

NEW YORK STATE
A S S E M B L Y

SHELDON SILVER, SPEAKER



committee on
Governmental Operations
RoAnn M. Destito, Chair



Annual Report 2010

December 15, 2010

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

Dear Speaker Silver,

As Chair of the Assembly Standing Committee on Governmental Operations, I respectfully submit to you the 2010 Annual Report. In it, I have set forth the Committee's significant legislation and our outlook for the 2011 session.

The Committee had a number of accomplishments this year. Some of its most significant bills came in the areas of ethics and procurement. Chapter 1 of the Laws of 2010 prohibits the use of state property and resources by public officers for private business. The Assembly also passed A.9544 (Silver) and A.9886 (Silver), which would provide for a comprehensive reform of the state's ethics laws. Chapter 4 extends the expiration date of the Procurement Lobbying Law while enacting reforms that increased the law's clarity. Chapters 173 and 175 made significant reforms to the minority- and women-owned business enterprise (MWBE) program.

In addition to these accomplishments, the Committee took a number of steps in the areas of human rights and disabilities awareness. Chapters 196, 227, and 423 provide greater protections and workplace benefits to minorities and to individuals with disabilities. Chapter 532 expands employment opportunities for visually impaired members of the Business Enterprise Program.

Finally, the Committee continued its tradition of working towards a more open government. Chapters 40, 43, 44, and 154 increase the transparency of government by increasing access to public meetings.

The agenda for 2011 will continue the Committee's focus on improving the efficiency and fairness of government in New York State. The Committee will continue to improve and update the State's procurement process to ensure that the process is competitive, open, and transparent and to encourage greater participation by New York's small, minority-owned, and women-owned businesses. Government ethics, transparency, and efficiency will remain a top priority. In addition, the Committee is committed to finding cost savings in these difficult financial times, and will continue to take a leading role in creating such savings through reform of the State's information technology purchasing process and other procurement and workforce management initiatives.

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 2011 Legislative Session.

Sincerely,

A handwritten signature in black ink, reading "RoAnn M. Destito". The signature is written in a cursive, flowing style.

RoAnn M. Destito, Chair
Assembly Committee on
Governmental Operations

MEMBERS OF THE NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON
GOVERNMENTAL OPERATIONS

RoAnn M. Destito, Chair

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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 and ethics laws, crime victims' rights, human rights, rights of individuals with disabilities, State procurement and technology policies, Freedom of Information and Open Meetings Laws, disaster preparedness, homeland security, public lands and buildings, redistricting and reapportionment, and the organization and operation of the executive and legislative branches of State government. The Committee also acts on legislation proposed to it by the Assembly Ethics and Guidance Committee, the Assembly Committee on Oversight, Analysis, and Investigation, the Administrative Regulation Review Commission, and the Legislative Commission on Government Administration.

II. DISASTER PREPAREDNESS, FIRE PREVENTION, AND PUBLIC SAFETY

The Governmental Operations Committee considers legislation concerning the delivery of emergency services within the State. This year, as part of the budget process, these services were consolidated into one state agency, the Division of Homeland Security. Previously, they were provided by the Office of Fire Prevention and Control within the Department of State, the State Emergency Management Office (SEMO) within the Division of Military and Naval Affairs, the Office of Homeland Security, and the Office of Cyber Security.

A. Disaster Preparedness Plans for Nursing Homes and Assisted Living Facilities (Chapter 115 of the Laws of 2010/A.8313-A, Destito)

This law amends Chapter 589 of the laws of 2008, which requires the Director of Homeland Security to assist nursing homes and assisted living facilities with disaster preparedness plans, to establish that its provisions shall not be deemed to modify or override any requirements in regulations duly promulgated by a State agency. It also establishes that those provisions shall not limit the authority of an agency to promulgate regulations in the future with respect to disaster preparedness of such facilities, the contents of their disaster preparedness plans, or the process for approval of those plans.

B. Ensuring the Safety of Individuals with Disabilities in the Event of a Disaster (A.520, Destito/Veto Message #6739)

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

The governor vetoed this bill, stating that it would impose an unfunded mandate on counties. In addition, he said that the bill would require each county to transmit its registry information to the SEMO but that it does not state what SEMO is to do with this information nor does it provide SEMO with additional resources to compile its own registry.

**C. Requiring Installation of Operable Portable Fire Extinguishers in Certain Residences
(A.7748, V. Lopez)**

This bill would enhance public safety and reduce the damage caused by residential fires by requiring all new R-3 family dwellings be equipped with operable portable fire extinguishers.

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

**D. Providing for Police Officer Training on Sexual Assault Issues
(A.10571, Weinstein)**

This bill would protect victims of sexual violence and the general public by requiring the Municipal Police Training Council, in consultation with rape crisis centers, to develop and disseminate written policies and procedures regarding the investigation of sexual assault crimes. The Training Council would also recommend to the Governor rules and regulations for implementing a training program on sexual assault crimes for police officers.

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

**E. Establishing Emergency Evacuation Plans for Individuals with Disabilities
(A.10841, Cusick)**

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

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

III. CRIME VICTIMS

The Governmental Operations Committee considers legislation addressing the Crime Victims Board and its successor, the Office of Victims Services. This agency is 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 Office itself. The Committee has developed a legislative package to improve the responsiveness of the criminal justice system to crime victims.

A. Providing Information about Victim Assistance Programs (A.3923-C, Mayersohn/Veto Message #6718)

This bill would expand the list of entities that must provide crime victims with information about local victims assistance programs and potential compensation that is available to crime victims. Currently, the list only includes law enforcement officers; this bill would add hospitals, domestic violence shelters, and homeless shelters. The information would be limited to those programs that are funded by the Office of Victims Services and those that are approved by the Office of Children and Family Services. The Department of Criminal Justice Services would develop a standardized procedure for entities to use when providing such information.

The Governor vetoed this bill, stating that it would be difficult to implement and largely ineffective. The Department of Criminal Justice Services does not have the authority to regulate the new entities that would be required to provide the information, meaning that any procedures it develops would be unenforceable. He further said that the Office of Children and Family Services does not approve rape crisis centers, elderly victim projects, and general victim assistance hotlines, meaning that no information about these programs would be required to be included with the material given to crime victims. Finally, the Governor stated that this bill would create new obligations for the Department of Criminal Justice Services and especially the Office of Victim Services at a time when state agency budgets are being reduced.

B. Protecting the Confidentiality of Addresses of Victims of Domestic Violence (A.10180, Weinstein/Veto Message #6764)

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 serve as his or her address for the purposes of service of court papers 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.

