



*New York State Assembly*  
**2011 ANNUAL REPORT**

*committee on*  
**GOVERNMENTAL  
OPERATIONS**

*Steven Englebright  
Chair*



*Sheldon Silver  
Speaker*

December 15, 2011

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 2011 Annual Report of the Assembly Standing Committee on Governmental Operations. In it, I have set forth the Committee's significant legislation and our outlook for the 2012 session.

The Committee had a number of accomplishments this year. The most significant bills came in the areas of ethics, the rights of persons with disabilities, and crime victims rights. Chapter 399 of the Laws of 2011 enacts the "Public Integrity Reform Act of 2011," creating the Joint Commission on Public Ethics, requiring disclosure of outside clients who have business with the state, and clarifying the ethics laws as they relate to public officials and lobbyists. The Assembly passed A.1932, A.6658, and A.6816, which work to break down barriers faced by persons with disabilities. The Assembly also passed A.3448-A, A.3592, and A.7001-A, which address issues surrounding the discrimination against victims of domestic abuse and crime.

The Committee continued its tradition of working towards a more open government. A.68, A.2305, and A.6787 would increase the transparency of government by increasing access to public documents, auditing the use of transferred state lands, and clarifying copyright claims by governmental agencies.

In 2012, the Committee will continue to focus on improving the efficiency and fairness of government in New York State. The Committee will continue to improve and update the State's procurement process to ensure that the process is competitive, open, and transparent and to encourage greater participation by New York's small, minority-owned, and women-owned businesses. Government ethics, transparency, and efficiency will remain a top priority. In addition, the Committee is committed to finding cost savings in these difficult financial times.

The committee will continue to take a leading role in creating such savings through reform of the State's information technology purchasing process, other procurement and workforce management initiatives, and the Executive Reorganization process which was enacted as part of the budget.

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 2012 Legislative Session.

Sincerely,

A handwritten signature in black ink that reads "Steve Englebright". The signature is written in a cursive, slightly slanted style.

Steve Englebright, Chair  
Assembly Committee on  
Governmental Operations

**MEMBERS OF THE NEW YORK STATE ASSEMBLY**

**STANDING COMMITTEE ON**

**GOVERNMENTAL OPERATIONS**

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Steven Englebright, Chair, June to December

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Sandra R. Galef  
Margaret M. Markey  
Robert P. Reilly  
Michael Benedetto  
George S. Latimer  
Crystal D. Peoples-Stokes  
Michelle Schimel  
Eric Stevenson

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Ranking Minority Member  
Robert Castelli  
Andrew Goodell  
Mark Johns

**COMMITTEE STAFF**

Joanne Barker, Assistant Secretary for Program and Policy  
James Larson, Committee Analyst  
Aaron Suggs, Associate Counsel  
Eric Jacobsen, Committee Assistant  
Alyssa McCoy, Committee Clerk, January to May  
Devin Lander, Committee Clerk, June to December  
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, 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 has oversight over the New York State Police and the Municipal Police Training Council.

### **A. Providing for Police Officer Training on Sexual Assault Issues (Chapter 506 of the Laws of 2011/A.2349-A, Weinstein)**

This law protects victims of sexual violence and the general public by requiring the Municipal Police Training Council, in consultation with rape crisis centers, to develop and disseminate written policies and procedures regarding the investigation of sexual assault crimes. The Training Council also recommends to the Governor rules and regulations for implementing a training program on sexual assault crimes for police officers. In addition, the Office of Court Administration is required to provide judges and justices with training on crimes involving sexual assault.

### **B. Requiring Installation of Operable Portable Fire Extinguishers in Certain Residences (A.4718, V. Lopez)**

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

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

### **C. Establishing Emergency Evacuation Plans for Individuals with Disabilities (A.6658, 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.7257, 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. However, only four out of sixty-two counties have such registries. By requiring voluntary registries, this bill would enhance disaster response capabilities across the State.

