



2017

ANNUAL REPORT



New York State Assembly

Carl E. Heastie

Speaker

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, 2017

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 2017 Annual Report of the Assembly Standing Committee on Governmental Operations. Contained within are descriptions of the Committee's significant legislation and other activities from 2017, and an overview of the Committee's outlook for the 2018 session.

I am proud to report that the Committee successfully enacted many important pieces of legislation, and helped to ensure critical funding for various endeavors in the state budget. I am especially pleased with the work the Committee did in the areas of emergency management, human rights, gender equality, crime victims, procurement and government reform.

In 2018, 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, and equal protection under the law for all New Yorkers will remain top priorities. It is also a goal of the Committee to encourage greater participation by small, minority- and women-owned businesses. In addition, the Committee is committed to ensuring that everyone in New York State is treated with dignity and respect.

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 2018 legislative session.

Sincerely,

Crystal Peoples-Stokes, Chair
Assembly Standing Committee on Governmental Operations

MEMBERS OF THE NEW YORK STATE ASSEMBLY

**STANDING COMMITTEE ON
GOVERNMENTAL OPERATIONS**

Crystal Peoples-Stokes, Chair

MAJORITY

Michael Benedetto
Rodneyse Bichotte
Michael Blake
David Buchwald
Sandra R. Galef
Deborah J. Glick
Alicia Hyndman
Ron Kim
Christine Pellegrino

MINORITY

Mark Johns
Ranking Minority Member
Andrew Goodell
Kieran Michael Lalor
Kevin M. Byrne

COMMITTEE STAFF

Aaron Suggs, Assistant Secretary for Program and Policy
Paul Nickson, Committee Analyst
Brian Williams, Committee Analyst
Deirdre Salsich, Associate Counsel
Teneesha Young, Committee Assistant
Leah Halton-Pope, Committee Clerk
Geraldine Humbert, Committee Clerk
Dawn Fowler, Secretary

TABLE OF CONTENTS

I.	Introduction	1
II.	Disaster Preparedness, Uniform Fire Prevention and Building Code, and Public Safety	2
III.	Crime Victims	4
IV.	Division of Human Rights	6
V.	Open Government	9
VI.	Governmental Administration and Reform.	11
VII.	Procurement and Contracts.	14
VIII.	Minority- and Women-Owned Business Enterprises (MWBES).	15
IX.	Miscellaneous	17
X.	Committee Hearings and Roundtables	20
XI.	Outlook for the 2018 Legislative Session	22
	Appendix A: 2017 Summary of Action on All Bills	23
	Appendix B: Chapters of 2017	24
	Appendix C: Vetoes of 2017	25
	Appendix D: Bills Passed by the Assembly	26

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, UNIFORM FIRE PREVENTION AND BUILDING CODE, 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, and reviews the State Uniform Fire Prevention and Building Code.

Establishing Emergency Evacuation Plans for Individuals with Disabilities **(A.6287, Barrett)**

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.

Ensuring the Safety of Individuals with Disabilities in the Event of a Disaster **(A.6865, Weprin)**

This bill would enhance the safety of individuals with disabilities by requiring all counties to maintain 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 confidential registries, this bill would enhance disaster response capabilities across the State.

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

Violations of the Uniform Fire Prevention and Building Code **(A.1226, 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 Housing, Construction and Community Development Committee.

Dialing 911 in Public Buildings
(A.608, Paulin)

This bill would promote public safety by ensuring that multi-line telephone systems in public buildings can directly dial to 911, or ensure that telephone users are informed on how to use the telephone to connect to 911.

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

Access to Medical Supplies During Emergencies
(A.1198, Dinowitz)

This bill would require the State Disaster Preparedness Plan to ensure that medical supplies and medication can be delivered to pharmacies, hospitals and nursing homes located within an area declared to be experiencing a disaster emergency.

Veto Memo 169 of 2017.

Home Health Care Access to Patients During Emergencies
(A.6549-A, Cusick)

This bill would require all counties and all cities with a population of 1 million or more to prepare a comprehensive emergency management plan prepared with advice and assistance from several agencies and organizations, including those that provide home health care and hospice services. This bill would provide that such plans are established with input from such groups, and will consider procedures for home care and hospice providers to be granted essential access to care for such patients during an emergency..

Chapter 385 of the Laws of 2017.

