



**New York State Assembly**

**Sheldon Silver**  
Speaker



# 2013

## ANNUAL REPORT

Committee on  
**Governmental Operations**

**Steve Englebright**  
Chair





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

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

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Committee on Governmental Operations

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Energy  
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Water Resource Needs of Long Island

MEMBER  
Bi-State L.I. Sound Marine Resource Committee  
N.Y.S. Biodiversity Research Institute  
N.Y.S. Heritage Area Advisory Council

December 15, 2013

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 2013 Annual Report of the Assembly Standing Committee on Governmental Operations. In it, I have set forth the Committee's significant legislation from 2013 and our outlook for the 2014 session.

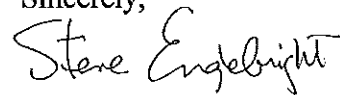
The Committee had a number of accomplishments this year. The most significant bills came in the areas of emergency preparedness, victims' rights, and honoring our fallen soldiers. Chapter 101 of the Laws of 2013 enacted changes to several areas of law that relate to emergency preparedness, creating the authority in Executive Law for the State to accept gifts, excluding cash, to prepare or respond to an emergency. Chapter 119 of the Laws of 2013 expands the eligibility for reimbursement for crime scene clean-up for the families of victims of homicide. Chapter 261 of 2013 gives the family or household members of a victim of crime, the ability to have their relocation expenses reimbursed by the crime victim fund. Chapter 465 of 2013 enacted the Lieutenant Colonel Todd Clark Memorial Flag Presentment, which authorizes the State to provide the flags flown at half-staff in memorial of the death of an armed services member to the family of that service member at no cost. The Assembly also passed A.5553-A, legislation that would provide service-connected disabled veteran-owned businesses and veteran-owned businesses with increased opportunities in state contracting.

The Committee continued its tradition of working toward a more open government. A.5170, A.5172-B, and A.5171 would, respectively, prevent categorical or blanket denials of Freedom of Information Law (FOIL) requests and would require a specific justification for denial of access to records under FOIL, would require auditing of the use of transferred state lands, and would clarify the definition of the term "beneficiary" as it relates to access to retirement systems records.

In 2014, 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 finding cost savings in these difficult financial times. The Committee 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 you, your staff, and the Committee members for their continued support. I look forward to meeting the challenges ahead in the 2014 Legislative Session.

Sincerely,

A handwritten signature in black ink that reads "Steve Englebright". The signature is written in a cursive style with a large, prominent "S" at the beginning.

Steve Englebright, Chair  
Assembly Committee on  
Governmental Operations

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Devin Lander, Committee Clerk  
Kathleen Quackenbush, Secretary

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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 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, which was transferred in the 2013-2014 budget from DHSES to the Office of Information Technology Services, the New York State Police, and the Municipal Police Training Council.

### **A. Tornado Warning System (Chapter 379 of the Laws of 2013/A.7633-A, Crespo)**

This law requires the Division of Homeland Security and Emergency Services to issue a report that provides recommendations on the implementation of a tornado warning system.

### **B. Improving Our State's Ability to Prepare and Respond to Disasters (Chapter 101 of the Laws of 2013/A.7971, Englebright)**

This law makes technical changes to the Civil Service Law, the County Law, the Executive Law, and the General Municipal Law to reflect the transfer of the Office of Fire Prevention and Control (OFPC) from the Department of State and its consolidation into the Division of Homeland Security and Emergency Services. It authorizes the Office of Emergency Management to accept any assistance, including gifts of real and personal property, but not money, from a public or private source for purposes of preparing for, responding to or recovering from a state disaster emergency. The assistance could be used to support state or local disaster operations, and could be distributed to disaster response organizations that are supporting local disaster response operations. Finally, it grants immunity from liability to mobile service providers for acts or omissions relating to, or harm resulting from, the transmission or failure to transmit an emergency alert, when the provider acted reasonably and in good faith.

