

NEW YORK STATE ASSEMBLY • SHELDON SILVER, SPEAKER



# 2014 ANNUAL REPORT



Committee on  
Governmental Operations  
*Steve Englebright, Chair*



THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIRMAN  
Committee on Governmental Operations

COMMITTEES  
Education  
Energy  
Higher Education  
Rules

STEVEN ENGLEBRIGHT  
4<sup>th</sup> Assembly District  
Suffolk County

December 15, 2014

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

Dear Speaker Silver,

It is my pleasure to respectfully submit to you the 2014 Annual Report of the Assembly Standing Committee on Governmental Operations. I have described the Committee's significant legislation and other activities from 2014 and presented the Committee's outlook for the 2015 session.

The Committee had a number of accomplishments this year. I am proud to report that the Committee successfully enacted legislation to assist the honorable service-disabled men and women veteran business owners in obtaining state contracts, to increase emergency preparedness and fire safety, to expand opportunities for certain women-owned and minority-owned business enterprises, and to protect immigrants and new Americans from fraudulent service providers. Chapter 22 of the Laws of 2014 enacted the "Service-Disabled Veteran-owned Business Act" and established a goal that six-percent of all state contracts be awarded to service-disabled veteran-owned businesses. Chapter 353 will increase firefighter safety when responding to residential buildings that utilize truss type pre-engineered wood construction. Chapter 399 authorizes the director of the Minority and Women's Business Division to grant provisional certifications to certain businesses. Chapter 206 created the Office of New Americans within the Department of State and implemented the immigrant assistance service enforcement act and will help ensure immigrants and new Americans obtain immigration services from reputable providers.

In 2015, the Committee will continue to focus on improving the efficiency and fairness of government in New York State. Government ethics, disaster and emergency preparedness, transparency, and efficiency will remain top priorities. 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. In addition, the Committee is committed to ensuring that everyone in New York State is treated with dignity and respect and enjoys the same treatment and protections of law.

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 2015 Legislative Session.

Sincerely,

Steve Englebright, Chair  
Assembly Committee on  
Governmental Operations

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**GOVERNMENTAL OPERATIONS**

Steve Englebright, Chair

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Paul Nickson, Committee Analyst  
Aaron Suggs, Associate Counsel  
Ocasio Willson, Committee Assistant  
Devin Lander, Committee Clerk  
Kathleen Quackenbush, Secretary

## TABLE OF CONTENTS

I.	Introduction . . . . .	1
II.	Disaster Preparedness, Fire Prevention, and Public Safety . . . . .	2
III.	Crime Victims . . . . .	5
IV.	Division of Human Rights . . . . .	7
V.	Open Government . . . . .	9
VI.	Governmental Reform . . . . .	11
VII.	Governmental Administration . . . . .	12
VIII.	Regulatory Reform . . . . .	13
IX.	New Americans . . . . .	14
X.	Procurement . . . . .	15
XI.	Land Transfers . . . . .	17
XII.	Military and Naval Affairs . . . . .	18
XIII.	Miscellaneous . . . . .	19
XIV.	Committee Hearings and Roundtables . . . . .	21
XV.	Outlook for the 2015 Legislative Session . . . . .	22
	Appendix A: 2014 Summary of Action on All Bills . . . . .	23
	Appendix B: Chapters of 2014 . . . . .	24
	Appendix C: Vetoes of 2014 . . . . .	28
	Appendix D: Bills Passed by the Assembly . . . . .	29

## **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 and public safety within the state. The Committee oversees 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 also oversees the Office of Cyber Security within the Office of Information Technology Services, the New York State Police, and the Municipal Police Training Council.

### **A. Residential Truss Construction Safety (Chapter 353 of the Laws of 2014/A.1869-D, Schimel)**

This law requires notice be given to the fire protection entity with jurisdiction over a residential building constructed with truss type, pre-engineered wood in order to increase the safety of firefighters responding to such structures. In addition, this law requires a sign or symbol be affixed to the electric box attached to the exterior of newly constructed structures.

### **B. Volunteer Firefighter Membership (Chapter 198 of the Laws of 2014/A.2318-D, Gunther)**

This law requires volunteer fire companies to conduct a background check of new firefighter applicants against the state sex offender registry. The results of the search can be used as a reason to deny membership to the volunteer fire company.