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



### **III. CRIME VICTIMS**

The Governmental Operations Committee considers legislation addressing the Office of Victims 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. Protecting the Confidentiality of Addresses of Victims of Domestic Violence (Chapter 502 of the Laws of 2011/A.628-A, Weinstein)**

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

#### **B. Providing Awards for Certain Crime Victims (Chapter 534 of the Laws of 2011/A.8091, Markey)**

This law allows the Office of Victim Services to make awards to victims of the crime of Criminal Obstruction of Breathing or Blood Circulation, even if the victim does not sustain a physical injury. In order to receive an award from the Office, a crime victim usually must suffer a physical injury unless the statute expressly exempts the type of crime from that requirement or be a member of a certain group, such as the elderly, who often are the target of crimes due to their perceived vulnerability. This law adds Criminal Obstruction of Breathing or Blood Circulation to the list of crimes for which a victim can receive an award when there is no physical injury.

**C. Designating Fines to the Office of Victim Services  
(A.2942-A, Destito)**

This bill 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. 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 Government Operations and Investigation Committee.**

**D. Allowing Domestic Partners to be Eligible for Crime Victim Compensation  
(A.3592, 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.**

**E. Streamlining Reporting Requirements for the Office of Victim Services  
(A.5811, Destito)**

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 Crime Victims, Crime and Corrections Committee.**

**F. Improving Public Defense  
(A.7857, 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 Rules Committee.**

#### **IV. DIVISION OF HUMAN RIGHTS**

The Division of Human Rights is the agency charged with enforcement of the State's Human Rights Law, which protects the citizens of New York from discrimination based on race, sex, marital status, and other protected categories.

##### **A. Protecting Individuals with Disabilities Against Discrimination by Public Entities (A.71, Paulin)**

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

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

##### **B. Prohibiting Employers from Discriminating Against Domestic Violence Victims (A.2348-A, Weinstein)**

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

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

##### **C. Preventing Housing Discrimination against Victims of Domestic Violence (A.3448-A, Destito)**

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

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

**D. Protecting State Employees with Disabilities  
(A.3689, 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.**

**E. Promoting Pay Equity Between the Sexes  
(A.3690, Lifton)**

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

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

**F. Prohibiting Discrimination on the Basis of Gender Identity or Expression  
(A.5039, 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 Rules Committee.**

**G. Reducing Discrimination by Updating and Clarifying Laws Regarding Service Animals  
(A.6816, Benedetto)**

This bill would update and bring New York State law into compliance with federal law regarding service animals. It would clarify that a person engaged in training a dog to aid a person with a disability has the same rights and privileges as a person with a disability, remove the requirements that guide dogs, hearing dogs, service dogs, and therapy dogs be trained by a qualified person or dog training center, amend the requirement that such dogs be "properly harnessed" so that they would only have to be "under the control of" a person with a disability, and repeal the requirement that a tenant who has a hearing dog provide documentation of his or her impairment.

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

## V. OPEN GOVERNMENT

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

### A. Availability of Meeting Records (Chapter 603 of the Laws of 2011/A.72-B, Paulin)

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

### B. Limiting State Agency Appeals of FOIL Violation Judgments (A.68, Latimer)

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

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

### C. Ensuring Access to Public Meetings for the Hearing Impaired (A.1932, Wright)

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

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

**D. Providing for Disclosure of Trade Secrets under FOIL  
(A.5601-A, Destito)**

This bill would require a request by a private entity to a state agency to exclude trade secrets from release under FOIL identify which portions of the record are claimed to be proprietary information. The requester would be able to set an expiration date for the exclusions, provided that such a date is not greater than three years from the date of the request. If the state agency agrees to the exclusions and the submitter did not set an expiration date, after three years the submitter would have to apply for a three year extension.

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

**E. Waiving of State Copyright Claims for Public Records  
(A.6787, 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 of 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 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 for public employees. Many of these laws are important components that strive to make government more open.

### **A. The Public Integrity Reform Act of 2011 (Chapter 399 of the Laws of 2011/A.8301, Silver)**

This law amends the state ethics laws. It creates the Joint Commission on Public Ethics, which has the power to investigate and assess penalties on executive branch officers and employees and lobbyists and to investigate legislators and legislative employees for violations of the Public Officers Law and the Legislative Law. It maintains the current structure of the Legislative Ethics Commission, which has the authority to assess penalties on legislators and legislative employees for violations of the Public Officers Law. It also amends the financial disclosure form by creating over 100 categories of value, creates new rules for client disclosure and reporting requirements for legislators, and amends the rules for lobbyist disclosure. The Office of General Services is required to administer and post on its website a database of persons appearing before state agencies, authorities, and the State and City Universities of New York. Public officials who enter the retirement system after the effective date of this law could forfeit their pension if they are convicted of a felony relating to their public office. This law defines “widely attended event” to mean an event related to a public official’s duties where at least 25 people other than legislators, employees, or officers from the governmental entity the public official serves were invited and exempts food and beverages valued at \$15 or less from the gift ban. Finally, this law increases the penalties for violations of the Election Law.



