

**MONDAY, JUNE 18, 2018**

**1:39 P.M.**

ACTING SPEAKER AUBRY: The House will come to order.

Rabbi Howard Buechler will offer a prayer.

RABBI HOWARD BUECHLER: Sovereign of the Universe, (speaking Yiddish), Source of Life, Author of Liberty, by each sacred name, we call upon You. We seek Your divine blessings upon this New York State Assembly. Inspire and guide the Speaker of the Assembly with leadership of this venerated Chamber, each member and their loved ones, all who govern, and each citizen and all those in the great State of New York.

I'm also grateful to the Honorable Steve Stern, newly-elected to this Assembly, and a dear friend, for this honor. The words of the Samas resonate with a question (speaking Yiddish), let us lift

our eyes toward the heavens. What is the source of our strength and of our help? Each faith tradition recognizes that we seek to bring the divine into the tapestry of our lives. And the soulful question of each person is, where do we find our sources of spiritual energy, passion, compassion and strength? In my spiritual journey, the magnetic source of inspiration are the teachings of Rabbi Abraham Joshua Heschel, an immigrant to this country and a brilliant theologian. He was a tireless and tenacious advocate for civil rights in America. He marched with Dr. Martin Luther King in Selma. And as he noted there while marching, his feet were praying. He was praying with his feet. Exactly 55 years ago yesterday, Rabbi Heschel sent a telegram -- which is a vintage form of a tweet -- to President Kennedy. The President was convening a meeting of religious and civic leaders to discuss civil rights. Rabbi Heschel in his telegram wrote, and I quote, "Likelihood exists that the problem will be like the weather. Everyone talks about it, and nobody does anything about it. Please demand of leaders personal involvement, not just solemn declaration. The hour calls for moral grandeur and spiritual audacity."

As leaders of the great State of New York, the eyes of all look hopefully to you to be attuned and attentive as you are, to actively seek justice, and with high moral grandeur, fight injustice. Spiritual audacity is the vision to see beyond partisanship and reach across the aisle and find common ground. Grounded in our shared humanity and our striving for bringing social justice and compassion to all, may each one of us, I pray, look to the sources of inspiration

from our sacred texts your very own teachers, your mentors, and those who imbue values in each one of us, to ensure that we value every person, to lead us to embrace, to demonstrate tolerance and provide dignity for one and for all. Let this Session of government and every day embrace *chutzpah*, which is the spiritual audacity to vision how we, as leaders, bring justice and righteousness for all. May we ponder the moral goodness that is the GPS for each one of us, and let ethical values lead us to live lives where those values that we treasure, those creeds are turned into deeds. And in doing so, we will fulfill the words, (Yiddish), May the divine presence prosper our deeds and bless us with moral grandeur and the bold courage to turn our spiritual audacity as leaders into blessings for us and our community.

And let us say, Amen.

MEMBERS: Amen.

RABBI BUECHLER: Thank you.

ACTING SPEAKER AUBRY: Visitors are invited to join the members in the Pledge of Allegiance.

(Whereupon, Acting Speaker Aubry led visitors and members in the Pledge of Allegiance.)

A quorum being present, the Clerk will read the Journal of Sunday -- Sunday, June 17th.

Mr. Morelle.

MR. MORELLE: Mr. Speaker, I move to dispense with the further reading of the Journal of Sunday, June 17th, and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mr. Morelle.

MR. MORELLE: Yes. Good afternoon, Mr. Speaker, ladies and gentlemen, guests. Before I give our schedule for the day, which I expect will be a long, busy and hopefully very productive day, let me just note that on this day in 1775, George Washington of Virginia was unanimously appointed General and Commander-in-Chief of the Continental Army, just one day after Congress created the Army itself. Needless to say, General Washington went on to lead the American Army past the British troops, thereby achieving American independence from the British crown. Being a true patriot, Washington refused a salary for his services during the war.

And under the heading of "Did You Know," did you know that milk is the official beverage of the State of New York? The bill creating the State's beverage was signed by Governor Hugh Carey in 1981. And with nearly 15 billion pounds of milk produced annually, New York ranks first in the country when it comes to yogurt production, and third in the country when it comes to dairy production overall. Something many people would not expect from New York. But, there you go, Mr. Speaker.

Our schedule for the day, ladies and gentlemen, which is as I said will be a long day, so people I hope will continue to demonstrate patience and will continue to cooperate so that we can

move through our work as quickly as possible.

Members have on their desks a main Calendar, as well as a debate list. After any introductions and housekeeping, we will continue consenting on the main Calendar, beginning with Rules Report No. 185, which can be found on page 13 of that main Calendar. We will also work off the debate list. Members should be aware of a number of committee meetings which will meet off the floor. So if you're on any of the following committees, please be paying special notice from announcements from the desk. Those will include the Cities Committee, the Codes Committee, the Ways and Means Committee, and the Rules Committee. Once we've concluded that group of -- of committee meetings, they will have produced Calendars A, B and C, Calendars which we will take up today. Once that group of committees is concluded, we will be calling several more to meet off the floor, including Governmental Operations, Health, Local Governments, Governmental Employees and Real Property Taxation. So again, if you're on any of those committees, be prepared for announcements from the desk as well.

I will continue to consult with the Minority should other notices be necessary to be made, particularly as it relates to party conferences. And we will keep people apprised at all times. So I would ask people to stay near the Chambers during the day. I know there are meetings going on. I know there's consultation with members of the Senate, but we really, to get through our work, we really need to have people available and to be voting.