### **C. Comprehensive Emergency Management Plans (A.6530-B, Cusick/Veto Memo 536)**

This bill would require all counties, and the city of New York, to prepare and update comprehensive emergency management plans to help ensure that the most vulnerable individuals receive the care and assistance they need following an emergency. This bill would require such plans to include procedures for the deployment of physicians, nurses, medical professionals, personnel deployed by home health agencies, long term home health care programs or licensed home care services agencies, and personnel deployed by hospice organizations.

### **D. Ensuring the Safety of Individuals with Disabilities in the Event of a Disaster (A.8816-A, Weprin)**

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

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

**E. Establishing Emergency Evacuation Plans for Individuals with Disabilities  
(A.8817-A, Weprin)**

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

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

**F. Carbon Monoxide Detectors  
(Chapter 540 of the Laws of 2014/A.8875-C, Perry)**

This bill would require the city of New York's building code to include provisions requiring restaurants and other commercial buildings to have operable carbon monoxide detectors installed in accordance to rules to be promulgated by the Commissioner of Buildings in consultation with the fire department and the department of health and mental hygiene of the city of New York.

**G. Carbon Monoxide Detectors  
(Chapter 541 of the Laws of 2014/A.8963-A, Englebright)**

This bill, known as Steven Nelson's law, would require the New York state uniform fire prevention and building code to include provisions mandating the installation of operable carbon monoxide detectors in restaurants and other commercial buildings in accordance with such manufacture, design, and installation standards as established by the State Fire Prevention and Building Code Council.

**H. Interconnectable Smoke Detecting Devices  
(A.9214-A, DenDekker)**

This bill, known as the Kerry Rose Fitzsimons fire safety act, would require the New York State uniform fire prevention and building code, beginning in 2024, to include provisions requiring one and two family homes to have installed and operable interconnectable smoke detecting devices in accordance with standards established by the State Fire Prevention and Building Code Council.

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

**I. Alternate Generated Power Source for Dialysis Services  
(A9374-A, People-Stokes)**

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

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



### **III. CRIME VICTIMS**

The Governmental Operations Committee considers legislation addressing the Office of Victim 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 contributed several key bills to legislative packages that seek to improve the responsiveness of the criminal justice system to crime victims.

#### **A. Domestic Partners Eligible for Crime Victim Compensation (A.4024, Glick)**

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

**This bill passed the Assembly, but died in the Senate Crime Victims, Crime and Correction Committee.**

#### **B. Crime Victim Awards (Chapter 487 of the Laws of 2014/A.4645-B, Englebright)**

This bill would permit crime victims whose medically necessary life-sustaining equipment that was lost or damaged as the direct result of a crime to be eligible for a crime victim's award up to ten thousand dollars to replace such equipment.

#### **C. Improving Public Defense (A.4720, Lentol)**

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

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

#### **D. Designating Fines to the Office of Victim Services (A.5386, Englebright)**

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

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

**E. Streamlining Reporting Requirements for the Office of Victim Services  
(Chapter 489 of the Laws of 2014/A.5388, Englebright)**

This bill would change the Office of Victim Services' reporting requirements for restitution and fair treatment standards from annually to biennially. 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.

**F. Crime Victim Awards for Necessary Court Appearances  
(A.5916-A, Ortiz)**

This bill would define the term "necessary court appearance" for purposes of determining eligibility for crime victim awards to include any part of a proceeding from arraignment through sentencing, pre-and post-trial hearings and hearings before the parole board.

**This bill passed the Assembly, but died in the Senate Crime Victims, Crime and Correction Committee.**

**G. Office of Victim Services Access to Information  
(A.9691, Hennessey)**

This bill was submitted for introduction by the Office of Victim Services and would require state and local law enforcement agencies to provide requested information to the Office of Victim Services unless such information is otherwise protected from disclosure or prohibited by superseding laws or would interfere with ongoing criminal investigations.

**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 State Employees with Disabilities (A.828, Lifton)**

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

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

##### **B. Prohibiting Employers from Discriminating Against Domestic Violence Victims (A.898, Weinstein)**

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

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

##### **C. Prohibiting Discrimination in Places of Public Accommodation (A.2070, Paulin)**

This bill would prohibit discrimination on the basis of disability in places of public accommodation regardless of whether the place of accommodation is owned by the state, local or municipal government, or by a private individual or entity.

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

**D. Unlawful Discriminatory Practice Lawsuit  
(A.3841, People-Stokes)**

This bill authorizes the initiation of a lawsuit in any court of competent jurisdiction alleging a violation of the human rights law for a period of three years after the dismissal of a complaint for administrative convenience by the Division of Human Rights.

