

New York State Assembly | Sheldon Silver, Speaker



committee on

Governmental Operations

RoAnn Destito, Chair

December 15, 2009

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

Dear Speaker Silver,

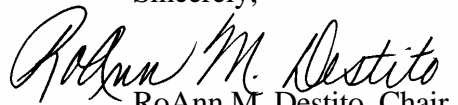
As Chair of the Assembly Standing Committee on Governmental Operations, I respectfully submit to you the 2009 Annual Report. In it, I have set forth the Committee's significant legislation and our outlook for the 2010 session.

The Committee had a number of accomplishments this year. The Assembly passed Bill Number 9032, a comprehensive ethics reform, which builds on the successes of the landmark 2007 ethics legislation. Chapter 80 of the laws of 2009 was enacted to protect domestic violence victims from discrimination in the workplace. Other laws were enacted to improve the State's Freedom of Information, Personal Privacy, and Open Meetings Laws, increase its energy efficiency, adjust its minority- and women- owned business enterprise (MWBE) program to provide greater accountability and compliance, improve its services to crime victims, and enhance its preparedness in case of disaster. The Committee also held a series of hearings regarding deploying information technology resources and employees within a new governance structure to improve the quality and cost-effectiveness of government services in New York.

The agenda for 2010 will continue the Committee's focus on improving the efficiency and fairness of government in New York State. The Committee will continue to improve the State's procurement process to encourage greater participation by New York's small, minority-owned, and women-owned businesses. Government ethics, transparency, and efficiency will remain a top priority. In addition, the Committee is committed to finding cost savings and efficiencies in these difficult financial times, and will continue 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 thank you and the Committee members for their continued support. I look forward to meeting the challenges ahead in the 2010 Legislative Session.

Sincerely,


RoAnn M. Destito, Chair
Assembly Committee on
Governmental Operations

MEMBERS OF THE NEW YORK STATE ASSEMBLY

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GOVERNMENTAL OPERATIONS**

RoAnn M. Destito, Chair

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I. INTRODUCTION

The Governmental Operations Committee's jurisdiction encompasses a broad spectrum of legislative issues. The Committee's subject areas include: governmental reform, lobbying and ethics laws, crime victims' rights, human rights, rights of individuals with disabilities, State procurement and technology policies, Freedom of Information and Open Meetings Laws, disaster preparedness, homeland security, public lands and buildings, redistricting and reapportionment, and 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 entities charged with the delivery of emergency services in the State: the Office of Fire Prevention and Control within the Department of State, the State Emergency Management Office within the Division of Military and Naval Affairs, and the Office of Homeland Security.

A. Studying Homeland Security Resources to Assist Non-Profit Institutions (Chapter 294 of the laws of 2009/A.1247-A, Lancman)

This law authorizes a study of available State resources in order to develop a “non-profit homeland security grant program.” The Office of Homeland Security is authorized to study, evaluate, and make recommendations regarding the State resources available to assist non-profit institutions.

B. Requiring Residences to Install an Operable Carbon Monoxide Detector (Chapter 367 of the laws of 2009/A.6093-A, Schroeder)

This law mandates the installation of carbon monoxide detectors in any residence or family dwelling where there is an appliance that emits carbon monoxide.

C. Requiring Coordination between Localities in Relation to Disaster Preparedness Plans (Chapter 415 of the laws of 2009/A.5025, Brodsky)

This law eliminates potential conflicts between disaster preparedness plans by requiring each county and each town, city, or village within a county to coordinate their local disaster preparedness plans to ensure no aspects of their plans conflict with each other or with the county plan.

D. Exempting Children’s Sleeping Quarters from Certain State Codes (Chapter 443 of the laws of 2009/A.7741-A, Destito)

This law adds an exemption to the New York State Uniform Fire Prevention and Building Code for sleeping quarters in children’s summer camps, and provides that such camps will be governed solely by the Sanitary Code of the Public Health Law.

E. Improving Police Training in Regards to Animal Cruelty (Chapter 492 of the laws of 2009/A.7779, Rosenthal)

This law authorizes the Municipal Police Training Council to promulgate rules and regulations with respect to the development, maintenance, and dissemination of written policies and procedures for the identification and prevention of animal cruelty, including training for members of law enforcement on such polices and procedures in regards to animal cruelty.

**F. Providing for Police Officer and Child Protective Worker Training on Sexual Assault Issues
(A.4629-B, Weinstein/Veto Message # 68)**

This bill would protect victims of sexual violence and the general public by mandating training for police officers regarding sexual assault issues and requiring the Office of Children and Family Services to develop a training curriculum for child protective services workers in techniques used to investigate reports of sexual abuse.

The Governor vetoed this bill, stating that such specific requirements are unnecessary because new police recruits already receive training on sexual abuse and child protective workers are already trained on how to investigate allegations of child and sexual abuse. In addition, he stated that this bill would generate costs that the State could not fund.

**G. Ensuring the Safety of Individuals with Disabilities in the Event of a Disaster
(A.520, Destito)**

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

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

**H. Preventing Police Misconduct
(A.1486, Wright)**

This bill would ensure fairness and public confidence in the judicial system by giving the attorney general expanded authority to investigate and prosecute police officers who have allegedly committed criminal offenses in relation to the performance of their duties. This legislation would ensure the effective investigation and prosecution of alleged criminal conduct committed by police officers in instances when the local prosecutor lacks adequate resources to prosecute or when it is needed to safeguard the public's confidence in the judicial system.

