

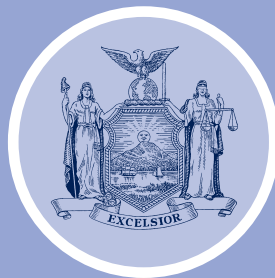


NEW YORK STATE ASSEMBLY

A N N U A L

2 0 1 2

R E P O R T



**Committee on
Governmental Operations**

Steve Englebright, Chair

SHELDON SILVER, SPEAKER



STEVEN ENGLEBRIGHT
4th Assembly District
Suffolk County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

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Energy
Higher Education

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Water Resource Needs of Long Island

MEMBER
Bi-State L.I. Sound Marine Resource Committee
N.Y.S. Biodiversity Research Institute
N.Y.S. Heritage Area Advisory Council

December 15, 2012

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

Dear Speaker Silver,

It is my pleasure to respectfully submit to you the 2012 Annual Report of the Assembly Standing Committee on Governmental Operations. In it, I have set forth the Committee's significant legislation and our outlook for the 2013 session.

The Committee had a number of accomplishments this year. The most significant bills came in the areas of redistricting, procurement, and educational opportunities. Chapter 17 of the Laws of 2012 enacted the "Redistricting Reform Act of 2012." Chapter 17 creates an independent redistricting commission to reflect the diversity of the state; requires that new district lines be drawn to protect minority voting rights, requires the commission that proposes the lines to affirmatively and transparently explain any deviations from the average or the ideal population sizes of each district; requires extensive public hearings statewide and requires the commission release all relevant data and draft plans to facilitate public review and public drafting of proposed district lines; and establishes voting rules in both the commission and in each house of the legislature to ensure that minority party conferences participate. Chapter 1 of the Laws of 2012 enacted the "Iran Divestment Act of 2012." This chapter, along with Chapter 106 of the Laws of 2012, prohibits entities that invest in the Iranian energy sector from receiving state contracts unless the entity has certified that it does not have or has ceased or is taking steps to cease such investments, or the state is unable to procure the needed services or commodities elsewhere. The Assembly also passed A.8689-B, the educational DREAM Act, which would create the New York DREAM fund commission to raise money to provide scholarships to college bound children who are the children of immigrants and would make family tuition accounts available to account owners who provide a taxpayer identification number.

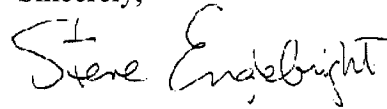
The Committee continued its tradition of working towards a more open government.

A.9112, A.9460, and A.9461-A would, respectively, prevent categorical or blanket denials of Freedom of Information Law (FOIL) requests and would require a specific justification for denial of access to records under FOIL, would require auditing of the use of transferred state lands, and would clarify the definition of the term "beneficiary" as it relates to the retirement systems.

In 2013, the Committee will continue to focus on improving the efficiency and fairness of government in New York State. The Committee will continue to improve and update the State's procurement process to ensure that the process is competitive, open, and transparent and to encourage greater participation by New York's small, minority-owned, and women-owned businesses. Government ethics, transparency, and efficiency will remain a top priority. In addition, the Committee is committed to finding cost savings in these difficult financial times. The committee will continue to take a leading role in creating such savings through reform of the State's information technology purchasing process, other procurement and workforce management initiatives, and the executive reorganization process, which was enacted as part of the budget.

I would like to take this opportunity to thank you, your staff, and the Committee members for their continued support. I look forward to meeting the challenges ahead in the 2013 Legislative Session.

Sincerely,

A handwritten signature in black ink that reads "Steve Englebright". The signature is written in a cursive style with a large, stylized "S" at the beginning.

Steve Englebright, Chair
Assembly Committee on
Governmental Operations

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STANDING COMMITTEE ON
GOVERNMENTAL OPERATIONS

Steven Englebright, Chair

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James Larson, Committee Analyst
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Emily Mercurio, Committee Assistant
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Kathleen Quackenbush, Secretary

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I. INTRODUCTION

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

II. DISASTER PREPAREDNESS, FIRE PREVENTION, AND PUBLIC SAFETY

The Governmental Operations Committee considers legislation concerning the delivery of emergency services and public safety within the State. The Committee oversees the Division of Homeland Security and Emergency Services, which includes the Office of Fire Prevention and Control, the State Emergency Management Office, the Office of Counterterrorism, the Office of Cyber Security, and the Office of Interoperability and Emergency Communications. The Committee also has oversight over the New York State Police and the Municipal Police Training Council.