The Governor vetoed this bill, stating that it would necessitate the hiring of new staff members by the Department of State. In addition, the Governor argued that the definition of “domestic violence” is too expansive, as it includes victims of all Penal Law offenses committed by a family member.

**C. Designating Fines to the Crime Victims Board
(A.1046, Destito)**

This bill would grant courts discretion to designate part or all of any fine or penalty paid by an adjudicated violator of the State’s Antitrust Law to be paid to the 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 Consumer Protection Committee.

**D. Streamlining Reporting Requirements for the Crime Victims Board
(A.1380, Destito)**

This bill would change the Crime Victims Board’s reporting requirements for restitution and fair treatment standards from annually to biennially and would consolidate its 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 Crime Victims, Crime and Corrections Committee.

**E. Allowing Domestic Partners to be Eligible for Crime Victim Compensation
(A.4089-A, Glick)**

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

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

IV. DIVISION OF HUMAN RIGHTS

The 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. Protecting Individuals with Disabilities from Discrimination (Chapter 196 of the Laws of 2010/A.10771, Cusick)

This law expands the protections in the Human Rights Law to persons with disabilities. It recognizes as a civil right the opportunity to obtain employment, education, public accommodations, housing, and commercial space without discrimination because of a disability, clarifies that a reasonable accommodation of a disability may include reasonable modifications to the common use portions of a dwelling, and makes it unlawful to boycott, blacklist, or refuse to buy from, sell to, or trade with an individual with a disability.

B. Providing a Civil Remedy for Victims of Certain Civil Rights Violations (Chapter 227 of the Laws of 2010/A.529, Destito)

This law provides that any person who intentionally damages the personal property of an individual, or who causes physical injury or death to an individual based on the real or perceived race, creed, color, national origin, sex, disability, age, or sexual orientation of that individual, is civilly liable for such actions.

C. Allowing Same-Sex Partners of the Deceased to Obtain Funeral Leave (Chapter 423 of the Laws of 2010/A.2563-A, Glick)

This law requires employers that provide funeral or bereavement benefits to married family members to provide equivalent benefits for same-sex committed partners of the deceased. It also defines "same sex committed partner" as a partner who shares a primary residence with the employee and is financially and emotionally interdependent in a manner commonly presumed of spouses.

D. Protecting Individuals with Disabilities Against Discrimination by Public Entities (A.10676, Paulin/Veto Message #61)

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 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.

The Governor vetoed this bill, stating that it contains a technical flaw in that it does not define the term “undue hardship,” that it contains no funding for the Division of Human Rights to carry out its provisions, that it could lead to an increase in lawsuits against the state, and that individuals who have a grievance under Title II already have a remedy in federal court.

E. Reducing the Dismissal of Complaints Due to Administrative Convenience (A.10242, Peoples-Stokes/Veto Message #6731)

This bill would designate a period of three years during 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 limitations period within which such cases can be filed in court has expired.

The Governor vetoed this bill, stating that during the three-year limitations period memories could fade, witnesses could no longer be available, and evidence could be lost, leaving defendants without adequate means to defend themselves. The Governor also did not see any indication that claimants’ rights are not already adequately protected.

F. Prohibiting Employers from Discriminating Against Domestic Violence Victims (A.9018-A, John/Veto Message #6759)

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

The Governor vetoed this bill, stating that the definition of “victims of domestic violence” contained in the bill is too expansive. The bill would include not only victims of violent felonies and various Family Law violations as domestic violence victims, but also victims of all Penal Law offenses committed by a family member. The governor argued that this definition is unnecessary, inconsistent with the “common understanding” of who is considered a domestic violence victim, and inconsistent with the definitions of “domestic violence” found in both the Election Law and the Social Services Law.

**G. Preventing Housing Discrimination against Victims of Domestic Violence
(A.9020-A, Destito/Veto Message #6760)**

This bill would protect victims of domestic violence from potential housing discrimination by including the denial of housing and other accommodations to victims within the definition of an “unlawful discriminatory practice.”

The Governor vetoed this bill, stating that the definition of “victims of domestic violence” contained in the bill is too expansive. The bill would include not only victims of violent felonies and various Family Law violations as domestic violence victims, but also victims of all Penal Law offenses committed by a family member. The Governor argued that this definition is unnecessary, inconsistent not only with the “common understanding” of who is considered a “domestic violence” victim, and inconsistent with the definitions of domestic violence found in both the Election Law and the Social Services Law. If inconsistent definitions were enacted into law, the Division of Human Rights would have no basis to dismiss claims that were made outside the intended coverage.

**H. Promoting Pay Equity Between the Sexes
(A.2351, Lifton)**

This bill would make it an illegal discriminatory practice to compensate employees of different sexes differently for work of comparable worth. Assembly hearings on comparable worth and pay equity issues have 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.

**I. Protecting State Employees with Disabilities
(A.3651, Lifton)**

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

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

**J. Prohibiting Discrimination on the Basis of Gender Identity or Expression
(A.5710-A, Gottfried)**

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

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

V. OPEN GOVERNMENT

The Freedom of Information Law (FOIL) enhances the public's right to know about 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 deliberations and decisions that go into the making of public policy. Both these and other laws ensure the government's accountability to the people.

A. Ensuring Public Body Meeting Locations Accommodate Members of the Public (Chapter 40 of the laws of 2010/A.5873, Pretlow)

This law requires public bodies to make reasonable efforts to ensure that meetings are held in facilities that can adequately accommodate the number of members of the public who are expected to attend such meetings.

B. Allowing Open Meetings of Public Bodies to be Recorded, Photographed, and Broadcast (Chapter 43 of the Laws of 2010/A.10093, Destito)

This law allows any meeting of a public body that is open to the public to be photographed, recorded, and broadcast by audio and video means, allows a public body to adopt rules governing the location of equipment and personnel during public meetings to ensure orderly proceedings, requires that such rules be posted during meetings, and requires that written copies be provided per request to those in attendance.

C. Judicial Remedies for Certain Violations of the Open Meetings Law (Chapter 44 of the Laws of 2010/A.10196, Destito)

This law strengthens the Open Meetings Law by providing alternative judicial remedies to the courts when any aspect of a meeting held by a public body is closed in violation of the Open Meetings Law. Once a court finds that a violation has occurred, it is authorized to stay the implementation of any actions taken at the meeting and require the public body to reconsider them. In addition, the courts can require mandatory training on the Open Meetings Law for the members of that body.