### **C. Establishing Emergency Evacuation Plans for Individuals with Disabilities (A.6445, 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.**

**D. Ensuring the Safety of Individuals with Disabilities in the Event of a Disaster  
(A.6432, Cusick)**

This bill would enhance the safety of individuals with disabilities by requiring counties to maintain voluntary registries of people who may be in need of special assistance in the event of an emergency or disaster. In 2006, state emergency management officials identified the lack of registries of people with disabilities as a vulnerability in disaster response. By requiring voluntary 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. Promoting Inclusion in Storm Disaster Preparedness and Response  
(Chapter 176 of the Laws of 2013/A.371, Dinowitz)**

This bill adds the New York State Office for the Aging to the list of agencies that appoint an officer to represent the agency on the statewide disaster preparedness commission.



### **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. However, 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. Crime Scene Clean-up Awards for Family Members of Homicide Victims (Chapter 119 of the Laws of 2013/A.6899, Hennessey)**

This law authorizes the Office of Victim Services (OVS) to make awards for crime scene clean-up to allow for a surviving spouse, child, or stepchild of a homicide victim to be eligible for an award for crime scene-clean up in cases where he or she shared a residence with the victim.

#### **B. Expanding Relocation Expenses Awards to Include Members of a Victim's Household (Chapter 261 of the Laws of 2013/A.6900, Englebright)**

This bill would authorize the Office of Victim Services (OVS) to include expenses of members of a victim's household in the determination of an award for relocation expenses.

#### **C. Allowing Domestic Partners to be 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.**

#### **D. 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.**

#### **E. Streamlining Reporting Requirements for the Office of Victim Services (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.

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

**F. 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.**

#### **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. 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.**

##### **B. 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.**

##### **C. Prohibiting Discrimination on the Basis of Gender Identity or Expression (A.4226-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 Investigations and Governmental Operations Committee.**

**D. Preventing Housing Discrimination against Victims of Domestic Violence  
(A.5387, Englebright)**

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

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

**E. 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 Rules Committee.**

**F. Prohibiting Discrimination Against People with Service Animals  
(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.

**This bill passed the Assembly, but died in the Senate Rules 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 observe the performance of public officials by listening to the deliberations and decisions that go into the making of public policy. Both of these, as well as other laws, ensure the government's accountability to the people.

### A. 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 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.**

### B. Ensuring Access to Public Meetings for the Hearing Impaired (A.2826, 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 Finance Committee.**

### C. 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.**

**D. 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.**

**E. 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.**

## **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 (A.2086, Silver)**

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 be required to also 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 would be required to consider the cores of existing districts and preexisting political subdivisions, including counties, cities, and towns, and 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 amendment has passed both houses and has been sent to the Secretary of State.**

## **VII. GOVERNMENTAL ADMINISTRATION**

### **A. 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.**

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

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

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

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

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 Infrastructure and Capital Investment 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. Streamlining Proceedings for Small Businesses (Chapter 491 of the Laws of 2013/A.6632, Zebrowski)**

This law cuts the cost and complexity of participation in adjudicatory proceedings by allowing agencies to offer optional streamlined proceedings to small businesses.

**IX. NEW AMERICANS**

**A. Immigrant Assistance Services  
(A.158-A, Crespo/Veto Memo #249)**

This bill would require providers of immigration assistance services to register with the Department of State and be certified in order to provide immigrant assistance services.

**X. PROCUREMENT**

**A. Prompt Payments for Not-for-Profits  
(A.7471, Englebright/Veto Memo #235)**

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.

## **XI. LAND TRANSFERS**

### **A. Creating a Fire District Substation in Thiells (Chapter 269 of the Laws of 2013/A.1291, Zebrowski)**

This law allows the state to transfer land to the Thiells-Roseville fire district for the purpose of building a substation to service a growing community.

### **B. Creating a Fire District Substation in Islip (Chapter 498 of the Laws of 2013/A.6518-B, Ramos)**

This law removes use restrictions so that land may be transferred to the Central Islip Fire District for the purpose of building a substation.

### **C. Creating a Safe Haven for Animals (Chapter 307 of the Laws of 2013/A.7547, Lalor)**

This law allows the Safe Haven Animal Shelter and Wildlife Center to build a new facility to serve as an educational and rehabilitation center for pets and wildlife.