## **VII. GOVERNMENTAL ADMINISTRATION**

### **A. Providing Exemptions from the “Revolving Door” Provisions to State Workers (Chapter 574 of the Laws of 2011/A.8111, Abbate)**

This law requires State agencies to provide any State worker whose employment is terminated between January 1, 2009, and April 1, 2012, 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.

### **B. Prohibiting Dissemination of Advertising Material Related to Agency Missions (A.3320, Hoyt/Veto #56 of 2011)**

This bill would require that, when a state agency enters into a contract to disseminate to the public advertising materials on behalf of a private entity, such a contract must exclude the advertisement of products or services that relate to the authority, mission, or subject matter of the agency. By prohibiting advertising contracts with providers of related products or services, state agencies will avoid a perception of favoritism toward one competitor to the disadvantage of other competing providers.

The Governor vetoed this bill, stating that it could be interpreted to prohibit agencies from advertising their own programs and from engaging in public-private partnerships.

### **C. Increasing Agency Oversight (A.7993-A, Barron/Veto #68 of 2011)**

This bill would require each state department, including the executive department, to make reports to the Legislature by May 15<sup>th</sup> and October 15<sup>th</sup> of each year relating to the distribution of funds and grants to community based organizations by or through the department. The report would be required to list recipients, grants, awards, or funds appropriated for services and programs that are made to organizations that provide services on a local basis under programs that were established by law.

The Governor vetoed this bill, stating that it is unnecessary because much of the information that the bill would disclose is already publicly available.

**D. Contracts for State Agencies for Consulting Services  
(A.5128-A, Bronson)**

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

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

**E. New York State Healthy and Green Procurement Act  
(A.6366-A, Sweeney)**

This bill would improve the health and environmental well-being of New York State and its citizens by modifying the State procurement process to promote green purchasing. Provisions of this bill include adding the commissioners of Health and Environmental Conservation to the Procurement Council; 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 Finance Committee.**

**F. Protecting the Rights of Workers  
(A.7001-A, Titone)**

This bill would prohibit a state agency, department, division, board, bureau, or commission from entering into contracts with any vendor that requires an employee or independent contractor to submit to private arbitration claims arising under Title VII of the Civil Rights Act of 1964 or any tort related to or arising from discrimination, sexual assault, or harassment. These restrictions would not apply to arbitration that is mandated by a collective bargaining agreement or to procurements to respond to an emergency.

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

## **VIII. REGULATORY REFORM**

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

### **A. Making it Easier for Small Businesses and Local Governments to Comply with State Regulations**

**(Chapter 524 of the Laws of 2011/A.7445, Lavine)**

This law requires state agencies to consider the inclusion of a cure period when adopting regulations that would impose penalties on small businesses and local governments. If an agency does not include a cure period, it has to explain in the regulatory flexibility analysis why it chose not to.

### **B. Easing State Agency Filing Requirements**

**(Chapter 571 of the Laws of 2011/A.7444, Lavine)**

This law allows a state agency, in lieu of transmitting to the legislative and judicial libraries copies of previously published material that it incorporated into rules and regulations, to include a web address where such materials are available free of charge. In addition, agencies are only required to transmit the material to one judicial library in each of the four judicial departments; previously, agencies had to transmit the material to one judicial library in each of the thirteen judicial districts.

### **C. Simplifying the Implementation of Enacted Legislation**

**(A.2064, Gottfried)**

This bill would allow state agencies and departments and local governments to set forth rules and regulations for programs created by statute prior to the effective date for the program without express legislative approval. It would further provide that legislation that amends a section of law 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 Government Operations Committee.**

**IX. MINORITY- AND WOMEN-OWNED BUSINESS ENTERPRISES**

The Governmental Operations Committee reviews legislation relating to 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. Allowing for Increased Participation for MWBEs  
(A.8356-A, Scarborough/Veto #87 of 2011)**

This bill would allow MWBEs certified before October 13, 2010, to continue to participate in the state's MWBE program without regard to the personal net worth threshold until June 30, 2013.