Code Enforcement Officer Certificates
(A.1310, Zebrowski)

This bill would give the Secretary of State the authority to promulgate rules and regulations with respect to minimum training and examination requirements necessary to qualify for code enforcement officer certification. The legislation still would provide authority to the Secretary of State to issue code enforcement officer certifications and to revoke or suspend of the certification of any code enforcement personnel found after a hearing to have materially failed to uphold duties of a code enforcement officer.

Chapter 468 of the Laws of 2017.

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.

Crime Victim Awards for Necessary Court Appearances **(A.6857, Ortiz)**

This bill would define the term "necessary court appearance" for purposes of determining eligibility for crime victim awards to include, but not be limited to, any part of trial from arraignment through sentencing, pre- and post-trial hearings and grand jury hearings.

Chapter 416 of the Laws of 2017.

Directing Fines to the Office of Victim Services **(A.3555, 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.

Domestic Partners Eligible for Crime Victim Compensation **(A.3920, 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.

Authorizing the Crime Victims Board to Accept Additional Types of Documents for Compensation Eligibility **(A.3936, Pretlow)**

This bill would authorize the Office of Victims Services to accept other official documents in lieu of police reports for documentation of eligibility for crime victims compensation awards related to "family offenses" from a family court, a governmental

agency responsible for child and/or adult protective services, or any medical facility that provides a forensic physical examination for victims of rape and sexual assault.

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

Authorizing the Office of Victim Services to Expand the List of Surviving Family Member Eligibility List
(A.7281, Peoples-Stokes)

This bill would expand the list of surviving family members eligible for reimbursement of crime scene cleanup expense to grandparents, parents, stepparents, guardians, brothers, sisters, stepbrothers, stepsisters, and grandchildren of victims, when a victim or family member is killed in a shared residence.

Chapter 117 of the Laws of New York.

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.

Prohibiting Employers from Discriminating Against Domestic Violence Victims **(A.1481-A, 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.

Prohibiting Discrimination on the Basis of Gender Identity or Expression **(A.3358, 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.

Prohibiting Employers from Seeking Salary History from Prospective Employees **(A.2040-C, Crespo)**

This bill would make it unlawful for an employer to request, require, seek or rely on a current or prospective employee's salary or wage history as a condition to receive an interview, an offer of employment, a condition for continued employment or promotion. The bill would also prohibit retaliation by an employer against a prospective employee based on the employee's refusal to provide salary or wage history, as well as retaliation against a prospective, future or former employee based on filing a complaint with the Department of Labor alleging a violation of this section. Under the bill, a prospective employee could voluntarily disclose salary or wage history, and a prospective employer

would be allowed to confirm salary history only if the prospective employee provides prior wage information.

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

Protecting State Employees with Disabilities
(A.2546, 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 ADA. 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.

Prohibiting Discrimination Against Religious Attire
(A.4977, Weprin)

This bill would provide that it would be an unlawful discriminatory practice for any employer, or an employee or agent thereof, to impose upon a person as a condition of obtaining or retaining employment any terms or conditions that would require such person to forgo the wearing of any attire, clothing, or facial hair in accordance with his or her religion. The bill would also allow an employer, after engaging in a bona fide effort to accommodate the employee's religious observances or practice, to demonstrate that to do so would cause undue hardship on the employer's business.

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

Gender Neutral Single Occupancy Bathrooms in State-Owned or -Operated Buildings
(A.5137, Rosenthal)

This bill would require the Commissioner of General Services to ensure that all single occupancy bathrooms in state-owned or -operated buildings be designated as gender neutral.

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

Temporary Commission of Child Abuse and Neglect Prevention
(A.5769-A, Galef)

This bill would establish a temporary commission to examine, evaluate, and make recommendations concerning child abuse and neglect prevention efforts in New York State. The Commission would focus on issues related to lowering the rate of child

abuse and neglect; the availability of quality prevention programs statewide, including the identification of regions where such programs are lacking; and the availability and adequacy of state funds for child abuse and neglect prevention, including where those funds are allocated and how they are being utilized.

Chapter 481 of the Law of 2017. Approval Memo 50.

Statement on Preventing Human Trafficking
(A.6380-C, Titone)

This bill would require a statement from parties submitting bids for competitively bid procurements affirming that it will not transact business with any organization, person or entity engaged in human trafficking. In addition, if an entity submitting a bid has a human trafficking prevention policy, such policy would be required to be submitted with its bid.

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

Expanding the Scope of Unlawful Discriminatory Practices
(A.6659, Dilan)

This bill would require public, as well as private, educational institutions to comply with anti-discrimination provisions of the Human Rights Law.