**D. Expanding Protection of Technology Assets Stored as Public Information
(Chapter 154 of the Laws of 2010/A.8531-A, Destito)**

This law expands the exemption from public inspection and copying of public information so that the exemption would apply when the release of such information would jeopardize any entity's capacity to guarantee the security of its information technology assets, instead of applying only when a government agency's capacity to do so would be affected.

**E. Ensuring the Free Flow of Information Between Government Entities
(A.7471-A, Rosenthal/Veto Message #6725)**

This bill would prohibit State agencies and agencies in New York City from charging fees to other state and local agencies or the members of the Legislature for information requests under the Freedom of Information Law, if such a request is made as a part of their duties.

The Governor vetoed this bill, stating that it would raise costs for, and encourage large requests that drain the resources of, state agencies and New York City during a fiscal crisis. In addition, he said that he did not see a compelling reason to eliminate the current practice of charging fees to government agencies and the Legislature. Finally, the Governor did not believe that the bill would not treat all interested parties equally; he argued that the Legislature could not be charged for FOIL requests under this bill, but that it could still charge fees to others, and that no other locality besides New York City would have to respond to FOIL requests for free.

**F. Making Agency Documents Accessible on the Internet
(A.650-A, Kavanagh/Veto Message #6796)**

This bill would require each State agency to publish required reports and publications on its website and eliminate the requirement that such reports be published in printed form. In addition, the Office for Technology (OFT) would be required to create and maintain an online depository for all agency reports. This would increase efficiency, lower costs, and improve the State's environmental stewardship.

The Governor vetoed this bill, stating several reasons. First, he argued that the bill is redundant, as under existing law State agencies already have the option to post reports on their websites without printing paper copies. Second, requiring agencies to post reports on two separate websites would create unnecessary redundancy. Third, the bill does not exempt confidential information that the Division of Homeland Security and the Department of Tax and Finance must include in their reports. Fourth, OFT is not the appropriate agency to create and maintain the online depository this bill would require and no funding has been provided to OFT for this purpose.

**G. Availability of Public Records
(A.9928, Hoyt/Veto Message #6835)**

This bill would insure the availability of public documents to the citizens of New York. It would clarify that the Governor's and Lieutenant Governor's records are owned by the state of New York, designate the Governor and the executive staff to establish record keeping procedures, and require that upon completion of a term of office the State Archives shall assume control over the Governor's records, with an affirmative duty to make them available to the public as soon as possible. The State Archives would also be authorized to assist the Legislature and civil departments of the state in establishing record keeping policies and ensuring that records remain accessible as needed for research purposes.

The Governor vetoed this bill on the grounds that it did not give the Governor adequate authority to designate privileged documents.

**H. Ensuring Accountability of Local Development Corporations
(A.2073, John)**

This bill would amend the Public Authorities Law to include local development corporations (LDCs) in the provisions of the law that govern accountability and transparency of public authorities. The current Public Authorities Law has been interpreted to mean that LDCs do not have to comply with the Open Meetings Law and FOIL requests. This bill would ensure that LDCs operate with full accountability to the public.

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

**I. Ensuring Access to Public Meetings for the Hearing Impaired
(A.2102, Wright)**

This bill would require that those in charge of planning a public meeting provide an interpreter for individuals with hearing impairments when requested and when practical. The request would have to be in writing and be made a reasonable amount of time prior to the meeting.

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

**J. Waiving of State Copyright Claims for Public Records
(A.5726-B, Galef)**

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

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

**K. Charging for Postage or Waiving Fees for FOIL Requests
(A.6371-A, Hyer-Spencer)**

This bill would allow State agencies to charge for postage when records are mailed in response to FOIL requests and waive fees for the reproduction of records.

This bill passed the Assembly, but died in the Senate Civil Service and Pensions Committee.

**L. Limiting State Agency Appeals of FOIL Violation Judgments
(A.6484-A, Latimer)**

This bill would limit to 30 days the time for an agency to file an appeal after a court judgment requiring disclosure by the agency pursuant to the Freedom of Information Law. Such an appeal would be deemed abandoned by the agency when it fails to serve and file a brief within two months after the date of the notice of appeal.

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

**M. Availability of Meeting Records
(A.9911-A, Paulin)**

This bill would increase the transparency of government meetings by making certain records, which are to be the subject of discussion at an open meeting, available to the public prior to such meeting.

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

VI. GOVERNMENTAL REFORM

The Governmental Operations Committee has jurisdiction over the Public Officers Law and other laws that regulate many of the actions of public employees. Some of these regulated actions deal with the interactions between individuals and State agencies and address professional ethics; 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. Prohibiting the Use of State Property and Resources by Public Officers for Private Business (Chapter 1 of the Laws of 2010/A.9559, Silver)

This law prohibits public officials and state government employees from misappropriating, for themselves or others, state property, services, or other resources for private business or other compensated non-governmental purposes. It also clarifies that the definition of “defrauding the government” includes a systematic and continuing scheme by a public officer or state employee to defraud the state by using state property, services, or other resources for private business or other compensated non-governmental purposes that would deprive the government of property, services, or resources valued at \$1,000 or more.

B. Improving the Procurement Lobbying Law (Chapter 4 of the Laws of 2010/A.9949-A, Destito)

This law extends the expiration date of the Procurement Lobbying Law, which ensures that the public procurement process is competitive, open, transparent, and a level playing field for all, until July 2014. In addition, it makes changes to the Procurement Lobbying Law to create clarity and certainty for both vendors and governmental agencies as to their rights and responsibilities during the procurement process. These include requiring state agencies to designate a contact at the same time a restricted period is imposed for a pending or active procurement, clarifying that individuals do not have to have a direct financial or personal interest in the procurement to be considered offerers, providing a \$15,000 threshold for amendments and other changes to contracts to be considered a new procurement, and other changes.

**C. Ethics Reform
(A.9544, Silver/Veto Message #1)**

This bill would significantly enhance the oversight of ethics compliance by elected officials, employees of the Executive and Legislative branches, and lobbyists. It would also promote greater compliance with campaign finance laws and increased disclosure of financial interests by governmental offices, employees, and lobbyists. The current Commission on Public Integrity would become the Executive Ethics Compliance Commission and oversight on lobbying would be placed with a new Commission on Lobbying Ethics and Compliance. A two-tiered body would oversee the Legislature: a new Legislative Commission on Ethics Standards and a Legislative Office of Ethics Investigations. The current “nominal value” standard for food and drinks provided by lobbyists would be changed to a \$10 ceiling. The financial disclosure form would be altered to make categories of value public, add an additional category of value for income over \$1,000,000, increase disclosure regarding private businesses and consulting services, and increase lobbying disclosure regarding business relationships with public officials. There would also be increased penalties for non-compliance.

