public Officers Law in relation to the residency requirements of the person holding the position of clerk to the Board of Supervisors, located in Seneca County, provided that such person resides in an adjoining county.

#### 6. Study of Issues Related to Caregiving A.4275 (Barrett) / S.5980 (Ryan) – Veto Memo 45

This bill would direct a multi-agency study to identify and examine issues impacting caregiving and caregivers in the State. Such study would examine issues falling under the umbrella of caregiving, including, but not limited to, the caregiving workforce shortage.

## 7. International Women's Day A.4349 (Reyes) / S.1792 (Hinchey) – Chapter 652 of the Laws of 2023

This law designates March 8th as a day of commemoration to be known as International

Women's Day.

## 8. Westchester County Guardians Ad Litem A.5263 (Sayegh) / S.5086 (Mayer) - Chapter 430 of the Laws of 2023

This law specifies that Guardians Ad Litem in Westchester County shall be considered public employees. Guardians Ad Litem are appointed by the court to assist persons with disabilities in landlord-tenant proceedings. Such a group also exists in New York City and is afforded protections that come with being public employees- therefore, this law provides for Westchester County to consider their Guardians Ad Litem the same as the city.

#### 9. Residency Exemption A.5742-A (Slater) / S.6062 (Harckham) - Chapter 392 of the Laws of 2023

This law waives the residency requirement for the Commissioner of Planning, Development and Public Transportation in Putnam County and provides that such person may reside in an adjoining county.

## 10. Residency Exemption A.5869-A (Brabenec) / S.6026-A (Skoufis) – Chapter 439 of the Laws of 2023

This law amends the Public Officers Law in relation to the residency requirements of the person holding the position of Village Clerk/Treasurer and Deputy Village Clerk/Treasurer for the Village of Otisville, provided that such person may reside in the county the village is located in or an adjoining county.

## 11. Replacing Outdated Terms for Developmental Disabilities in Law A.5879-A (Seawright) / S.3313-B (Skoufis) – Chapter 370 of the Laws of 2023

This law updates outdated terms referring to individuals with developmental disabilities throughout relevant sections of law.

## 12. Residency Exemption A.6102 (McDonald) / S.5962 (Ashby) – Chapter 399 of the Laws of 2023

This law amends the Public Officers Law in relation to residency requirements of the person holding the position of Assistant District Attorney in Rensselaer County, provided that such person resides in Rensselaer County or an adjoining county.

### 13. Establishing a New York State Organized Retail Crime Task Force A.6568-B (McDonald) / S.6714-B (Thomas) – Veto Memo 60

This bill would create an Organized Retail Crime Task Force responsible for reviewing current laws and further providing legislative and regulatory recommendations to help prevent such crime.

## 14. Redistricting A.6586 / S.6454 – Chapter 127 of the Laws of 2023

This law establishes 150 new Assembly districts for the 2024 and subsequent elections. These districts are based on population figures from the 2020 Federal Census.

## 15. Residency Exemption A.6725 (Tague) / S.7218 (Hinchey) – Chapter 405 of the Laws of 2023

This law amends Public Officers Law in relation to residency requirements of the person holding the position of Assistant District Attorney in the County of Greene, provided that such person resides in Greene County or an adjoining county.

#### 16. Residency Exemption

### A.6770 (Miller) / S.6405 (Walczyk) - Chapter 407 of the Laws of 2023

This law amends Public Officers Law in relation to residency requirements of the person holding the position of Commissioner of Social Services in Herkimer County, provided that such person lives in Herkimer County or an adjoining county.

#### 17. Residency Exemption A.7046 (Santabarbara) / S.6662 (Breslin) – Chapter 412 of the Laws of 2023

This law amends Public Officers Law in relation to the residency requirements of the person holding the positions of City Controller and City Engineer in the city of Amsterdam, provided that such persons reside in Montgomery County or an adjoining county.