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

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

This bill would enhance public safety and reduce the damage caused by residential fires by requiring certain one and two family dwellings be equipped with an operable portable fire extinguisher.

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

**J. Establishing Emergency Evacuation Plans for Individuals with Disabilities
(A.7852, Titus)**

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

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

**K. Disaster Preparedness Plans for Nursing Homes and Assisted Living Facilities
(A.8313, Destito)**

This bill would amend Chapter 589 of the laws of 2008 to establish that its provisions shall not be deemed to modify or override any requirements in regulations duly promulgated by a State agency and establish that those provisions also shall not limit the authority for an agency to promulgate regulations in the future with respect to disaster preparedness of such facilities, the contents of their disaster preparedness plans, or the process for approval of those plans.

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

III. CRIME VICTIMS

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

A. Expanding Awards to Child Victims Without Physical Injuries (Chapter 272 of the laws of 2009/A.8060, Markey)

This law allows a child victim who has not been physically injured as a direct result of a crime or has witnessed a crime in which no physical injury occurred to be eligible to receive an award from the Crime Victims Board and include certain personal property damage, expenses of transportation to court, and counseling expenses in such awards.

B. Protecting the Confidentiality of Addresses of Victims of Domestic Violence (A.2858-A, Weinstein/Veto Message #8)

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

The Governor vetoed this bill stating that, due to the economic difficulties faced by the State, it would create an unaffordable additional fiscal burden.

C. Clarifying “Necessary Court Appearances” for Crime Victims (A.6532-B, Ortiz/Veto Message #18)

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

This bill was vetoed by the Governor, who stated that it may have a negative fiscal and operational impact by expanding the number and type of court appearances for which crime victims can be reimbursed. In addition, he stated that it would require the Crime Victims Board's limited staff to process more claims.

**D. Establishing a Crime Victims Ombudsman
(A.521, Destito)**

This bill would establish an advocate for crime victims in State government by creating an office of crime victims ombudsman within the Division of Criminal Justice Services, and providing for such ombudsman's functions, powers, and duties.

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

**E. Specialized Training for Public Officials Who Handle Sexual Assault Cases
(A.938-A, DelMonte)**

This bill would increase the awareness among public officials of various aspects of sexual assault crimes by requiring public officers, district attorneys, and judges who have contact with such victims to undergo specialized training. By requiring specialized training for such officers, the needs of sexual assault victims would be better understood by those public officials that handle such cases.

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

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

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

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

**G. Continuing Education for Public Officials Who Interact With Crime Victims
(A.1209, Destito)**

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

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

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

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

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

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

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

This bill passed the Assembly, but died in the Senate Finance 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. Preventing Discrimination Against Victims of Domestic Violence (Chapter 80 of the laws of 2009/A.755-A, Paulin)

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

B. Protecting Individuals With Disabilities Against Discrimination by Public Entities (A.781-B, Paulin/Veto Message #61)

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

The Governor vetoed this bill, stating that it would require the expenditure of resources that are unavailable at this time. In addition, he stated the bill outlaws discrimination against a "qualified individual with a disability," but fails to define the term.

C. Reducing the Dismissal of Complaints Due to Administrative Convenience (A.3483, Peoples-Stokes/Veto Message #2)

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

The Governor vetoed this bill, stating that the three-year limitations period for bringing a court action would start anew upon dismissal, leading to further delay without any offsetting benefit. Such delays could cause memories to fade, witnesses to relocate, and defendants to be left without adequate means to defend complaints. He also stated that this bill has the potential to further increase the burden placed on employers, absent any indication that claimants' rights are not adequately protected.

**D. Providing a Civil Remedy for Victims of Certain Civil Rights Violations
(A.529, Destito)**

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

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

**E. Protecting Victims of Domestic Violence
(A.1055-A, Destito)**

This bill would protect individuals from housing discrimination based on status as a domestic violence victim. A 1985 formal opinion issued by the Attorney General (85-F15) recognized that barring rentals to domestic violence victims has a disproportionate impact on women, and stated that individuals seeking housing should not be denied based on a third party's prior violence. This bill would ensure that domestic violence victims and property owners have notice of their legal rights and responsibilities.

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

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

This bill would make it an illegal discriminatory practice to compensate employees of different sexes differently for work of comparable worth. Assembly hearings on comparable worth and pay equity issues have yielded several suggestions that would help resolve some of the problems resulting from gender-based wage discrimination in the work place. Of these suggestions, the greatest impact would be achieved by an explicit prohibition in the Human Rights Law of gender-based wage setting in female-dominated job classifications.

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

G. Allowing Same-Sex Partners of the Deceased to Obtain Funeral Leave (A.2563, Glick)

This bill would define “same sex committed partner” as a partner who shares a primary residence with the employee and is financially and emotionally interdependent in a manner commonly presumed of spouses and would provide equivalent benefits to employees in such relationships as are afforded to married employees in relation to funeral or bereavement leave.