The Governor vetoed this bill, stating that it failed to improve upon existing law and would be limited in its effectiveness. He argued that the Legislature would not be overseen by an independent body, as the Legislative Commission on Ethics Standards would be evenly split between members and non-members (in contrast to the current Legislative Ethics Commission, which has a non-legislative majority of 5-4) and that members of the Legislative Office of Ethics Investigations would be appointed by the Legislature.

**D. Prohibiting the Release of Information in Sealed Court Records
(A.11389, Perry/Veto Message #6787)**

This bill would make it a class A misdemeanor to release information contained in sealed court records without the consent of the affected individual or his or her estate. This would prevent public officials from releasing damaging information from properly sealed records to justify official misconduct against an individual.

The Governor vetoed this bill, stating that the wording is too broad and could result in serious criminal penalties being imposed on people who release information without knowing that it was from a sealed record, who believed the requester was entitled to the information, or who are crime victims. In addition, he argued that the bill includes in the definition of “sealed court records” records that are not actually “court records,” such as records kept by police and district attorney’s offices.

**E. Transparency and Oversight of State Boards
(A.10052-A, Paulin/Veto Message #6807)**

This bill would require the Secretary of State to maintain a compilation of the membership, duties, meeting, contact information, and products of all state boards. The Secretary would have to make this information available to the public on the Department of State's website and would have to update it annually. All state boards or the state agencies that they advise would have to submit to the Secretary of State all the information needed. This would enable New Yorkers to easily find information about the boards they are interested in and enable the Legislature and Executive to make recommendations to merge or eliminate boards with a duplicative or anachronistic purpose.

This Governor vetoed this bill, stating that the Department of State does not have the financial resources to carry out its provisions, as there are approximately 1,000 boards throughout the state.

**F. Technical Changes and Improvements to the Ethics Laws
(A.9886, Silver)**

This bill would make technical changes to A.9544. It would make improvements to the ethics oversight bodies to clarify their jurisdiction, confidentiality, and ability to conduct investigations, ensure a partisan balance at the Board of Elections by mandating that the Director and Deputy Director are from different political parties, ensure that the actions of the Enforcement Counsel at the Board of Elections are reviewed by the Board at large, and allow the Board of Elections to order an investigation if it finds that a complaint was improperly dismissed by the Enforcement Counsel.

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

VII. GOVERNMENTAL ADMINISTRATION

A. Requiring Multiple Payment Options for Notary Fees (Chapter 92 of the Laws of 2010/A.6020, Gottfried)

This law requires 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 permits them to accept payment of such fees by credit or debit card. This accommodates the convenience of the public and helps bring the Department of State and county clerks up to date with modern methods of financial transactions. By accepting payments by credit and debit cards, as well as by internet transactions, paperwork may also be drastically reduced.

B. Allowing Veterinarians Employed on a Temporary Basis to Appear Before State Agencies (Chapter 197 of the Laws of 2010/A.10772, Reilly)

This law exempts veterinarians hired by the State Department of Agriculture as temporary employees of the Emergency Veterinary Corps from the two-year ban on appearing before a state agency. When there is a large animal disease outbreak, the Department hires veterinarians in private practice on a temporary basis to handle part of the response. However, there are many state mandated forms and applications that veterinarians must file, and doing so could be interpreted as constituting an appearance before a state agency. This would place temporary employees of the Emergency Veterinary Corps in violation of the ethics law. Veterinarians might not assist the Emergency Veterinary Corps if they would be unable to resume their private practices when the emergency is over.

C. Eliminating the Board of Fire Underwriters (Chapter 470 of the Laws of 2010/A.9504-B, Morelli)

This law eliminates the Board of Fire Underwriters. This Board was established in the 1800s at the request of insurance companies to assist in the protection of insured property in the City of New York. To accomplish this, the Board created the Fire Patrol, which was funded through self-assessments. However, by the mid-2000s the Board had determined that the Fire Patrol was anachronistic and disbanded it. With the original purpose for the Board no longer relevant, this law provides for its dissolution.

D. Increasing Vending Facilities for the Visually Impaired (Chapter 532 of the Laws of 2010/A.6420, Weisenberg)

This law increases employment opportunities for members of the Business Enterprise Program who are visually impaired by adding property owned by the State University of New York and the Thruway Authority, as locations where vending facilities may be located.

**E. Promoting Solar and Wind Energy
(Chapter 552 of the Laws of 2010/A.7653-C, Englebright)**

This bill directs the State Fire Prevention and Building Code Council to study and report on the standardization of local building permits and processes to facilitate increased use of solar and wind energy generating systems across the state. Many permitting authorities have developed their own interpretation of how the code applies to alternative sources of energy, rendering the permitting process inconsistent and therefore more costly to use. The State Fire Prevention and Building Code Council will put forth a recommendation for a uniform, more practical code system that encourages increased solar and wind installations throughout the state.

**F. New York State Paper Reduction Act
(A.9502-A, Magnarelli/Veto Message #6829)**

This bill would require the Office for Technology, in conjunction with the Division of Budget, the Director of State Operations, and the Secretary of State, in consultation with the State Comptroller, to study methods by which state agencies can modernize their information collection, retention, and dissemination practices. The Office for Technology would have to issue a report to the Governor, the Speaker of the Assembly, and the Temporary President of the Senate by January 2012.

The Governor vetoed this bill, stating that the cost of preparing this report would require significant financial resources by the agencies involved. In addition, the Governor noted that state agencies are already taking steps to update the ways in which they collect and disseminate information.

**G. Assisting Public Employees Called to Military Service
(A.5935, 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 days to sixty, 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.

**H. Enacting the New York State Healthy and Green Procurement Act
(A.7038-A, Sweeney)**

This bill would improve the health and environmental well-being of New York State and its citizens by modifying the State procurement process to promote green purchasing. Provisions of this bill include adding the Commissioners of Health and Environmental Conservation to the Procurement Council; establishing a State Healthy and Green Procurement Coordinating Council; adding companies that manufacture, produce, or provide healthy and green commodities, services, and technologies to the list of businesses eligible for incentives and services under the State waste prevention program; and providing minimum specifications for commodities procured by State agencies regarding recycled content, waste reduction, energy efficiency, and building design, to be into practice within one year of enactment.