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

**E. Prohibiting Discrimination on the Basis of Gender Identity or Expression  
(A.4226-B, Gottfried)**

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

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

**F. Prohibiting Discrimination Against People with Service Animals  
(Chapter 536 of the Laws of 2014/A.5788, Benedetto)**

This bill would prohibit discrimination against a person who is engaged in training a dog to aid an individual with a disability and would provide that individual with the same rights and privileges as a person with a disability.

**G. Civil Rights Protections for Interns  
(Chapter 97 of the Laws of 2014/A.8201-A, O'Donnell)**

This law addresses certain court rulings and provides unpaid interns with the same civil rights protections of the Human Rights Law as paid interns and other employees by establishing the same unlawful discriminatory practices against unpaid interns.

## 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 observe the performance of public officials by listening to the deliberations and decisions that go into the making of public policy. FOIL and the Open Meetings Law, as well as other laws, help to ensure the government's accountability to the people.

### A. **Waiving of State Copyright Claims for Public Records (A.1700, Galef)**

This bill would increase access to records that are required to be disclosed pursuant to the Freedom of Information Law by waiving government copyrights in records that are prepared by public bodies and are required to be disclosed pursuant to FOIL, except where the record reflects artistic creation or scientific or academic research or if the body intends to sell the record to the public. This bill responds to the practice of copyrighting government documents by government entities. For example, a school board sought to copyright 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 Rules Committee.**

### B. **Open and Transparent Public Records (A.5170, Englebright)**

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

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

**C. Expanding FOIL and Protecting Identity Privacy  
(A.5171, Englebright)**

This bill would clarify that the name of a retiree in a public employees' retirement system is subject to disclosure under FOIL, but that the names of a retiree's beneficiaries are not subject to disclosure.

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

**D. Limiting State Agency Appeals of FOIL Violation Judgments  
(A.5306-B, Buchwald)**

This bill would limit the time a state agency would have 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 sixty days after the date of the notice of appeal.

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

## **VI. GOVERNMENTAL 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 public employees. Some of these bills address the interactions between individuals and state agencies and professional ethics; others deal with protection of public employees. Many of these laws are important components of efforts to make government more open.

### **A. Constitutional Amendment to Reform the Redistricting Process**

In the 2012 and 2013 legislative sessions, both the Assembly and Senate passed proposed amendments to the State Constitution to reform the redistricting process (A9526/Silver and A.2806/Silver, respectively). This amendment to the State constitution would establish the Independent Redistricting Commission, which would draw congressional and state legislative district lines every ten years starting in the year 2020. The commission would consist of ten members, all of whom would be required to be registered voters of New York State. The commissioners could not be members of the state legislature or Congress, statewide elected officials, lobbyists, political party chairs, employees of the executive or legislative branches of state government, or a spouse of legislators or statewide elected officials. None of the commissioners could have held any of those disqualifying positions for three years prior to appointment to the position. In addition, the amendment would provide criteria for the commission to follow in drawing districts, including that districts not be drawn to have the purpose of—or result in—the denial or abridgement of racial or language minority voting rights, or to discourage competition or to favor or disfavor incumbents, candidates, or political parties. Districts would also be required to consist of contiguous territory and be as compact as practicable and, to the extent practicable, contain an equal number of inhabitants. In addition, the commission shall be required to consider the cores of existing districts and preexisting political subdivisions, including counties, cities, and towns, and to maintain communities of interest. In drawing senate districts, the requirements that senate districts not divide counties or towns, as well as the block-on-border and town-on border rules that currently exist would remain in effect. The legislature would be required to vote on plans prepared by the commission without amendment. If the legislature fails to pass the commission’s plan two times then the legislature could amend the plan before voting a third time.

**This Constitutional amendment was approved by the people of New York State on November 4, 2014.**

## **VII. GOVERNMENTAL ADMINISTRATION**

### **A. Modernization of Information Collection, Retention, and Dissemination (A.486-B, Magnarelli/Veto Memo 514)**

This bill would require the Chief Information Officer, in conjunction with the Director of the Budget, the Director of State Operations, and the Secretary of State, and in consultation with the State Comptroller to study and issue a comprehensive report on methods to modernize the information collection, retention, and dissemination practices of state agencies.

### **B. Expanding Diversity and Ethnicity Groupings in State Data Collection (A.1186-B, Kim)**

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

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

### **C. Requiring Deposits on Plans and Specifications for Contracts (A.6896, Hennessey)**

This bill was submitted for introduction by the Office of General Services and 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 Infrastructure and Capital Investment Committee.**

### **D. Limiting Light Pollution from State Agencies (Chapter 512 of the Laws of 2014/A.7489-B, Rosenthal)**

This bill would implement standards for outdoor lights installed and maintained by state agencies in order to reduce the amount of illumination projected into the night sky.