### **D. The Armory in the Town of Brookhaven (Chapter 161 of the Laws of 2013/A.8036, Hennessey)**

This law allows an application for the transfer of the armory to the town of Brookhaven within three years.

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

### **A. Honoring Our Military Veterans (Chapter 465 of the Laws of 2013/A.8039, Fahy)**

This law establishes the Lt. Colonel Todd Clark Memorial Flag Presentment Program for the presentation of flags lowered to half-staff by order of the Governor to the family or next of kin of a fallen active duty military service member.

### **B. Providing Veteran Businesses Opportunities for Success (A.5553-A, Benedetto)**

This bill would provide service-connected disabled veteran-owned businesses and veteran-owned businesses with increased opportunities in state contracting.

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

### **XIII. OFFICE OF GENERAL SERVICES**

#### **A. Creating an Inventory of State-Owned Real Property and Unappropriated State Land (A.5172-B, Englebright/Veto Memo #205)**

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.

#### **XIV. MISCELLANEOUS**

##### **A. 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.**

## **XV. COMMITTEE HEARINGS AND ROUNDTABLES**

### Hearing on Increasing the Efficiencies in Interaction Between Government Agencies and Small Businesses

On June, 26, 2013, the Committees on Small Business, Banks, Economic Development, Job Creation, Commerce and Industry, Governmental Operations, and Oversight, Analysis, and Investigation held a hearing to examine areas of improvement regarding state agency interactions with small businesses and municipalities. This hearing reviewed municipal practices regarding fines and fees that are assessed on small businesses, and discussed alternative methods of government interaction that will lead to further economic growth in small business.

### Roundtable on the Use of Retainage in Public Projects For Contractors, Subcontractors, and Materialmen

On August 8, 2013, the Assembly Standing Committee on Governmental Operations held a roundtable to discuss the practice of retainage in the construction industry. The roundtable provided an opportunity for the parties involved to address both the advantages and disadvantages of the practice as well identify areas of law where the practice may be modified to increase the beneficial use and decrease disadvantages in order to enhance the industry and improve economic opportunity.

### Roundtable on Cloud Computing in New York State

On October 17, 2013, the Assembly Standing Committees on Governmental Operations and Oversight, Analysis, and Investigation and the Commission on Governmental Administration held a roundtable that examined the potential advantages and challenges for the State as it begins its transition to "cloud computing." Additionally, the roundtable examined how state and local governments can most effectively utilize this emerging technology and if this new technology can provide more efficient and cost-effective government and better interaction with the public.

### Hearing on Risk Mitigation after Superstorm Sandy, Hurricane Irene, and Tropical Storm Lee

On November 26, 2013, the Assembly Standing Committees on Governmental Operations and Local Governments held a hearing to examine the New York State Multi-Hazard Mitigation Plan and recommendations contained in the NYS 2100 Commission report. The NYS 2100 Commission has been charged by the Governor to identify ways to improve state infrastructure in the wake of recent natural disasters and other related emergencies. This hearing also reviewed current funding received by the State as well as current and future mitigation and disaster preparedness projects statewide.



## **XVI. OUTLOOK FOR THE 2014 LEGISLATIVE SESSION**

During the 2014 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 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 significant changes made to the State's procurement laws in the 2013-2014 State Budget, in order to ensure that the procurement process remains fair, open, transparent and competitive.

APPENDIX A

2013 SUMMARY OF ACTION ON ALL BILLS REFERRED TO  
THE ASSEMBLY COMMITTEE ON GOVERNMENTAL OPERATIONS

<b>Final Disposition of Bills</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	10		10
To Ways and Means	22		22
To Codes	32		32
To Rules	7		7
To Judiciary	1		1
Total	72		72
<b><u>Bills Having Committee Reference Changed</u></b>			
To Real Property Taxation	1		1
To Corrections	2		2
To Governmental Employees	1		1
To Corporations, Authorities, and Commissions	1		1
Total	5		5
<b><u>Senate Bills Substituted or Recalled</u></b>			
Substituted		9	9
Recalled		6	6
Total		15	15
Bills Defeated in Committee			
Bills Held In Committee with a Roll-Call Vote	16		16
Bills Never Reported, Died in Committee	385	46	418
Bills Having Enacting Clause Stricken	7		7
Motions to Discharge Lost			
<b>Total Bills in Committee</b>	485	61	546
<b>Total Number of Committee Meetings Held</b>			16

