



New York State Assembly

Carl E. Heastie, Speaker

ANNUAL REPORT 2015

A dark blue silhouette of a city skyline, including various skyscrapers and buildings, positioned behind the large white text of the title.

Committee on
Governmental Operations

Crystal D. Peoples-Stokes, Chair



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CRYSTAL D. PEOPLES-STOKES
141st Assembly District
Erie County

CHAIR
Committee on
Governmental Operations

COMMITTEES
Alcoholism and Drug Abuse
Environmental Conservation
Health
Higher Education
Insurance

MEMBER
Black, Puerto Rican, Hispanic and
Asian Legislative Caucus

December 15, 2015

The Honorable Carl Heastie
Speaker of the Assembly
Legislative Office Building, Room 932
Albany, NY 12248

Dear Speaker Heastie,

It is my pleasure to respectfully submit to you the 2015 Annual Report of the Assembly Standing Committee on Governmental Operations. Contained within are descriptions of the Committee's significant legislation and other activities from 2015, and an overview of the Committee's outlook for the 2016 session.

The Committee had a number of accomplishments this year. I am proud to report that the Committee successfully enacted many important pieces of legislation. Several parts of the Women's Equality Act were introduced to the Governmental Operations Committee and have been signed into law. These include measures to protect domestic violence victims from housing discrimination and eviction, prohibit discrimination based on familial status, provide attorney's fees in cases of discrimination based on housing, employment and credit, and require employers to provide reasonable accommodations for pregnant employees. The Committee advanced many other significant bills that were ultimately enacted into law, as well as advocated for and realized increased funding for the Minority and Women-Owned Business program in the 2015-2016 final budget.

In 2016, the Committee will continue to focus on improving the efficiency and fairness of government in New York State. Disaster and emergency preparedness, transparency and efficiency will remain top priorities. As many of the State's procurement laws are due to expire in 2016, the Committee will continue to seek ways to improve and update the State's procurement process to ensure that it is competitive, open and transparent. It is also a goal of the Committee to encourage greater participation by small, minority-owned and women-owned businesses. In addition, the Committee is committed to ensuring that everyone in New York State is treated with dignity and respect and enjoys the same treatment and protection of law.

I would like to take this opportunity to thank you, your staff and the Committee members for their continued support. I look forward to meeting the challenges ahead in the 2016 legislative session.

Sincerely,

Crystal Peoples-Stokes, Chair
Assembly Committee on Governmental Operations

MEMBERS OF THE NEW YORK STATE ASSEMBLY

**STANDING COMMITTEE ON
GOVERNMENTAL OPERATIONS**

Crystal Peoples-Stokes, Chair

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Paul Nickson, Committee Analyst
Teri Kleinmann, Associate Counsel
Colleen Honan, Committee Assistant
Diana Campbell, Committee Clerk
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TABLE OF CONTENTS

I.	Introduction	1
II.	Disaster Preparedness, Fire Prevention, and Public Safety	2
III.	Crime Victims	5
IV.	Division of Human Rights	7
V.	Open Government	10
VI.	Governmental Administration and Reform.	13
VII.	Regulatory Reform	14
VIII.	Procurement	15
IX.	Land Transfers	16
X.	Miscellaneous	18
XI.	Committee Hearings and Roundtables	20
XII.	Outlook for the 2016 Legislative Session	21
	Appendix A: 2015 Summary of Action on All Bills	22
	Appendix B: Chapters of 2015	23
	Appendix C: Vetoes of 2015	26
	Appendix D: Bills Passed by the Assembly	28

I. INTRODUCTION

The Governmental Operations Committee's jurisdiction encompasses a broad spectrum of legislative and regulatory issues. The issue areas of the Committee 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. In addition, the Committee oversees the Subcommittee on the Oversight of Minority and Women-Owned Business Enterprises (MWBEs).

II. DISASTER PREPAREDNESS, FIRE PREVENTION AND PUBLIC SAFETY

Legislation related to the delivery of emergency services and public safety within the State is often referred to the Governmental Operations Committee. The Committee examines the activities of the Division of Homeland Security and Emergency Services (DHSES), which includes the Office of Fire Prevention and Control, the State Emergency Management Office, the Office of Counterterrorism and the Office of Interoperability and Emergency Communications. The Committee is also concerned with the Office of Cyber Security within the Office of Information Technology Services, the New York State Police and the Municipal Police Training Council.