### **E. Expanding Diversity in State Data Collection (A.7669-A, Bronson)**

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

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



## **VIII. REGULATORY REFORM**

The Governmental Operations Committee reviews bills that would amend 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. Preparing for Rules and Regulations Prior to Effective Date (A.5354, Gottfried)**

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

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

### **B. Job Impact Statements (A.7812-A, Zebrowski)**

This bill would make various improvements to the process for evaluating the potential impact of proposed rules on jobs and employment opportunities.

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

## **IX. NEW AMERICANS**

### **A. Office of New Americans (Chapter 206 of the Laws of 2014/A.8974-B, Crespo)**

This law, known as the “Immigrant Assistance Service Enforcement Act,” established the crime of immigrant assistance fraud, enhanced required provisions of immigrant assistance service contracts, increased fines and penalties imposed upon those who violate laws regarding immigrant assistance services, and created the Office of New Americans within Department of State. The Office will assist immigrants and new Americans to access legitimate services.

**X. PROCUREMENT**

**A. Procurement Lobbying Extender  
(Chapter 62 of the Laws of 2014/A.9248-A, Englebright)**

This law extends, until July 31, 2016, certain provisions of law relating to restrictions on contacts and disclosure of contacts during the procurement process.

**B. Provisional Certification for Minority and Women Owned Business Enterprises  
(Chapter 399 of the Laws of 2014/A.9668, Rodriguez)**

This law authorizes the director of the Division of Minority and Women's Business Development to conduct an availability analysis to determine if industry-specific factors coupled with personal net worth or small business requirements have led to a significant exclusion of businesses owned by minorities or women in that industry. The director would have the discretion to grant provisional MWBE certification status to applicants in that industry which exceed the personal net worth and/or small business thresholds for up to one year, with the option to be renewed.

**C. Prompt Payments for Not-for-Profits  
(A.8964, Englebright/Veto Memo 518)**

This bill would require agencies to pay any prompt contracting interest within thirty days of the date the payment or payments are due to a not-for-profit organization.

**D. New York State Healthy and Green Procurement Act  
(A.6046, 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; 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.

**This bill passed the Assembly, but died in the Senate Infrastructure and Capital Investment Committee.**

**E. Alternative Procurement Methods  
(A.9689, Englebright)**

This bill was submitted for introduction by the Office of the State Comptroller and would authorize state agencies to develop alternative procurement methods for the procurement of goods, services, and technology, as approved by the state comptroller, in order to get a better final contract.

**This bill passed the Assembly, but died in the Senate Infrastructure and Capital Investment Committee.**

**XI. LAND TRANSFERS**

**A. Monroe County Juvenile Detention Center  
(Chapter 304 of the Laws of 2014/A.8842-A, Morelle)**

This law authorizes the Office of General Services to transfer unused state property at the Industry Residential Center to the county of Monroe for the use as the county's certified juvenile detention center.

**B. Northeast Brooklyn Housing Development Corporation  
(Chapter 217 of the Laws of 2014/A.9874, Mosley)**

This law authorizes the transfer and conveyance, at fair market value, of 1024 Fulton Street to the Northeast Brooklyn Housing Development Corporation.

## **XII. MILITARY AND NAVAL AFFAIRS**

### **A. Service-Disabled Veteran-Owned Business Act (Chapter 22 of the Laws of 2014/A.9135, Ortiz)**

This law enacts the Service-Disabled Veteran-Owned Business Act, which was initially included in the Executive Budget. This law will provide economic opportunities to the honorable men and women who have served our country, and are now service-disabled business owners, by creating greater opportunities for their participation on New York state contracts. The law established a goal of six-percent of the state's procurement contracts be awarded to certified businesses owned by service-disabled veterans. The law created a new Division of Service-Disabled Veterans' Business Development (the Division) within the Office of General Services to implement this initiative. The Division is responsible to certify service-disabled veteran-owned business enterprises, conduct outreach, oversee, monitor and report on the implementation of the law.

### **B. Prisoner of War/Missing in Action Flag (Chapter 366 of the Laws of 2014/A.8489-A, Buchwald)**

This law requires local governments to display the Prisoner of War/Missing in Action flag on Memorial Day, Veterans Day, July Fourth, Flag Day, Armed Forces Day, and Prisoner of War Day if the municipality is provided a flag and any necessary attachments or fasteners by a veterans' organization.