**APPENDIX B  
CHAPTERS OF 2013**

A.371	Dinowitz	Adds the New York State Office for the Aging to the list of agencies that can appoint an officer to represent the agency on the New York State Disaster Preparedness Commission. <b>Chapter 176 of the Laws of 2013.</b>
A.914	Lifton	Relocates in statute provisions that authorize Cornell University to hire campus police officers who are assigned to the Ithaca campus and reside outside of Tompkins County. <b>Chapter 8 of the Laws of 2013.</b>
A.989-B	Rosenthal	Requires certain state agencies to provide a link to a healthcare proxy form on their websites. <b>Chapter 178 of the Laws of 2013.</b>
A.1291	Zebrowski	Authorizes the Commissioner of General Services to transfer and convey certain land to the Thiells-Roseville fire district. <b>Chapter 269 of the Laws of 2013.</b>
A.5666	Brindisi	Provides that the position of public health director in the county of Herkimer may be held by a person residing in an adjoining county. <b>Chapter 255 of the Laws of 2013.</b>
A.6116	Englebright	Provides that requirements for certain positions do not apply to persons employed as an auxiliary police officer or special deputy sheriff. <b>Chapter 138 of the Laws of 2013.</b>
A.6518	Ramos	Provides an exception for certain designated property in the county of Suffolk. <b>Chapter 498 of the Laws of 2013.</b>
A.6632	Zebrowski	Authorizes streamlined adjudicatory proceedings for small businesses appearing as respondents before certain state agencies; authorizes a pilot program by the departments of environmental conservation, health and labor; requires a report after one year. <b>Chapter 491 of the Laws of 2013.</b>

A.6895	Englebright	Extends until June 30, 2015, the authority of the Office of General Services to enter into construction contracts without formal competitive bidding. <b>Chapter 61 of the Laws of 2013.</b>
A.6899	Hennessey	Authorizes the Office of Victim Services to make awards for crime scene clean-up to certain family members who resided with a homicide victim. <b>Chapter 119 of the Laws of 2013.</b>
A.6900	Englebright	Authorizes the Office of Victim Services to include expenses of members of a victim's household in the determination of an award for relocation expenses. <b>Chapter 261 of the Laws of 2013.</b>
A.6901	Fahy	Relates to the supervision of real estate appraiser assistants. <b>Chapter 88 of the Laws of 2013.</b>
A.7408	Englebright	Designates the Office of Fire Prevention and Control as the permitting authority for the display of fireworks and the use of pyrotechnics on all state property. <b>Chapter 127 of the Laws of 2013.</b>
A.7547	Lalor	Authorizes the Commissioner of General Services to convey a parcel of land upon the Green Haven correctional facility to the Safe Haven Animal Shelter and Wildlife Center. <b>Chapter 307 of the Laws of 2013.</b>
A.7556	Brindisi	Relates to residency requirements for paid firefighters in the city of Utica. <b>Chapter 452 of the Laws of 2013.</b>
A.7633	Crespo	Requires the Division of Homeland Security and Emergency Services to provide recommendations on the implementation of tornado warning systems in the state, on the installation of tornado sirens, and on the use of firehouse sirens; requires the division to also make recommendations on the use of other technology available for notification of impending tornado. <b>Chapter 379 of the Laws of 2013.</b>