A. Establishing Emergency Evacuation Plans for Individuals with Disabilities (A.2200, Weprin)

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

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

B. Ensuring the Safety of Individuals with Disabilities in the Event of a Disaster (A.2658, Weprin)

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

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

C. Alternate Generated Power Source for Dialysis Services (A.2726, People-Stokes)

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

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

**D. Ensuring Reliable Smoke Detectors
(A.3057-A, Morelle)**

This bill would require all smoke detectors sold in New York State as of January 1, 2017 to be manufactured with a tamper proof design and batteries that have a 10-year life span.

Chapter 583 of the Laws of 2015; Approval Memo 37

**E. Interconnectable Smoke Detecting Devices
(A.4355, DenDekker)**

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

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

**F. Comprehensive Emergency Management Plans
(A.5125-B, Cusick)**

This bill would require counties and cities with a population of one million or more to prepare and update a comprehensive emergency management plan to help ensure that the most vulnerable individuals receive the care and assistance they need following an emergency. This bill would require such plans to include procedures for allowing access by physicians, nurses, medical professionals, home health agencies, long-term home health care service agencies, and hospice organizations.

Veto Memo 205 of 2015

**G. Violations of the Uniform Fire Prevention and Building Code
(A.5856, Zebrowski)**

This bill would impose a civil penalty up to \$7,500 upon the owner of a building determined to have had knowledge or who should have had knowledge of alterations to buildings in violation of any provision of the uniform fire prevention and building code, or any lawful order obtained thereunder that impedes exit from a building during a fire or emergency evacuation.

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

**H. Status of Claims for Disaster Assistance
(A.7204-A, Kaminsky)**

This bill requires the Office of the Governor, in cooperation with the Commissioner of the Division of Homeland Security and Emergency Services and the Executive Director of the

Governor's Office of Storm Recovery, to produce a quarterly report that details the claims and status of all claims for disaster assistance that are currently pending or being assisted by the Governor's Office of Storm Recovery and/or the New York Rising Community Reconstruction Plans Program.

Chapter 413 of the Laws of 2015; Approval Memo 4

**I. Animal Cruelty Training
(A.7207, Magee)**

This bill requires the Municipal Police Training Council, in consultation with the Department of Agriculture and Markets, to develop, maintain and disseminate written policies and procedures pertaining to animal cruelty and protection laws, and ensure adequate education and training related to the enforcement of such laws. Such information would be required to be available in a written and electronic medium that is readily accessible to police agencies, officers and district attorneys.

Chapter 384 of the Laws of 2015

**J. Hurricane Sandy Recovery Fund
(A.7261-A, Brennan)**

This bill would increase transparency of disaster recovery funds related to Hurricane Sandy by requiring the Division of Budget, in consultation with the Office of the State Comptroller, to maintain a public website dedicated to the administration of Hurricane Sandy recovery funding, as well as require an annual report concerning the receipt, distribution, and administration of Hurricane Sandy recovery funding for the previous calendar year.

Veto Memo 238 of 2015

**K. Utility Worker Travel Ban Exemption
(A.8059-B, Cahill)**

This bill would facilitate the prompt restoration of energy and communication services during a declared disaster by allowing certain essential private and public personnel access to otherwise restricted areas during disasters.

Veto Memo 220 of 2015

III. CRIME VICTIMS

The Governmental Operations Committee considers legislation addressing the Office of Victim Services. This agency advocates and is responsible for compensating eligible crime victims. The Committee's interest and commitment to the concerns of crime victims go beyond issues directly relating to the Office itself. The Committee contributed several key bills to various legislative packages that seek to improve the responsiveness of the criminal justice system to domestic violence and other crime victims.

A. Crime Victim Awards for Necessary Court Appearances (A.1097, Ortiz)

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

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

B. Directing Fines to the Office of Victim Services (A.2661, Englebright)

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

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

C. Domestic Partners Eligible for Crime Victim Compensation (A.3694, 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 Finance Committee.

**D. Improving Public Defense
(A.5994, Lentol)**

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

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

E. Increasing Threshold for Proof of Financial Difficulty Related to Crime Victims Awards.

(A.6943, Peoples-Stokes)

This bill was submitted for introduction by the Office of Victim Services and raises the threshold at which the Office of Victims Services would be required to prove financial difficulty of the claimant for claims of \$5,000 or more to claims of \$10,000 or more.