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

Changing References in Law from "Hearing Impaired" to "Deaf or Hard of Hearing"
(A.7178, Englebright)

This bill would change the words "hearing impairment" and "hearing impaired" to "deaf or hard of hearing" throughout New York State law.

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

Reasonable Accommodations to Allow the Use of a Service Animal in Housing
(A.7283, Dilan)

This bill was submitted for introduction by the Division of Human Rights to amend the Human Rights Law to clarify that reasonable accommodations include the use of an animal to alleviate symptoms or effects of a disability in public and private housing.

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

V. **OPEN GOVERNMENT**

The Freedom of Information Law (FOIL) governs the public's right to know about 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.

Freedom of Information Requests and Attorney's Fees **(A.2750-A, Paulin)**

This bill would authorize a court to order an award of reasonable attorney's fees against an agency when the petitioner substantially prevailed and when the agency failed to respond to a FOIL request or repeal within the statutory time frame required. This bill would require a court to order an award of reasonable attorneys' fees against an agency in FOIL cases when the petitioner substantially prevailed and the court finds that the agency had no reasonable basis for denying access to the records sought.

Chapter 453 of the Laws of 2017. Approval Memo 33.

Public Employee Retirees **(A.3306, 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 Government Operations Committee.

Waiving of State Copyright Claims for Public Records **(A.2401, 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 Government Operations Committee.

Open and Transparent Public Records
(A.3463, Englebright)

This bill would require a particularized and specific justification for the denial of access to records under FOIL. In addition, 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 Government Operations Committee.

Online FOIL Requests
(A.2131, 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 Government 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.

State Information Technology Innovation Center **(A.1713, Hevesi)**

This bill would establish a state information technology innovation center, or iCenter, to develop, pilot, and consider technology solutions. The iCenter would be required to comply with all state laws, rules, regulations, and policies, and would not create preferred status for any vendor in any government procurement, or abrogate the requirement that technology procurements are awarded pursuant to all applicable laws, including such laws requiring a competitive process. The Office of Information Technology would also conduct an outreach campaign to inform the public of the iCenter and conduct specific outreach to minority- and women-owned business enterprises, service-disabled veteran-owned businesses, and other small businesses. In addition, an annual report would be submitted to the Legislature and Governor on the progress of the iCenter on the first of October beginning in 2018.

Chapter 427 of the Laws of 2017. Approval Memo 25.

Improving Small Business Regulation Guides **(A.5779, Simotas)**

This bill would require agencies that adopt rules that significantly impact a substantial number of small businesses to include in its “small business regulation guide” information on assistance available to facilitate regulatory compliance. Where appropriate, such guide would include information on (a) the most common regulatory violations that small businesses are cited for by the agency and (b) any actions that small businesses can reasonably undertake to minimize or prevent the occurrence of such violations.

In addition, this bill would require the Division for Small Business to coordinate the preparation of such guides.

Chapter 462 of the Laws of 2017. Approval Memo 38.

Mobile Friendly Versions of State Agency Websites to be Created **(A.6658, Gjonaj)**

This bill would require all current and future state agency websites to offer a mobile friendly version and to be made available for all mobile devices that support such technology.

Veto Memo 179 of the Laws of 2017.

Electronic Distribution of State Rulemaking Information
(A.7092, Simotas)

This bill would allow the public to request and receive notification of rulemaking actions electronically. This bill would also allow agencies to permit requests for information that apply to rules notices from specific divisions or programs of the agency. Such electronic requests would not expire and those making such requests would be able to opt out at any time. In addition, no fee would be permitted for sending rulemaking notices electronically.

Chapter 295 of the Laws of 2017.

Regulatory Flexibility for Small Businesses and Local Governments
(A.7125, Simotas)

The bill would require an agency to prepare a regulatory flexibility analysis (RFA) when a new rule would impose adverse economic impacts or reporting, recordkeeping or other compliance requirements on small businesses or local governments. This bill would also require agencies to ensure that small businesses and local governments have been given an opportunity to participate in the rulemaking.

Veto Memo 231 of the Laws of 2017.

Expanding Eligibility for Reimbursement of Crime Scene Cleanup
(A.7281, Peoples-Stokes)

This bill would add grandparent, stepparent, guardian, brother, sister, stepbrother, stepsister, or grandchild to the list of surviving family members eligible for reimbursement of crime scene cleanup expenses when a victim/family member is killed in a shared residence.

Chapter 117 of the Laws of 2017.