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

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

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

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

I. Prohibiting Housing Discrimination Based on Lawful Source of Income (A.4367, Greene)

This bill would prohibit discrimination based on lawful source of income when selling, renting, or leasing housing to any person or group of persons; printing or circulating statements, advertisements, or publications directly or indirectly in connection with the prospective purchase, rental, or lease of a housing accommodation; and making false representations which State that a housing accommodation is not available for renting, leasing, or selling. This bill would exempt housing accommodations that contain five or fewer housing units.

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

J. Prohibiting Discrimination on the Basis of Gender Identity or Expression (A.5710, 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, or membership in any firehouse or fire department. Additionally, this bill would include gender identity or expression as one of the specific areas 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.

K. Prohibiting Employers for Discriminating Against Domestic Violence Victims (A.9018, John)

This bill would prohibit employers from refusing to hire, employ or license, or from barring or discharging from employment, a victim of domestic violence or from discriminating against such individual in compensation or in terms, conditions, or privileges of employment, and would require an employer to provide a reasonable accommodation to an employee who is a victim of domestic violence when he or she must be absent from work for a reasonable time.

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

L. Preventing Housing Discrimination against Victims of Domestic Violence (A.9020, Destito)

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

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

V. FREEDOM OF INFORMATION AND OPEN MEETINGS LAWS

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

A. Requiring Online Notice of Public Meetings (Chapter 26 of the laws of 2009/A.3169, Bradley)

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

B. Allowing Personal Privacy Protection Law Requests to be Accepted Via Electronic Mail (Chapter 27 of laws of 2009/A.6382, Destito)

This law requires agencies to accept record requests under the Personal Privacy Protection Law submitted through electronic mail and respond accordingly, if such agency has the reasonable means available. It also requires that such responses, to the extent practicable, use forms consistent with the forms developed by the Committee on Open Government.

C. Expanding Alternate Judicial Remedies under the Open Meetings Law (A.2046-A, John/Veto Message # 3)

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

The Governor vetoed this bill, stating that it has significant technical problems including the proposed civil penalty for which the public body would be liable. In addition, he noted that the term “substantial deliberations” is undefined.

**D. Making Agency Documents Accessible on the Internet
(A.650, Kavanagh)**

This bill would enable State agencies to publish required reports and publications on the internet, and eliminate the requirement that such reports be published in printed form. This would increase efficiency, lower costs, and improve the State's environmental stewardship.

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

**E. Allowing the Photographing, Broadcasting, and Recording of Open Meetings
(A.1045, Destito)**

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

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

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

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

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

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

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

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

H. Ensuring Public Body Meeting Locations Accommodate Members of the Public (A.5873, Pretlow)

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

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

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

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

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

J. Limiting State Agency Appeals of FOIL Violation Judgments (A.6484, Latimer)

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

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

K. Expanding Protection of Technology Assets Stored as Public Information (A.8531-A, Destito)

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

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

VI. GOVERNMENTAL REFORM

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

A. Prohibiting State Agency Loans to Employees (Chapter 63 of the laws of 2009/A.1846, Morelle)

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

B. Enhancing Governmental Structures in Relation to Ethics (A.9032, Silver)

This bill would replace the Commission on Public Integrity with the Executive Ethics Compliance Commission and assigns oversight of lobbying to a reconstituted Lobbying Commission. It also would create a two-tiered body to oversee the Legislature: a new Joint Legislative Commission on Ethics Standards with expanded powers and a Legislative Office of Ethics Investigations to independently conduct investigations with due process protections and recommend sanctions. When the Ethics Committee of either house does not act on a recommended sanction the report of the investigatory body would be made public. This bill also clarifies definitions within the Lobbying Law. Finally, the bill would alter the financial disclosure form to make categories of value public, add an additional category of value, increase disclosure regarding business appearances before State agencies and consulting services, and increase lobbying disclosure regarding business relationships with State public officials.

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

VII. GOVERNMENTAL ADMINISTRATION

A. Waiving Filing Fees for Certain Persons in the Organized Militia or Reserves (Chapter 90 of the laws of 2009/A.296, Magnarelli)

This law clarifies that all court costs or filing fees for the commencement of a civil action or proceeding should be waived for any member of the organized militia or reserves when such claims are based in whole or part on the State Soldiers and Sailors' Civil Relief Act, the State Human Rights Law relating to military status, or Title 38 or Title 50 of the United States Code.

B. Making Comptroller Oversight of Prompt Contracting Provisions Permanent (Chapter 232 of the laws of 2009/A.8327, Bing)

This law makes permanent provisions granting the State Comptroller oversight of an agency's denial of interest to a not-for-profit when a renewal contract is delayed in cases where the agency claims unusual circumstances. These provisions would otherwise have expired on January 1, 2010.

C. Providing Exemptions from the "Revolving Door" Provisions to State Workers (Chapter 306 of the laws of 2009/A.5049, Destito)

This law requires State agencies to provide any State worker whose employment is terminated between January 1, 2009, and April 1, 2011, with a written certification and notice if such person was discharged because of economy, consolidation, or abolition of functions, curtailment of activities, or other reduction in the State workforce and provide that such terminated workers shall not be subject to a two-year prohibition on appearing or practicing before their former agency.

D. Enacting the State Green Building Construction Act (Chapter 380 of the laws of 2009/A.7246-B, Lupardo)

This law repeals Article 13 of the Energy Law, which established the responsibility for the Department of Environmental Conservation to issue regulations regarding construction requirements and procedures that implement green building standards; instead, it requires the Office of General Services to promulgate rules and regulations to establish green building construction requirements and procedures.

