

2008 ANNUAL REPORT

NEW YORK STATE ASSEMBLY

COMMITTEE ON
GOVERNMENTAL OPERATIONS



Sheldon Silver, Speaker

RoAnn M. Destito, Chair

December 15, 2008

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

Dear Speaker Silver,

As Chair of the Assembly Standing Committee on Governmental Operations, I respectfully submit to you the 2008 Annual Report. I have outlined the Committee's significant legislation and our outlook for the 2009 session.

The Committee had a number of accomplishments this year. Chapter 137 of the laws of 2008 was enacted to comprehensively reform and strengthen the procurement of goods and services by New York government agencies, which will lead to cost savings, greater transparency in purchasing, and fairness to New York's small businesses. New laws were enacted to improve the State's Freedom of Information Law, its services to crime victims, and its preparedness in case of disaster.

The agenda for 2009 will continue the Committee's focus on improving the efficiency and fairness of government in New York State. The Committee will continue to improve the state's procurement process to encourage greater participation by New York's minority and women-owned businesses. Government transparency and efficiency, as well as continued oversight of the State's Ethics code, will remain a top priority. In addition, the Committee is committed to finding cost savings and efficiencies in these difficult financial times, and will be taking a leading role in creating such savings through reform of the State's information technology purchasing process.

I would like to take this opportunity to thank the Speaker and the Committee members for their continued support. I look forward to meeting the challenges ahead in the 2009 Legislative Session.

Sincerely,

A handwritten signature in black ink that reads "RoAnn M. Destito". The signature is written in a cursive style with a large, looped initial "R".

RoAnn M. Destito, Chair
Assembly Committee on
Governmental Operations

NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON
GOVERNMENTAL OPERATIONS

RoAnn M. Destito, Chair

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I. INTRODUCTION

The Governmental Operations Committee's jurisdiction encompasses a broad spectrum of legislative issues. The Committee's subject areas include: governmental reform, lobbying laws, the crime victims board, human rights, the rights of individuals with disabilities, state procurement, the Freedom of Information and Open Meetings Laws, disaster preparedness, homeland security, public lands and buildings, and the organization and operation of the executive and legislative branches of state government. The Committee also acts on legislation proposed to it by the Assembly Ethics and Guidance Committee, the Assembly Committee on Oversight, Analysis, and Investigation, the Administrative Regulation Review Commission, and the Legislative Commission on Government Administration.

II. DISASTER PREPAREDNESS, FIRE AND SAFETY

The Governmental Operations Committee considers legislation concerning the entities charged with the delivery of emergency services in the State: the Office of Fire Prevention and Control within the Department of State, the State Emergency Management Office within the Division of Military and Naval Affairs, and the Office of Homeland Security.

A. Developing an Educational Video on How Sexual Predators Lure Children (Chapter 289 of the laws of 2008/A.2891-A, Lentol)

This law requires the Division of Criminal Justice to produce and furnish to public libraries and police precincts an instructional video to educate and inform law enforcement and parents on how sexual predators lure children.

B. Assisting Nursing Homes and Assisted Living Facilities with Disaster Preparedness (Chapter 589 of the laws of 2008/A.10680-B, Destito)

This law requires the Commissioner of Health to develop standards for nursing homes and assisted living facilities regarding disaster preparedness, and requires each facility to be assisted in developing such disaster preparedness plans by the Disaster Preparedness Commission. All facility plans are to be made available to the county Emergency Management Office.

C. Requiring Evacuation Time Estimates (A.1375, Brodsky/Veto Message # 140)

This bill would enhance disaster preparedness by requiring cities with a population of 500,000 or more to include evacuation time estimates in their disaster preparedness plans. This information would be valuable in coordinating a large scale emergency evacuation effort, enabling cities to mitigate potential loss of life and harmful effects.

The Governor vetoed this bill, stating that New York City already has effective disaster preparedness plans in coordination with the State Emergency Management Office. The Governor additionally stated that requiring New York City to frequently revise its disaster preparedness plans and technologies could mandate costly and undue expenses on the city.

D. Studying State Resources to Assist Non-Profit Institutions with Security Challenges (A.9683-A, Lancman/Veto Message # 161)

This bill would authorize a study of available state resources available to develop a “non-profit homeland security grant program.” The Office of Homeland Security would be authorized to study, evaluate, and make recommendations the state resources to assist non-profit institutions in the State that may be the target of terrorist organizations.

The Governor vetoed this bill, stating that the State is in no position to fund such a program. In addition, the Governor stated that the Federal Urban Areas Security Initiative already has a Nonprofit Security Grant Program which is being administered by the State Office of Homeland Security. The Governor projected that the State will receive about \$4.1 million in the 2008 federal funding awards from this program.

**E. Ensuring the Safety of Individuals with Disabilities in the Event of a Disaster
(A.958-A, Destito)**

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

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

**F. Establishing Emergency Evacuation Plans for Individuals with Disabilities
(A.7105, Titus)**

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

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

**G. Regulating Live Fire Training
(A.7954, Destito)**

This bill would authorize the Office of Fire Prevention and Control to establish standards relating to structures used for live fire training, establish minimum training requirements for participation in live training, and specify standards governing how live fire training is to be conducted. The bill also would require a report and investigation whenever any person is burned, injured, or killed during a live fire training evolution.

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

**H. Improving Fire Safety at Colleges in New York City
(A.11118, Benedetto)**

This bill would require the State Office of Fire Prevention and Control to inspect all public and independent college buildings within New York City. This would clarify confusion and inconsistency in the existing policy where some college buildings in New York City are inspected by the Office, while others are inspected by the City Fire Department.

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

III. CRIME VICTIMS

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

**A. Expanding Awards for Parents and Guardians of Crime Victims
(Chapter 162 of the laws of 2008/A.2656, Diaz, R)**

This law allows crime victim awards to include lost wages of the parents or guardians of a victim when the victim of a crime is under the age of eighteen. In the event that a minor child is physically or emotionally injured as the result of a criminal act committed against him or her and hospitalization is necessary, the presence of parents or other caretakers is not only helpful in the healing process of the child but sometimes a necessary assistance for medical personnel. Previously the law did not allow the parents of victims to seek wage reimbursement, thus adding the burden of lost income to families dealing with the aftermath of a crime. By allowing parents and guardians to seek reimbursement for wages lost as the result of a crime committed against their child, the State has strengthened the support afforded to the victims' families.

**B. Reimbursing Pediatricians for Forensic Assessment of Physical Child Abuse
(A.5206-B, Paulin/Veto Message # 110)**

This bill would require the Crime Victims Board to make reimbursements directly to hospitals and child advocacy centers for pediatricians' forensic assessment of possible child abuse victims. This bill would also require the Crime Victims Board to promulgate regulations to implement requirements and provide forms for the direct reimbursement procedures.