Expanding Diversity and Ethnicity Groupings in State Data Collection
(A.7352, Niou)

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 Rules Committee.

Transmission of Reports of Missing Persons to the National Missing and Unidentified Persons System
(A.8286-B, Otis)

This bill would require that in the event that a child or adult is reported missing, a copy of the report of the missing person will be transmitted to the National Missing and Unidentified Persons System (NamUs) no later than 30 days after entry of such a report. The bill would require DCJS to establish procedures to ensure such transmittal of a missing child report to NamUs.

Chapter 423 of the Laws of 2017. Approval Memo 22.

Extending the Comment Period for Proposed Rules
(A.8408, Simotas)

This bill would increase the minimum time period for public comment from 45 days to sixty days for either the period of time for which an agency must accept public comment on a proposed rule or the time period for accepting such comment prior to the first required public hearings on the proposed rules.

Chapter 455 of the Laws of 2017.

VII. PROCUREMENT AND STATE CONTRACTS

One important function of the Governmental Operations Committee is to review the procurement laws and regulations. The Committee is also interested in monitoring the contracts of the state.

Regulating Geological Services in State Contracts

(A.7768, Fahy)

This bill would add geological services to the current list of professional services procured through the qualifications-based selection process.

Chapter 388 of the Laws of 2017.

New York Buy American Act

(A.8427-A, Morelle)

This bill would require structural iron and steel permanently incorporated in certain roads and bridges to be made in USA. The bill would apply to contracts of certain agencies and authorities over 1 million dollars for the construction of surface roads and bridges. The agencies/authorities would be required to promulgate rules to effect the administration of this “Buy American Act”. The bill also establishes a work group to study and make recommendations on various issues including the impact of Buy American on reciprocal trade agreements, and adding more products to Buy American in the future.

Chapter 451 of the Laws of 2107.

VIII. MINORITY- AND WOMEN-OWNED BUSINESS ENTERPRISES (MWBEs)

MWBE Contract Waivers

(A.228, Bichotte)

This bill would require a contracting agency, within 30 days of the issuance of a partial or total waiver of compliance, to report the issuance of the waiver to the director of the Division of Minority and Women's Business Development. The Division would be required to keep records of such waivers, and make such records publicly available on its website.

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

MWBE Mentorship Program

(A.230, Bichotte)

This bill would require the Empire State Development Corporation to conduct a study to explore the feasibility of an MWBE capacity mentorship program, the feasibility of using such program to pre-qualify MWBEs, and to examine how each program could be tailored to better prepare MWBEs for bidding on contracts.

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

Annual Report of the Division of Minority and Women's Business Development

(A.287, Bichotte)

This bill would require the Division of Minority and Women's Business Development to report on contracts in a more detailed manner, including providing data related to MWBE participation in state contracts in a manner so as it may be sorted and reviewed more readily.

This bill passed the Assembly.

Ensuring the Integrity of the MWBE Program

(A.702, Rodriguez)

This bill would reduce fraud and abuse related to the MWBE program by, amongst other measures, requiring the development of standardized certification forms to be completed under penalty of perjury, which would require a certification from the prime contractor that the MWBE in fact performed the services or provided the materials. The MWBE would also be required to certify that they in fact performed the services or provided the materials they were contracted to perform or provide. In addition, this bill would establish the "Minority- and Women-Owned Business Enterprise Fund" as a fund of the State.

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

Eliminating the Personal Net Worth Cap

(A.2819, Bichotte)

This bill would eliminate the current MWBE certification requirement that certain minority- and women-owned business owners have a personal net worth of less than \$3.5 million.

Veto memo 251.

Increasing Participation of Minority- and Women-Owned Business Enterprises

(MWBEs)

(A.4322, 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, 2018, 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 Finance Committee.

IX. MISCELLANEOUS

Closed Captioning on Televisions at Public Places

(A.1547, Zebrowski)

This bill would require accommodations be made for individuals who are deaf, have hearing loss, or for any reason want televisions to display closed captions by requiring places of public accommodation to turn on closed captioning upon request on all public televisions.

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

Disclosure of Solicitation used by or on Behalf of any Charitable Organization

(A.2688-A, Steck)

This bill would require solicitation used by any charity or by a professional fundraiser on behalf of a charity to include a statement identifying the website and telephone number of the New York State Office of the Attorney General where an individual can receive information on charitable organizations.