Chapter 263 of the Laws of 2015

**F. Counseling for Grandchildren of Homicide Victims
(A.8235, Peoples-Stokes)**

This bill adds "grandchild" to the list of family members related to victims of a crime, who died as a direct result of such crime, to be eligible for an award including counseling services.

Chapter 104 of the Laws of 2015

IV. DIVISION OF HUMAN RIGHTS

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

A. Prohibiting Discrimination in Places of Public Accommodation (A.136, Paulin)

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

Chapter 89 of the Laws of 2015

B. Prohibiting Employers from Discriminating Against Domestic Violence Victims (A.272, Weinstein)

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

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

C. Employment, Housing, and Credit Discrimination (A.7189, Dinowitz)

This bill provides courts the discretion to award reasonable attorney's fees in all cases pertaining to housing and housing-related credit discrimination, and in employment and credit discrimination cases when gender is the basis for discrimination.

Chapter 364 of the Laws of 2015

**D. Reasonable Accommodations for Pregnant Employees
(A.4272, Gunther)**

This bill defines “pregnancy-related condition” and adds “pregnancy-related condition” to the definition of “reasonable accommodation” in order to provide that employers need to reasonably accommodate pregnant employees to the same standard that disabled employees are accommodated.

Chapter 369 of the Laws of 2015

**E. Prohibiting Discrimination on the Basis of Gender Identity or Expression
(A.4558-A, Gottfried)**

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

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

**F. Protecting State Employees with Disabilities
(A.5388, 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 Investigations and Governmental Operations Committee.

**G. Protecting Domestic Violence Victims from Housing Discrimination
(A.6354-B, Peoples-Stokes)**

This bill prohibits discrimination against persons who have been a victim of domestic violence with respect to housing. This bill also prohibits evictions based on domestic violence status, and establishes a task force to study the impact that one's source of income has on the ability to access housing.

Chapter 366 of the Laws of 2015

**H. Prohibiting Discrimination of “Familial Status” in the Workplace
(A.7317, Russell)**

This bill makes it unlawful to discriminate based on “familial status,” thereby providing protections for individuals with children in the same manner as other protected categories.

Chapter 365 of the Laws of 2015

V. OPEN GOVERNMENT

The Freedom of Information Law (FOIL) dictates the instances of the public's right to know about the process of governmental decision-making by allowing for review of documents that form the basis of governmental decisions and actions. The Open Meetings Law enables the public to monitor the performance of public officials by observing the deliberations and decisions that go into the making of public policy. FOIL and the Open Meetings Law, as well as other laws, help to ensure governments' accountability to the people.

A. Limiting State Agency Appeals of FOIL Judgments (A.114, Buchwald)

This bill would limit the time a state agency would have to file an appeal after a court judgment requiring records disclosure by the agency pursuant to FOIL. Such an appeal would be deemed abandoned by the agency when it fails to serve and file a brief within 60 days after the date of the notice of appeal.

Veto Memo 274 of 2015

B. List of State Boards, Commissions, and other Entities (A.1163, Paulin)

This bill would require the Secretary of State to maintain on its website a compilation of the membership, duties, meeting and contact information, and products of all state boards, commissions, committees, and other similar entities. In addition, such entities would be required to annually advise the Secretary of State of all information needed to facilitate these publication requirements. This bill would also require all such entities, or the state agencies they advise, to provide on an annual basis all costs associated with these boards for the prior year, and anticipated costs for the coming year.

Veto Memo 223 of 2015

C. Broadcast of Open Meetings (A.1233-A, Paulin)

This bill would increase the public's ability to view open meetings of state agencies by requiring an agency, to the extent practicable and within available funds, to broadcast its open meetings to the public and maintain such broadcast as a record. If an agency maintains a website, the broadcast would be required to be posted, to the extent practicable, on such website within and for a reasonable length of time following such meeting.

Chapter 519 of the Laws of 2015

**D. Attorneys' Fees
(A. 1438-B, Paulin)**

This bill would require the courts to assess against an agency reasonable attorneys' fees and other litigation costs incurred by a person or entity that has substantially prevailed where the court finds the agency denied access to records in material violation of FOIL and had no reasonable basis for denying access.