### **XIII. MISCELLANEOUS**

#### **A. New York City Community Board Members (Chapter 251 of the Laws of 2014/A.2448, Rozic)**

This law authorizes up to two members of each Community Board in the city of New York to be 16 or 17 years of age.

#### **B. Prohibiting the Unnecessary Filing of Personal Identifying Information (A.6112, Englebright)**

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

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

#### **C. Protecting Privacy of Certain Researchers (Chapter 440 of the Laws of 2014/A.8109-B, Englebright)**

This bill would authorize a denial of access to records, or portions thereof, pursuant to a FOIL request concerning biomedical research or biomedical teaching conducted at an institution of higher education or at an institution within the state that receives state or federal funding to conduct such biomedical research or teaching that, if disclosed, could endanger the life or safety of any person or would be reasonably likely to endanger the security of such biomedical research laboratory.

#### **D. Official State Snack (Chapter 401 of the laws of 2014/A.8994, Magee)**

This law designates Yogurt as the official snack of New York State.

#### **E. Expedited Missing Persons Act (Chapter 331 of the Laws of 2014/A.9006, Lentol)**

This law requires the Division of Criminal Justice Services to promptly make available personal descriptions and other identifying data of unidentified deceased persons found to all law enforcement agencies in the state, and upon request, to agencies outside of the state.

**F. Updated Universal Symbol of Access  
(Chapter 190 of the Laws of 2014/A.9934-A, Galef)**

This law requires the Secretary of State to promulgate rules, in consultation with any other state agency necessary, to change the current universal symbol of access to a dynamic logo of a person in a wheelchair leaning forward with a sense of movement on any new or replaced sign required by law to display the current universal symbol of access. In addition the Secretary of State is required to promulgate rules to remove the word "handicapped" anywhere such word appears on a sign or other form of communication. This law also requires the Commissioner of Transportation to ensure that the new dynamic logo is used for any new or replaced sign under jurisdiction of the Department of Transportation.



#### **XIV. COMMITTEE HEARINGS AND ROUNDTABLES**

##### Roundtable on Increasing Availability of Public Data in New York State

On February 12, 2014, the Committees on Governmental Operations, and Oversight, Analysis, and Investigation, and the Assembly Commission on Government Administration held a roundtable to discuss the ways for the state to proceed with an open data plan. The roundtable provided valuable information related to the challenges and advantages of making as much data as possible readily available to the public.

##### Roundtable on Protecting, Preserving, and Promoting New York State's Cultural and Historical Assets

On May 29, 2014, the Committees on Governmental Operations and Tourism, Parks, Arts and Sports Development held a roundtable to discuss the possibility of creating a Commission on New York State History. The historical assets managed by State of New York and its various not-for-profit educational entities hold immense cultural and economic value. These assets include millions of artifacts managed by the State Museum, the NYS Office of Parks, Recreation and Historic Preservation, the New York State Library, and the New York State Archives, as well as those managed by non-state-run museums, local archives, libraries, and historical societies. This roundtable produced a robust and informative discussion as to the direction the state should head in order to protect, preserve, and promote its invaluable inventory of cultural and historical assets.

##### Hearing on the Service-Disabled Veteran-Owned Business Act

On November 21, 2014, the Committees on Governmental Operations, Veterans' Affairs, and Small Business and the Subcommittee on Women Veterans held a public hearing to examine the initial implementation of the Service-Disabled Veteran-Owned Business Act (The Act). The Act created a new Division of Service-Disabled Veterans' Business Development (the Division) within the Office of General Services to implement this initiative. The Division is responsible to certify service-disabled veteran-owned business enterprises. The Act also establishes a goal of six-percent of the state's procurement contracts be awarded to certified businesses owned by service-disabled veterans, requires monitoring and annual reporting, implements a results-driven review process to record and identify processes and procedures of the Division that are working or are in need of improvement. This hearing was informative and produced very useful feedback regarding the implementation of this important program.

## **XV. OUTLOOK FOR THE 2015 LEGISLATIVE SESSION**

During the 2015 legislative session, the Committee on Governmental Operations will continue to focus on protecting the safety and rights of New Yorkers and increasing the efficiency and openness of government. The Committee will continue to advance legislation advocating more effective disaster preparedness, greater fairness for crime victims, and increased opportunities for small businesses while also working to find fiscal savings for the state.