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

Naming of Public Buildings

(A.2816, McDonald)

This bill would prohibit public officers from having a building or space named after them while they hold public office based on the fact that they were responsible for securing public funds for the building or for an entity's cause or agenda.

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

Prohibiting the Unnecessary Filing of Personal Identifying Information

(A.3349, Englebright)

This bill would help 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.

Women in Policymaking Roles
(A.5487, Seawright)

This bill would require the Secretary of State to maintain a list of public officers at all state agencies who hold policymaking positions, and to record how long such positions have been held, and the number of positions held by women as compared to the number held by men.

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

New York State 2020 Complete Count Commission
(A.4348, Crespo)

This bill would establish the New York State 2020 Complete Count Commission to identify issues that may have led to past US Census undercounts in New York State and to make recommendations to ensure an accurate count in the 2020 US Census.

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

Lactation Rooms in Public Buildings
(A.6775, Solages)

This bill would require public buildings that are covered by the Public Buildings Law to contain a lactation room that would be available for use by a member of the public to express breast milk. This requirement would not apply when such building does not contain a lactation room for employees who work in the building or does not have a room that could be repurposed or reconstructed at a reasonable cost.

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

Land Transfer
(A.6970, Murray)

This bill would allow the North Patchogue Fire District to lease a portion of lands and structures to the Eastern Suffolk Board of Cooperative Educational Services for educational and administrative purposes.

Chapter 314 of the Laws of 2017.

POW/MIA Chair and Plaque in the Capitol
(A.7506, DenDekker)

This bill would direct the Commissioner of General Services to set aside a space in the Capitol for a POW/MIA chair and plaque to be placed and maintained to honor POW/MIA veterans.

Chapter 407 of the Laws of 2017.

Land Transfer
(A.7559, Buchwald)

This bill authorizes the Commissioner of General Services to transfer and convey certain unappropriated state land to the town of Bedford.

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

Commemorative Plaque in the Capitol Honoring Samuel J. Abbott
(A.7731, Fahy)

This bill would require the installation and maintenance of a commemorative plaque honoring the service and sacrifice of Samuel J. Abbott to the people of the state in the State Capitol. The plaque would include a description of Samuel J. Abbott's service and sacrifice to the people of the state, and be designed and placed in a manner as determined jointly by the Commissioner of General Services and the Commission on the Restructuring of the Capitol.

Chapter 104 Of the Laws of 2017.

Land Transfer
(A.8214, Lopez)

This bill would authorize the Commissioner of General Services to transfer and convey certain unappropriated state land to the county of Greene. The land would be used for the construction of a backup emergency call center.

Chapter 321 of the Laws of 2017.

X. COMMITTEE HEARINGS AND ROUNDTABLES

MINORITY AND WOMEN OWNED BUSINESS PROGRAM

On December 5th 2017, the Committee, in conjunction with the Committee on Labor, Committee on Small Business, and the Subcommittee on the Oversight of Minority- and Women-Owned Business Enterprises held a hearing to examine the results and achievements of the State's Minority- and Women-Owned Business Program (MWBE). Article 15-A of the Executive Law, "participation by minority group members and women with respect to state contracts", is set to expire on December 31, 2018. This statute provides the framework for the MWBE certification and procurement program and establishes targeted goals for sourcing of services and commodities by certified MWBE businesses. The Division of Minority and Women's Business Development within the Department of Economic Development is responsible for establishing a statewide certification program, encouraging and assisting state agencies to increase MWBE participation, and commissioning a statewide disparity study regarding the participation of MWBEs on state contracts. In addition, the state administers several programs through its various agencies to provide MWBEs with technical, legal, and financial assistance.

The state retained a firm to conduct a disparity study to determine if MWBEs have had equal access to contracting opportunities with the state. The results of this study have now been published. A new component of the 2016 Disparity Study was the gathering and analysis of demographic workforce utilization data to help determine the effectiveness of the various equal employment opportunity provisions and whether changes could be made to statutes authorizing the MWBE program.

The Committees obtained a great deal of input from various stakeholders. The testimony given during this hearing revealed a great deal about the design, implementation, and utilization of the MWBE program, including its level of state funding, how the MWBE program interacts with project labor agreements across the state, and how to develop a more well-established minority and women's workforce. This testimony will prove invaluable to the Committees as it moves forward with future program-related legislation and with the extension of the program beyond 2018.