**E. Eliminating the Term “Oriental” in Documents Utilized by State Agencies
(Chapter 385 of the laws of 2009/A.7698, Meng)**

This law requires the elimination of the use of the term “oriental” from all State documents because it is derogatory to persons of Asian and Pacific Islander descent. Any preprinted documents containing the term must be revised no later than January 1, 2010.

**F. Preserving Executive Records
(A.641-A, Hoyt/Veto Message # 10)**

This bill would require the Governor and his or her executive staff to establish recordkeeping procedures to keep completed documentary evidence of the activities that affect the people of New York. In addition it would require the Governor to classify and file separately public and personal records and provide that upon completion of a term of office the State Archives shall assume control over the Governor's records, with an affirmative duty to make them available to the public as soon as possible. These provisions would also apply to the records of the Lieutenant Governor.

The Governor vetoed this bill, stating that it would have a fiscal impact on the State as the entire computer system would need to be upgraded in order to accommodate increased storage and retention of electronic mail and other electronic documents. He stated that in the current fiscal climate, the State cannot approve such additional expenditures.

**G. Assisting Service-Disabled Veteran Business Owners in Obtaining State Contracts
(A.8555-A, Espailat/Veto Message # 76)**

This bill would assist service-disabled veterans who own businesses within New York State to increase their ability to win contracts and partake in the State Procurement process. It would create a statewide certification program and require the Office of General Services to be responsible for verifying businesses as being owned, operated, and controlled by service-disabled veterans and granting, denying, and revoking such certification.

The Governor vetoed this bill stating, that the bill would impose a fiscal cost on the State, hinder the State’s policy of competitive bidding, and be duplicative of existing State programs.

**H. Adopting Rules and Regulations by State and Local Entities
(A.1845-A, Gottfried)**

This bill would allow State agencies, departments, and local governments to set forth rules and regulations for legislative programs prior to the effective date for the program without specific legislative approval and provide that legislation that amends a section of law or that sunsets would not amend the sunset date unless the legislation specifically provides for a change in such sunset.

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

**I. Providing Refunds on Filing Fees for Rejected Documents
(A.3446, Eddington)**

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

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

**J. Assisting Public Employees Called to Military Service
(A.5935, Towns)**

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

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

**K. Requiring Multiple Payment Options for Notary Fees
(A.6020, Gottfried)**

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

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

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

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

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

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

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

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

VIII. REGULATORY REFORM

The Governmental Operations Committee has jurisdiction over the State Administrative Procedure Act (SAPA), which governs the conduct of State administrative hearings and proceedings. Regulations are promulgated by agencies in order to carry out their missions and to implement laws. In many cases, regulations issued by State agencies have as much impact on the health, safety, and welfare of New Yorkers as do the laws of the State.

A. Improving the Rule Making Process (A.7458, Gianaris/Veto Message # 9)

This bill would allow agencies to extend the last date for submission of comments on a proposed rule by publishing notice of the extension in the State Register and would allow any citizen or resident of New York State to request any agency to extend a comment period. In addition, it would require agencies to submit written reasoning for denying a request made by the State Comptroller, the Attorney General, or member of the legislature.

The Governor vetoed this bill, stating that it does not establish standards under which a request for an extension may be honored or denied and fails to provide any guidance as to the length of time for which the comment period may be extended or the number of extensions that may be granted.

B. Providing Cost-Benefit Analysis in Regulatory Impact Statements (A.2941, Christensen)

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

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

IX. LEGISLATION AFFECTING MINORITY- AND WOMEN- OWNED BUSINESS ENTERPRISES

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

**A. Establishing Mentor-Protégé Programs for Small, Minority- and Women-Owned Business Enterprises
(Chapter 360 of the laws of 2009/A.4091, Millman)**

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

**B. Requiring the Online Posting of Agency MWBE Utilization Plans
(Chapter 429 of the laws of 2009/A.4092, Millman)**

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

**C. Evaluating Minority- and Women- Owned Business Enterprise Programs
(A.4168, Cook)**

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

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

**D. Increasing Oversight Over State Agency MWBE Goals
(A.4810, Brodsky)**

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

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

X. OFFICE OF GENERAL SERVICES

**A. Extending the Office of General Services' Authority to Enter Emergency Construction Contracts
(Chapter 163 of the laws of 2009/A.8315, Galef)**

This law provides a two year extension to June 30, 2011 of the authority of the Office of General Services to enter into construction contracts worth up to \$300,000 without formal competitive bidding in certain emergencies.

**B. Transferring Surplus Land to the Kings Park Fire District
(Chapter 401 of the laws of 2009/A.8329, Fitzpatrick)**

This law authorizes the commissioner of the Office of General Services to transfer and convey to the Kings Park Fire District approximately 2.68 acres of land that was formally part of the Kings Park Psychiatric Center for the consideration of one dollar, such land to be used for the purpose of a fire substation or it shall revert to the State.

**C. Allowing the Office of General Services to Purchase and Deliver Electricity and Renewable Energy to State Agencies
(Chapter 410 of the laws of 2009/A.9019, Cahill)**

This law authorizes the Office of General Services to purchase fuels and renewable energy sources energies on behalf of State agencies as a centralized service. It also authorizes the Office of General Services to purchase such energy directly from suppliers other than the Power Authority of the State of New York, in consultation with that authority.