A. Establishing Emergency Evacuation Plans for Individuals with Disabilities (A.6658, Cusick)

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

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

B. Ensuring the Safety of Individuals with Disabilities in the Event of a Disaster (A.7257, Cusick)

This bill would enhance the safety of individuals with disabilities by requiring counties to maintain voluntary registries of people who may be in need of special assistance in the event of an emergency or disaster. In 2006, state emergency management officials identified the lack of registries of people with disabilities as a vulnerability in disaster response. However, only four out of sixty-two counties have such registries. By requiring voluntary registries, this bill would enhance disaster response capabilities across the State.

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

III. CRIME VICTIMS

The Governmental Operations Committee considers legislation addressing the Office of Victims Services. This agency is charged with advocating for and compensating eligible crime victims. However, the Committee's interest and commitment to the concerns of crime victims goes beyond issues directly relating to the Office itself. The Committee contributed several key bills to legislative packages that seek to improve the responsiveness of the criminal justice system to crime victims.

A. Allowing Domestic Partners to be Eligible for Crime Victim Compensation (A.3592, Glick)

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

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

B. Improving Public Defense (A.7857-A, Lentol)

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

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

C. Streamlining Reporting Requirements for the Office of Victim Services (A.9025, Englebright)

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

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

**D. Designating Fines to the Office of Victim Services
(A.9028, Englebright)**

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

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

**E. Expanding Eligibility Awards for Family Members of Homicide Victims
(Chapter 233 of the Laws of 2012/A.9898, Schimel)**

This law includes guardians, siblings, and step-siblings of homicide victims among those eligible to receive reimbursement for counseling expenses from the Office of Victim Services.

IV. DIVISION OF HUMAN RIGHTS

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

A. Preserving the Rights of the Complainant Following Dismissal for Administrative Convenience (A.997, Peoples-Stokes)

This bill would allow complainants a three year time frame following the dismissal of a complaint for administrative convenience by the Division of Human Rights to bring suit for unlawful discriminatory practice if the complainant was dismissed after the statute of limitations set forth in the human rights law had expired.

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

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

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

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

C. Protecting State Employees with Disabilities (A.3689, Lifton)

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

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

**D. Prohibiting Discrimination on the Basis of Gender Identity or Expression
(A.5039, Gottfried)**

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

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

**E. Preventing Housing Discrimination against Victims of Domestic Violence
(A.9024, Englebright)**

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

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

**F. Prohibiting Discrimination in Places of Public Accommodation
(A.9848-A, Paulin)**

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

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

V. OPEN GOVERNMENT

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

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

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

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

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

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

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

C. **Waiving of State Copyright Claims for Public Records** **(A.6787, Galef)**

This bill would increase access to records that are required to be disclosed pursuant to the Freedom of Information Law by waiving government copyrights in records that are prepared by public bodies and are required to be disclosed pursuant to FOIL, except where the record reflects artistic creation or scientific or academic research or if the body intends to sell the record to the public. This bill responds to the practice of copyrighting government documents by government entities. For example, a school board sought to copyright board of education meeting minutes, requiring citizens to request permission to use the public document. This bill would limit such uses of copyright to preserve access to government documents.

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

**D. Providing for Disclosure of Trade Secrets under FOIL
(A.9022, Englebright)**

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

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

**E. Open and Transparent Public Records
(A.9460, Englebright)**

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

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

**F. Expanding FOIL and Protecting Identity Privacy
(A.9461-A, Englebright)**

This bill would clarify that the name of a retiree in a public employees' retirement system is subject to disclosure under FOIL, but that the names of a retiree's beneficiaries are not subject to disclosure.

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

VI. GOVERNMENTAL REFORM

The Governmental Operations Committee has jurisdiction over bills that seek to amend the Public Officers Law, the Legislative Law, and other laws that regulate many of the actions of public employees. Some of these bills address the interactions between individuals and State agencies and professional ethics; others deal with protection of public employees. Many of these laws are important components of efforts to make government more open.