The Committee will continue its oversight over Article 15-A of the Executive Law and the implementation of the Business Diversification Act of 2010, both of which regulate the participation of minority- and women-owned businesses in state contracts. The Committee will begin its review of Article 15-A of the Executive Law, and seek input from various stakeholders on this statute, which is set to expire in 2016.

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

Finally, the Committee will work to improve and monitor the state's procurement laws in order to ensure that the procurement process remains fair, open, transparent and competitive. In addition, the Committee will seek to feedback from various stakeholders on the "procurement lobbying" statute, which is set to expire in 2016.

APPENDIX A

2014 SUMMARY OF ACTION ON ALL BILLS REFERRED TO  
THE ASSEMBLY COMMITTEE ON GOVERNMENTAL OPERATIONS

<b><u>Final Disposition of Bills</u></b>	<b>Assembly Bills</b>	<b>Senate Bills</b>	<b>Total</b>
<b><u>Bills Reported With or Without Amendment</u></b>			
To Floor; Not Returning to Committee	2		2
To Ways and Means	18		18
To Codes	35		35
To Rules	9		9
To Judiciary	0		0
Total	64		64
<b><u>Bills Having Committee Reference Changed</u></b>			
To Governmental Employees	1		1
To Corrections	1		1
Total	2		2
<b><u>Senate Bills Substituted or Recalled</u></b>			
Substituted		6	6
Recalled		0	0
Total		6	6
Bills Defeated in Committee	0	0	0
Bills Held In Committee with a Roll-Call Vote	68	0	68
Bills Never Reported, Died in Committee	400	39	439
Bills Having Enacting Clause Stricken	12	0	12
Motions to Discharge Lost	0	0	0
<b>Total Bills in Committee</b>	<b>546</b>	<b>45</b>	<b>591</b>
<b>Total Number of Committee Meetings Held</b>			<b>10</b>

**APPENDIX B  
CHAPTERS OF 2014**

A.1869-D	Schimel	Requires notice to be given to the fire department with jurisdiction over a residential building where construction will utilize truss type, pre-engineered wood or timber construction <b>Chapter 353 of the Laws of 2014.</b>
A.2318-D	Gunther	Requires a check of the sex offender registry prior to becoming a member of a volunteer fire company. <b>Chapter 198 of the Laws of 2014.</b>
A.2448	Rozic	Provides that members of community boards in NYC need only be 16 years of age to be appointed to such board. <b>Chapter 251 of the Laws of 2014.</b>
A.4645-B	Englebright	Relates to crime victim emergency awards when the award is used to replace medical equipment necessary for the survival of the claimant. <b>Chapter 487 of the Laws of 2014.</b>
A.5388	Englebright	Changes the reporting requirements relative to restitution and fair treatment standards for the office of victims services from annual to every two years; consolidates reporting requirements regarding victims service programs; requires information collected by local and state probation departments relating to victim impact statements to be included in the biennial report. <b>Chapter 489 of the Laws of 2014.</b>
A.5788	Benedetto	Would update and clarify New York State law regarding service animals in order to reduce discrimination by defining the terms “guide dog,” “hearing dog,” and “service dog” to have the same meaning as those terms are defined in section forty-seven-b of the Civil Rights Law. <b>Chapter 536 of the Laws of 2014.</b>
A.7221-A	Abbate	Provides for the creation of a uniform system for the issuance of identification cards for retired members of the state police. <b>Chapter 474 of the Laws of 2014.</b>

A.7489-B	Rosenthal	Restricts the luminous power of lighting fixtures installed or maintained by the state. <b>Chapter 512 of the Laws of 2014.</b>
A.8109-B	Englebright	Relates to personally identifiable information and certain researchers, the safety and security of a research laboratory, and unlawful interference with research laboratory operations. <b>Chapter 440 of the Laws of 2014.</b>
A.8192-A	Ryan	Relates to including probation officers with respect to the confidentiality of personnel records of police officers, firefighters and correction officers. <b>Chapter 516 of the Laws of 2014.</b>
A.8201-A	O'Donnell	Provides certain civil rights protections for interns. <b>Chapter 97 of the Laws of 2014.</b>
A.8489-A	Buchwald	Requires certain municipalities to display the prisoner of war and missing in action flag on certain days, when such flags have been provided to the municipalities by a local veterans' organization. <b>Chapter 366 of the Laws of 2014.</b>
A.8760-A	Stec	Authorizes person holding the office of assistant district attorney in the county of Essex to reside in an adjoining county within the state. <b>Chapter 225 of the Laws of 2014.</b>
A.8842-A	Morelle	Authorizes the commissioner of general services to transfer and convey certain unappropriated state land to Monroe county. <b>Chapter 304 of the Laws of 2014.</b>
A.8875-C	Perry	Requires the installation of carbon monoxide detectors in restaurants and other commercial buildings in New York City. <b>Chapter 540 of the Laws of 2014.</b>
A.8963-A	Englebright	Requires the New York State uniform fire prevention and building code to address standards for the installation of carbon monoxide detectors in restaurants and other commercial buildings. <b>Chapter 541 of the Laws of 2014.</b>