**D. Selling and Conveying Certain State Land in the Town of Lansing
(Chapter 486 of the laws of 2009/A.8971, Lifton)**

This law authorizes the commissioner of the Office of General Services to sell and convey for fair market value certain State lands previously conveyed to the town of Lansing; these lands consist of the former State Department of Social Services training school.

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

This bill would require the commissioner of 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 to audit each land sale, transfer, conveyance, or exchange to ensure each transaction adheres to the conditions of such sale, transfer, exchange, or conveyance.

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

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

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

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

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

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

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

XI. MISCELLANEOUS

**A. Allowing Justice James Dwyer of the Town of Marcellus to Reside Outside of Marcellus
(Chapter 65 of the laws of 2009, A.7514-A, Barclay)**

This law allows Town Justice James Dwyer to temporarily reside outside the town of Marcellus, provided he resides in an adjoining town, until his term expires on December 31, 2011.

**B. Declaring Silver Lake a State Inland Waterway
(Chapter 151 of the laws of 2009/A.8001-A, Burling)**

This law declares Silver Lake, in the county of Wyoming, a State inland waterway for purposes of encouraging waterfront revitalization.

**C. Designating the Dr. Henryk Wisniewski Research Tower in Staten Island
(Chapter 266 of the laws of 2009/A.5109, Cusick)**

This law renames the Research Tower at the New York State Institute for Basic Research in Developmental Disabilities, in the borough of Staten Island, as the “Dr. Henryk Wisniewski Research Tower.”

**D. Waiving Residency Requirements for Town Justices in the Town of Willing
(Chapter 301 of the laws of 2009/A. 4263, Giglio)**

This law allows individuals to serve in the position of town justice in the town of Willing, county of Allegany, without residing in that town provided that they reside in an adjoining town in that county.

**E. Declaring the Onondaga Creek a State Inland Waterway
(Chapter 331 of the laws of 2009/A.8056, Stirpe)**

This law declares the Onondaga Creek a State inland waterway for purposes of encouraging waterfront revitalization.

**F. Waiving Residency Requirement for Members of the Auto Trades in New York City
(A.4106-B, Abbate/Veto Message # 65)**

This bill would waive the requirement in the Public Officers Law that an auto mechanic, auto body worker, auto machinist, auto electrician, or an employee with similar or substantially equivalent title be a resident of the municipality in which his or her official functions are exercised for the city of New York, provided that the person resides in a county in New York City or in the counties of Nassau, Westchester, Suffolk, Orange, Rockland, or Putnam.

The Governor vetoed this bill, stating that there is no reason to single out this particular class of employees for such an exemption. In addition, he states that the State should not interfere in local legislation or collective bargaining processes on such issues or alter decisions made by the New York City Council within the last several months.

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

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

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

**H. Designating the Shirley Chisholm State Office Building in Brooklyn
(Chapter 15 of the laws of 2009/A.5365, Jeffries)**

This law designates the State Office Building located at 55 Hanson Place in Brooklyn, New York, as the “Shirley Chisholm State Office Building.”

**I. Establishing a Genetics Advisory Council
(A.8511, Cahill)**

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

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

XII. COMMEMORATION

A. A Day of Commemoration for Holocaust Remembrance (Chapter 241 of the laws of 2009/A.6474, Maisel)

This law designates January twenty-seventh of each year as “Holocaust Remembrance Day,” a day of commemoration for lives lost during the Holocaust. The date chosen, January 27th, marks the anniversary of date of the liberation of the Auschwitz concentration camp by the Allies.

B. A Day of Commemoration for Women’s Equality (A.2231-A, Lifton)

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

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

C. A Day of Commemoration for Thurgood Marshall (A.7068/Jaffee)

This bill would honor the life and work of Thurgood Marshall on behalf of civil rights in New York and across the United States by designating May seventeenth of each year as a day of commemoration to be known as “Thurgood Marshall Day.”

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

XIII. COMMITTEE HEARINGS AND ROUNDTABLES

Ethics

On June 9, 2009, the Committee participated in joint hearings with the Committees on Election Law and Ethics and Guidance examining potential changes to the State's ethics laws. Good government advocates, former and current public officials, and academic experts participated in the hearings to discuss various proposals regarding ethical oversight of public officials, government employees, and lobbyists. Testimony produced at these hearings contributed to the Assembly's passage of comprehensive ethics reform legislation (A.9032) on June 22, 2009, which included the restoration of an independent Lobbying Commission and the creation of a new investigative body to address allegations of wrongdoing by legislators.

Information Technology

The Committee held a series of hearings and roundtables in 2009 regarding the utilization of information technology (IT) by New York State government.

On February 23, 2009, the Committee, along with the Committee on Government Employees, hosted a roundtable on issues related to the use of information technology consultants by State agencies to augment their existing workforce. Agency representatives, technology vendors, academic experts, and union representatives testified as to the reasons State agencies are so dependent on outside contractors to augment their existing IT staff and how that reliance might be reduced. Ways to reduce the price of outside consultants were also discussed.