A.7971	Englebright	Makes technical changes to reflect a 2010 restructure of the Office of Fire Prevention and Control, authorizes the State Fire Administrator to promulgate rules and regulations necessary to implement the state fire mobilization and mutual aid plan, authorizes the Office of Emergency Management to accept non-monetary gifts for use in disaster preparedness and response, and maintains a public database of such donors; also provides immunity from liability for mobile carriers that issue emergency messages for the State. <b>Chapter 101 of the Laws of 2013.</b>
A.8036	Hennessey	Relates to the conveyance of land formerly used as an armory to the town of Brookhaven, county of Suffolk, in relation to the application by the town of Brookhaven for the transfer or conveyance of such land. <b>Chapter 161 of the Laws of 2013.</b>
A.8039	Fahy	Establishes the Lt. Colonel Todd Clark Memorial Flag Presentment Program; provides that flags flown at half mast in honor of a service member be presented to a family member. <b>Chapter 465 of the Laws of 2013.</b>

**APPENDIX C  
VETOES OF 2013**

A.158-A	Crespo	Requires providers of immigration assistance services to register with the Department of State and be certified in order to provide immigrant assistance services. <b>Veto 249 of 2013.</b>
A.487-A	Magnarelli	Provides for the detailing of the benefits and costs of proposed rules in the regulatory impact statements to ensure proper disclosure to the public of such information. <b>Veto 240 of 2013.</b>
A.508	Hooper	Authorizes the commissioner of general services to transfer and convey certain unappropriated state land to the Cedarmore Corporation for community programs. <b>Veto 253 of 2013.</b>
A.1856	Magnarelli	Provides for the offer of state-owned real property determined not to be needed for state purposes to the municipality in which it is located or the county if the municipality declines; permits other disposition of the property if the municipality and county both decline. <b>Veto 241 of 2013.</b>
A.3651	DenDekker	Requires all state agencies and departments to accept credit cards, debit cards, prepaid cards, money orders, and personal and business checks as a method of payment for any fee or other charge collected by such state agency or department. <b>Veto 223 of 2013.</b>
A.5172-B	Englebright	Requires the Commissioner of General Services to maintain an inventory and audit of every state-owned real property or unappropriated state land that has been sold, transferred, conveyed or exchanged and contain a reverter clause pursuant to the public lands law or the unconsolidated laws. <b>Veto 205 of 2013.</b>
A.7471	Englebright	Establishes that not-for-profit organizations shall be entitled to all prompt contracting interest due from a state agency at the time of the first payment made to any such organization. <b>Veto 235 of 2013.</b>

**APPENDIX D  
BILLS THAT PASSED THE ASSEMBLY**

A.508	Hooper	Would authorize the commissioner of the Office of General Services to transfer and convey to the Cedarmore Corporation state land formerly known as the Freeport Armory to be used exclusively for voluntary youth associations and education and recreational programs to assist at-risk youth.
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.914	Lifton	Relocates in statute provisions that authorize Cornell University to hire campus police officers who are assigned to the Ithaca campus and reside outside of Tompkins County.
A.989-B	Rosenthal	Requires certain state agencies to provide a link to a healthcare proxy form on their websites.
A.1186-A	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.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.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.5172-B	Englebright	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.
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.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.5387	Englebright	Would protect victims of domestic violence from potential housing discrimination by including the denial of housing and other accommodations to such victims within the definition of an "unlawful discriminatory practice."



A.5388	Englebright	Would change the Office of Victim Services' reporting requirements for restitution and fair treatment standards from annually to biennially.
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.4024	Glick	Would extend eligibility for crime victim compensation from the Office of Victim Services to include domestic partners.

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.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.
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.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.6432	Cusick	Would require counties to maintain a registry of people of all ages with disabilities for the purpose of evacuating and sheltering such persons during disasters.
A.6445	Cusick	Would require the Department of State to revise current fire codes to establish high-rise emergency evacuation plans for individuals with disabilities.

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.7158	Abbate	Would expand the rights of employees in cases in which an employees' personnel records are considered confidential and, as a result, are not subject to inspection or review except when mandated by court order.
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.7408	Englebright	Would designate the Office of Fire Prevention and Control as the permitting authority for the display of fireworks and the use of pyrotechnics on all state property.
A.7471	Englebright	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
A.7556	Brindisi	Would authorize the city of Utica in the county of Oneida to appoint members of the uniformed fire department, including fire alarm dispatches, who reside in Oneida County or within a county that is adjacent to the county of Oneida.