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

**I. Improving the Structure of the Most Integrated Setting Coordinating Council
(A.8699-A, Destito)**

This bill would add the Executive Director of the Developmental Disabilities Planning Council and the commissioners of the Office of Temporary and Disability Assistance and Department of Labor to the membership of the Most Integrated Setting Coordinating Council, and authorize the appointment of the chairperson from among the council members by the Governor.

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

**J. Contracts for State Agencies for Consulting Services
(A.9934, John)**

This bill would prohibit state agencies from entering into a contract for consultant services where the cost is expected to be more than \$500,000 annually unless the agency conducts a cost-benefit analysis to determine if state employees can perform the same services at an equivalent or lower cost.

This bill passed the Assembly, but died on the Senate floor.

K. Prohibiting Dissemination of Advertising Material Related to Agency Missions (A.10322, 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 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 Finance Committee.

VIII. 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 New Yorkers, as do the laws of the State.

A. Providing Cost-Benefit Analysis in Regulatory Impact Statements (A.2941, Christensen/Veto Message #5)

This bill would improve the rule-making process by providing expanded information about the costs and benefits associated with an agency's proposal in regulatory impact statements. The requirement for regulatory impact statements has improved the quality of rules by requiring agencies to disclose the benefits of a proposal and the costs that would be imposed on the regulated parties. However, in many cases, agencies do not fully address the issues of who would benefit from adoption of a regulation and who would bear the costs. This legislation would require a detailed analysis of the full range of expected benefits and costs of a proposed agency action.

The Governor vetoed this bill, stating that it would no longer allow an agency to estimate, to the best of its ability and with supporting evidence, portions of the projected costs in regulatory impact statements. The result of this would be a more onerous, costly, and time consuming rule-making process. In addition, the Governor argued that the bill left a number of important terms undefined, resulting in vague requirements that could be interpreted differently by different state agencies.

IX. 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-Stokes, to increase oversight of the MWBE program.

A. Expanding Opportunities for MWBEs and Small Businesses (Chapter 173 of the Laws of 2010/A.11525, Destito)

This law increases the ceiling for purchasing from MWBEs and small businesses without a formal competitive process from \$100,000 to \$200,000 and requires the State Procurement Council to recommend any necessary legislative changes to the state's procurement processes to increase access by MWBEs. The Council must also create model language to be used by agencies that would increase the ability of MWBEs and small businesses to participate in state procurements.

B. Encouraging Diversity within the State Workforce and in State Contracts (Chapter 175 of the Laws of 2010/A.11527, Cook)

This law promotes participation by MWBE firms in state contracts and helps keep the State accountable for its actions in this regard. It creates the new Executive Cabinet position of Chief Diversity Officer, who will sit on the State Procurement Council, assist the Governor in formulating policies relating to workforce diversity and MWBEs, and engage in any actions assigned by the Governor relating to diversity hiring or promotion within the state workforce. It further adopts state-wide numerical goals for agencies to meet when letting contracts, with different goals for minority business owners and for women business owners. Each contracting agency that substantially fails to meet these goals is required to develop an action plan to remedy this. The Director of the Division of Minority and Women's Business Development will adopt regulations to give MWBE's the opportunity for maximum feasible participation in the performance of state contracts and to assist state agencies in achieving the maximum feasible portion of the state-wide goals. There are also increased penalties for violations of contract provisions relating to MWBE inclusion premised on a fraudulent or intentional misrepresentation by the contractor or willful and intentional disregard of MWBE participation requirements.

**C. Strengthening the MWBE Program
(A.4168-A, Cook)**

This bill would strengthen the provisions of the Executive Law that address MWBEs by enhancing the reporting requirements of the Division of Minority and Women's Business Development and contracting agencies, requiring that a registry of state-certified MWBEs be established to allow such businesses to be notified of contract and subcontract opportunities, prohibiting the use of automatic waivers of contract requirements with MWBEs, and requiring the recertification of MWBEs every three years.

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

X. OFFICE OF GENERAL SERVICES

**A. Extending the Office of General Services' Authority to enter into 15-year Leases
(Chapter 141 of the Laws of 2010/A.11326, Destito)**

This law extends the authority of the Office of General Services to enter into leases with a term of up to 15 years. In the absence of this authority, the Office could only execute leases of 10 years or less. The ability to enter into leases for 15 years has been a highly effective tool when renegotiating leases in certain highly competitive markets to save money for the State.

**B. Authorizing the Office of General Services to Sell Land to Orange County
(A.11405, Gunther/Veto Message #6736)**

This bill would amend Chapter 196 of the Laws of 2008, which authorized the Office of General Services to transfer certain lands under the jurisdiction of the Office of Mental Health in the city of Middletown to Orange County at fair market value. The bill would allow the property to be sold for \$1 and include a reverter clause stating that Orange County must use the land for senior citizen meal preparation, voting machine storage, and county Board of Elections uses.

The governor vetoed this bill, stating that it deletes the requirement that the sale be for fair market value and that it be at the Office's discretion. He also said that selling the property for \$1 would amount to a cut in the Office of Mental Health's budget, as it would be losing an asset without gaining anything appreciable in return.

**C. Creating an Inventory of State-Owned Real Property and Unappropriated State Land
(A.1203, Destito)**

This bill would require the Office of General Services to establish and maintain an inventory of all State-owned real property and unappropriated State land that has been sold, transferred, conveyed, or exchanged when the terms of the transfer contain a reverter clause. It also would require the Commissioner of General Services to audit each land sale, transfer, conveyance, or exchange to ensure each transaction adheres to the conditions of such sale, transfer, exchange, or conveyance.

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

**D. Making Surplus State-Owned Real Property Available to the Public
(A.4463-B, Brodsky)**

This bill would direct any State agency that intends to dispose of State land to promptly offer the land for conveyance to the city, town, or village in which the land is located. The local government would have thirty days to notify the Office of General Services of its wishes regarding whether or not it intends to obtain the property, and sixty days from the day of notification to conclude the negotiation of conveyance of such property with the State.

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

**E. Requiring Deposits on Plans and Specifications for Contracts
(A.8063, Latimer)**

This bill would authorize State agencies to waive deposits that are currently paid by bidders who wish to obtain copies of plans and specifications for public works projects when such documents are provided electronically or are submitted by certified minority- and women-owned business enterprise firms.