The Governor vetoed this bill, stating that it would mandate hospitals to provide a "child abuse pediatrician" as defined by the American Board of Pediatricians whenever services related to the forensic component of a physical abuse assessment of certain child abuse victims. According to the Governor, all hospitals may not be in the position to obtain such a specialist. Furthermore, he stated that no hospital could currently obtain a specialist since the certification program for this subspecialty is new, and the first certifications are not expected until 2010.

**C. Continuing Education for Public Officials Who Interact With Crime Victims
(A.846, Destito)**

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

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

**D. Providing a Civil Remedy for Victims of Certain Civil Rights Violations
(A.866, Destito)**

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

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

**E. Designation of Fines to the Crime Victims Board
(A.931, Destito)**

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

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

**F. Streamlining Reporting Requirements for the Crime Victims Board
(A.1110, Destito)**

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

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

**G. Specialized Training for Public Officials Who Handle Sexual Assault Cases
(A.2419-A, DelMonte)**

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

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

**H. Protecting the Confidentiality of Addresses of Victims of Domestic Violence
(A.2990, Weinstein)**

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

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

I. Expanding the Crime Victims Board to Include an Attorney Specializing in Elder Law (A.6204, Englebright)

This bill would add an attorney who specializes in Elder Law to the Crime Victims Board as a non-voting member. Additionally, this bill would increase the number of members on the Crime Victims Board from five to six. This would help allocate resources and expertise for the Board to help protect vulnerable seniors against crime and exploitation.

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

J. Clarification Regarding Necessary Court Appearances for Crime Victims (A.6675, Ortiz)

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

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

K. Filing Claims Electronically with the Crime Victims Board (A.11120, Markey)

This bill would allow claims made to Crime Victims Board to be filed in person, by mail, or electronically, in such manner as the board may prescribe. This measure would update outdated language in the statute, allowing the Board to operate more efficiently utilizing contemporary technology to process claims.

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

L. Allowing Grandchildren to Obtain Reimbursement for Counseling Expenses (A.11121, Seminerio)

This bill would allow eligible grandchildren of homicide victims and victims who have sustained a personal physical injury as direct result of a crime to receive reimbursement for their counseling expenses from the Crime Victims Board. This would ensure that grandchildren are treated equally with other family members, including grandparents, who lose a relative as the result of a homicide.

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

IV. DIVISION OF HUMAN RIGHTS

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

**A. Authorizing Awards Against Parties for Unlawful Discriminatory Practices
(A.609, Dinowitz)**

This bill would allow the award of attorneys' costs, fees, and exemplary damages in actions brought for unlawful discrimination pursuant to the human rights law. This bill would strengthen the remedies and awards in relation to such actions and would provide financial relief to those parties filing a discriminatory complaint.

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

**B. Authorizing Class Actions
(A.716, Christensen)**

This bill would direct the Division of Human Rights to promulgate rules to permit complaints alleging unlawful discriminatory practices to be filed as class actions or to be consolidated. Currently, grievances that are filed with the Human Rights Division can be filed on an individual basis only. Complaints alleging unlawful discriminatory practices often involve several people in the same job classification subject to similar discrimination. In such a situation, this bill would enable a group of similarly situated plaintiffs to file their complaints with the Human Rights Division in a manner that would allow a more efficient, less expensive resolution.

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

**C. Preventing Discrimination Against Victims of Domestic Violence
(A.1222-A, Paulin)**

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

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

**D. Reducing the Dismissal of Complaints Due to Administrative Convenience
(A.3331, Peoples)**

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

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

**E. Protecting Victims of Domestic Violence
(A.5916-A, Destito)**

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

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

**F. Protecting Against Disability Discrimination by Public Entities
(A.6303-B, Paulin)**

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

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

**G. Prohibiting Discrimination on the Basis of Gender Identity or Expression
(A.6584-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, or membership in any firehouse or fire department. Additionally, this bill would include gender identity or expression as one of the specific areas in the Human Rights Law for which the Division may form an advisory council in order to study the problems of discrimination and develop plans and policies.

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

**H. Promoting Pay Equity Between the Sexes
(A.6959-A, Lifton)**

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

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

**I. Protecting State Employees with Disabilities
(A.7653, 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 Government Operations Committee.

**J. Prohibiting Housing Discrimination Based on Lawful Source of Income
(A.7861-A, Greene)**

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

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

**K. Reforming Civil Complaint Procedures
(A.8521-A, Dinowitz)**

This bill would expand the types of cases in which the Department of Human Rights could require attorney's fees and civil fines for discriminatory acts. In the case of employment discrimination, businesses employing fewer than fifty people would be exempted from attorney's fees and allowed to pay fines in installments. This bill would also streamline the process for civil complaints to be filed by no longer requiring notaries and increase the maximum notice respondents have of public hearings from fifteen days to sixty days.

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

**L. Clarifying the Human Rights Law to Include Licensing Decisions
(A.11119, Hyer-Spencer)**

This bill would add the phrase "or license" to paragraph (a) of subdivision 1 of section 296 to the Human Rights Law. This would prohibit an employer or licensing agency from denying employment or licensing on the basis of any protected class without providing a specific explanation.

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

V. FREEDOM OF INFORMATION AND OPEN MEETINGS LAWS

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

A. Reproducing Public Records Under the Freedom of Information Law (Chapter 223 of the Laws of 2008/A.809-C, Destito)

This law will require agencies to provide records in the medium in which the record is requested, including electronically, and require agencies to obtain outside professional services for requests that are deemed voluminous or burdensome when an agency's information technology equipment is inadequate to prepare a copy.

B. Requiring Agencies to Provide Public Information Electronically (Chapter 351 of the Laws of 2008/A.582, Paulin)

This law enhances government transparency by requiring agencies, when updating or installing new databases, to maximize record sorting capabilities. Currently, an agency's electronic record-keeping databases may not allow for the sorting of records. This law will require that, when designing a new electronic record-keeping database, agencies consider sorting records in ways that would segregate restricted and publicly available information. This law will ease the burden of administrative requirements on agencies while promoting government transparency.

C. Awarding of Attorney's Fees for Violations of the Open Meetings Law (Chapter 397 of the Laws of 2008/A.1033-A, Paulin)

This law expands awards of attorney's fees for violations of the open meetings law. It would mandate the award of fees to complainants if the public body met to vote or for substantial deliberations in violation of the law. The court, can waive the award if the public body had reason to believe it could meet legally in closed session.

D. Availability of Records under the Open Meetings Law (A.5943, Markey/ Veto Message # 89)

This bill would increase the transparency of government meetings by making certain records, which are to be the subject of discussion at an open meeting, available to the public upon request at least seventy-two hours prior to such meeting. This bill would also require that copies of such records be available for a reasonable fee.

The Governor vetoed this bill, stating that in the case of voluminous records, both the review and the copying of the material requested would impose a serious burden on agency staff when the material is needed in required period of time. The requirements of the procedure for making and responding to FOIL requests, according to the Governor, could disrupt the work of boards and commissions in the days immediately preceding an important meeting.