On November 10, 2009, the Committee held a public hearing on reforming and strengthening the governance and procurement of IT in New York State. The State CIO, agency heads, academic experts, and vendors testified as to the methods the State can implement to get better value from and achieve cost savings in its IT purchases and improve the quality of government services by better managing its IT utilization and purchases.

On November 17, 2009, the Committee, along with the Committees on Governmental Employees and Labor, held a public hearing on the management of the IT workforce in New York. Agency heads, union representatives, vendor representatives, and individual public employees testified regarding ways to reduce the cost of and reliance on outside contractors in core ongoing IT operations in State agencies, including governance changes, enhanced knowledge transfer provisions, and civil service changes. This hearing addressed specific questions of how changes in contractor utilization could produce savings in the FY 2009-10 and FY 2010-11 budgets.

The testimony from these events contributed to the passage during November's Extraordinary Session of Assembly Bill #11, which provides a mechanism to facilitate the insourcing of consultant jobs at a savings to the State. The Committee will take up additional legislation informed by these hearings and roundtable during the 2010 Legislative Session.

Prompt Contracting

The Committee on Governmental Operations held a hearing on June 15, 2009, to review the effectiveness of Article XI-B of the State Finance Law (the “Prompt Contracting” Law) in ensuring that State entities pay not-for-profits in a timely manner for the services those not-for-profits provide. Not-for-profit agencies and representatives of the Office of the State Comptroller both testified that State agencies continue to be delinquent in executing both new and renewal contracts with not-for-profits, and that such delays represent a real threat to the not-for-profit sector’s ability to provide services on which many of New York’s communities depend. The Assembly passed legislation this year (A.8327) making permanent the Comptroller’s oversight over this matter, and testimony gathered at this hearing will contribute to the Committee’s efforts to strengthen compliance with this law in the 2010 Legislative Session.

Library and Database Procurement

On July 28, 2009, the Committee held a joint hearing with the Committee on Libraries and Education Technology to examine the means by which libraries and library systems in New York State could realize savings through the State procurement process. The Committees received testimony from the State Librarian, Office of General Services, and library advocates on best practices for libraries to leverage their buying power in procurement, particularly for electronic resources.

XIV. FOCUS OF THE 2010 LEGISLATIVE SESSION

The Committee will continue to focus on ways to improve information technology governance and identify cost savings and efficiencies in IT procurement and in the IT workforce.

The Committee will continue to advocate for improvements in quality in New York's procurement system, including clarifications in the procurement lobbying statute, enhancing the participation of minority-owned, women-owned, and small businesses in the State's vendor pool, and creating a statewide partnership for libraries to engage in joint procurements in order to realize savings.

The Committee will also continue its work to strengthen the public's right to know and maintain transparency of government actions by being active participants in government reform discussions, including ethics, the Open Meetings Law, and the Freedom of Information Laws.

APPENDIX A

2009 SUMMARY SHEET

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

FINAL ACTION	ASSEMBLY BILLS	SENATE BILLS	TOTAL BILLS
BILLS REPORTED WITH OR WITHOUT AMENDMENT			
TO FLOOR; NOT RETURNING TO COMMITTEE	32	0	32
TO FLOOR; RECOMMITTED AND DIED	0	0	0
TO WAYS AND MEANS	22	0	22
TO CODES	38	0	38
TO RULES	7	0	7
TO JUDICIARY	1	0	1
TOTAL	100	0	100
BILLS HAVING COMMITTEE REFERENCE CHANGED			
TO CODES COMMITTEE	1	0	1
TO CORRECTIONS COMMITTEE	1	0	1
TO EDUCATION COMMITTEE	1	0	1
TO GOV EMPLOYEES COMMITTEE	2	0	2
TO HEALTH COMMITTEE	1	0	1
TO JUDICIARY COMMITTEE	1	0	1
TO TOURISM COMMITTEE	1	0	1
TOTAL	8	0	8
SENATE BILLS SUBSTITUTED OR RECALLED			
SUBSTITUTED		3	3
RECALLED		1	1
TOTAL		4	4
BILLS DEFEATED IN COMMITTEE			
BILLS HELD IN COMMITTEE W/ ROLL-CALL VOTE	22	0	22
BILLS NEVER REPORTED, HELD IN COMMITTEE	397	11	408
BILLS HAVING ENACTING CLAUSE STRICKEN	7	0	7
MOTIONS TO DISCHARGE LOST			
TOTAL BILLS IN COMMITTEE	534	15	549
TOTAL NUMBER OF COMMITTEE MEETINGS HELD	15		