Preferred Source Roundtable

On May 27th 2017, the Committee held a roundtable to hear from stakeholders on the state's Preferred Source procurement program. The Preferred Source procurement program provides employment opportunities to individuals with various disabilities and certain inmates at correctional facilities. It is the policy of the state to give preferred source vendors a preference on certain procurement contracts whenever possible. Topics of the roundtable included successes and challenges of establishing, maintaining, and expanding employment opportunities, the application process, ways to establish a prevailing market price and possible legislative solutions to improve the Preferred Source program and maximize employment opportunities.

The Committee is eager to continue this important conversation into the upcoming legislative session.

XI. OUTLOOK FOR THE 2018 LEGISLATIVE SESSION

During the 2018 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. In addition, the Committee will continue to investigate solutions to protect the State and its citizens from various cybersecurity issues including ransomware and other malicious cyber attacks.

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. In June 2017 the committee received the Minority- and Women-owned Business Enterprise (MWBE) Disparity Study. With the MWBE program set to expire at the end of 2018, it is critical to initiate a careful and thoughtful review of the guiding statutes and the committee will continue to work toward improvements to facilitate meaningful participation by MWBEs on state contracts.

Finally, the Committee will continue to monitor and review the State's procurement laws in order to ensure that the procurement process remains fair, open, transparent and competitive.

APPENDIX A

**2017 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	16	0	16
To Ways and Means	24	0	24
To Codes	37	0	37
To Rules	14	0	14
To Judiciary	0	0	0
Total	91	0	91
<u>Bills Having Committee Reference Changed</u>			
To Codes	1	0	1
To Governmental Employees	1	0	1
To Ways and Means	2	0	2
Total	4	0	4
<u>Senate Bills Substituted or Recalled</u>			
Substituted		14	14
Recalled		3	3
Total			17
Bills Defeated in Committee	0	0	0
Bills Held In Committee with a Roll-Call Vote	1	0	1
Bills Never Reported, Died in Committee	474	56	530
Bills Having Enacting Clause Stricken	7	0	7
Motions to Discharge Lost	1	0	1
Total Bills in Committee	578	73	651
Total Number of Committee Meetings Held	9		

**APPENDIX B
CHAPTERS OF 2017**

A.377	Dinowitz	Relates to the protection of water supplies. This bill would make technical corrections to Chapter 516 of the laws of 2016, which enhanced the protection of water supplies from cyberattacks. Chapter 11 of the Laws of 2017.
A.382	Jaffee	Relates to filing of oaths of office of elected school board members of the East Ramapo School District. This bill would rectify a defect in the filing of an oath of office by a certain duly elected school board member. Chapter 5 of the Laws of 2017.
A.3914	Crouch	Relates to residency exemption for Chenango Co. correctional officers. Chapter 130 of the Laws of 2017.
A.4140-A	Crespo	Requires a study on the feasibility of implementing of an emergency alert notification system. Chapter 381 of the Laws of 2017.
A.5670	Gunther	Relates to residency exemption of Sullivan Co. ADA. Chapter 113 of the Laws of 2017.
A.6549-A	Cusick	Relates to comprehensive emergency management provisions for home care and hospice in counties and in cities with a population of 1 million or more. Chapter 385 of the Laws of 2017.
A.6970-A	Murray	Authorizes the lease of certain lands transferred to the North Patchogue Fire District. Chapter 314 of the Laws of New York.
A.7092	Simotas	Relates to the electronic distribution of rulemaking information. Chapter 295 of the Laws of New York.
A.7281	Peoples-Stokes	Would expand eligibility for crime scene cleanup awards to grandparents, parents, stepparents, guardians, brothers, sisters, stepbrothers, stepsisters, and grandchildren of victims. Chapter 117 of the Laws of 2017.
A.7362-A	Byrne	Relates to the residency requirement for the assistant court clerk for the town of Somers in the county of Westchester. Chapter 118 of the Laws of 2017.

A.7714	Hyndman	Relates to adding members to the advisory council and the domestic violence fatality review team. Chapter 248 of the Laws of 2017.
A.7731	Fahy	Directs OGS to install and maintain a commemorative plaque in the Capitol honoring Samuel J. Abbot. Chapter 104 of the Laws of 2017.
A.7768	Fahy	Relates to state contracts for geological services. Chapter 388 of the Laws of New York.
A.8214	Lopez	Relates to the transfer and conveyance of certain unappropriated state land to the county of Greene, in relation to using the land for a 911 emergency call center. Chapter 321 of the Laws of New York.
A.8233-A	Buchwald	Relates to the residency requirements of the town building inspector and deputy town building inspector of the town of North Salem, Westchester County. Chapter 159 of the Laws of 2017.
A.8369	Pichardo	Authorizes the housing and shelter of destitute, refugee, delinquent and/or disabled persons upon certain state land in the Bronx conveyed to the Catholic Guardian Services in 2004. Chapter 269 of the Laws of New York.