**E. Allowing the Photographing, Broadcasting, and Recording of Open Meetings
(A.1111, Destito)**

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

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

**F. Requiring Online Notice of Public Meetings
(A.4053, Bradley)**

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

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

**G. Waiving of State Copyright Claims for Public Records
(A.5472, Galef)**

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

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

**H. Expanding Alternate Judicial Remedies under the Open Meetings Law
(A.5809, John)**

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

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

**I. Providing Interpreters at Public Hearings
(A.7106-A, Titus)**

This bill would require public bodies to make or cause to be made all reasonable efforts to ensure that an interpreter is provided at meetings when an interpreter is requested in advance and in writing, unless it imposes an undue hardship on the public body holding such a meeting.

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

**J. Ensuring Access to Public Meetings for the Hearing Impaired
(A.637-A, Wright)**

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

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

**K. Extending the Deadline for a Report on Electronic Document Policy
(A.9843, Destito)**

This bill would provide the Office of Technology additional time to analyze industry and public comments regarding the State's electronic document policy before reporting to the Governor and the Legislature. This bill extends the date which the director of the Office of Technology must report the findings and recommendations regarding the electronic document policy in New York State from January 15, 2008, to April 30, 2008.

This bill passed the Assembly, but died in the Senate Energy and Telecommunications Committee.

**L. Making Agency Documents Accessible on the Internet
(A.10153-B, Kavanagh)**

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

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

VI. PROTECTION OF PERSONAL IDENTIFYING INFORMATION

A. Prohibiting the Unnecessary Filing of Personal Identifying Information (A.275-A, Pheffer)

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

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

VII. GOVERNMENTAL REFORM

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

A. **Waiving of Court Costs and Filing Fees Related to Active Duty Militia (Chapter 600 of the Laws of 2008/A.4323-A, Magnarelli)**

This law waives all court costs or filing fees for the commencement of a civil action or proceeding when an active member of the organized militia is in a dispute or controversy which is directly related to such person's service in active duty. Waiving these expenses is a way for the State to assist those in New York State's active militia in protecting their civil rights under the difficult logistical circumstances that active duty may produce.

B. **Prohibiting State Agency Loans to Employees (A.371, Morelle)**

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

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

C. **Improving the Oversight of Charitable Organizations (A.4613, Morelle)**

This bill would require registration for up to five years of any entity otherwise exempt from registration that has been found by a court or administrative agency to have violated Article 7-A of the Executive Law or section 8-1.4 of the Estates, Powers and Trusts Law. This bill would also prohibit solicitations that fail to provide that registration does not constitute approval or an endorsement by the State or Attorney General, clarify that all governmental agencies and subdivisions are exempt from registration requirements, and make service of process provisions applicable to partners, principals, officers, trustees, or directors of charitable organizations and fund raising counsels.

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

**D. Reforming and Restricting State Agency Contracts for Personal Services
(A.7092, John)**

This bill would set forth conditions for when a state agency may enter into a contract for personal services. Such conditions include highly specialized or technical services and various other services that cannot be completed by state agencies or civil service employees due to ability or availability. This bill would protect the public interest by ensuring that when taxpayers' money is used to fund a contract for services, the expenditure is necessary and prudent.

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

**E. Enacting the New York State Healthy and Green Procurement Act
(A.7483-A, Sweeney)**

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

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

VIII. GOVERNMENTAL ADMINISTRATION

A. **Extending and Modernizing the State Procurement Stewardship Act (Chapter 137 of the Laws of 2008/A.11738, Destito)**

This law reforms and updates various conditions of the Procurement Stewardship Act, which governs the method in which the State purchases goods and services. Some of these provisions include requiring state agencies to provide debriefings to bidders, requiring the procurement opportunities newsletter to be published on a daily basis on the internet at no cost, and requiring the consideration of the State's centralized contracts to be open for continuous recruitment during the life of a contract.

B. **Enhancing Police Recruitment and Increasing Diversity Awareness (Chapter 155 of the Laws of 2008/A.564-A, Wright)**

This law requires the Municipal Police Training Council to develop, maintain, and disseminate written policies and procedures in order to enhance police officer recruitment efforts and to increase the police awareness of racial, ethnic, religious, and gender differences, and other diversity issues within communities served by such police.

C. **Educating Veteran-Owned Firms on Conducting Business with the State (Chapter 387 of the Laws of 2008/A.11648, Destito)**

This law authorizes the Division of Veteran Affairs to implement a series of seminars, which would be conducted at least four times a year, at regional sites throughout the State in order to advise veteran-owned business how to obtain procurement contracts from New York State agencies, municipalities, and authorities.

D. **Prohibiting State Police from Preventing Traffic Plea Bargains Involving Officers (A.10471, Lentol/Veto Message #80)**

This bill would prohibit the Division of State Police from making rules or regulations that would limit the ability of a New York State police officer to recommend a reduced charge to a violation of the Vehicle and Traffic Law.

The Governor vetoed this bill, stating it could undermine the authority of the Superintendent of State Police to institute policies to prevent conduct that could lead to allegations of impropriety, favoritism and corruption.

**E. Developing a Mentor-Protégé Veteran Program with State Agencies
(A.11652, Peoples/Veto Message # 152)**

This bill would develop mentor-protégé programs within state agencies that engage in service or construction contracts in order to focus on providing training and assistance to qualified veteran contractors. This bill would require that the chief executive officers of every agency, department, or authority which has let more than ten million dollars in service or construction contracts develop a mentor-protégé program in order to enhance veteran success in contracting with the state.

The Governor vetoed this bill, stating that this bill excludes certain veterans, including those serving in Iraq and Afghanistan. Furthermore, the Governor was concerned that if each state agency or entity is required to establish its own program and locate qualifying mentor firms and veterans then it could become “a wasteful duplication” of existing programs for veteran outreach.

**F. Preventing Police Misconduct
(A.715, Wright)**

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

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

**G. Submitting Ballistics Material to Crime Laboratories
(A.3451, Koon)**

This bill would increase tools available to law enforcement to solve cases by requiring law enforcement agencies to submit expended projectiles, expended shell casings, and seized or found guns to the state police and to enter them in an automated electronic database and also to submit such material to an American Society of Crime Laboratory Directors laboratory within thirty days of acquiring the material. Currently, local law enforcement agencies are not required to submit evidence to a centralized crime laboratory. By requiring agencies to do so, this bill would facilitate the exchange of information, which would increase the effectiveness of both the labs and the local law enforcement agencies.

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

**H. Providing Refunds on Filing Fees for Rejected Documents
(A.5075, Eddington)**

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

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

**I. Prohibiting Dissemination of Advertising Material Related to Agency Mission
(A.5266, Hoyt)**

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

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

**J. Requiring Multiple Payment Options for Notary Fees
(A.5414, Gottfried)**

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

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

**K. Assisting Public Employees Called to Military Service
(A.6533, Towns)**

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

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

**L. Regulating Firefighter Support Charities & Fighting Fraudulent Solicitations
(A.7953, Lentol)**

This bill would enhance efforts to prevent fraudulent campaigns that divert funds from firefighter support organizations, by regulating them in the same manner as law enforcement support organizations. It would also increase the penalties for fraudulent charitable solicitations of all types.