Veto Memo 278 of 2015

**E. Public Employee Retirees
(A.3149, Englebright)**

This bill would clarify that the name of a retiree in a public employees' retirement system is subject to disclosure under FOIL by amending the Public Officers Law to define "retiree" as a former officer or employee of a state agency, the legislature, or the judiciary who is also a member of a public employees' retirement system. This bill would also define "beneficiary" as a person chosen by a retiree to receive pension benefits following the retiree's death.

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

**F. Waiving of State Copyright Claims for Public Records
(A.3489, Galef)**

This bill would increase access to records that are required to be disclosed pursuant to FOIL 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, scientific or academic research, or if the body intends to sell the record to the public. This bill responds to governmental entities' practice of copyrighting government documents.

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

**G. Open and Transparent Public Records
(A.4468, Englebright)**

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

clarify that access to a record cannot be withheld due to the type or category of record or solely because it relates in some manner to an investigation or criminal proceeding.

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

**H. Online FOIL Requests
(A.5768, Peoples-Stokes)**

This bill would require each state agency that maintains a website to ensure that such website provides for the online submission of FOIL requests.

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

VI. GOVERNMENTAL ADMINISTRATION AND 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 state government and public employees. Many of these laws are important components of efforts to make government more open and responsive.

A. Full Payment upon Delivery (A.796, Braunstein)

This bill would prohibit a public owner from retaining up to five percent of each progress payment for materials pertinent to the project which have been delivered, accepted and are covered by a manufacturer's warranty, and/or are graded to meet industry standards. In addition, the contractor would be required to pay in full, upon payment by the public owner, for all materials pertinent to the project which have been delivered to and accepted at the site or off-site by a "materialman" and that are covered by a manufacturer's warranty, and/or are graded to meet industry standards.

Veto Memo 275 of 2015

B. Expanding Diversity in State Data Collection (A.2403, Bronson)

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

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

C. Expanding Diversity and Ethnicity Groupings in State Data Collection (A.2430, Kim)

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

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

D. Public Pension Forfeiture Constitutional Amendment (A.7704, Buchwald)

The purpose of this Resolution to amend the Constitution is to submit a ballot question to the voters related to the forfeiture of public officers' pensions upon conviction of certain felonies.

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

VII. REGULATORY REFORM

The Governmental Operations Committee reviews bills that would amend the State Administrative Procedure Act (SAPA), which establishes uniform administrative procedures for the State. 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. Job Impact Statements (A.1335, Zebrowski)

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

Veto Memo 224 of 2015

VIII. PROCUREMENT

A. Improving the Debriefing Process (A.2029-D, Hevesi)

This bill would improve responses to contract opportunities by requiring state agencies to provide unsuccessful bidders with additional information and in-person meetings during the debriefing process.

Veto Memo 294 of 2015

B. Increasing Participation of Minority and Women-Owned Business Enterprises (MWBEs) (A.6872, Blake)

This bill would require all contracting state agencies to develop a three-year growth plan to determine means of promoting and increasing participation of MWBEs on state contracts and sub-contracts. Every three years, beginning May 15, 2016, such plan would be submitted to the Governor and Legislature as part of each state agency's annual report.

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

C. Improving the Procurement Process (A.7513-C, Peoples-Stokes)

This bill was submitted for introduction by the Office of the State Comptroller and would improve the transparency, accountability, efficiency and flexibility of the State procurement process. This bill would authorize the State Comptroller to excuse non-material deviations in procurements and require participation by state agencies in a system to compile vendor responsibility information. It would also authorize state agencies to develop alternative procurement methods not otherwise authorized by law under certain circumstances, and clarify the use of competitive negotiations concluding with a best and final offer. This bill would provide several other technical and procedural improvements to the procurement process.

Veto Memo 303 of 2015

IX. LAND TRANSFERS

A. Acacia Network (A.989, Rodriguez)

This bill authorizes the Commissioner of General Services to transfer and convey a surplus state building located in Manhattan to Acacia Network, a not-for-profit corporation.

Chapter 82 of the Laws of 2015

B. Joseph's Home Inc. (A.2122-A, Jaffee)

This bill authorizes the Commissioner of General Services, upon the consent of the Commissioner of Mental Health, to transfer and convey to Joseph's Home Inc., a not-for-profit corporation, certain unused land consisting of a portion of the Rockland Psychiatric Center, in consideration of fair market value and upon other terms and conditions the Commissioner of General Services may deem proper.