A.8974-B	Crespo	Implements the immigrant assistance service enforcement act; increases fines imposed upon those who violate laws regarding immigrant assistance services; creates the office of new Americans; and establishes crime of immigrant assistance fraud. <b>Chapter 206 of the Laws of 2014.</b>
A.8994	Magee	Relates to the designation of yogurt as the state snack. <b>Chapter 401 of the Laws of 2014.</b>
A.9006	Lentol	Enacts the expedited missing persons' identification act. <b>Chapter 331 of the Laws of 2014.</b>
A.9135	Ortiz	Enacts the "Service Disabled Veteran-Owned Business Act"; develops a comprehensive plan and operational guidelines to promote service-disabled veteran-owned business enterprises. <b>Chapter 22 of the Laws of 2014.</b>
A.9248-A	Englebright	Extends certain provisions relating to restrictions on contacts and disclosure of contacts during the procurement process. <b>Chapter 62 of the Laws of 2014.</b>
A.9595	Skoufis	Authorizes the state to cede concurrent jurisdiction to the federal government over the Stony Lonesome and range areas at the West Point Military Reservation. <b>Chapter 206 of the Laws of 2014.</b>
A.9668	Rodriguez	Relates to provisional certification for certain minority and women-owned business enterprises. <b>Chapter 399 of the Laws of 2014.</b>
A.9828-A	Ryan	Relates to residency requirements for members of the security force employed by Kaleida Health. <b>Chapter 418 of the Laws of 2014.</b>
A.9874	Mosley	Authorizes the commissioner of general services to sell certain land to Northeast Brooklyn Housing Development Corporation. <b>Chapter 217 of the Laws of 2014.</b>
A.9902	Perry	Increases the threshold amount which triggers the publication requirement of procurement opportunities. <b>Chapter 173 of the Laws of 2014.</b>

A.9923	Buchwald	Relates to consolidation of statutory procurement and consulting reports. <b>Chapter 317 of the Laws of 2014.</b>
A.9934-A	Galef	Requires the Secretary of State to promulgate any rules and regulations necessary to remove the word handicapped from any signs or means of communication where such word appears; further requires that anywhere where it is required that the current universal symbol of access of figure in a wheelchair appear that such signage instead depict a logo with a dynamic character leaning forward with a sense of movement; applies only to new signs. <b>Chapter 190 of the Laws of 2014.</b>

**APPENDIX C  
VETOES OF 2014**

A.486-B	Magnarelli	Requires a study and report on methods to modernize information collection, retention and dissemination in the state. <b>Veto Memo 514 of 2014.</b>
A.6530-B	Cusick	Requires counties and cities with a population of one million or more to prepare comprehensive emergency management plans. <b>Veto Memo 536 of 2014.</b>
A.7158	Abbate	Relates to the release of personnel records or information contained therein of first responders; allows such release upon the authorization of the subject employee. <b>Veto Memo 538 of 2014.</b>
A.8821-A	Hooper	Authorizes the commissioner of general services to transfer and convey certain unappropriated state land for community programs. <b>Veto Memo 573 of 2014.</b>
A.8964	Englebright	Establishes that not-for-profit organizations and public benefit corporations shall be entitled to all prompt contracting interest due from a state agency at the time of the first payment. <b>Veto Memo 518 of 2014.</b>



**APPENDIX D  
BILLS THAT PASSED THE ASSEMBLY**

A.828	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.864-A	Weprin	Would protect individuals from religious discrimination relating to his or her ability to wear clothing and accessories required by religious convictions as long as such clothing and accessories do not pose a hazard to the individual or others.
A.898	Weinstein	Would prohibit employers from discriminating against domestic violence victims.
A.1186-B	Kim	Would require every state agency, board, or commission that directly or by contract collects demographic data relating to the ancestry or ethnic origin of residents within the State of New York to maintain an accurate and relevant public record of Asian-American populations in New York State.
A.1695-A	Colton	Would require the Department of Economic Development to prepare a report relating to international trade agreements.
A.1700	Galef	Would modify the ability of government agencies in New York to claim copyright protection.
A.2070	Paulin	Would prohibit discrimination on the basis of disability in places of public accommodation regardless of whether the place of accommodation is owned by the state, local, or municipal government or by a private individual or entity.
A.2387	Rodriguez	Would require additional information to be included in a disparity study mandated by existing law relating to minority- and women-owned businesses to be completed by February 15, 2016.
A.2826	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.3841	People-Stokes	Allows an action for unlawful discriminatory practice to be brought within three years after dismissal for administrative convenience.