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

**M. Encouraging Employers to Provide Health Care Coverage
(A.8442, Gottfried)**

This bill would provide a preference in state contracts for contractors that provide their employees with employer-sponsored health coverage. This would encourage employers to provide such health care coverage to their employees. In order to be eligible, the benefits provided must be equivalent to those provided to state officers and employees and must be available to all eligible employees. Any bidders not in compliance with the provisions would be granted the opportunity to comply with such provisions by the effective date of the proposed contract.

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

**N. Modifying Distribution of the State Register
(A.8522, Eddington)**

This bill would repeal Executive Law §148(1)(c), which requires that the Secretary of State send annual written notice to the office of the clerk of every city, town, and village in New York State stating that they may receive the State Register upon written request of their governing body. Now that the Register is available online, this mailing is unnecessary and wasteful of state and local resources.

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

**O. Waiving Deposits for Electronic Copies of Plans
(A.8523, Latimer)**

This bill would allow State agencies to waive the deposits required for bidders to obtain copies of plans and specifications for public works projects, where such documents are produced electronically. This bill would result in administrative savings.

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

**P. Providing for Reform of the Procurement Process
(A.8680, Destito)**

This bill would require agencies to provide debriefings to unsuccessful bidders, document the procurement record with rationales for the use of a contract let by any department of the United States or of any other state, and eliminate provisions allowing for strategic partnerships. It would also enable program procurements to be entered into by agencies with the approval of the Office of the State Comptroller (OSC) and require the procurement opportunities newsletter to be published on a daily basis and be made available, free of charge, on the internet. The State Procurement Council would also be charged with studying the implementation of a statewide electronic procurement opportunity network.

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

IX. REGULATORY REFORM

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

A. Expanding Requirements Related to Regulatory Agendas in the State Registry (Chapter 193 of the Laws of 2008/A.10393, Gianaris)

This law expands the requirements relating to regulatory agendas published in the state registry, including providing outreach to potentially affected small businesses, local governments, and public and private interests in rural areas. This law also extends the expiration date of such provisions from December 31, 2008, to December 31, 2012.

B. Requiring Online Posting by State Agencies of Subject Matter Lists (Chapter 499 of the Laws of 2008/A.1975, Diaz, R.)

This law requires each state agency to update its subject matter list annually, indicate the date of the most recent update on the list, and post its current list on its website. Such postings must also be linked to the website of the Committee on Open Government. This law makes state agency records of interest to the public easier to locate and obtain.

C. Requiring Guidance Documents For Agency Subject Matter Lists (A.3403, Diaz, R./Veto Message # 28)

This bill would improve state agency preparation of subject matter lists of records maintained pursuant to FOIL. A recent study found that many agency lists were outdated and lacked detail. This bill would improve the preparation of subject matter lists by requiring the Committee on Open Government to provide guidance on the development and maintenance of such lists.

The Governor vetoed this bill, stating it would require the Committee on Open Government to conduct tasks that are redundant of the powers and jurisdiction of the State Archives and Records Administration.

D. Streamlining Subregulatory Documents (A.8074, Gianaris/Veto Message # 58)

This bill would streamline the recordkeeping of and increase access to subregulatory documents. The number and legal relevance of such documents has grown extensively over the last several years, making reliable information difficult to obtain. This bill would set forth definitions and regulations regarding the issuance of subregulatory documents by agencies, which would increase accountability and reduce possible confusion.

The Governor vetoed this bill, stating that it requires agencies to overstep their constitutional roles by allowing them to determine the legal force and effect of their own guidance documents. In addition, he stated that the bill does not provide for any additional resources for any of its mandates. Lastly, the bill requires copies of all guidance documents to be maintained at one central location, which the Governor stated would create a duplicative repository of agency documents which might be less geographically accessible to the public than current methods of accessing guidance documents.

**E. Increasing Public Participation in the Rulemaking Process
(A.8075, Gianaris/Veto Message # 59)**

This bill would establish a pilot program that would require seven state agencies to hold hearings on proposed rules if there is a petition of one hundred or more New York State residents requesting a hearing on an issue. This bill would also authorize these agencies to employ innovative techniques, such as evening and weekend hearings, utilization of broadcast and teleconferencing technologies, and roundtable discussions, to increase the public participation in these hearings, so long as the utilization of these new technologies and formats does not impede existing access.

The Governor vetoed this bill, stating it would require agencies to hold hearings which could be costly, be burdensome, and consume agency resources. In addition, this bill would set no deadline for petitioning for a public hearing, which the Governor stated could allow for opposing groups to manipulate the rulemaking process. Finally, the bill would include the Workers' Compensation Board (WCB) as one of the agencies required to participate in the "pilot project." As the State Administration Procedure Act §102 (1) exempts the WCB from that Act, signing this bill could have created an inconsistency in the law.

**F. Providing Cost-Benefit Analysis in Regulatory Impact Statements
(A.766, Christensen)**

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

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

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

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

A. Increasing Oversight on State Agency MWBE Goals (A.1311-A, Brodsky)

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

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

B. Establishing an MWBE Implementation Fund (A.2204-A, Millman)

This bill would establish a funding stream for enhanced implementation of Article 15-A of the Executive Law. It would require all state agencies to transfer .01% of all contract amounts to an implementation fund to be created by the State Comptroller. Establishing an MWBE implementation fund would increase business opportunities for MWBEs, making state contracting dollars go further and creating a more competitive marketplace.

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

C. Providing Dispensation for Certain Bonds for Contracts with MWBEs (A.3329-A, Millman)

This bill would increase the contract threshold for which performance and payment bonds are required to \$150,000 for small, minority- and women- owned businesses, and require information on bonding requirements or dispensations in advertisements for bids. By providing a targeted dispensation of bonding requirements, this bill would enable small and minority- and women- owned businesses to gain experience with larger projects, and would benefit contracting agencies, as well as the targeted businesses, by creating a larger pool of qualified contractors and subcontractors available for public works projects.

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

**D. Requiring the Online Posting of Agency MWBE Utilization Plans
(A.3330, Millman)**

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

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

**E. Establishing Mentor-Protégé Programs for Small or Minority- and Women- Owned Business Enterprises
(A.3392, Millman)**

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

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

**F. Evaluating Minority- and Women- Owned Business Enterprise Programs
(A.4498, Cook)**

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

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

**G. Expanding Opportunities for Minority-and Woman- Owned Business Enterprises
(A.11248, Silver)**

This bill would provide additional opportunities for participation in state contracts by minority- and woman- owned business enterprises by including certain leases of real property by state agencies to a lessee within the category of appropriate state contracts which are subject to the requirements of the MWBE program.