A. Constitutional Amendment to Reform the Redistricting Process (A.9526, Silver)

This amendment to the State constitution, would establish the Independent Redistricting Commission, which would draw maps for congressional and state legislative district lines every ten years starting in the year 2020. The commission would consist of ten members, all of whom would be required to be registered voters of New York State. The commissioners could not be members of the state legislature or Congress, statewide elected officials, lobbyists, political party chairs, employees of the executive or legislative branches of state government, or a spouse of legislators or statewide elected officials. None of the commissioners could have held any of those disqualifying positions for three years prior to appointment to the position. In addition, the amendment would provide criteria for the commission to follow in drawing districts, including that districts not be drawn to have the purpose of or result in the denial or abridgement of racial or language minority voting rights or to discourage competition or to favor or disfavor incumbents, candidates, or political parties. Districts would be required to also consist of contiguous territory and be as compact as practicable and, to the extent practicable, contain an equal number of inhabitants. In addition, the commission would be required to consider the cores of existing districts and preexisting political subdivisions, including counties, cities, and towns, and maintaining communities of interest. In drawing senate districts, the requirements that senate districts not divide counties or towns, as well as the block-on-border and town-on border rules that currently exist would remain in effect. The legislature would be required to vote on plans prepared by the commission without amendment two times. If those plans failed to pass, the legislature could amend the plan before voting a third time.

This amendment has passed both houses and has been sent to the Secretary of State.

B. Redistricting Reform Act of 2012 (Chapter 17 of the Laws of 2012/A.9557, Silver)

This law largely mirrors the provisions contained in A.9526 and would become effective in its entirety if that amendment is not passed by the legislature a second time in early 2013. The statute also would restrict amendments the legislature can make to the independent redistricting commission's district plans after failing to pass two prior proposals so that such amendments cannot affect more than 2% of any district's population. The restrictions on changes to the commission's redistricting plans would take effect if the constitutional amendment proposed by A.9526 became law, as well as if

the legislature fails to pass the proposed amendment a second time. If the legislature passes A.9526 a second time, but the voters failed to adopt its provisions, then the provisions of Chapter 17 of 2012 would not take effect.

VII. GOVERNMENTAL ADMINISTRATION

A. Contracts for State Agencies for Consulting Services (A.5128-C, Bronson/Veto #150 of 2012)

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

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

This bill would improve the health and environmental well-being of New York State and its citizens by modifying the State procurement process to promote green purchasing. Provisions of this bill include adding the commissioners of Health and Environmental Conservation to the Procurement Council; adding companies that manufacture, produce, or provide healthy and green commodities, services, and technologies to the list of businesses eligible for incentives and services under the State waste prevention program; and providing minimum specifications for commodities procured by State agencies regarding recycled content, waste reduction, energy efficiency, and building design.

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

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

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

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

D. Prohibiting Dissemination of Advertising Material Related to Agency Missions (A.9034-B, Englebright/Veto #146 of 2012)

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

**E. Providing Career Opportunities to Former State Employees Terminated Due to a Reduction in the State Workforce
(Chapter 485 of the Laws of 2012/A.9372, Abbate)**

This bill would permit certain state officers, terminated between January 1, 2009, and April 1, 2014, due to a reduction in the state workforce, to appear before their former agency, waiving the restriction barring state employees from appearing or practicing before their former agency for a two-year period following the end of their employment.

**F. Ensuring Fire Safety During Live Training Exercises
(A.9897, Englebright)**

This bill would establish standards for the use of acquired structures during live fire training and would establish training standards for those conducting, supervising, and participating in such trainings.

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

**G. Honoring Our Fallen Firefighters
(Chapter 104 of the Laws of 2012/A.10046, Weisenberg)**

This statute permits the names of all firefighters who died in the line of duty to be inscribed on the Fallen Firefighters Memorial located in Albany.

**H. Increasing Agency Oversight
(A.10133-A, Barron)**

This bill would require each state department, including the executive department, to make reports to the Legislature by March 1 of each year relating to the distribution of funds and grants to community-based organizations by or through the department. The report would be required to list recipients, grants, awards, or funds appropriated for services and programs that are made to organizations that provide services on a local basis under programs that were established by law.