**APPENDIX B
CHAPTERS OF 2009**

A.296	Magnarelli	Relates to a filing fees waiver for certain persons in the organized militia. Chapter 90 of the Laws of 2009
A.755-A	Paulin	Prohibits employers from discriminating against victims of domestic violence or stalking. Chapter 80 of the Laws of 2009
A.1247-A	Lancman	Enacts the “non-profit homeland security preparedness study” regarding the State resources available to assist not for profit intuitions with providing security. Chapter 294 of the Laws of 2009
A.1846	Morelle	Prohibits State agencies from making loans to employees. Chapter 63 of the Laws of 2009
A.3169	Bradley	Provides that if a public body has the ability, it must post notices of place and time of public meetings on its website. Chapter 26 of the Laws of 2009
A.4091	Millman	Requires certain State agencies, departments, or authorities to establish mentor-protégé programs for small, minority, and woman-owned businesses. Chapter 360 of the Laws of 2009
A.4092	Millman	Requires agencies to post contractor utilization plans on the agency website. Chapter 429 of the Laws of 2009
A.4263	Giglio	Authorizes town justices in the town of Willing, in the county of Allegany, to reside outside such town. Chapter 301 of the Laws of 2009
A.5025	Brodsky	Requires that local disaster preparedness plans of a county, city, town, or village not conflict with those of others. Chapter 415 of the Laws of 2009
A.5049	Destito	Relates to activities by certain former State officers. Chapter 306 of the Laws of 2009
A.5109	Cusick	Designates the tower at the administration building of the Institute for Basic Research in Developmental Disabilities as the “Dr. Henryk Wisniewski Research Tower.” Chapter 266 of the Laws of 2009
A.5365	Jeffries	Designates the State Office Building located at 55 Hanson Place in Brooklyn, New York, as the “Shirley Chisholm State Office Building.” Chapter 15 of the Laws of 2009
A.6093-A	Schroeder	Establishes Amanda’s law requiring certain residences to install an operable carbon monoxide detector. Chapter 367of the Laws of 2009
A.6382	Destito	Requires agencies to accept Personal Privacy Protection Law requests through electronic mail. Chapter 27 of the Laws of 2009

A.6474	Maisel	Designates January twenty-seventh as a day of commemoration to be named Holocaust Remembrance day. Chapter 241 of the Laws of 2009
A.7246-B	Lupardo	Enacts the State green building construction; repealer. Chapter 380 of the Laws of 2009
A.7514-A	Barclay	Allows Town Justice James Dwyer to temporarily reside outside of the town of Marcellus. Chapter 65 of the Laws of 2009
A.7698	Meng	Requires the elimination of the use of the term “oriental” in documents utilized by State agencies, public authorities, and municipalities when referring to persons of Asian or Pacific Islander heritage. Chapter 385 of the Laws of 2009
A.7741-A	Destito	Relates to the applicability of the uniform fire prevention and building code to children’s overnight camps. Chapter 443 of the Laws of 2009
A.7779	Rosenthal	Relates to the duties of the municipal police training. Chapter 492 of the Laws of 2009
A.8001-A	Burling	Includes Silver Lake within the definition of “inland waterway” for the purposes of waterfront revitalization. Chapter 151 of the Laws of 2009
A.8056	Stirpe	Adds the Onondaga Creek to the waterfront revitalization program. Chapter 331 of the Laws of 2009
A.8060	Markey	Relates to awards of unreimbursed costs to crime victims. Chapter 272 of the Laws of 2009
A.8315	Galef	Extends the Office of General Service’s authority to enter emergency construction contracts. Chapter 163 of the Laws of 2009
A.8327	Bing	Relates to the effectiveness of provisions of law dealing with State contracts with not-for-profit organizations. Chapter 232 of the Laws of 2009
A.8329	Fitzpatrick	Authorizes the commissioner of the Office of General Services to transfer and convey certain land to the Kings Park Fire District. Chapter 401 of the Laws of 2009
A.8423	Destito	Amends the effective date of chapter 1 of laws of 2005 amending the State Finance Law and other laws relating to restricting contracts in the procurement process. Chapter 169 of the Laws of 2009
A.8971	Lifton	Authorizes the commissioner of the Office of General Services to sell certain lands in the town of Lansing. Chapter 486 of the Laws of 2009
A.9019	Cahill	Authorizes the aggregate purchase of energy for State agencies, institutions, local governments, public authorities and public benefit corporations. Chapter 410 of the laws of 2009

**APPENDIX C
VETOES OF 2009**

A.641-A	Hoyt	Would repeal and reenact provisions on recordkeeping and preservation relating to Governor's and executive chamber records. Veto Memo # 10
A.781-B	Paulin	Would add domestic violence victim status to the list of protected classes who shall not be discriminated against by an employer or licensing agency in terms of hiring or employment practices. Veto Memo # 61
A.2046-A	John	Would strengthen the Open Meetings Law by providing alternate judicial remedies to the courts when any aspect of a meeting is closed in violation of the Open Meetings Law. Veto Memo # 3
A.2858-A	Weinstein	Would direct the Secretary of State to accept service of process and mail on behalf of victims of domestic violence wishing to keep their location secret. Veto Memo # 8
A.3483	Peoples-Stokes	Would allow an action for unlawful discriminatory practice to be brought within three years after dismissal for administrative convenience. Veto Memo # 2
A.4106-B	Abbate	Would remove residency requirements for members of the auto trades employed by New York City. Veto Memo #65
A.4629-B	Weinstein	Would require training regarding sexual assault for police officers and child protective services workers. Veto Memo # 68
A.6532-B	Ortiz	Would define "necessary court appearance" for purposes of determination of crime victim's award. Veto Memo # 18
A.7458	Gianaris	Would permit an agency to extend the last date for submission of comments on a proposed rule by published notice of extension in the State Register. Veto Memo # 9
A.8555-A	Espaillet	Would enact the New York State Service-Disabled Veteran Owned Business Enterprise Opportunity Act. Veto Memo # 76