The Governor vetoed this bill, stating that it would unnecessarily create a two-tiered certification process for MWBEs.

**X. OFFICE OF GENERAL SERVICES**

**A. Authorizing the Office of General Services to Sell Land to the Richardson Center Corporation  
(Chapter 14 of the Laws of 2011/A.371, Hoyt)**

This law authorizes the Office of General Services, upon the consent of the Commissioner of the Office of Mental Health, to sell and convey land to the Richardson Center Corporation, a not-for-profit that has received state funding to rehabilitate historically significant property in Buffalo that was previously used by the State as a psychiatric hospital. The law also includes a reverter clause stating that if the land is not used to construct a mixed use campus for the benefit of the community, then ownership shall revert to the State.

**B. Extending the Office of General Services authority to Make Aggregate Purchases of Renewable Energy  
(Chapter 68 of the Laws of 2011/A.7261, Cahill)**

This law extends the authority of the Office of General Services to purchase and deliver, as centralized services, renewable energy, renewable energy credits and attributes, and electricity from the New York Power Authority and other sources until 2015. It also clarifies that the Office of General Services may supply to State agencies alternative fuels, such as bio-diesel and compressed natural gas, for motor vehicle fleets.

**C. Extending the State's Authority to Enter into Certain Contracts  
(Chapter 99 of the Laws of 2011/A.7262, Glick)**

This law extends until 2013 the State's authority to enter into construction contracts without formal bidding in certain emergencies with the approval of the Attorney General and the Comptroller.

**D. Authorizing the Office of General Services to Release a Right of Reverter  
(Chapter 150 of the Laws of 2011/A.766-A, Gantt)**

This law authorizes the Commissioner of General Services to release a right of reverter required pursuant to chapter 616 of the laws of 1992, which allowed the state to convey certain premises in Buffalo to the Women for Human Rights and Dignity Development Corporation, Inc. The reverter provisions can only be released on terms and conditions that include the payment to the state of fair and equitable consideration.

**E. Authorizing the Office of General Services to Sell Land to the Bay Shore Union Free School District  
(Chapter 156 of the Laws of 2011/A.4163-A, Ramos)**

This law authorizes the Office of General Services to sell and convey real property to the Bay Shore Union Free School District for one dollar with the requirement that the land be used exclusively by the school district to address the educational needs of the community.

**F. Authorizing the Office of General Services to Sell Land to the Town of Riverhead  
(Chapter 495 of the Laws of 2011/A.6825, Losquardo)**

This law authorizes the Office of General Services to sell and convey real property formerly used as an armory to the Town of Riverhead for one dollar with the requirement that the land be used by Riverhead for its police department and justice court.

**G. Modifying the Requirement that Certain State Lands be Conveyed within One Year  
(A.4791-A, Weprin/Veto #28 of 2011)**

This bill would modify the requirement in chapter 709 of the laws of 2005 that certain state land that was to be conveyed to the New York City Department of Parks and Recreation within one year so that the land must be conveyed by 2014.

The Governor vetoed this bill, stating that the land to be conveyed is not currently owned by the State of New York.

**H. Creating an Inventory of State-Owned Real Property and Unappropriated State Land  
(A.2305, Destito)**

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

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

## **XI. MISCELLANEOUS**

### **A. Associate Urban Park Rangers in New York City (Chapter 371 of the Laws of 2011/A.6308, Abbate)**

This law allows an Associate Urban Park Ranger in New York City to reside in Nassau, Westchester, Suffolk, Orange, Rockland, or Putnam counties once he or she has completed two years of employment with the City.

### **B. New York City Residency Requirements (Chapter 404 of the Laws of 2011/A.289-B, Lancman)**

This law allows persons holding certain specified positions with the City of New York to satisfy the residency requirement of the Public Officers Law if they reside in Nassau, Suffolk, Orange, Rockland, or Putnam counties after two years of employment with New York City.

### **C. Town Justice for the Town of Genesee (Chapter 465 of the Laws of 2011/A.5821-A, Giglio)**

This law allows the Town Justice of the Town of Genesee in Allegany County to reside in another town within the same county.