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

VIII. REGULATORY REFORM

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

A. Simplifying the Implementation of Enacted Legislation (A.2064, Gottfried)

This bill would allow state agencies and departments and local governments to set forth rules and regulations for programs created by statute prior to the effective date for the program without express legislative approval. It would further provide that legislation that amends a section of law that sunsets would not amend the sunset date unless the legislation specifically provides for a change in such sunset.

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

IX. NEW AMERICANS

**A. Immigrant Assistance Services
(A.4887-A, Crespo)**

This bill would require providers of immigration assistance services to register with the Department of State and be certified in order to provide immigrant assistance services.

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

**B. Expanding Access to Educational Opportunities
(A.8689-B, Moya)**

This bill would create the New York DREAM fund commission to raise private money to provide scholarships to college-bound children who are the children of immigrants and would make family tuition accounts available to account owners who provide a taxpayer identification number.

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

X. PROCUREMENT

**A. Iran Divestment Act of 2012
(Chapter 1 of the Laws of 2012/A.8668-A, Silver)**

This law prohibits entities that invest in the Iranian energy sector from receiving state contracts unless the entity has certified that it does not have, or has ceased, or is taking steps to cease such investments, or the state is unable to procure the needed services or commodities elsewhere.

**B. Extends State Ban on Dealing with Companies Doing Business with Iran to SUNY, CUNY and Others
(Chapter 106 of the Laws of 2012/A.9224, Silver)**

This law prohibits entities that invest in the Iranian energy sector from receiving contracts from state and local authorities unless the entity has certified that it does not have, or has ceased, or is taking steps to cease such investments, or the state is unable to procure the needed services or commodities elsewhere.

**C. Prompt Payments for Not-for-Profits
(A.9342, Englebright)**

This bill would require agencies to pay any prompt contracting interest within thirty days of the date the payment or payments are due to a not-for-profit.

This bill passed both houses and is awaiting approval by the Governor.

XI. LAND TRANSFERS

**A. Veterans Transitional Housing and Services
(Chapter 352 of the Laws of 2012/A.10516, Cahill)**

This law authorizes the commissioner of the Office of General Services to transfer and convey land with buildings and improvements, formerly used as a group home for people with developmental disabilities, to the County of Ulster to provide transitional housing and assistance to veterans.

**B. Armory in the City of Rome
(Chapter 340 of the Laws of 2012/A.10627, Brindisi)**

This law directs the Commissioner of General Services to transfer a former New York State Armory to the City of Rome to be used for various municipal uses by the City.

**C. Closed Prisons Transformed Into Community Services
(A.10643, Aubry)**

This bill would permit the transfer of the former Fulton Correctional Facility in the county of Bronx to the Thomas Mott Osborne Memorial Fund for the purposes of establishing a center providing opportunities for individuals in conflict with the law through reform and rehabilitation programs, alternatives to incarceration, re-entry services, victim services, and related community activities in order to increase public safety.

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

XII. MILITARY AND NAVAL AFFAIRS

A. Appointment Opportunities for Our Air National Guard (Chapter 175 of the Laws of 2012/A.10511, Magnarelli)

This law requires that the commanding general officer of the New York Air National Guard be federally recognized or qualified for federal recognition in a grade not below brigadier general and be authorized to wear an aeronautical rating.

XIII. OFFICE OF GENERAL SERVICES

A. Creating an Inventory of State-Owned Real Property and Unappropriated State Land (A.9112, Englebright)

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

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

XIV. MISCELLANEOUS

A. Prohibiting the Unnecessary Filing of Personal Identifying Information (A.9111, Englebright)

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

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

B. Prohibiting the Disclosure of Electronic Toll and Transit Records (A.10255, Goldfeder)

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

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

XV. COMMITTEE HEARINGS AND ROUNDTABLES

Hearing on The State's Information Technology Infrastructure

On May 22, 2012, the Committees on Governmental Operations and Oversight, Analysis, and Investigation, and the Legislative Commission on Governmental Administration held a hearing on new advances in information technology used in state agencies and municipalities. The committees heard testimony on new technologies that may make it possible to achieve significant increases in government efficiency, fiscal responsibility, and openness while providing better services and reducing regulatory burdens.