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

**F. Authorizing the Office of General Services to Sell Land to the Town of Alden
(A.10376-A, Corwin)**

This bill would authorize the Office of General Services to sell and convey to the town of Alden in Erie County a portion of the Wende Correctional Facility.

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

**G. Authorizing the Office of General Services to Sell Certain Lands in
Schenectady County
(A.10521-A, Tedisco)**

This bill would authorize the Office of General Services to transfer and convey to the Northeast Parent and Child Society for \$1.00 a parcel of land in Schenectady County.

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

XI. MISCELLANEOUS

**A. Public Health Director of Tompkins County
(Chapter 275 of the Laws of 2010/A.11505-A, Lifton)**

This law creates a temporary exception to the Public Officers Law to allow a permanent resident of the United States to serve as Public Health Director for Tompkins County while pursuing United States citizenship. The appointing authority must certify in writing to the State Comptroller that the individual is uniquely qualified to hold the position.

**B. Designating a Department of Environmental Conservation Reserve as the
Edwin M. Schwenk Memorial Nature Preserve
(A.10466, Thiele/Veto Message #19)**

This bill would rename the Department of Environmental Conservation (DEC) reserve in the Long Island Pine Barrens after Edwin M. Schwenk, a recently deceased advocate for its preservation.

The Governor vetoed this bill, stating that he wanted to preserve the tradition of allowing the DEC to designate names for lands under its jurisdiction.

**C. Prohibiting the Unnecessary Filing of Personal Identifying Information
(A.1819-A, Pheffer)**

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

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

**D. Prohibiting the Disclosure of Electronic Toll and Transit Records
(A.4985, Brodsky)**

This bill would declare all electronic toll and electronic fare information to be confidential except for use and inspection by the account holder. Such information could be otherwise furnished only in response to a search warrant or a subpoena duces tecum when such information constitutes evidence or demonstrates that a misdemeanor or felony offense was committed.

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

**E. Encouraging Professional Fundraisers to take Ethics Courses
(A.8908, Destito)**

This bill would authorize the Attorney General to issue a certificate of ethics course completion to professional fundraisers, professional solicitors, fundraising counsel, and charitable organizations required to register with the Charities Bureau of the Attorney General's Office who complete a course of instruction in the law and ethics of fundraising. The Attorney General would be authorized to annually publish the names of the individuals and organizations that have been granted the certificate.

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

**F. Waiving Residency Requirements for Certain Officers in Cornwall-on-Hudson
(A.9128-B, Calhoun)**

This bill would allow individuals who do not live in Cornwall-on-Hudson in Orange County to hold the positions of Clerk, Deputy Clerk, Treasurer, and Deputy Treasurer, provided that the individuals live within Orange County or an adjacent county.

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

**G. Commander of the New York Air National Guard
(A.10792, Destito)**

This bill would amend the requirements for appointment as Commander of the New York Air National Guard by deleting the requirement that the commander be a pilot of service types of aircraft flown by the Air National Guard. This would broaden the eligibility for appointment as commander by including navigators and air battle managers.

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

XII. DAYS OF COMMEMORATION

A. A Day of Commemoration for Thurgood Marshall (Chapter 31 of the Laws of 2010/A.7068-A, Jaffee)

This law honors the life and work of civil rights advocate and former Supreme Court Justice Thurgood Marshall by designating May 17th of each year as a day of commemoration to be known as “Thurgood Marshall Day.”

B. A Day of Commemoration for Women’s Equality (Chapter 72 of the Laws of 2010/A.2231-A, Lifton)

This law designates August 26th of each year as “Women’s Equality Day.” By establishing New York State Women’s Equality Day as a day of commemoration, New Yorkers can honor the long struggle for women’s equality, much of which was launched in New York State, and commemorate the adoption of the 19th Amendment, which provided women the right to vote in the United States.

C. A Day of Commemoration for Italian Independence Day (Chapter 180 of the Laws of 2010/A.8462-A, Magnarelli)

This law designates June 2nd of each year as “Italian Independence Day.” June 2, 1946, marks the birth of the modern Italian Republic. It is only fitting that New York State honors the contributions and achievements of Italians and Italian-Americans on this day.

D. A Day of Commemoration for People with Disabilities (Chapter 199 of the Laws of 2010/A.10853-B, Schroeder)

This law designates October 18th of each year as Disabilities History Day. This day will be a time to acknowledge the struggles and celebrate the accomplishments of people with disabilities and is a step towards ensuring that there continues to be movement towards a more accessible society.

E. Creating the New York State Civil War 150th Anniversary Commemoration Commission (A.8157-A, McEneny)

This bill would establish a New York State Civil War 150th Anniversary Commemoration Commission to promote the anniversary of the American Civil War, the celebration of which would take place between the years 2011 and 2015.

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

XIII. COMMITTEE HEARINGS AND ROUNDTABLES

Community Services Block Grant Program

On June 16, 2010, the Committee participated in a joint Assembly-Senate hearing with the Assembly Committees on Social Services, Children and Families, and Ways and Means and the Senate Committees on Social Services, Children and Families, and Finance that examined the Community Services Block Grant (CSBG) program. The CSBG program is a federally funded program under which the New York State Department of State provides grants to local agencies to help combat poverty. The Committees heard testimony from state and local officials and community groups who spoke on the details of the program and suggested ways to increase efficiency.

Agency Consolidation Budget Hearing

On December 1, 2010, the Committee participated in a hearing with the Assembly Committees on Local Governments, Real Property Taxation, and Cities to examine the impact of some of the consolidations contained in the 2010-2011 State Budget. These consolidations led to the creation of the Division of Homeland Security and Emergency Services (HSES) and the Office of Real Property Tax Services. The Office of Homeland Security, the State Emergency Management Office, the State 911 Board, the Office of Cyber Security and Critical Infrastructure Coordination, and the Office of Fire Prevention and Control were merged to create the Division of Homeland Security and Emergency Services. As part of this merger, the Office of Homeland Security became the Office of Counterterrorism and a new Office of Interoperability and Emergency Communications was created within the Division. In addition, the Office of Real Property Services merged into the Department of Taxation and Finance and became the Office of Real Property Tax Services.

The Committees heard testimony from HSES and the Department of Taxation and Finance as well as organizations representing professional and volunteer firefighters. The information presented allowed the Committees to assess the implementation and outcome of the consolidations to determine if cost savings had been achieved, and if the new agencies are continuing to provide the same level of service to New Yorkers as they did prior to the consolidations.