**APPENDIX C
VETOES OF 2017**

A.1198	Dinowitz	Requires the state disaster preparedness plan to include arrangements to ensure that medical supplies and medications can be delivered to pharmacies, hospitals and nursing homes located within the area declared to be experiencing a disaster emergency. Veto Memo 169.

**APPENDIX D
BILLS THAT PASSED THE ASSEMBLY**

A.228	Bichotte	Requires specific information on MWBE waivers to be reported and made publicly available.
A.230	Bichotte	Requires a feasibility study on establishing an MWBE mentorship capacity program.
A.287	Bichotte	Requires MWBE annual report from ESDC to be more detailed and with more specific data.
A.608	Paulin	Would ensure that people in public buildings know how to access 911 in the event of an emergency.
A.702	Rodriguez	Would prevent fraud and abuse of the minority- and women-owned business enterprise program.
A.1198	Dinowitz	Requires the state disaster preparedness plan to include arrangements to ensure that medical supplies and medications can be delivered to pharmacies, hospitals and nursing homes located within the area declared to be experiencing a disaster emergency.
A.1226	Zebrowski	Promotes fire safety by authorizing a civil penalty up to \$7,500 for the owner of a building determined to have had knowledge, or who should have had knowledge, of alterations to buildings in violation of the uniformed fire prevention and building code or any lawful order obtained thereunder that impedes exit from a building during a fire or emergency evacuation.
A.1310	Zebrowski	This bill sets out the powers and duties under which the Department of State may establish minimum rules and regulations in relation to code enforcement officers training and certificates.
A.1481	Weinstein	Prohibits employment-related discrimination based on being a victim of domestic violence, and requires employers to make reasonable accommodations.
A.1547	Zebrowski	This bill would require that, upon request, televisions in places of public accommodation display closed captioning.
A.1713-A	Hevesi	Creates a state information technology innovation center or i-Center to develop and demonstrate technology solutions with potential benefit to the state and its citizens.
A.2040-C	Crespo	Prohibits employers from seeking salary histories when hiring/promoting. Does not prevent a prospective employee from offering a salary history.
A.2131	Peoples-Stokes	Requires state agency websites to provide for the online submission of Freedom of Information Law requests.

A.2401	Galef	Would waive the ability of government agencies in New York to claim copyright protection on records, except where the record reflects artistic creation, scientific or academic research, or if the agency intends to distribute the record to the public by sale or other transfer of ownership.
A.2546	Lifton	Would waive the state's sovereign immunity to liability for violations of Americans with Disabilities Act of 1990, the Fair Labor Standards Act of 1938, the Age Discrimination in Employment Act of 1967, and the Family and Medical Leave Act; also waives the immunity of any instrumentality or political subdivisions of the state.
A.2688-A	Steck	Relates to solicitation used by or on behalf of any charitable organization.
A.2750-A	Paulin	Would establish that in FOIL court proceeding, the court may assess against reasonable attorney's fees and other litigation costs when a person substantially prevails unless the court finds otherwise.
A.2816	McDonald	Prohibits public officials from naming buildings/facilities after themselves based on being responsible for securing funds.
A.2819	Bichotte	Would remove the personal net worth threshold (\$3.5 million) from MWBE certification requirements.
A.2879	Paulin	Would provide a preference for FOIL appeals of Article 78 decisions related to trade-secret cases and expedite the process.
A.3198-A	Paulin	Would provide state workers who are combat veterans with additional paid leave days in order to access health services related to his or her combat duty.
A.3237	DenDekker	Requires the fire prevention and building code council to adopt rules and regulations that require one- and two-family homes to have installed and operable interconnectable smoke alarms.
A.3242	McDonald	Would provide that when OGS enters into a real property lease with an LLC, the members of such LLC must be disclosed down to the natural persons.
A.3306	Englebright	Defines the terms "retiree" and "beneficiary" within the Freedom of Information Law.
A.3349	Englebright	Would prohibit businesses from creating forms requiring unnecessary personal identifying information if such documents are to be available for public inspection and to be filed with a state or