Hearing on Community Services Block Grant (CSBG) Program

On May 23, 2012, the Committees on Social Services, Ways and Means, and Governmental Operations held a hearing along with the Senate Committees on Social Services and Finance on the Department of State's 2013-14 CSBG Management Plan. Federal Community Services Block Grant (CSBG) funds are awarded to grantees in all counties in New York State. These funds go toward community action agencies, community-based organizations, and Indian tribes to provide advocacy, outreach, services, and programs for economically disadvantaged residents within local communities. This hearing examined how funding for the federal fiscal year 2013-14 will be expended in order to meet all federal requirements of the CSBG program.

Roundtable on The State's Information Technology Infrastructure

On November 29, 2012, the Committees on Governmental Operations and Oversight, Analysis, and Investigation, held a roundtable discussion to examine how New York State's agencies and municipalities are currently using advances in information technology and how such advances can be used to serve the public more efficiently, more responsively, and to create jobs.

XVI. OUTLOOK FOR THE 2013 LEGISLATIVE SESSION

During the 2013 legislative session, the Committee on Governmental Operations will continue to focus on protecting the safety and rights of New Yorkers and increasing the efficiency and openness of government. The Committee will continue to advance legislation advocating for crime victims, small businesses, and workers while also working to find fiscal savings for the state.

The Committee will continue its oversight over Article 15-A of the Executive Law and the implementation of the Business Diversification Act of 2010, both of which regulate the participation of Minority- and Women-Owned Business Enterprises in State contracts.

The committee will also continue to review and improve policies relating to state-owned real property, including surplus properties.

Finally, the Committee will work to improve and monitor the State's procurement laws. A number of significant changes were made to the procurement laws in the 2012-2013 State Fiscal Year budget to ensure that the procurement process remains fair, open, and competitive.

APPENDIX A

**2012 SUMMARY OF ACTION ON ALL BILLS REFERRED TO
THE ASSEMBLY COMMITTEE ON GOVERNMENTAL OPERATIONS**

<u>Final Disposition of Bills</u>	Assembly Bills	Senate Bills	Total
<u>Bills Reported With or Without Amendment</u>			
To Floor; Not Returning to Committee	9		9
To Ways and Means	30		30
To Codes	23		23
To Rules	12		12
To Judiciary	1		1
Total	75		75
<u>Bills Having Committee Reference Changed</u>			
To Codes	2		2
To Local Governments	2		2
To Ways and Means	1		1
Total	5		5
<u>Senate Bills Substituted or Recalled</u>			
Substituted		9	9
Recalled		3	3
Total		12	12
Bills Defeated in Committee	0	0	0
Bills Held In Committee with a Roll-Call Vote	137	0	137
Bills Never Reported, Died in Committee	331	38	369
Bills Having Enacting Clause Stricken	30	0	30
Motions to Discharge Lost	2	0	2
Total Bills in Committee	580	50	630
Total Number of Committee Meetings Held	16		

**APPENDIX B
CHAPTERS OF 2012**

A.7822-A	Magnarelli	Requires state agency reports to be posted online and a printed notice to be sent to members of the Legislature indicating where the report can be located on the agency website along with the name of the person at such agency from whom a legislator may request a printed copy of such report; prohibits the release of certain confidential information contained in such reports. Chapter 278 of the Laws of 2012.
A.8668-A	Silver	Prohibits entities that invest in the Iranian energy sector from receiving state contracts unless the entity has certified that it does not have, or has ceased, or is taking steps to cease such investments, or the state is unable to procure the needed services or commodities elsewhere. Chapter 1 of the Laws of 2012.
A.9224	Silver	Prohibits entities that invest in the Iranian energy sector from receiving contracts from state and local authorities unless the entity has certified that it does not have, or has ceased, or is taking steps to cease such investments, or the state is unable to procure the needed services or commodities elsewhere. Chapter 106 of the Laws of 2012.
A.9525	McEneny	Provides the metes-and-bounds descriptions of 150 Assembly and 63 Senate districts and apportions the State Senate into 63 districts. Chapter 16 of the Laws of 2012.
A.9274-B	Lavine	Continues for four additional years improvements made to agency regulatory agendas by improving the effectiveness of the current "five-year review" process and providing for stronger outreach and timely initial review of rules impacting small businesses and local governments. Chapter 462 of the Laws of 2012.
A.9898	Schimel	Includes guardians, siblings, and step-siblings of homicide victims among those eligible to receive reimbursement for counseling expenses from the Office of Victim Services. Chapter 233 of the Laws of 2012.
A.10046	Weisenberg	Permits the names of all firefighters who died in the line of duty to be inscribed on the Fallen Firefighters Memorial located in Albany. Chapter 104 of the Laws of 2012.