Chapter 246 of the Laws of 2015

C. Otisville Correctional Facility (A.5012-A, Gunther)

This bill authorizes the Commissioner of General Services to transfer and convey to the village of Otisville the Otisville Correctional Facility which has been declared abandoned state land.

Chapter 497 of the Laws of 2015

D. Sullivan Annex (A.7449, Gunther)

This bill authorizes the Commissioner of General Services to transfer and convey to the Town of Fallsburg state-owned land known as the Sullivan Annex located at the Sullivan Correctional Facility.

Chapter 501 of the Laws of 501

**E. Coxsackie Correctional Facility
(A.7482, Lopez)**

This bill authorizes the Commissioner of General Services to transfer a parcel of abandoned land at the Coxsackie Correctional Facility to Greene County.

Chapter 325 of the Laws of 2015

X. MISCELLANEOUS

**A. Prohibiting the Unnecessary Filing of Personal Identifying Information
(A.3580, Englebright)**

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

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

**B. Rockefeller State Park Preserve
(A.5140, Abinanti)**

This bill requires the state Comptroller to transfer an endowment bequeathed for the Rockefeller State Park Preserve from the custody of the Comptroller to the Natural Heritage Trust. This bill allows the Natural Heritage Trust to realize a greater return on investment of these funds, and ultimately provide greater benefit to the preserve.

Chapter 93 of the Laws of 2015

**B. Fraud Prevention
(A.5056, Hevesi)**

This bill would enhance the State Comptroller's ability to detect and prevent fraud, waste, abuse and improper payments by creating an enterprise fraud prevention and detection system. This bill would permit the Comptroller to utilize state-of-the-art technology, with the cooperation of state agencies, to detect and prevent improper state payments.

Chapter 566 of the Laws of 2015; Approval Memo 23

**C. J.N. Adam Development Center
(A.7145-B, Giglio)**

This bill would direct the Commissioner of General Services and the Commissioner of the Office for People with Developmental Disabilities to jointly examine, evaluate and make a report concerning the most appropriate uses of the J.N. Adam Developmental Center in conjunction with the Empire State Development Corporation, the Office of Parks, Recreation and Historic Preservation, the Department of Environmental

Conservation, the Mayor and City Council of the city of Buffalo, and the Supervisor and Town Board of the town of Perrysburg.

Veto Memo 264 of 2015

**D. Police/Peace Officer Memorial
(A.7575, Fahy)**

The purpose of this bill is to present flags to surviving family members upon the death of any police officer or peace officer that resulted in flags being lowered to half-staff.

Chapter 385 of the Laws of 2015

**E. Missing Adults
(A.7468, Barron)**

This bill, known as Lamont Dottin's Law, would require police agencies that receive a report of an adult missing from his or her normal and ordinary place of residence and whose whereabouts cannot be determined by a person whose relationship with such person would place them in a position to have knowledge of their whereabouts, and such missing person does not qualify as either a missing child or a vulnerable adult, to file an electronic report with the National Crime Information Center within 24 hours of collecting the information unless the police agency has been notified that the missing person has been located.

Veto Memo 255 of 2015

XI. COMMITTEE HEARINGS AND ROUNDTABLES

Public Hearing on the Use of Body-Worn Cameras by Law Enforcement Officials

On December 8, 2015, the Committees on Governmental Operations, Codes, and Judiciary held a public hearing to examine the feasibility and effectiveness of cameras worn by law enforcement officials. Federal and state funds have been allocated for the purchase of body-worn cameras for law enforcement officers. Several studies suggest that the use of body-worn cameras by police can provide transparency for the public, protection for police officers and an increase in public safety. It has been posited that criminal and other wrongful conduct may be diminished if such actions are recorded and preserved. In 2013, a federal judge ordered the New York City Police Department to test body-worn cameras for one year in five precincts as a way of evaluating the effectiveness of this technology in curbing potentially unconstitutional stop-and frisk interactions. The issue of whether body-worn cameras should be utilized in this way is not a simple one. Collateral issues are raised by the prospect of having police officers wear cameras, including privacy concerns, data retention and disclosure, and the effects of recording on community-police relations. As police departments across the state and country begin to experiment with body-worn cameras for law enforcement officers, it is important to examine these issues and any related concerns.