		local entity.
A.3358	Gottfried	Would prohibit discrimination based on gender identity, or expression and include offenses regarding gender identity, or expression under the hate crimes statute. "Gender identity, or expression" would also be included as a civil and human right to protect individuals equal opportunity.
A.3463	Englebright	Would ensure Freedom of Information Law requests are not wrongfully denied by requiring a specific justification for FOIL denials, and clarifies how records that identify certain victims are disclosed.
A.3555	Englebright	Would grant a court discretion to determine whether any fine, penalty, or portion paid by an adjudicated violator be paid to the Office of Victims Services funds collected from antitrust fines be expended by the office to effectuate aid, care, and support for crime victims.
A.3660	Lavine	Relates to electronic permit applications and electronic recordkeeping.
A.3920	Glick	Would define "domestic partner" and expand the eligibility for those who receive rewards under crime victims compensation to include a domestic partner.
A.3936	Pretlow	Would authorize the Office of Victims Services to accept other official documents in lieu of police reports for documentation of eligibility for compensation for family offenses such as domestic violence.
A.4322	Blake	Would require all contracting state agencies to develop a three-year growth plan to promote and increase participation of MWBEs on state contracts and subcontracts. Every three years, beginning May 15, 2018, such plan would be submitted to the Governor and Legislature as part of each state agency's annual report.
A.4348	Crespo	Would create the New York state 2020 complete count commission to help ensure an accurate 2020 census count and identify the reasons for the 2010 undercount in NYS.
A.4977	Weprin	Would prohibit discrimination against religious attire, clothing or facial hair by an employer unless the employer demonstrates that it is unable to reasonably accommodate the person's religious practice without undue hardship on the conduct of the employer's business.
A.5137-A	Rosenthal	Would require single occupancy bathrooms in state buildings to be gender neutral.
A.5487	Seawright	Would require the Secretary of State to maintain a list of public

		officers at all state agencies that hold policymaking positions at all state agencies, recording how long the positions have been held, the representation of policymaking positions held by women compared to the policymaking positions held by men.
A.5769-A	Galef	Would establish a temporary commission on child abuse and neglect prevention.
A.5779	Simotas	Would enhance the State's business climate by providing effective oversight and coordination of the process of preparing small business regulation guides and by highlighting information on how small businesses can avoid common violations.
A.6118	Pichardo	Would require that state agencies require contractors to submit the average weekly wage paid to employees in each employment category in the statutorily required annual employment report.
A.6287	Barrett	Would ensure that sufficient standards for emergency planning and preparedness and emergency evacuation plans exist in buildings for individuals with disabilities.
A.6380-C	Titone	Would require entities that seek to contract with the state to have in place a policy for preventing human trafficking within its supply chain, and to disclose such policy prior to a contract award.
A.6658	Gjonaj	Would require all current and future state agency websites to offer a "mobile friendly" platform and be made available on all mobile devices.
A.6659	Dilan	Would amend the Human Rights Law so that its anti-discrimination provisions, which currently apply to private schools, are extended to public schools.
A.6775	Solages	Would require public buildings to have a publicly accessible lactation room.
A.6857	Ortiz	Would define necessary court appearance and expand eligibility for travel reimbursement for court proceedings.
A.6865	Weprin	Would aid localities in preparing for and responding to disasters by requiring counties to maintain a confidential registry of people of all ages with disabilities who may require evacuation assistance and shelter during a disaster.
A.6970	Murray	Would authorize the lease of certain lands transferred to the North Patchogue Fire District.
A.7125	Simotas	Would update the time needed by small businesses and local governments to comply with new regulations.
A.7178	Englebright	Would change the words "hearing impaired" to "deaf or hard of hearing".
A.7283	Dilan	Would clarify that reasonable accommodations to use and enjoy a dwelling include the use of an animal to alleviate the symptoms

		of a disability.
A.7352	Niou	Would require every state agency, board, or commission that directly collects data on ethnic origin for residents of the state of New York to use separate categories for a number of Asian groups.
A.7506	DenDekker	Would require OGS to install a chair and plaque commemorating POW/MIA in the Capitol building.
A.7559	Buchwald	Land transfer of DOCCS property in the town on Bedford going to the town of Beford to be used for a wastewater treatment plant.
A.8286-B	Otis	Would update laws related to missing adults and children -- requires the information on the missing person be sent to the National Missing and Unidentified Persons System.
A.8408	Simotas	Would extend the public comment period on proposed regulations from 45 days to 60 days.
A.8427-A	Morelle	Would enact the "New York Buy American Act".