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

XI. OFFICE OF GENERAL SERVICES

A. Selling and Conveying Certain State Lands in the County of Orange (Chapter 196 of the Laws of 2008/A.10755, Gunther)

This law allows the commissioner of the Office of General Services to sell and convey certain land in the city of Middletown in order to develop land at the Middletown Psychiatric Center Site. In addition, this law requires Orange County to submit an accurate survey and description of the land and allows the commissioner of the Office of General Service to deny any application made by Orange County if received more than one year from the effective date.

B. Conveying Certain Land to American Legion Post #1113 (A.10377, Destito/Veto Message #10)

This bill would authorize the Commissioner of the Office of General Services to sell, convey, transfer, and exchange land now owned by the New York State Office of Mental Health in exchange for a parcel of American Legion land, to be used to enhance local recreational activities.

The Governor vetoed this bill, stating that the State should not transfer property to a private entity for such a public purpose unless it receives fair market value for that property.

C. Offering Surplus State Personal Property to Municipalities (A.361-B, Destito/Veto Message # 17)

This bill would direct the Office of General Services to place state surplus personal property on the OGS website for municipalities to review for a minimum of seven days, and authorize the commissioner of general services to offer such surplus personal property for sale to non-municipal purchasers after determining that there are no interested municipalities willing to purchase such surplus personal property. This would provide municipalities with the first opportunity to obtain state-owned surplus personal property, and therefore increase municipal cost efficiency.

The Governor vetoed this bill because he signed Chapter 137 of the Laws of 2008, which contains provisions that are nearly identical to those in this bill.

D. Studying Procurement Strategies for State Prescription Drug Purchases (A.2202-A, John)

This bill would require the Office of General Services to study, evaluate, and make recommendations on procurement strategies to lower the cost of prescription drugs to the State, and report its findings by December 31, 2009.

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

**E. Making Surplus State Owned Real Property Available to the Public
(A.4061, Brodsky)**

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

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

XII. MISCELLANEOUS

**A. Declaring the Esopus Creek a State Inland Waterway
(Chapter 23 of the Laws of 2008/A.8925, Cahill)**

This law declares the upper and lower branches of Esopus Creek a State inland waterway for the purposes of eligibility for waterfront revitalization funds.

**B. Setting Income Eligibility Levels for Person Employed by Green Thumb Environmental Beautification, Inc.
(Chapter 28 of the Laws of 2008/A.9387-A, Destito)**

This law sets an annual income eligibility requirement of less than 250% of the non-farm federal poverty level for an individual, and less than 400% of the non-farm federal poverty level for a couple, for senior citizens to be hired by Green Thumb Environmental Beautification, Incorporated.

**C. Declaring the Mettowie River a State Inland Waterway
(Chapter 103 of the Laws of 2008/A.9704, McDonald)**

This law declares the Mettowie River a State inland waterway for the purposes of eligibility for waterfront revitalization funds.

**D. Declaring the Canisteo, Cohocton, and Tioga Rivers as State Inland Waterways
(Chapter 185 of the Laws of 2008/A.9936, Bacalles)**

This law declares the Canisteo, Cohocton, and Tioga Rivers as State inland waterways for the purposes of eligibility for waterfront revitalization funds.

**E. Declaring the Oakta and Tonawanda Creeks as State Inland Waterways
(Chapter 186 of the Laws of 2008/A.9941, Schimminger)**

This law declares the Oakta and Tonawanda Creeks as State inland waterways for the purposes of eligibility for waterfront revitalization funds.

**F. Waiving Residency Requirements for Deputy Sheriffs in New York City
(Chapter 222 of the Laws of 2008/A.1529, Abbate)**

This law allows persons employed as deputy sheriff of the city of New York to reside within the county of New York, or in a county in New York State contiguous to New York City or within fifteen miles of New York City.

G. Waiving Residency Requirements for Assistant District Attorneys in Putnam County (Chapter 250 of the Laws of 2008/A.10374-A, Galef)

This law allows persons employed as assistant district attorney or chief assistant district attorney in the county of Putnam to reside within Putnam County or an adjoining county within New York State.

H. Waiving Residency Requirements for Assistant District Attorneys in Fulton County (Chapter 265 of the Laws of 2008/A.10794, Butler)

This law allows persons employed as assistant district attorney in the county of Fulton to reside within Fulton County or an adjoining county within New York State.

I. Waiving Residency Requirements for Deputy County Attorneys in Putnam County (Chapter 281 of the Laws of 2008/A.11519, Galef)

This law allows persons employed as deputy county attorney in the county of Putnam to reside within Putnam County or an adjoining county within New York State.

J. Celebrating Rosa Parks (Chapter 359 of the Laws of 2008/A.10379, Towns)

This law honors Rosa Parks by asking bus companies to voluntarily keep an empty seat each February 4th in commemoration of her contribution to the Civil Rights Movement.

K. Waiving Residency Requirements for Court Clerk in the town of Gerry. (Chapter 464 of the Laws of 2008/A.10740, Giglio)

This law allows persons employed as court clerk in the town of Gerry, in the County of Chautauqua, to reside outside that town, provided such person lives in that county or adjoining county.

L. Waiving Residency Requirements for Town Comptroller in the Town of Poughkeepsie (Chapter 618 of the Laws of 2008/A.10346-B, Miller)

This law allows persons employed as or with the office of town comptroller in the town of Poughkeepsie, in the county of Dutchess, to reside outside that town, provided such person lives in that county or adjoining county.

M. Waiving Registration Fees for Professional Fund Raisers (A.11478, Destito/Veto Message # 48)

This bill would increase ethical awareness in the fundraising industry by requiring full-time, salaried employees of charitable organizations, professional fundraisers, and certain professional solicitors to complete a one-time course on ethics and the law of fundraising. In return, the State would provide a one-time waiver of the annual State registration fee.

The Governor vetoed this bill, stating that enacting this bill could have broader policy implications for professions who pay fees to the State and already are subject to mandatory training. Furthermore, he stated that this bill allows training to be conducted on the internet but fails to include any recordkeeping requirements to ensure individuals have taken the course.

**N. Promoting Most Integrated Services for Persons with Disabilities
(A.7277, Destito/Veto Message # 143)**

This bill would ensure that persons with disabilities are provided with the right to choose and receive services from governmental agencies or providers that contract with governmental agencies in integrated settings throughout New York State.

The Governor vetoed this bill, stating it is duplicative of the ongoing work of the Most Integrated Setting Coordinating Council (MISCC), which was created by statute in 2002 in order to develop and implement a plan to provide services for persons with disabilities in community settings. In addition, the Division of Budget estimated that this bill could cost about \$250 million annually.