### **D. Requiring Truth in Advertising for Notaries Public (Chapter 586 of the Laws of 2011/A.7682-B, Linares)**

This law requires a notary public who is not an attorney and who advertises in a language other than English to post with any such advertisements a notice that he or she is not an attorney and may not provide legal advice. Such notaries are also prohibited from using foreign terms in an advertisement that mean or imply that the notary is an attorney.

### **E. Prohibiting the Unnecessary Filing of Personal Identifying Information (A.980, Pheffer)**

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

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

**F. Prohibiting the Disclosure of Electronic Toll and Transit Records  
(A.1942, Bing)**

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

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

**G. Assistant Court Clerk for the Town of Somers  
(A.8253-A, Katz)**

This bill would allow an Assistant Court Clerk for the Town of Somers to reside anywhere within Westchester County or an adjoining county and to serve without being an elector of Somers.

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



## **XII. COMMITTEE HEARINGS AND ROUNDTABLES**

### Hearing on “DREAM Act” Legislation

On December 9, 2011, the Committees on Governmental Operations and Higher Education held a hearing that examined legislative proposals for a “DREAM Act.” These bills (A.6829-A by Assemblyman Linares and A.8689 by Assemblyman Moya) would, amongst other benefits, create a scholarship fund for children of immigrants who are not able to readily obtain access to the traditional financial aid available from state and federal programs. The Committees sought comments from education officials and advocacy groups on these proposals and analysis of the anticipated results if such proposals became law.

### Hearing on Pay Equity in the State of New York

On December 12, 2011, the Committees on Labor, Governmental Employees, Governmental Operations, and Oversight, Analysis and Investigation and the Task Force on Women’s Issues held a hearing on pay equity and comparable worth. Almost 50 years after the passage of the Equal Pay Act (EPA) and Title VII of the Civil Rights Act, women and minorities continue to suffer the consequences of unequal pay. This hearing examined the wage disparities that continue to exist in New York State and discussed ways to eliminate discriminatory practices. Witnesses included women’s rights and pay equity advocates and good government groups.

### Hearing on Agricultural Disaster Relief and Preparedness

On December 15, 2011, the Committees on Agriculture and Governmental Operations held a hearing that reviewed the effectiveness of agricultural disaster relief and preparedness efforts relating to Hurricane Irene and Tropical Storm Lee. The Committees heard testimony on the state’s preparedness and relief efforts and the status of the recovery process. The Committees also sought suggestions on ways the state can improve its disaster preparedness and relief efforts.

### Roundtable on the Implementation of the 2010 Business Diversification Act

On March 9, 2011, the Committee on Governmental Operations, the Governmental Operations subcommittee on Oversight of Minority and Women-Owned Business Enterprises (MWBEs), the Committee on Small Business, and the Committee on Banks held a roundtable discussion that examined the state-wide implementation of the 2010 Business Diversification Act and diversity programs operated by those contracting with the state. The 2010 Business Diversification Act requires targeted MWBE goals for sourcing of services and commodities by certified MWBE businesses for the state and its agencies. The roundtable also examined ways to increase MWBE participation levels in state procurement throughout State government, including contracts for asset management. Attendees included members of the Assembly, representatives from state agencies and trade associations, and certified MWBEs.

### Roundtable on Electronic Access to Public Records

On March 15, 2011, the Committee on Governmental Operations held a roundtable discussion to examine issues related to the means by which people can currently obtain access to government documents and whether there are ways to improve that process, particularly in light of changing technology. Specifically, the roundtable focused on the types of records that could be made available in an electronic format and on the internet and related issues of access, archiving, availability, and the fiscal impact to the State. Participants included members of the Assembly, the State Archivist, and representatives from the Committee on Open Government, the Office for Technology, and the Newspapers Publishers Association.

### **XIII. OUTLOOK FOR THE 2012 LEGISLATIVE SESSION**

During the 2012 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 for crime victims, small businesses, and workers while also working to find fiscal savings for the state.

The 2011 session saw the passage of significant ethics legislation, the Public Integrity Reform Act of 2011. In 2012, the Committee will work to implement the provisions of this Act. The Committee will also 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 MWBEs in State contracts.

The Committee will work towards increasing efficiency in state government through the Executive Reorganization process that was part of the 2011-2012 budget and other initiatives. The committee will also continue to focus on reviewing and improving policies relating to state-owned real property including surplus properties.