#### 18. Filing Oaths of Office A.7132 (Tague) / S.6870 (Oberacker) – Passed the Assembly

This bill would extend the timeframe within which elected officials in the Village of Middleburgh from the last village-wide election may file their oaths of office.

## Civil Penalties Associated with Manufactured Homes Departmental #34 – Department of State A.7422 (Barrett) / S.7381 (Skoufis) – Chapter 601 of the Laws of 2023

This law aligns state standards with federal requirements regarding civil penalties related to manufactured homes per the federal Department of Housing and Urban Development.

#### **20. Residency Exemption**

A.7478-A (Levenberg) / S.7434-A (Rolison) – Chapter 420 of the Laws of 2023

This law amends Public Officers Law in relation to residency requirements for the Village Clerk/Treasurer and Deputy Village Clerk/Treasurer in the Village of Cold Spring, provided that such persons reside in the county the village is located in or an adjoining county.

#### 21. Long Island Power Authority A.7558-A (Thiele) / S.7441-A (Thomas) – Passed Both Houses

This bill would extend the deadline for the Long Island Power Authority Commission's report to be submitted to the legislature to November 30, 2023.

## 22. Commission to Prevent Childhood Drowning A.7609 (Pheffer Amato) / S.6764 (Kennedy) – Chapter 177 of the Laws of 2023

This law extends the Temporary Commission to Prevent Childhood Drowning an additional 18 months to allow the commission to complete their work.

### 23. Land Transfer

## A.7756 (Palmesano) / S.7542 (O'Mara) – Chapter 718 of the Laws of 2023

This law authorizes the Commissioner of General Services to convey certain unappropriated state land to the town of Romulus for the purposes of operating and maintaining a water treatment plant. A chapter amendment to this legislation has been subsequently agreed upon pursuant to Approval Memorandum No. 54.

### 24. St. Regis Mohawk Tribe Land Claims Settlement A.7759-A (Jones) / S.7566-B (Kennedy) – Chapter 680 of the Laws of 2023

This law authorizes the Governor to enter into a settlement agreement, consistent with a memorandum of understanding between the Governor, the Tribe, and St. Lawrence County, and consistent with a resolution adopted Franklin County, regarding certain lands.

## IX. STATE FISCAL YEAR 2023-24 ENACTED BUDGET

Each year during budget negotiations, the Committee advocates for proposals promoting good government, transparency, oversight, public safety, and protecting human rights.

The Committee also works closely with the Assembly Standing Committee on Ways and Means to secure funding for various programs and initiatives to protect and provide for all New Yorkers, regardless of sex, gender identity, language, citizenship, or status as a victim of violent crime. The Committee works across the following agencies:

- Office for the Prevention of Domestic Violence
- Division of Homeland Security and Emergency Services
- Division of Military and Naval Affairs
- Office of General Services
- Department of State
- Division of Human Rights
- Office of Victim Services

This past year, the Committee successfully secured funding across the agencies listed above and negotiated numerous proposals ultimately included as legislation in the State Fiscal Year (SFY) 2023-24 Enacted Budget.

## A. Office for the Prevention of Domestic Violence (OPDV)

The SFY 2023-24 Enacted Budget restored \$50,000 of funding for the SUNY Buffalo Family Domestic Violence Clinic.

## B. Division of Homeland Security and Emergency Services

The SFY 2023-24 Enacted Budget restored \$500,000 for Red Cross Emergency Preparedness.

Legislation included in the Enacted Budget established a state revolving loan fund to provide federal assistance via low interest loans to local governments for eligible hazard mitigation activities, as defined in the federal STORM Act.

Additional legislation expanded the annual homeland security threat briefing provided to the Legislature to include a report from the Chief Information Security Officer on the State's cyber security infrastructure and cyber security resiliency efforts.

## C. Division of Military and Naval Affairs

The Enacted Budget included legislation to expand eligibility for death and disability

benefits to members of the New York State organized militia who were activated on State Active Duty to participate in World Trade Center cleanup and recovery efforts on and after September 11, 2001. This legislation ensures that no servicemembers who served in response to the September 11 terrorist attack are denied the benefits they are entitled to.