A.3884-A	Englebright	Relates to program procurements, clarifying the definition of services, allowing the comptroller to excuse non-material deviations in procurement procedures.
A.4024	Glick	Would extend eligibility for crime victim compensation from the Office of Victim Services to include domestic partners.
A.4226-B	Gottfried	Prohibits discrimination based on gender identity or expression and includes offenses regarding gender identity or expression under the hate crimes statute.
A.4720	Lentol	Would authorize public defenders, legal aid societies, and administrators of assigned counsel plans access to the Division of Criminal Justice Services' criminal history records for use in connection with the representation of public defense clients.
A.4791	Titone	Prohibits state contracts with vendors that forbid employees from litigating discrimination or harassment claims except in the case of an emergency arising from certain unforeseen causes.
A.5170	Englebright	Would clarify certain provisions of FOIL and other disclosure laws to make sure that people are not wrongfully denied access to public record by making changes to the Freedom of Information Law (FOIL) and to section 50-b of the civil rights law.
A.5171	Englebright	Would clarify that the name of a retiree in a public employees' retirement system is subject to disclosure under the Freedom of Information Law, but the names of beneficiaries are not.
A.5306-B	Buchwald	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.5354	Gottfried	Relates to adoption of rules and regulations by state and local government entities prior to the effective date of legislative acts.
A.5386	Englebright	Would grant courts the discretion to designate part or all of any fine or penalty paid by an adjudicated violator of the State's Antitrust Law to be paid to the Office of Victim Services.

A.5553-A	Benedetto	Would increase opportunities in state contracting for service-connected disabled veteran-owned businesses and veteran-owned businesses by providing that a service-connected disabled veteran-owned business would be considered the lowest bidder in a competitive bid for a commodity, if the amount of its bid is within 15 percent of the lowest bid
A.5847-A	Sweeney	Would impose a civil penalty on owners of buildings where said building is constructed or used in a manner that violates the Uniform Fire Prevention and Building Code and that impedes egress during a fire or related emergency evacuation.
A.5916-A	Ortiz	Defines necessary court appearance for purposes of determination of crime victim's award.
A.6046	Sweeney	Would enact the "New York State Healthy and Green Procurement Act."
A.6112	Englebright	Would prohibit 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.
A.6896	Hennessey	Would allow agencies to determine whether they may charge a fee to bidders who wish to obtain copies of plans and specifications for public works projects, rather than mandate it in every case, as current law does.
A.7407	Buchwald	Would amend the Human Rights Law to comply with federal requirements involving cases of housing discrimination, to require that, following a dismissal by the Division of Human Rights for lack of probable cause or lack of jurisdiction, a complainant would be given the opportunity to bring a de novo action in court.
A.7669-A	Bronson	Requires the collection of certain demographic information by certain state agencies, boards and commissions.
A.7812-A	Zebrowski	Relates to improving evaluations of the potential impact of rules on jobs and employment opportunities.
A.8816-A	Weprin	Requires counties to maintain a confidential registry of people of all ages with disabilities for disaster preparedness.
A.8817-A	Weprin	Establishes emergency evacuation plan for individuals with disabilities; and establishes \$500 fine for failure to comply.

A.8829-A	Rodriguez	Authorizes the commissioner of general services to sell and convey certain lands in the borough of Manhattan, county of New York to be used for specific purposes and programs.
A.9214-A	DenDekker	Enacts the Kerry Rose Fitzsimons fire safety act requiring interconnectable smoke detecting devices to be installed in certain residential buildings.
A.9374-A	People-Stokes	Requires facilities offering dialysis services to have an alternate generated power source for use during a general power outage or disaster emergency.
A.9689	Englebright	Authorizes commissioners and state agencies to develop alternative procurement methods not otherwise authorized by law under certain circumstances.
A.9691	Hennessey	Requires certain municipal and state agencies to provide requested information to the office of victim services unless such information is otherwise protected from disclosure or prohibited by superseding laws or would interfere with ongoing criminal investigations.