Finally, the Committee will work to improve the State's procurement laws, which are scheduled to sunset in June 2012, in order to ensure that the procurement process remains fair, open, and competitive.

**APPENDIX A**

**2011 SUMMARY OF ACTION ON ALL BILLS REFERRED TO  
THE ASSEMBLY COMMITTEE ON GOVERNMENTAL OPERATIONS**

<b><u>Final Disposition of Bills</u></b>	<b><u>Assembly Bills</u></b>	<b><u>Senate Bills</u></b>	<b><u>Total</u></b>
<b><u>Bills Reported With or Without Amendment</u></b>			
To Floor; Not Returning to Committee	8		8
To Ways and Means	16		16
To Codes	27		27
To Rules	10		10
To Judiciary			
Total	61		61
<b><u>Bills Having Committee Reference Changed</u></b>			
To Real Property Taxation	1		1
To Corrections	2		2
To Housing	1		1
To Health	2		2
To Governmental Employees	2		2
To Cities	1		1
To Judiciary	1		1
To Corporations, Authorities, and Commissions	1		1
Total	11		11
<b><u>Senate Bills Substituted or Recalled</u></b>			
Substituted		5	5
Recalled		1	1
Total		6	6
Bills Defeated in Committee			
Bills Held In Committee with a Roll-Call Vote			
Bills Never Reported, Died in Committee	429	29	458
Bills Having Enacting Clause Stricken	38		38
Motions to Discharge Lost			
<b>Total Bills in Committee</b>	539	35	574
<b>Total Number of Committee Meetings Held</b>	12		

**APPENDIX B  
CHAPTERS OF 2011**

A.72-B	Paulin	Would make certain records, which are to be the subject of discussion at an open meeting, available to the public prior to such meeting. <b>Chapter 603 of the Laws of 2011.</b>
A.289-B	Lancman	Allows persons holding certain specified positions with the City of New York to reside in a neighboring county after completing two years of employment with the City. <b>Chapter 404 of the Laws of 2011.</b>
A.371	Hoyt	Authorizes the Office of General Services to transfer land to the Richardson Center Corporation in Buffalo. <b>Chapter 14 of the Laws of 2011.</b>
A.682-A	Weinstein	Creates an address confidentiality program within the Department of State for domestic violence victims and their minor children. <b>Chapter 502 of the Laws of 2011.</b>
A.766-A	Grant	Authorizes the Office of General Services to release a right of reverter required pursuant to chapter 616 of the laws of 1992. <b>Chapter 150 of the Laws of 2011.</b>
A.2349-A	Weinstein	Requires the Municipal Police Training Council and the Office of Court Administration to provide training on crimes involving sexual assault. <b>Chapter 506 of the Laws of 2011.</b>
A.4163-A	Ramos	Authorizes the Office of General Services to sell and convey real property to the Bay Shore Union Free School District. <b>Chapter 156 of the Laws of 2011.</b>
A.5821-A	Giglio	Authorizes the Town Justice of the Town of Genesee in Allegany County to reside in another town in the same county. <b>Chapter 465 of the Laws of 2011.</b>
A.6308	Abbate	Allows an Associate Urban Park Ranger in New York City to reside in a neighboring county after completing two years of employment with the City. <b>Chapter 371 of the Laws of 2011.</b>
A.6825	Losquardo	Authorizes the Office of General Services to sell and convey real property formerly used as an armory to the Town of Riverhead. <b>Chapter 495 of the Laws of 2011.</b>
A.7261	Cahill	Extends the authority of the Office of General Services to make aggregate purchases of renewable energy until 2015. <b>Chapter 68 of the Laws of 2011.</b>
A.7262	Glick	Extends the State's authority to enter into certain construction contracts without formal competitive bidding in certain emergencies until 2013. <b>Chapter 99 of the Laws of 2011.</b>