#### **D.** Office of General Services

The Enacted Budget included legislation to establish a 4-year pilot program to allow state agencies to require electronic submission of bids for commodity, service, and technology contracts, including the use of electronic signatures on required documents, with reporting requirements.

Additionally, legislation was included to allow for the Secretary of the Senate and the Clerk of the Assembly to establish a cost for the sale of the last chair occupied by a Member of the Senate and Assembly, respectively, to such Member or their family.

#### E. Department of State

The SFY 2023-24 Enacted Budget restored Public Utility Law Project (PULP) funding at \$1.4 million, in addition to other various initiatives, such as Caribbean Preparedness. The Committee participated in securing \$94,500,000 for the Office of New Americans, broken down into \$63,000,000 for services to assist non-citizens and \$30,000,000 for combatting biased crimes against members of the Asian American Pacific Islander community.

The Enacted Budget included legislation to authorize public bodies to adopt written procedures to allow for individuals with disabilities participating via videoconferencing to count towards quorum requirements under the Open Meetings Law.

#### F. Commission on Ethics and Lobbying in Government

The Enacted Budget included legislation to stagger the terms of the initial appointees to the Commission on Ethics and Lobbying in Government.

#### G. Division of Budget

The Enacted Budget provided for \$537,000 in restorations for legislative memberships dues for the Council of Governments, National Conference of State Legislators, and the National Conference on Insurance Legislators.

#### H. Miscellaneous

The SFY 2023-24 Enacted Budget included legislation to extend the authority of the State Commission on the Restoration of the Capitol for an additional five years from April 1, 2023, to April 1, 2028.

In addition, legislation was included to extend the authority of various legislative commissions for one additional year.

Finally, the Enacted Budget included legislation to extend the submission deadline for the next disparity study for the State's Minority- and Women-Owned Business Enterprise (MWBE) program for one year, until August 2024.

## X. COMMITTEE HEARINGS AND ROUNDTABLES

## Authorizing the Use of Videoconferencing by the New York State Senate and Assembly to Conduct Meetings Pursuant to the Open Meetings Law

Section 103-a of Article 7 of the Public Officers Law, constituting the Open Meetings Law, which was included as legislation in the SFY 2022-23 Enacted Budget, requires any state and local public body, including the New York State Senate and Assembly, to conduct a public hearing prior to adopting a resolution authorizing the use of videoconferencing to conduct open meetings under certain circumstances. Therefore, this year, the Governmental Operations Committee held a joint hearing with the Senate, as required. This represents an important step by the Legislature to adapt and be able to utilize hybrid meetings, given the permanently changed landscape after the COVID-19 pandemic.

### XI. OUTLOOK FOR THE 2024 LEGISLATIVE SESSION

In 2024, the Committee will work on improving the efficiency and fairness of government in New York State. Further, the Committee will work to adapt and improve the State procurement process. The latest disparity study related to Minority and Women Business Enterprises is due in 2024, and the Committee will review the results and carefully consider any appropriate modifications as the program is renewed. To further these efforts, the committee plans to hold a MWBE roundtable in 2024. Finally, we will, as always, continue to advance legislation to ensure everyone in New York State is treated with dignity and respect.

## **2023 SUMMARY SHEET**

	ASSEMB	LY SENA	ATE TO
	BILLS	BIL	LS BI
ILLS REPORTED FAVORABLE TO:	-	•	
Codes	5	0	5
	0	0	0
Judiciary			
Ways and Means	32	0	32
Rules	26	0	26
Floor	10	0	10
TOTAL	73	0	73
	75	0	75
OMMITTEE ACTION		1	1
Held For Consideration	15	0	15
Defeated	0	0	0
Enacting Clause Stricken	17	0	17
	545	75	620