This hearing provided the Committees with useful insight on experiences with cameras worn by law enforcement officers and thoughtful recommendations on best policies and practices going forward. Testimony at this hearing highlighted several issues that need to be considered as the Legislature continues to examine this topic, including whether there should be a uniform statewide approach to determining when cameras are recording, what level of discretion an officer should have to turn cameras on and off, how videos are stored, retained, and redacted, and under what circumstances recordings are made available to the public. In addition, this hearing underscored that the use of body-worn cameras by law enforcement agencies needs to be done in a manner that supports officer safety, protects privacy rights of officers and the public, and improves community-police relations.

XII. OUTLOOK FOR THE 2016 LEGISLATIVE SESSION

During the 2016 legislative session, the Committee on Governmental Operations will continue to focus on protecting the safety and rights of New Yorkers and increasing the efficiency and openness of government. The Committee will continue to advance legislation advocating more effective disaster preparedness, greater fairness for crime victims and increased opportunities for small businesses while also working to find fiscal savings for the State.

The Committee will continue its oversight over Article 15-A of the Executive Law and the implementation of the Business Diversification Act of 2010, both of which regulate the participation of minority and women-owned businesses in state contracts. The Committee will continue to review Article 15-A of the Executive Law, and seek input from various stakeholders on this important program. With the next disparity study due on August 15, 2016, and the program itself set to expire at the end of 2017, it is critical to initiate careful and thoughtful review of the guiding statutes.

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

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

APPENDIX A

**2015 SUMMARY OF ACTION ON ALL BILLS REFERRED TO
THE ASSEMBLY COMMITTEE ON GOVERNMENTAL OPERATIONS**

<u>Final Disposition of Bills</u>	Assembly Bills	Senate Bills	Total
<u>Bills Reported With or Without Amendment</u>			
To Floor; Not Returning to Committee	13		13
To Ways and Means	30		30
To Codes	34		34
To Rules	9		9
To Judiciary	0		0
Total	86		86
<u>Bills Having Committee Reference Changed</u>			
To Higher Ed	1		1
To Judiciary	1		1
To Ways and Means	1		1
To Real Property Taxation	2		2
To Governmental Employees	2		2
Total	7		7
<u>Senate Bills Substituted or Recalled</u>			
Substituted		10	10
Recalled		1	1
Total		11	11
Bills Defeated in Committee	0	0	0
Bills Held In Committee with a Roll-Call Vote	0	0	0
Bills Never Reported, Died in Committee	460	39	499
Bills Having Enacting Clause Stricken	8	0	8
Motions to Discharge Lost	0	0	0
Total Bills in Committee	561	50	611
Total Number of Committee Meetings Held			9

**APPENDIX B
CHAPTERS OF 2015**

A.136-A	Paulin	Changes the definition of “place of public accommodation, resort or amusement” in the Human Rights Law. Chapter 89 of the Laws of 2015.
A.564-A	Galef	Eliminates inactive commissions, boards and committees. Chapter 105 of the Laws of 2015.
A.867	Buchwald	Requires certain municipalities to display the prisoner of war and missing in action flag. Chapter 151 of the Laws of 2015.
A.876-A	Benedetto	Amends chapter 536 of the Laws of 2014 and chapter 404 of the Laws of 1986 in order to make state provisions consistent with federal regulations implementing the Americans with Disabilities Act in relation to service animals, guide dogs, hearing dogs or service dogs. Chapter 141 of the Laws of 2015.
A.989	Rodriguez	Authorizes the Commissioner of General Services to sell and convey certain lands in the borough of Manhattan, county of New York, to be used for specific purposes and programs. Chapter 82 of the Laws of 2015.
A.1019-A	Gunther	Establishes the New York State Women’s Suffrage Anniversary Commemoration Commission and provide for its powers and duties. Chapter 471 of the Law of 2015.
A.1233-A	Paulin	Authorizes broadcasting of open meetings of an agency or department. Chapter 519 of the Laws of 2015.
A.1268-A	Abbate	Requires the superintendent of state police to develop and distribute uniform identification cards to all sworn members of the New York state police, upon such members' retirement in good standing. Chapter 152 of the Laws of 2015.
A.2122-A	Jaffee	Authorizes a transfer of certain unused land to Joseph’s Home Inc., a not-for-profit corporation. Chapter 246 of the Laws of 2015.
A.2756	Titone	Designates the service dog as the official state dog. Chapter 571 of the Laws of 2015; Approval Memo 26.