A.7444	Lavine	Allows a state agency to include a web address where previously published materials that it incorporated into rules and regulations are available in lieu of printed copies. <b>Chapter 571 of the Laws of 2011.</b>
A.7445	Lavine	Requires state agencies to include a cure period when adopting regulations that would impose penalties on small businesses and local governments. <b>Chapter 524 of the Laws of 2011.</b>
A.7682-B	Linares	Requires non-attorney notary publics who advertise in a foreign language to state in such advertisements that they are not attorneys. <b>Chapter 586 of the Laws of 2011.</b>
A.8091	Markey	Allows the Office of Victim Services to make awards to victims of the crime of Criminal Obstruction of Breathing or Blood Circulation. <b>Chapter 534 of the Laws of 2011.</b>
A.8111	Abbate	Provides an exemption for state workers whose employment is terminated between January 1, 2009 and April 1, 2012, to the two-year prohibition of appearing before their former agency. <b>Chapter 574 of the Laws of 2011.</b>
A.8301	Silver	Enacts the “Public Integrity Reform Act of 2011.” <b>Chapter 399 of the Laws of 2011.</b>

**APPENDIX C  
VETOES OF 2011**

A.3320	Hoyt	Would prohibit a state agency from entering into contracts to disseminate advertising materials for products that relate to the agency's mission. <b>Veto 56 of 2011.</b>
A.4791-A	Weprin	Would modify the requirement in chapter 709 of the laws of 2005 that certain state land be conveyed to the New York City Department of Parks and Recreation within one year. <b>Veto 28 of 2011.</b>
A.7993-A	Barron	Would require each state department to report to the Legislature on certain grants and expenditures made to community based organizations. <b>Veto 68 of 2011.</b>
A.8356-A	Scarborough	Would allow MWBEs certified before October 13, 2010, to continue to participate in the state's MWBE program without regard to the personal net worth threshold until June 30, 2013. <b>Veto 87 of 2011.</b>

**APPENDIX D  
BILLS THAT PASSED THE ASSEMBLY**

A.68	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.71	Paulin	Would codify provisions of Title II of the Federal Americans with Disabilities Act regarding access to public accommodations in the State Human Rights Law.
A.980	Pheffer	Would prohibit a person or business entity from filing unnecessary personal identifying information with a State or local government agency.
A.1932	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.1942	Bing	Would prohibit, with certain exceptions, disclosure of highway, bridge, tunnel, and other thoroughfare toll and transit records.
A.2064	Gottfried	Would allow state agencies and local governments to promulgate rules and regulations prior to the effective date of a bill and would establish the interpretive rule that amendments that make changes to statutes with sunsets expire when the underlying law does.
A.2305	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.2348-A	Weinstein	Would prohibit employers from discriminating against domestic violence victims.
A.2942-A	Destito	Would permit antitrust fines or penalties to be paid to the Office of Victim Services at the court's discretion.
A.3448-A	Destito	Would prevent housing discrimination against victims of domestic violence.
A.3592	Glick	Would extend eligibility for crime victim compensation from the Office of Victim Services to include domestic partners.
A.3689	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.3690	Lifton	Would make it a discriminatory practice to compensate employees of different sexes differently for work that is of comparable worth.



A.4718	V. Lopez	Would require the installation of operable portable fire extinguishers in certain R-3 residential apartments.
A.5039	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.5128-A	Bronson	Would require that state agencies could not enter into a contract for consultant services that is anticipated to cost more than \$500,000 annually without conducting a review to determine whether state employees can meet the same need for equivalent or lower costs.
A.5601-A	Destito	Would require that entities that submit records to state agencies that are excepted from the Freedom of Information Law as trade secrets periodically re-apply for the exception.
A.5811	Destito	Would change the reporting requirements relative to restitution and fair treatment standards for the Office of Victim Services from annual to every two years.
A.6366-A	Sweeney	Would enact the “New York State Healthy and Green Procurement Act.”
A.6658	Cusick	Would require the Department of State to revise current fire codes to establish high-rise emergency evacuation plans for individuals with disabilities.
A.6787	Galef	Would modify the ability of government agencies in New York to claim copyright protection.
A.6816	Benedetto	Would update, clarify, and bring into compliance with federal law New York State laws regarding service animals.
A.7001-A	Titone	Would prohibit the state from contracting with vendors that require employees to submit claims of discrimination, sexual assault, or harassment to private arbitration.
A.7257	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.7857	Lentol	Would add public defenders, legal aid societies, and assigned counsel administrators to the list of individuals and groups who can obtain access to the Division of Criminal Justice’s criminal history data base system.

A.8253-A	Katz	Would allow an assistant court clerk for the Town of Somers to reside anywhere within Westchester County or an adjoining county and to serve without being an elector of Somers.
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