Gov Employees - 1

TOTAL	14	0	14

## APPENDIX B CHAPTERS OF 2023

	T	
A.358	Bronson	Requires the collection of certain demographic information by certain state agencies, boards and commissions
		Chapter 674 of the Laws of 2023
A.604	Paulin	Relates to the transfer and use of certain state land to the city of New Rochelle for the construction of municipal fire services and affordable housing
		Chapter 133 of the Laws of 2023
A.609	Dinowitz	Relates to requiring a plan for the delivery of medical supplies and medications to pharmacies, hospitals and nursing homes in affected areas during a state disaster emergency
		Chapter 6 of the Laws of 2023
A.610	Paulin	Prohibits agencies from charging a fee for records where an electronic copy is already available from a previous request made within the past six months
		Chapter 7 of the Laws of 2023
A.611	Paulin	Requires the commissioner of general services to maintain a list of all state boards and requiring each state board to maintain a publicly accessible website
		Chapter 8 of the Laws of 2023
A.620	Bronson	Relates to awarding a contract for the purchase of rock salt or sodium chloride
		Chapter 72 of the Laws of 2023
A.621	Burdick	Establishes a threshold for the amount of work needed to be performed by a preferred source which is an approved charitable non-profit-making agency for the blind; provides for the repeal upon expiration thereof <b>Chapter 91 of the Laws of 2023</b>
		-
A.622	O'Donnell	Relates to the applicability of certain labor law requirements to construction projects involving parking facilities with EV charging capability
		Chapter 16 of the Laws of 2023
A.623	Zebrowski	Relates to requirements for in-service training programs for code enforcement personnel
		Chapter 88 of the Laws of 2023

A.624	Zebrowski	Relates to the oversight of certain contracts by the comptroller <b>Chapter 17 of the Laws of 2023</b>
A.625	Thiele	Exempts hot tubs or spas with safety covers from certain standards of the New York state uniform fire prevention and building code
		Chapter 18 of the Laws of 2023
A.626-A	Otis	Relates to standards for the construction of new buildings and existing buildings that undergo a substantial improvement and which are located wholly or partially in a flood plain
		Chapter 19 of the Laws of 2023
A.989	Peoples- Stokes	Relates to minority- and women-owned business enterprise fraud and the monies of the minority- and women-owned business enterprise fund
		Chapter 40 of the Laws of 2023
A.990	Fahy	Relates to the purchase or lease of zero emission vehicles and charging or fueling infrastructure
		Chapter 99 of the Laws of 2023
A.1025	Bichotte Hermelyn	Prohibits the sale of tobacco products at vending stands or in vending machines in state buildings
		Chapter 373 of the Laws of 2023
A.1142	Kelles	Requires the use of gender-neutral terms in law
		Chapter 139 of the Laws of 2023
A.1347	Buttenschon	Establishes a veteran internship program (V.I.P. NY)
		Chapter 619 of the Laws of 2023
A.1371-A	Rosenthal L	Requires the use of gender-neutral terminology on state websites
		Chapter 140 of the Laws of 2023
А.2873-В	Kelles	Relates to reporting of digital assets on the annual statement of financial disclosure
		Chapter 591 of the Laws of 2023
A.3301-A	Rajkumar	Establishes the New York Asian American and Pacific Islander commission
		Chapter 639 of the Laws of 2023
A.4106	Gallahan	Waives the residency requirement for the clerk to the board of supervisors of Seneca county