A.10511	Rules (Magnarelli)	Requires that the commanding general officer of the New York Air National Guard be federally recognized or qualified for federal recognition in a grade not below brigadier general and be authorized to wear an aeronautical rating. Chapter 175 of the Laws of 2012.
A.10627	Rules (Brindisi)	Authorizes the Commissioner of the Office of General Services to transfer a former New York State Armory to the City of Rome to be used for various municipal purposes by the City. Chapter 340 of the Laws of 2012.

**APPENDIX C
VETOES OF 2012**

A.9034-B	Englebright	Would prohibit a state agency from entering into contracts to disseminate advertising materials for products that relate to the agency's mission. Veto 146 of 2012.
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**APPENDIX D
BILLS THAT PASSED THE ASSEMBLY**

A.68	Latimer	Would limit the time State agencies have to appeal article 78 Supreme Court judgments against them for violations of the Freedom of Information Law.
A.322	Cahill	Would establish a genetics advisory council charged with providing a preliminary report to the Governor and Legislature by March 1, 2013, and a final report by December 1, 2013, on issues relating to genetic counseling, testing, and public education.
A.708-C	Colton	Would require the Department of Economic Development to prepare a report relating to international trade agreements.
A.997	Peoples-Stokes	Would allow a complainant to institute a court action after dismissal of their complaints for administrative convenience by the Division of Human Rights for up to three years from the dismissal date.
A.1932	Wright	Would require public officers and bodies to provide interpreters and assistive listening devices for the hearing impaired at public hearings under certain conditions.
A.2064	Gottfried	Would allow state agencies and local governments to promulgate rules and regulations prior to the effective date of a bill and would establish the interpretive rule that amendments that make changes to statutes with sunsets expire when the underlying law does.
A.2348-A	Weinstein	Would prohibit employers from discriminating against domestic violence victims.
A.3592	Glick	Would extend eligibility for crime victim compensation from the Office of Victim Services to include domestic partners.
A.3689	Lifton	Would waive the State's sovereign immunity to liability under the Federal Americans with Disabilities Act of 1990 and certain other federal acts.
A.4887-A	Crespo	Would require providers of immigration assistance services to register with the Department of State and be certified in order to provide immigrant assistance services.

A.5039	Gottfried	Would prohibit discrimination based on gender identity or expression and would include offenses regarding gender identity or expression under the hate crimes statute.
A.5432-A	DenDekker	Would require all state agencies and departments to accept credit cards, debit cards, money orders, and personal and business checks as a method of payment for any fee or other charge collected by a state agency or department.
A.5437-A	Dinowitz	Would add the New York State Office for the Aging to the list of agencies that can appoint an officer to represent the agency on the New York State Disaster Preparedness Commission.
A.6247-A	Magnarelli	Would provide for the offer of state-owned real property determined not to be needed for state purposes to the municipality in which the land is located, or to the county should the municipality decline the offer of real property.
A.6366-A	Sweeney	Would enact the “New York State Healthy and Green Procurement Act.”
A.6658	Cusick	Would require the Department of State to revise current fire codes to establish high-rise emergency evacuation plans for individuals with disabilities.
A.6787	Galef	Would modify the ability of government agencies in New York to claim copyright protection.
A.7001-A	Titone	Would prohibit the state from contracting with vendors that require employees to submit claims of discrimination, sexual assault, or harassment to private arbitration.
A.7257	Cusick	Would require counties to maintain a registry of people of all ages with disabilities for the purpose of evacuating and sheltering such persons during disasters.