Roundtable

On December 6, 2010, the Committee participated in a roundtable discussion on emergency preparedness for employees in New York City's Theater District with the Committees on Labor and Cities and the Subcommittee on Workplace Safety. With the recent bomb scares in the Theater District, the Committees sought to examine current emergency preparedness requirements, whether these requirements are being upheld and enforced, and whether improvements could be made in how employees are trained to respond to an emergency. The discussion involved representatives from all aspects of the theater business, including technical personnel, performers, producers, and owners.

XIV. FOCUS OF THE 2011 LEGISLATIVE SESSION

In 2011, the Committee will continue to focus on the important issues it has addressed in the past. Improving the State's use of technology so that services to its residents are provided both more effectively and efficiently in a way that reduces costs and allows more residents to participate in government is a very high priority. The Committee will also focus on protecting crime victims and ensuring that the human rights of all New Yorkers are protected.

The Committee will also continue to work at strengthening the public's right to know and maintaining transparency of government actions by enhancing government ethics, the Freedom of Information Laws, and the Open Meetings Law. It also will look at ways to redress inequities in the wage structure that treat women and minorities unfairly.

Finally, the Committee will fight to improve New York's procurement system to realize potential savings for the state and ensure that the process is competitive, open, and transparent.

APPENDIX A

**2010 SUMMARY OF ACTION ON ALL BILLS REFERRED TO
THE ASSEMBLY COMMITTEE ON GOVERNMENTAL OPERATIONS**

<u>Final Disposition of Bills</u>	Assembly Bills	Senate Bills	Total
<u>Bills Reported With or Without Amendment</u>			
To Floor; Not Returning to Committee	12	0	12
To Ways and Means	16	0	16
To Codes	24	0	24
To Rules	11	0	11
To Judiciary	0	0	0
Total	63	0	63
<u>Bills Having Committee Reference Changed</u>			
To Codes Committee	1	0	1
To Governmental Employees Committee	1	0	1
To Ways & Means Committee	1	0	1
Total	3	0	3
<u>Senate Bills Substituted or Recalled</u>			
Substituted		9	9
Recalled		4	4
Total		13	13
Bills Defeated in Committee			
Bills Held In Committee with a Roll-Call Vote	83	0	83
Bills Never Reported, Died in Committee	420	23	443
Bills Having Enacting Clause Stricken	14	0	14
Motions to Discharge Lost	1	0	1
Total Bills in Committee	584	36	620
Total Number of Committee Meetings Held	15		

**APPENDIX B
CHAPTERS OF 2010**

A.529	Destito	Establishes a civil remedy for victims of bias-related violence. Chapter 227 of the Laws of 2010
A.2231-B	Lifton	Establishes August twenty-sixth as Women’s Equality Day, a day of commemoration. Chapter 72 of the Laws of 2010
A.2563-A	Glick	Requires employers that provide funeral or bereavement benefits to married family members to provide equivalent benefits for same-sex committed partners of the deceased. Chapter 423 of the Laws of 2010
A.5873	Pretlow	Directs public bodies to conduct meetings in facilities that can reasonably accommodate expected public attendance. Chapter 40 of the Laws of 2010
A.6020	Gottfried	Requires the Secretary of State and county clerks to accept payment for notary public fees in the form of cash, money orders, or checks. Chapter 92 of the Laws of 2010
A.6420	Weisenberg	Expands the state facilities where the Business Enterprise Program can operate vending facilities to include the State University of New York and the Thruway Authority. Chapter 532 of the Laws of 2010
A.7068-A	Jaffee	Establishes May seventeenth as “Thurgood Marshall Day,” a day of commemoration. Chapter 31 of the Laws of 2010
A.7653-C	Engleright	Directs the State Building Code Council to study standardization of state and local building permits to facilitate the increased use of solar and wind energy systems. Chapter 552 of the Laws of 2010
A.8313-A	Destito	Clarifies that the authority for an agency to promulgate regulations with respect to disaster preparedness of facilities, the contents of their disaster preparedness plans, and the process for approval of those plans is not diminished by Chapter 589 of the Laws of 2008. Chapter 115 of the Laws of 2010
A.8462-A	Magnarelli	Establishes June second as Italian Independence Day, a day of commemoration. Chapter 180 of the Laws of 2010
A.8531-A	Destito	Expands protection of private technology assets stored as public information. Chapter 154 of the Laws of 2010
A.9504-B	Morelli	Eliminates the board of fire underwriters. Chapter 470 of the laws of 2010
A.9559	Silver	Prohibits and criminalizes the use of state property and resources by certain public officers for activities related to private business. Chapter 1 of the Laws of 2010

A.9949-A	Destito	Makes clarifying changes to and extends the expiration date of the Procurement Lobbying Law. Chapter 4 of the Laws of 2010
A.10093	Destito	Allows open meetings of a public body to be recorded, photographed, and broadcast. Chapter 43 of the Laws of 2010
A.10196	Destito	Authorizes the court to declare that a public body has violated the open meetings law or to declare that actions taken by a public body are void. Chapter 44 of the Laws of 2010
A.10771	Cusick	Extends the protections in the Human Rights Law to persons with disabilities. Chapter 196 of the Laws of 2010
A.10772	Reilly	Authorizes veterinarians who held temporary employment with the Department of Agriculture's Emergency Veterinary Corps to appear before a state agency. Chapter 197 of the Laws of 2010
A.10853-B	Schroeder	Establishes October eighteenth as Disabilities History Day, a day of commemoration. Chapter 199 of the Laws of 2010
A.11326	Destito	Extends the Office of General Services' ability to enter into 15-year leases. Chapter 141 of the Laws of 2010
A.11505-A	Lifton	Allows a permanent resident of the United States to serve as public health director of Tompkins County while pursuing citizenship. Chapter 275 of the Laws of 2010
A.11525	Destito	Increases the ceiling for purchasing from minority- and women-owned business enterprises and small businesses without a formal competitive process from \$100,000 to \$200,000. Chapter 173 of the Laws of 2010
A.11527	Cook	Expands opportunities for women and minority-owned business enterprises and increases competition and diversity in procurements by the State and its public authorities. Chapter 175 of the Laws of 2010