**APPENDIX D
BILLS THAT PASSED THE ASSEMBLY**

A.520	Destito	Would require counties to maintain a registry of people of all ages with disabilities for the purpose of evaluating and sheltering such persons during disasters.
A.521	Destito	Would establish a crime victim's ombudsman and provide for such ombudsman's functions, powers, and duties.
A.529	Destito	Would establish a civil remedy for victims of bias-related violence.
A.650	Kavanagh	Would provide for online posting of agency reports.
A.938-A	DelMonte	Would require police officers and district attorneys to receive certain training and instruction with respect to crimes involving sexual assault.
A.1045	Destito	Would allow open meetings to be photographed, broadcast, and recorded by audio or video means, subject to reasonable rules.
A.1046	Destito	Would permit antitrust fines or penalties to be paid to the Crime Victims Board at the court's discretion.
A.1055-A	Destito	Would prohibit discriminatory practices in housing against victims of domestic violence.
A.1203	Destito	Would require the commissioner of the Office of General Services to maintain an inventory of and audit all State-owned real property or unappropriated State land that has been sold.
A.1209	Destito	Would establish a victims' assistance education program within the Crime Victims Board to enhance and augment services to victims of crime.
A.1380	Destito	Would change the reporting requirements relative to restitution and fair treatment standards for the Crime Victims Board from annual to every two years.
A.1486	Wright	Would grant the Attorney General jurisdiction to investigate and prosecute police misconduct.
A.1845-A	Gottfried	Would allow State agencies, departments, and local governments to set forth rules and regulations for legislative programs prior to the effective date.
A.2102	Wright	Would require public officers and bodies to provide interpreters and assistive listening devices for the hearing impaired at public hearings under certain conditions.

A.2231-A	Lifton	Would establish a new day of commemoration to be known as Women's Equality Day.
A.2351	Lifton	Would make it a discriminatory practice to compensate employees of different sexes differently for work that is of comparable worth.
A.2563	Glick	Would require employers that provide funeral leave for family members of deceased to allow the same leave for same-sex committed partners of the deceased.
A.2941	Christensen	Would require detailed analysis of the benefits and costs of proposed rules in the regulatory impact statement.
A.3446	Eddington	Would authorize the Secretary of State and other filing offices to refund fees collected for certain filings.
A.3651	Lifton	Would waive the State's sovereign immunity to liability under the Americans with Disabilities Act of 1990 and certain other federal acts.
A.4089-A	Glick	Would extend eligibility for crime victim compensation to include domestic partners.
A.4168	Cook	Would evaluate the effective implementation of provisions of law relating to participation by minority and women-owned business enterprises in State contracts.
A.4367	Greene	Would make housing discrimination based on lawful source of income an unlawful discriminatory practice.
A.4463-B	Brodsky	Would require State-owned real property not needed for State purposes to be offered first to the municipality or county in which it is located.
A.4810	Brodsky	Would establish State agencies to submit goals in order to increase certified minority-owned and woman-owned business enterprises participation in State procurements.
A.4985	Brodsky	Would prohibit disclosure of highway, bridge, tunnel, and other thoroughfare toll and transit records, with exceptions.
A.5710	Gottfried	Would prohibit discrimination based on gender identity or expression and would include offenses regarding gender identity or expression under the hate crimes statute.
A.5726	Galef	Would modify the ability of government agencies in New York to claim copyright protection.
A.5873	Pretlow	Would direct public bodies to conduct meetings in facilities that can reasonably accommodate expected public attendance.

A.5935	Towns	Would authorize an additional thirty days military leave for public employees who are absent on military duty.
A.6020	Gottfried	Would require the Secretary of State and county clerks to accept payment for notary public fees in the form of cash, money orders, or checks.
A.6371	Hyer-Spencer	Would allow State agencies to charge for postage when records are mailed in response to a FOIL request.
A.6484	Latimer	Would limit the time State agencies have to appeal article 78 supreme court judgments against them for violations of the Freedom of Information Law.
A.7038	Sweeney	Would enact the “New York State Healthy and Green Procurement Act.”
A.7068	Jaffee	Would designate May seventeenth as “Thurgood Marshall Day,” a day of commemoration.
A.7748	V. Lopez	Would require the installation of operable portable fire extinguishers in certain R-3 residential apartments.
A.7852	Titus	Would require emergency evacuation plans for individuals with disabilities and establish a five hundred dollar fine for owners who failure to comply.
A.8063	Latimer	Would provide a waiver of deposit for plans and specifications submitted for contracts when available electronically or in non-paper format, as well as plans submitted by minority- and women- owned business.
A.8313	Destito	Would clarify that the authority for an agency to promulgate regulations with respect to disaster preparedness of facilities, the contents of their disaster preparedness plans, or the process for approval of those plans is not diminished by the law on disaster preparedness plans.
A.8511	Cahill	Would establish a genetics advisory council.
A.8531-A	Destito	Would expand protection of private technology assets stored as public information.
A.8699-A	Destito	Would improve the structure of the Most Integrated Setting Coordinating Council.
A.9018	John	Would prohibit employers from discriminating against domestic violence victims.
A.9020	Destito	Would prevent housing discrimination against victims of domestic violence.

A.9032	Silver	Would create an Executive Ethics and Compliance Commission, a new Joint Legislative Commission on Ethics Standards, a new Legislative Office of Ethics Investigations, and restore the independent Lobbying Ethics and Compliance Commission.
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