A.7426-C	Rivera, N.	Would require the Commissioner of the Division of Homeland Security and Emergency Services in consultation with the New York State Disaster Preparedness Commission to study and review disaster preparedness plans as they relate to nuclear power plants and issue a report to the Governor and the Legislature by December 31, 2014.
A.7857-A	Lentol	Would authorize public defenders, legal aid societies, and administrators of assigned counsel plans access to the Division of Criminal Justice Services' criminal history records for use in connection with the representation of public defense clients.
A.8094	O'Donnell	Would define the term "educational institution" to include both private and public schools in the Human Rights Law in order to clarify that the anti-discrimination protections found in Article 15 of the Executive Law cover public as well as private schools.
A.8253-A	Katz	Would allow an assistant court clerk for the Town of Somers to reside anywhere within Westchester County or an adjoining county and to serve without being an elector of Somers.
A.8689-B	Moya	Would create the New York DREAM fund commission to raise money to provide scholarships to college-bound children who are the children of immigrants and would make family tuition accounts available to account owners who provide a taxpayer identification number.
A.9022	Englebright	Would require a request by a private entity to a state agency to exclude trade secrets from release under FOIL to identify which portions of the record are claimed to be proprietary information.
A.9024	Englebright	Would protect victims of domestic violence from potential housing discrimination by including the denial of housing and other accommodations to such victims within the definition of an "unlawful discriminatory practice."
A.9025	Englebright	Would change the Office of Victim Services' reporting requirements for restitution and fair treatment standards from annually to biennially.

A.9028	Englebright	Would grant courts the discretion to designate part or all of any fine or penalty paid by an adjudicated violator of the State's Antitrust Law to be paid to the Office of Victim Services.
A.9034-B	Englebright	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.
A.9111	Englebright	Would prohibit 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.
A.9112	Englebright	Would require the Office of General Services to establish and maintain an inventory of all State-owned real property and unappropriated State land that has been sold, transferred, conveyed, or exchanged when the terms of the transfer contain a reverter clause.
A.9460	Englebright	Would require a particularized and specific justification for the denial of access to records under the Freedom of Information Law when exempting from disclosure certain law enforcement related records and records which may identify victims of crime.
A.9461-A	Englebright	Would clarify that the name of a retiree in a public employees' retirement system is subject to disclosure under the Freedom of Information Law, but the names of beneficiaries are not.
A.9526	Silver	Would create an independent redistricting commission to draw district lines; require that new district lines be drawn to protect minority voting rights population equality for each district; would require extensive public hearings statewide; require the commission's release of all relevant data and draft plans to facilitate public review and public drafting; and would establish voting rules in both the commission and in each house of the legislature to ensure that minority party conferences participate fully in the process of drawing new lines.

A.9636-B	Hooper	Would authorize the commissioner of the Office of General Services to transfer and convey to the Cedarmore Corporation state land formerly known as the Freeport Armory to be used exclusively for voluntary youth associations and education and recreational programs to assist at-risk youth.
A.9848-A	Paulin	Would prohibit discrimination on the basis of disability in places of public accommodation regardless of whether the place of accommodation is owned by the state, local, or municipal government or by a private individual or entity.
A.9897	Englebright	Would establish standards for the use of acquired structures during live fire training and establish training standards for those conducting, supervising, and participating in such trainings.
A.9900	Latimer	Would make technical and conforming amendments to clarify the authority and responsibilities of the Office of Fire Prevention and Control following the merger of homeland security and emergency agencies into the Division of Homeland Security and Emergency Services by Chapter 56 of the Laws of 2010.
A.10069	Zebrowski	Would authorize the Office of General Services to transfer lands formerly used by the Office for People with Developmental Disabilities but declared surplus to the Thiells-Roseville Fire District.
A.10133-A	Barron	Would require the Division of Budget to report to the Legislature by March 1st of each year on the distribution of funds and grants to community based organizations and require that such report is made public on the Division of Budget's website.
A.10177-A	Kearns	Would create a taskforce to determine the potential reuse, rehabilitation, and/or conveyance of land in the outer harbor of Buffalo and buildings located on it owned by the Niagara Frontier Transportation Authority.
A.10255	Goldfeder	Would declare all electronic toll and electronic fare information to be confidential except for use and inspection by the account holder and provide that such information could be otherwise furnished only in response to a search warrant or a subpoena duces tecum when such information constitutes evidence or demonstrates that a misdemeanor or felony offense was committed.
A.10643	Rules (Aubry)	Would authorize the transfer of the former Fulton Correctional Facility to the Thomas Mott Osborne Memorial Fund for the purposes of establishing a center to provide opportunities for individuals in conflict with the law reform and rehabilitation programs, alternatives to incarceration, re-entry services, victim services, and related community activities.