A.5012-A	Gunther	Authorizes the commissioner of general services to transfer real property to the Village of Otisville. Chapter 497 of the Laws of 2015.
A.5056	Hevesi	Enhances the State Comptroller's ability to detect and prevent fraud, waste, abuse and improper payments. Chapter 566 of the Laws of 2015; Approval Memo 23.
A.5140	Abinanti	Authorizes the transfer of certain funds from the State Comptroller to the Natural Heritage Trust. Chapter 93 of the Laws of 2015.
A.5499-A	Malliotakis	Restricts the use of all property in the county of Richmond purchased by the State under the NY Rising recovery program, which is in the custody of the Housing Trust Fund Corporation. Chapter 541 of the Laws of 2015.
A.6354-B	Peoples-Stokes	Adds victims of domestic violence to the categories of those persons who cannot be discriminated against in matters relating to housing, use of public accommodations, real estate transactions and educational institutions. Chapter 366 of the Laws of 2015.
A.6408	DiPietro	Permits the Assistant District Attorney of Wyoming County to reside in an adjoining county. Chapter 139 of the Laws of 2015.
A.6943	Peoples-Stokes	Provides that there need not be a finding of financial difficulty for crime victim awards of less than \$10,000. Chapter 263 of the Laws of 2015.
A.7189	Dinowitz	Provides reasonable attorney's fees to be awarded in cases pertaining to housing and housing-related credit discrimination, and in employment and credit where sex is the basis for discrimination. Chapter 364 of the Laws of 2015.
A.7207	Magee	Provides for training for police regarding animal cruelty and protection. Chapter 384 of the Laws of 2015.
A.7317	Russell	Prevents the unlawful discriminatory practice due to "familial status" in the workplace and other settings. Chapter 365 of the Laws of 2015.
A.7204-A	Kaminsky	Provides the Legislature with the status of certain claims for disaster assistance. Chapter 413 of the Laws of 2015 (Approval Memo 4).

A.7449	Gunther	Authorizes the commissioner of general services to transfer and convey certain state property to the Town of Fallsburg. Chapter 501 of the Laws of 2015.
A.7482	Lopez	Authorizes the Commissioner of General Services to convey a parcel of land upon the Cocksackie Correctional Facility to the county of Greene. Chapter 325 of the Laws of 2015.
A.7575	Fahy	Relates to the presentment of flags which were lowered to half-staff in memorial of the death of any police officer or peace officer. Chapter 385 of the Laws of 2015.
A.7579	Peoples-Stokes	Relates to the determination of eligibility for payment of interest on amounts owed to contractors. Chapter 548 of the Laws of 2015.
A.7580	Bichotte	Authorizes state agencies to use discretionary purchasing authority for procurements from service-disabled veteran-owned businesses. Chapter 569 of the Laws of 2015.
A.7631	Peoples-Stokes	Extends the authority of the Commissioner of General Services to enter into leases of certain real property. Chapter 33 of the Laws of 2015.
A.8218	Englebright	Relates to the management and conservation of horseshoe crabs. Chapter 225 of the Laws of 2015.
A.8234	Blake	Relates to improving state disaster preparedness, response and recovery capabilities. Chapter 227 of the Laws of 2015.
A.8235	Peoples-Stokes	Relates to counseling for grandchildren of homicide victims. Chapter 104 of the Laws of 2015.