**O. Prohibiting the Disclosure of Electronic Toll and Transit Records
(A.1520-A, Brodsky)**

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

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

**P. Establishing a Genetics Advisory Council
(A.3284, Cahill)**

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

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

Q. Waiving Residency Requirement for Members of the Auto Trades in New York City (A.10331-A, Abbate)

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

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

R. Purchasing Cleaner Vehicles for State Agencies (A.11589, Cahill)

This bill would set forth a comprehensive program for State agencies to purchase cleaner vehicles in order for the State's vehicle fleet to reduce emissions and maximize fuel economy, effective January 1, 2009. Standards for agency purchasing of state vehicles, exempting specialty, police or emergency vehicles, would include requiring the purchase of only alternative fuel motor light-duty vehicles, requiring each medium duty vehicle purchased must meet low-emissions vehicle standards, and encouraging the use of E85 Ethanol and Biodiesel-capable vehicles.

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

XIII. COMMEMORATION

**A. A Day of Commemoration for New York State Teachers
(Chapter 61 of the Laws of 2008/A.7569-B, Magnarelli)**

This bill would designate the first Tuesday in May of each year as “New York State Teacher Day,” a day of commemoration. By establishing New York State Teacher Day as a Day of Commemoration, New Yorkers can honor and recognize the contributions teachers make to our communities.

**B. A Day of Commemoration for Gulf War Veterans
(Chapter 356 of the Laws of 2008/A.10521, Schimminger)**

This bill would designate February 28th of each year as “Gulf War Veterans Day,” a day of commemoration. By establishing New York State Gulf War Veterans Day as a Day of Commemoration, New Yorkers can honor and recognize the service and sacrifice of Gulf War Veterans to our communities, our State, and our Nation.

**C. Acknowledging Slavery as a Tragedy
(A.273-B, Wright)**

This bill would acknowledge the tragedy of slavery in New York State, and establish a day of commemoration in tribute to those persons who were enslaved in New York.

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

**D. A Day of Commemoration for Women’s Equality
(A.10527, Lifton)**

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

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

XIV. COMMITTEE HEARINGS AND ROUNDTABLES

Procurement

On February 26, 2008, in Albany, the Committee held a hearing on State and local procurement practices, particularly regarding centralized contracts and the impact they have on state agencies, political subdivisions, and small businesses. The hearing gave the Committee a chance to review testimony from both state agencies and affected contractors regarding potential changes to improve New York State's procurement practices. On June 30, 2008 Assembly bill 11738, which revised and extended the provisions of the Procurement Stewardship Act, was signed by the Governor, containing many of the recommendations provided in testimony at this hearing.

Household Scalding Safety

On April 30, 2008, in Albany, the Committee held a joint hearing with the Assembly Committee on Consumer Affairs and Protection and the Assembly Subcommittee on Child Product Safety regarding tap water burns causing injuries and deaths of children and elderly persons throughout New York State, particularly in the New York City area. The Committee received testimony from NYPIRG, child advocates, and Code Enforcement regarding legislative and policy options to reduce incidents of tap water scalding. A further hearing on this matter will be scheduled in New York City in early 2009.

Roundtable Regarding Veteran Procurement Practices

On May 28, 2008, in Albany, the Committee held a joint roundtable with Assembly Committee on Veteran Affairs and the Assembly Subcommittee on the Oversight of Minority- and Woman-Owned Business Enterprises in order to examine veteran business participation in the procurement process. The roundtable discussion, which involved state agencies and veterans' advocacy groups, reviewed the current procurement issues surrounding veteran-owned firms and possible legislation to expand veteran procurement opportunities. In addition, the roundtable provided an update on preferred sources.

Budget Implementation Hearings

One of the responsibilities of each Assembly Standing Committee is to examine the impact of the State Budget on programs within its jurisdiction. These hearings are useful to assess the implementation of policy and to plan for the upcoming budget cycle.

On December 10, 2008, in Albany, the Committee held a hearing regarding implementation of the Universal Broadband Initiative by the Office for Technology.

XV. FOCUS OF THE 2009 LEGISLATIVE SESSION

The Committee will continue to focus on improving and streamlining the state procurement system, including making the procurement system fairer and more inclusive by improvement in the implementation of the MWBE program and increasing the inclusion of veteran-owned firms. The Committee will continue to investigate the use of technology by the State to increase efficiency, transparency, and cost savings in governance. The Committee will also continue its efforts to strengthen the State's disaster preparedness and response protocols and its homeland security infrastructure.

Oversight of the Statewide Wireless Network will continue at least into early 2009, as the system is being retested as part of the contract terms after a letter of default was filed by the Office For Technology in August of 2008. The Committee expects a final determination by the Office early in 2009, after which either continued oversight during the statewide buildout will be necessary or new alternatives for improving the State's homeland security communications systems will need to be swiftly identified.

APPENDIX A

2008 SUMMARY SHEET

SUMMARY OF ACTION ON ALL BILLS
REFERRED TO THE COMMITTEE ON
Governmental Operations

<u>FINAL ACTION</u>	<u>ASSEMBLY BILLS</u>	<u>SENATE BILLS</u>	<u>TOTAL BILLS</u>
BILLS REPORTED WITH OR WITHOUT AMENDMENT			
TO FLOOR; NOT RETURNING TO COMMITTEE	14	0	14
TO FLOOR; RECOMMITTED AND DIED	0	0	0
TO WAYS AND MEANS	28	0	28
TO CODES	22	0	22
TO RULES	20	0	10
TO JUDICIARY	0	0	0
TOTAL	84	0	84
BILLS HAVING COMMITTEE REFERENCE CHANGED			
TO <u>Consumer Affairs & Protection</u> COMMITTEE	1	0	1
TO <u>Codes</u> COMMITTEE	1	0	1
TO <u>Corrections</u> COMMITTEE	1	0	1
TO <u>Governmental Employees</u> COMMITTEE	2	0	2
TOTAL	5	0	5
SENATE BILLS SUBSTITUTED OR RECALLED			
SUBSTITUTED		12	12
RECALLED		4	4
TOTAL		16	16
BILLS DEFEATED IN COMMITTEE	0	0	0
BILLS NEVER REPORTED, HELD IN COMMITTEE	87	0	87
BILLS NEVER REPORTED, DIED IN COMMITTEE	364	60	424
BILLS HAVING ENACTING CLAUSES STRICKEN	11	0	11
MOTIONS TO DISCHARGE LOST	0	0	0
TOTAL BILLS IN COMMITTEE	551	76	627
TOTAL NUMBER OF COMMITTEE MEETINGS HELD	13		