		Chapter 385 of the Laws of 2023
A.4349	Reyes	Designates March 8th each year as a day of commemoration, to be known as International Women's Day <b>Chapter 652 of the Laws of 2023</b>
A.5263	Sayegh	Establishes that guardians ad litem in Westchester county are considered employees under the public officers law <b>Chapter 430 of the Laws of 2023</b>
A.5308-A	McDonald	Relates to the filing of financial disclosure statements Chapter 643 of the Laws of 2023
A.5347	Rosenthal L	Provides for the distribution of informational materials on economic abuse Chapter 537 of the Laws of 2023
A.5742-A	Slater	Waives the residency requirement for the commissioner of planning, development, and public transportation for Putnam county
A.5869-A	Brabenec	Chapter 392 of the Laws of 2023 Relates to residency requirement for the village clerk/treasurer and deputy village clerk/treasurer for the village of Otisville Chapter 439 of the Laws of 2023
A.6102	McDonald	Relates to the qualification to hold the position of assistant district attorney in the county of Rensselaer <b>Chapter 399 of the Laws of 2023</b>
A.6586	Redistricting	Establishes the 150 assembly districts for the 2024 and subsequent elections; repealer Chapter 127 of the Laws of 2023
A.6725	Tague	Relates to the qualifications for holding the office of assistant district attorney in the county of Greene Chapter 405 of the Laws of 2023
A.6770	Miller	Waives the residency requirement for the Herkimer county commissioner of social services Chapter 407 of the Laws of 2023
A.6791	Bichotte Hermelyn	Amends chapter 782 of the laws of 2021 establishing a construction industry advisory council on public contracting reform, in relation to the timing of a report and the effectiveness thereof

		Chapter 298 of the Laws of 2023
A.6833	Jean-Pierre	Relates to violations of the human rights law by a real estate appraiser Chapter 572 of the Laws of 2023
A.7046	Santabarbara	Relates to the qualifications for holding the office of city controller and city engineer in the city of Amsterdam <b>Chapter 412 of the Laws of 2023</b>
A.7295-A	Bichotte Hermelyn	Relates to the maximum number of employees that a minority and women-owned business enterprise may have during a declared state disaster emergency or other emergency or critical need
A.7355	Simone	Chapter 700 of the Laws of 2023Adds gender identity or expression as a protected class for purposes of the human rights lawChapter 305 of the Laws of 2023
A.7367	Simone	Relates to the definition of sexual orientation as applicable to the human rights law <b>Chapter 142 of the Laws of 2023</b>
A.7478-A	Levenberg	Relates to residency requirements for the village clerk/treasurer and the deputy clerk for the village of Cold Spring Chapter 420 of the Laws of 2023

## APPENDIX C BILLS VETOED IN 2023

VETO MEMO	ASSEMBLY BILL (SPONSOR)	SENATE BILL (SPONSOR)	DESCRIPTION
72	A.1447 (Bichotte Hermelyn)	S.2285 (Cleare)	Directs the empire state development corporation to conduct a study on the feasibility of a minority- and women-owned business capacity enterprise mentorship program
101	A.1931 (Bichotte Hermelyn)	S.3605 (Webb)	Relates to the requirements of the annual report from the division of minority and women's business development
77	A.2792 (Jones)	S.4648 (Kennedy)	Establishes the office of Native American affairs
98	A.3861 (Jackson)	S.1419 (Comrie)	Relates to requiring agencies to provide unsuccessful bidders that are certified minority- and women-owned business enterprises with a written statement articulating the reasons for rejection
67	A.4187 (Peoples- Stokes)	S.1359 (Kennedy)	Establishes the office of racial equity and social justice
45	A.4275 (Barrett)	S.5980 (Ryan)	Requires a study of the issues impacting the continuum of caregiving in the state
85	A.4720 (McDonald)	S.5664 (Kennedy)	Relates to public employees' supervision, examination, review, and determination of acceptability of public works projects performed by contractors
55	A.5683 (Zebrowski)	S.7251 (Cooney)	Establishes the commission of the deaf, deafblind and hard of hearing
102	A.5786 (McDonald)	S.4152 (Gianaris)	Relates to lobbying for the confirmation of persons to state office
60	A.6568-B (McDonald)	S.6714-B (Thomas)	Establishes the New York state organized retail crime task force
97	A.7646	S.7371	Relates to reciprocity between the state and New

	(Septimo)	(Sanders)	York City for businesses that are certified as minority and women-owned business enterprises
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