**APPENDIX C
VETOES OF 2015**

A.114	Buchwald	Would limit the time state agencies would have to appeal article 78 Supreme Court judgments against them for violations of Freedom of Information Laws. Veto Memo 274 of 2015.
A.796	Braunstein	Would prohibit the retention of any amount of payment due and owing for materials delivered and accepted for a public or private construction project. Veto Memo 275 of 2015.
A.1163	Paulin	Would require the Secretary of State to compile, make public and keep current certain information about state boards. Veto Memo 223 of 2015.
A.1335	Zebrowski	Relates to improving evaluations of the potential impact of rules on jobs and employment opportunities. Veto Memo 224 of 2015.
A.1438-B	Paulin	Would authorize the court to issue reasonable attorneys' fees when an agency fails to respond to certain Freedom of Information Law requests. Veto Memo 278 of 2015.
A.2029-D	Hevesi	Relates to requiring state agencies to provide certain information to unsuccessful bidders during the debriefing process. Veto Memo 294 of 2015.
A.5125-B	Cusick	Relates to comprehensive emergency management provisions for homecare and hospice in counties and in cities with a population of one million or more. Veto Memo 205 of 2015.
A7145-B	Giglio	Would direct the Commissioner of General Services and the Commissioner of the Office for People with Developmental Disabilities to study and report on the J.N. Adam Development Center. Veto Memo 264 of 2015.
A.7261-A	Brennan	Would increase transparency of disaster recovery funds related to Hurricane Sandy. Veto Memo 238 of 2015.
A.7468	Barron	Would require police agencies to take reports of missing adults whenever the adult is reported to be missing. Veto Memo 255 of 2015.

A.7513-C	Peoples-Stokes	Would increase the transparency, accountability, efficiency and flexibility of the procurement process and make technical corrections and clarifications relating to certain procurements. Veto Memo 303 of 2015
A.8059-B	Cahill	Would exempt certain utility and other workers from state and local traveling bans during declared emergencies. Veto Memo 220 of 2015.

**APPENDIX D
BILLS THAT PASSED THE ASSEMBLY**

A.272	Weinstein	Would prevent victims of domestic violence from being discriminated against in matters of employment.
A.1097	Ortiz	Would define “necessary court appearance” for purposes of determination of crime victim’s award.
A.1669-A	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.2049	Weprin	Would prohibit discrimination against religious attire.
A.2200	Weprin	Would establish emergency evacuation plans for individuals with disabilities and establishes \$500 fine for failure to comply.
A.2403	Bronson	Would require the collection of certain demographic information by certain state agencies, boards and commissions.
A.2430	Kim	Would require every state agency, board or commission that directly or by contract collects data about the ethnic origins of New York state residents to use separate categories for a number of major Asian groups
A.2636-A	Hevesi	Relates to the establishment of a human trafficking hotline.
A.2658-A	Weprin	Would require counties to maintain a confidential registry of people of all ages with disabilities for disaster preparedness.
A.2661	Englebright	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 Office of Victim Services.
A.2726	Peoples-Stokes	Would require dialysis center disaster preparedness plans.
A.3149	Englebright	Would clarify that the name of a retiree in a public employees’ retirement system is subject to disclosure under the Freedom of Information Law.
A.3489	Galef	Would increase the transparency of government by waiving the ability of state agencies to claim copyright protection in many instances.

A.3580	Englebright	Would prohibit persons or business entities from filing unnecessary personal identifying information with an agency.
A.3694	Glick	Would expand eligibility for crime victims' compensation to include domestic partners.
A.4355	DenDekker	Would enact the Kerry Rose Fitzsimons Fire Safety Act.
A.4468	Englebright	Would clarify certain provisions of Freedom of Information Law and other disclosure laws.
A.4558-A	Gottfried	Would prohibit discrimination based on gender identity or expression and include offenses regarding gender identity or expression under the hate crime statute.
A.5388	Lifton	Would waive the State's sovereign immunity to liability under various federal anti-discrimination acts.
A.5768	Peoples-Stokes	Would provide that each state agency that maintains a website shall ensure its website provides for online submission of requests for records subject to the Freedom of Information Law.
A.5856	Zebrowski	Would prevent fire safety hazards by imposing a civil penalty for certain violations of the uniform fire prevention and building code.
A.5994	Lentol	Would improve public defense functions by increasing access by qualified agencies to the Department of Criminal Justice Services' criminal history database.
A.6872	Blake	Would direct contracting state agencies to develop a growth plan in order to increase participation of MWBEs with respect to state contracts and subcontracts.
A.6944	Buchwald	Would expand options for complainants in housing discrimination cases.
A.7582	Bichotte	Would allow state agencies to waive payment for copies of plans and specifications for public works projects and to require such payment be waived for minority-and women-owned business enterprises and service-disabled veteran-owned business enterprises.
A.7673	Dilan	Relates to the timeframe in which an invoice of assessment is to be submitted to the State Comptroller.

A.7704	Buchwald	Constitutional amendment that would provide for the reduction or revocation of the public pension upon conviction of certain felonies.
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