**APPENDIX B
CHAPTERS OF 2008**

A.564-A	Wright	Requires the Municipal Police Training Council to develop, maintain, and disseminate written policies and procedures in order to enhance police officer recruitment efforts. Chapter 155 of the Laws of 2008
A.582	Paulin	Enhances government transparency by requiring agencies, when updating or installing new databases, to maximize record sorting capabilities. Chapter 351 of the Laws of 2008
A.809-C	Destito	Requires agencies to provide records in the medium in which the record is requested, including electronically. Chapter 223 of the Laws of 2008
A.1033	Paulin	Expands awards of attorney's fees for those violations of the open meetings law. Chapter 397 of the Laws of 2008
A.1529	Abbate	Waives the requirement in the Public Officers Law that a deputy sheriff be a resident of the municipality in which his or her official functions are exercised for the city of New York. Chapter 222 of the Laws of 2008
A.1975	R. Diaz	Requires each state agency to update its subject matter list annually and post its current list on its website. Chapter 499 of the Laws of 2008
A.2656	R. Diaz	Allows crime victim awards to include lost wages of the parents or guardians of a victim when the victim of a crime is under the age of eighteen. Chapter 162 of the Laws of 2008
A.2891-A	Lentol	Requires the Division of Criminal Justice to produce and furnish to public libraries and police precincts an instructional video to educate and inform law enforcement and parents on how sexual predators lure children. Chapter 289 of the Laws of 2008
A.4323-A	Magnarelli	Waives all court costs or filing fees for the commencement of a civil action or proceeding when an active member of the organized militia is in a dispute or controversy which is directly related to such person's service in active duty. Chapter 600 of the Laws of 2008
A.7569-B	Magnarelli	Would designate the first Tuesday in May of each year as "New York State Teacher Day," a day of commemoration. Chapter 61 of the Laws of 2008
A.8925	Cahill	Declares the upper and lower branches of Esopus Creek a State inland waterway for the purposes of eligibility for waterfront revitalization funds. Chapter 23 of the Laws of 2008
A.9387-A	Destito	Relates to setting income eligibility levels for persons employed by Green Thumb. Chapter 28 of the Laws of 2008

A.9074	McDonald	Declares the Mettowiee River a State inland waterway for the purposes of eligibility for waterfront revitalization funds. Chapter 103 of the Laws of 2008
A.9936	Bacalles	Declares the Canisteo, Cohocton, and Tioga Rivers as State inland waterways for the purposes of eligibility for waterfront revitalization funds. Chapter 185 of the Laws of 2008
A.9941	Schimminger	Declares the Oakta and Tonawanda Creeks as State inland waterways for the purposes of eligibility for waterfront revitalization funds. Chapter 186 of the Laws of 2008
A.10346-B	Miller	Allows persons employed as or with the office of town comptroller in the town of Poughkeepsie, in the county of Dutchess, to reside outside that town, provided such person lives in that county or adjoining county. Chapter 618 of the Laws of 2008
A.10374	Galef	Allows persons employed as assistant district attorney or chief assistant district attorney in the county of Putnam to reside outside that county, provided that such person lives in an adjoining county. Chapter 250 of the Laws of 2008
A.10379	Towns	Honors Rosa Parks by asking bus companies to voluntarily keep an empty seat each February 4 th in commemoration of her contribution to the Civil Rights Movement. Chapter 359 of the Laws of 2008
A.10393	Gianaris	Expands the requirements relating to regulatory agendas published in the state registry, including providing outreach to potentially affected small businesses, local governments and public and private interests in rural areas. Chapter 193 of the Laws of 2008
A.10521	Schimminger	Would designate February 28 th of each year as “Gulf War Veterans Day,” a day of commemoration. Chapter 356 of the Laws of 2008
A.10680-B	Destito	Requires the Commissioner of Health to develop standards for nursing homes and assisted living facilities regarding disaster preparedness. Chapter 589 of the Laws of 2008
A.10740	Giglio	Allows persons employed as court clerk in the town of Gerry, in the County of Chautauqua, to reside outside that town, provided such person lives in that county or adjoining county. Chapter 464 of the Laws of 2008
A.10755	Gunther	Allows the commissioner of the Office of General Services to sell and convey certain land in the city of Middletown in order to develop land at the Middletown Psychiatric Center Site. Chapter 196 of the Laws of 2008
A.10794	Butler	Allows persons employed as assistant district attorney in the county of Fulton to reside within Fulton County or an adjoining county within New York State. Chapter 265 of the Laws of 2008

A.11519	Galef	Allows persons employed as deputy county attorney in the county of Putnam to reside within Putnam County or an adjoining county within New York State. Chapter 281 of the Laws of 2008
A.11648	Destito	Authorizes the Division of Veteran Affairs to implement a series of seminars in order to advise veteran-owned business how to obtain procurement contracts from New York State agencies, municipalities, and authorities. Chapter 387 of the Laws of 2008
A.11738	Destito	Reforms and updates various conditions of the State Procurement Stewardship Act which governs the method in which the State purchases goods and services. Chapter 137 of the Laws of 2008

**APPENDIX C
VETOES OF 2008**

A.361-B	Destito	Would require that surplus state personal property be offered to municipalities before it is offered for sale to the general public. Veto Memo # 17
A.1375	Brodsky	Would enhance disaster preparedness by requiring cities with a population of 500,000 or more to include evacuation time estimates in their disaster preparedness plans. Veto Memo # 140
A.3403	R. Diaz	Would require the committee on open government to provide guidance to agencies on the development and maintenance of subject matter lists. Veto Memo # 28
A.5206-B	Paulin	Would provide for direct reimbursement to forensic pediatricians for forensic physical abuse assessments by the crime victims' board. Veto Memo # 110
A.5943	Markey	Would increase the transparency of government meetings by making certain records, which are to be the subject of discussion at an open meeting, available to the public upon request at least seventy-two hours prior to such meeting. Veto Memo # 89
A.7277	Destito	Would ensure that persons with disabilities are provided with the right to choose and receive services from governmental agencies or providers that contract with governmental agencies in integrated settings throughout New York State. Veto Memo # 143
A.8074	Gianaris	Would streamline record keeping and increase access to subregulatory documents. Veto Memo # 58
A.8075	Gianaris	Would establish a pilot program to hold agency hearings on proposed rules if there is a petition of one hundred or more New York State residents requesting such a hearing. Veto Memo # 59
A.9683-A	Lancman	Would authorize a study of available state resources available to develop a "non-profit homeland security grant program." Veto Memo # 161
A.10377	Destito	Authorizes the office of general services to convey certain land to the American Legion Post 1113. Veto Memo # 10
A.10471	Lentol	Would prohibit the Division of State Police from making rules or regulations that would limit the ability of a New York State police officer to recommend a reduced charge to a violation of the Vehicle and Traffic Law. Veto Memo # 80

A.11478	Destito	Would require certain professional solicitors to complete a one-time course on ethics and the law of fundraising. Veto Memo # 48
A.11652	Peoples	Would require mentor protégé programs within state agencies that engage in service or construction contracts in order to focus on providing training and assistance to qualified veteran contractors. Veto Memo # 152