**APPENDIX C
VETOES OF 2010**

A.520	Destito	Would require counties to maintain a registry of people of all ages with disabilities for the purpose of evaluating and sheltering such persons during disasters. Veto Message #6739
A.650-A	Kavanagh	Would provide for online posting of agency reports. Veto Message #6796
A.2941	Christensen	Would require detailed analysis of the benefits and costs of proposed rules in the regulatory impact statement. Veto Message #5
A.3923-C	Mayersohn	Would expand the list of entities that must provide crime victims with information about local victims assistance programs and potential compensation that is available to crime victims. Veto Message #6718
A.7471-A	Rosenthal	Would prohibit state agencies and New York City from charging for the process of a FOIL request made by state and local agencies or the Legislature. Veto Message #6725
A.9018-A	John	Would prohibit employers from discriminating against domestic violence victims. Veto Message #6759
A.9020-A	Destito	Would prevent housing discrimination against victims of domestic violence. Veto Message #6760
A.9502-A	Magnarelli	Would require a study and report on methods to modernize information collection, retention and dissemination by the state. Veto Message #6829
A.9544	Silver	Would create an Executive ethics and compliance commission, the New York State Commission on Lobbying Ethics and Compliance, and two entities to oversee ethics compliance by the Legislature, promote greater compliance with campaign finance laws, and increase disclosure of financial interests by government offices, employees, and lobbyists. Veto Message #1
A.9928	Hoyt	Would update the record keeping procedures and policies of the Governor, the Executive Chamber, the Legislature, and civil departments. Veto Message #6835
A.10052-A	Paulin	Would require the Secretary of State to compile, keep current, and make public certain information about state boards. Veto Message #6807
A.10180	Weinsten	Would establish an address confidentiality program in the office of the Secretary of State for domestic violence victims who need to keep their location a secret. Veto Message #6764

A.10242	Peoples-Stokes	Would allow an action for unlawful discriminatory practice to be brought within three years after dismissal for administrative convenience. Veto Message #6731
A.10466	Thiele	Would rename the Department of Environmental Conservation reserve in the Long Island Pine Barrens after Edwin M. Schwenk, a recently deceased advocate for its preservation. Veto Message #19
A.10676	Paulin	Would codify provisions of Title II of the Federal Americans with Disabilities Act regarding access to public accommodations into the State Human Rights Law. Veto Message #6720
A.11389	Perry	Would make the release of information in sealed court records without the consent of the affected individual or his or her estate a class A misdemeanor. Veto Message #6787
A.11405	Gunther	Would allow the Office of General Services to sell and convey certain state lands in the city of Middletown to Orange County. Veto Message #6736

**APPENDIX D
BILLS THAT PASSED THE ASSEMBLY**

A.1046	Destito	Would permit antitrust fines or penalties to be paid to the Crime Victims Board at the court's discretion.
A.1203	Destito	Would require the commissioner of the Office of General Services to maintain an inventory of and audit all State-owned real property or unappropriated State land that has been sold.
A.1380	Destito	Would change the reporting requirements relative to restitution and fair treatment standards for the Crime Victims Board from annual to every two years.
A.1819-A	Pheffer	Would prohibit a person or business entity from filing unnecessary personal identifying information with a State or local government agency.
A.2073	John	Would clarify that the accountability standards, Open Meetings Law, and Freedom of Information Law requirements apply to local development corporations.
A.2102	Wright	Would require public officers and bodies to provide interpreters and assistive listening devices for the hearing impaired at public hearings under certain conditions.
A.2351	Lifton	Would make it a discriminatory practice to compensate employees of different sexes differently for work that is of comparable worth.
A.3651	Lifton	Would waive the State's sovereign immunity to liability under the Federal Americans with Disabilities Act of 1990 and certain other federal acts.
A.4089-A	Glick	Would extend eligibility for crime victim compensation to include domestic partners.
A.4168-A	Cook	Would strengthen the provisions of the Executive Law that address Minority- and Women-Owned Business Enterprises.
A.4463-C	Brodsky	Would require State-owned real property not needed for State purposes to be offered first to the municipality or county in which it is located.
A.4985	Brodsky	Would prohibit, with certain exceptions, disclosure of highway, bridge, tunnel, and other thoroughfare toll and transit records.
A.5710-A	Gottfried	Would prohibit discrimination based on gender identity or expression and would include offenses regarding gender identity or expression under the hate crimes statute.

A.5726-B	Galef	Would modify the ability of government agencies in New York to claim copyright protection.
A.5935	Towns	Would authorize an additional thirty days military leave for public employees who are absent on military duty.
A.6371-A	Hyer-Spencer	Would allow State agencies to charge for postage when records are mailed in response to a Freedom of Information Law request.
A.6484-A	Latimer	Would limit the time State agencies have to appeal article 78 Supreme Court judgments against them for violations of the Freedom of Information Law.
A.7038-A	Sweeney	Would enact the “New York State Healthy and Green Procurement Act.”
A.7748	V. Lopez	Would require the installation of operable portable fire extinguishers in certain R-3 residential apartments.
A.8063	Latimer	Would provide a waiver of deposit for plans and specifications submitted for contracts when available electronically or in non-paper format, as well as for plans submitted by minority- and women- owned business.
A8157-A	McEneny	Would create the “New York State Civil War 150 th Anniversary Commemoration Commission.”
A.8699-A	Destito	Would improve the structure of the Most Integrated Setting Coordinating Council.
A.8908	Destito	Would provide for the issuance of a certificate of ethics course completion by the Attorney General to professional fundraisers who complete a course of instruction in the law and ethics of fundraising.
A.9128-B	Calhoun	Would allow the Clerk, Deputy Clerk, Treasurer, and Deputy Treasurer of the village of Cornwall-on-Hudson to reside outside the village, provided that they reside in Orange County or an adjacent county.
A.9886	Silver	Would make technical changes and improvements to the legislative, executive, and civil service laws relating to governmental ethics and compliance.
A.9911-A	Paulin	Would require certain records discussed at open meetings be made available to the public prior to such meeting.
A.9934	John	Would require that state agencies could not enter into a contract for consultant services which is anticipated to cost more than \$500,000 annually without conducting a review to determine whether state employees can meet the same need for equivalent or lower costs.

A.10322	Hoyt	Would require state agencies that contract to disseminate advertising material to exclude material which relates to the agency's mission.
A.10376-A	Corwin	Would authorize the Office of General Services to sell and convey certain lands to the town of Alden in Erie County.
A.10521-A	Tedisco	Would authorize the Office of General Services to sell certain lands in the county of Schenectady.
A.10571	Weinstein	Would direct the Municipal Police Training Council to establish policies and procedures for training law enforcement officers on sexual assault investigations.
A.10792	Destito	Would amend the requirements for appointment as Commander of the New York Air National Guard.
A.10841	Cusick	Would require the Department of State to revise current fire codes to establish emergency evacuation plans for individuals with disabilities.