**APPENDIX D
BILLS THAT PASSED THE ASSEMBLY**

A.273-B	Wright	Would acknowledge that the institution of slavery was an appalling tragedy in the history of the state.
A.275-A	Pheffer	Would prohibit persons or business entities from filing unnecessary personal identifying information with an agency.
A.371	Morelle	Would prohibit state agencies from making loans to employees.
A.609	Dinowitz	Would permit the award of reasonable attorneys' fees, costs, and exemplary damages in court actions for unlawful discriminatory practices.
A.637-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.715	Wright	Would grant the attorney general jurisdiction to investigate and prosecute police misconduct.
A.716	Christensen	Would direct the division of human rights to promulgate rules of practice to permit complaints alleging unlawful discriminatory practices to be filed as class actions.
A.766	Christensen	Would provide for the detailing of the benefits and costs of proposed rules in the regulatory impact statement.
A.846	Destito	Would establish a victims' assistance education program within the crime victims board to enhance and augment services to victims of crime.
A.866	Destito	Would establish a civil remedy for victims of bias-related violence.
A.931	Destito	Would permit antitrust fines or penalties to be paid to the crime victims board at the court's discretion.
A.958-A	Destito	Would require counties to maintain a registry of people of all ages with disabilities for the purpose of evacuating and sheltering such persons during disasters.
A.1110	Destito	Would change the reporting requirements relative to restitution and fair treatment standards for the crime victims board from annual to every two years.
A.1111	Destito	Would allow open meetings to be photographed, broadcast, and recorded by audio or video means subject to reasonable rules.

A.1222-A	Paulin	Would prohibit employers from discriminating against victims of domestic violence or stalking.
A.1311-A	Brodsky	Would establish state agency goal submission procedures to increase certified minority-owned and woman-owned business enterprises participation.
A.1520-A	Brodsky	Would prohibit disclosure of highway, bridge, tunnel, and other thoroughfare toll and transit records, with exceptions.
A.2202-A	John	Would direct the office of general services to study and report on procurement strategies and practices that may lower the cost of prescription drugs.
A.2204-A	Millman	Would establish an article 15-A implementation fund.
A.2419-A	Delmonte	Would require police officers and district attorneys to receive certain training and instruction with respect to crimes involving sexual assault.
A.2990	Weinstein	Would direct the secretary of state to accept service of process and mail on behalf of victims of domestic violence wishing to keep their location secret.
A.3284	Cahill	Would establish a genetics advisory council.
A.3329-A	Millman	Would provide dispensation for performance and payment bonds for certain contracts with small, minority, or women-owned businesses.
A.3330	Millman	Would require agencies to post contractor utilization plans on the agency website.
A.3331	Peoples	Would authorize the filing of a suit in any court of competent jurisdiction alleging a violation of the human rights law for a period of three years after the dismissal of a complaint for administrative convenience by the division of human rights.
A.3392	Millman	Would require certain state agencies, departments or authorities to establish mentor-protégé programs for small, minority, and women-owned businesses.
A.3451	Koon	Would provide for the submission of expended projectiles and shell casings and guns to the state police pistol and revolver ballistic identification electronic databank.
A.4053	Bradley	Would provide that, if a public body has the ability, it must post notices of place and time of public meetings on its website.
A.4061	Brodsky	Would provide for the offer of state-owned real property not need for state purposes to the municipality or county in which it is located.

A.4498	Cook	Would evaluate the effective implementation of provisions of law relating to participation by minority and women-owned business enterprises in state contracts.
A.4613	Morelle	Would enact provisions relating to fraudulent solicitation and collection of funds for charitable purposes.
A.5075	Eddington	Would authorize the secretary of state and other filing offices to refund fees collected for certain filings.
A.5266	Hoyt	Would require state agencies which contract to disseminate advertising material to exclude material which relates to the agency's mission.
A.5414	Gottfried	Would require the secretary of state and county clerks to accept payment for notary public appointment or reappointment fees of cash, money order or checks.
A.5472	Galef	Would relate to the ability of government agencies in New York to claim copyright protection.
A.5809	John	Would provide for the enforcement of open meetings law in which the court may void, stay, or fine.
A.5916-A	Destito	Would prohibit certain discriminatory practices against victims of domestic violence.
A.6204	Englebright	Would add an attorney with a concentration in elder law to the membership of the Crime Victims Compensation Board, increasing the size of that board from 5 to 6 members.
A.6303-B	Paulin	Would clarify the scope of protections against discrimination on the basis of disability in services provided by public entities.
A.6533	Towns	Would authorize an additional thirty days military leave for public employees who are absent on military duty.
A.6584-A	Gottfried	Would prohibit discrimination based on gender identity or expression and includes offenses regarding gender identity or expression under the hate crimes statute.
A.6675	Ortiz	Would define a necessary court appearance for purposes of determination of crime victims award.
A.6959-A	Lifton	Would make it a discriminatory practice to compensate employees of different sexes differently for work that is of comparable worth.
A.7092	John	Would set forth conditions when a state agency may enter into a contract for personal services.
A.7105	Titus	Would require emergency evacuation plans for individuals with disabilities and establishes a five hundred dollar fine for owners who failure to comply.

A.7106-A	Titus	Would require public officers and bodies to provide interpreters and assistive listening devices for the hearing impaired at public hearings under certain conditions.
A.7483-A	Sweeney	Would enact the “New York state healthy and green procurement act.”
A.7653	Lifton	Would waive the State’s sovereign immunity to liability under the Americans with Disabilities Act of 1990 and certain other federal acts.
A.7861-A	Greene	Would create an unlawful discriminatory practice in housing for discrimination based on lawful source of income.
A.7953	Lentol	Would include firefighter support organizations as those capable of being prosecuted by the attorney general’s office.
A.7954-A	Destito	Would establish the powers of the Office of Fire Prevention and Control relating to live fire training
A.8442	Gottfried	Would provide a preference in awarding state contract to entities which provide employer sponsored health coverage.
A.8521-A	Dinowitz	Would reform certain civil complaints and the procedures pursuing and appealing such complaints and provide for civil fines, attorney’s fees and expert witness fees.
A.8522	Eddington	Would repeal certain provisions relating to distribution of the state register.
A.8523	Latimer	Would provide for deposits for copies of plans and specifications for public works contracts.
A.8680-B	Destito	Would reform various aspects of the procurement process.
A.9843	Destito	Would extend the date on which a report concerning electronic documents shall be submitted to the Governor and legislature by the director of the office for technology.
A.10153-B	Kavanagh	Would provide for online posting of agency reports.
A.10331-A	Abbate	Would remove residency requirements for members of the auto trades employed by New York City.
A.10527-A	Lifton	Would establish a new day of commemoration to be known as Women’s Equality Day.
A.11118	Benedetto	Would codify college fire safety inspection as a duty of the office of fire prevention and control throughout the State.
A.11119	Hyer-Spencer	Would clarify that discriminatory denial of licensing by a licensing agency is an unlawful discriminatory practice.
A.11120	Markey	Would authorize the electronic filing claims with the Crime Victims Board.
A.11121	Seminario	Would include the cost of counseling for a grandchild of a crime victim within the definition of “out-of-pocket loss” for purposes of crime victims board compensation.

A.11248	Silver	Would expand utilization of minority and women-owned businesses by state agencies on contracts relating to state leasing of real property.
A.11589	Cahill	Would require the purchase of cleaner vehicles for the use by state agencies.