So, Mr. Speaker, if there are any introductions, housekeeping, this would be the appropriate time.

ACTING SPEAKER AUBRY: Certainly. For the purposes of an introduction, Mr. Stern.

MR. STERN: Thank you, Mr. Speaker. Later today, the Assembly will consider, and with your support, pass a resolution recognizing the Dix Hills Jewish Center as it celebrates its 50th anniversary.

This morning, it gives me great pleasure and with great pride to introduce the spiritual leader of the Dix Hills Jewish Center, Rabbi Howard Buechler. More than a place of worship, the Schul is one of lifelong learning, community, friendship and support. The Rabbi, with his wife Laura and his children and grandchildren, are not only very well-respected leaders, they are dear friends, and help make our entire community better.

Mr. Speaker, it's my privilege to ask my colleagues to join me in welcoming to the People's House this morning, Rabbi Howard Buechler. Will you please extend him all of the privileges of the floor. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Stern, the Speaker and all the members, Rabbi, we welcome you here to the New York State Assembly. And thank you so much for the prayer that you have provided with us, and extend to you the privileges of the floor. Hope that you will be back with us soon, and take care of that community. Thank you so very much.

RABBI BUECHLER: God bless. God bless.

(Applause)

ACTING SPEAKER AUBRY: Ms. Jean-Pierre for the purposes of an introduction.

MS. JEAN-PIERRE: Thank you, Mr. Speaker.

Today, we are joined by Donna Cioffi and Linda Bonnano of First Company Pink, an independent non-profit organization which is committed to raising funds to support life-saving breast cancer research, promoting wellness and increasing public awareness about this life-threatening disease. Breast cancer survivors themselves, Donna and Linda, traveled from Long Island to received -- to receive an engrossed copies of this resolution Body -- that this Body recently passed to proclaim July 6, 2018 as "Got Checked Day" in New York. Got Checked Day is a vital lifesaving campaign meant to educate youth through interactive workshops and initiatives regarding the importance of breast health screenings and early detection. With a 2 percent yearly increase in breast cancer found in young women, First Company Pink has been dedicated to revising the current mammogram age recommendation through their advocacy for Shannon's Law, a bill in honor of the late Shannon Saturno of West Babylon, New York, who died at the age of 32, who lost her battle to breast cancer nearly two years ago. Right up -- right up until her passing, Shannon stayed active as -- as a distance runner, and worked closely with Donna, Linda and First Company Pink on encouraging women to get screened. I am honored to have introduced Shannon's Law, and thank

my Assembly colleagues for passing it two years in a row. We appreciate the unwavering determination and advocacy for -- that Donna and Linda continue to do on a daily base.

And on behalf of the breast cancer community, and know that their work will continue saving lives, I ask that you please extend them the cordialities of the floor. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf Ms. Jean-Pierre, the Speaker and all the members, we welcome these two extraordinary young ladies here to the New York State Assembly. We extend to you the privileges of the floor, certainly our gratitude and congratulations for the work that you're doing to ensure that individuals will be treated adequately who face this terrible disease. Please know that we will stand with you as long as necessary. Thank you so very much.

(Applause)

Mr. Byrne.

MR. BYRNE: Thank you, Mr. Speaker. It is with great pride I rise today to introduce two great friends on behalf of myself, as well as my colleague, Mr. Buchwald, and that is Joseph Devesia and his son, Michael. I've had the privilege of knowing these two for many years. Joe is a small businessowner who works in real estate in the Town of Carmel, as well as in wealth management at his firm in Mount Kisco. His son Michael attends Harvey School in Katonah, and is active in -- in Boy Scouts, where he is -- he is now actively pursuing the rank of Eagle Scout. He came up here this



morning to visit colleges and universities, and wanted to see how we do the people's work here in the People's Chamber. So, Speaker, would you please extend the cordialities of the House to my two friends, Joseph and Michael.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Byrne, the Speaker and all the members, Michael, Joseph, we welcome you here to the New York State Assembly, commend you on the work that you're doing, extend to you the privileges of the floor. Hope that you will find an acceptable school in the Albany area, a great place to go to school. We do have an internship program that Mr. Byrne might inform you about. But please know that we are happy to have you, and always happy to have you come back. Thank you so very much.

(Applause)

Mr. Dilan.

MR. DILAN: Thank you, Mr. Speaker, for allowing me to interrupt the proceedings for the purposes of an introduction. Today I have three fourth-grade classes from PS106 in Brooklyn, who have taken a tour of the Capitol, both the Assembly, Senate Chamber and the Governor's Office. And they are here to oversee the proceedings here today and learn a little bit about how State government works. And as soon as they figure that out, I hope they will teach me.

(Laughter)

And -- and with that, Mr. Speaker, they are also

joined by three teachers from the school; Ms. Henry, Ms. Martinez and Ms. Silver, who have chaperoned them here to Albany. And I also wanted to let the students know that I'm a good friend and a high school baseball teammate of Mr. Pagan, who also teaches at PS106.

I would like for you, Mr. Speaker, to extend them all the courtesies and privileges of the floor.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Dilan, the Speaker and all the members, we welcome this extraordinary group of students here to the New York State Assembly. We extend to you the privileges of the floor. We are so happy that you are with us this morning and will be here to enjoy the proceedings as much as you can. And to your teachers who have escorted you, thank you so much for your interests in the growth and the well-being of our children. Please, always know you're welcome back here. Thank you so much, guys.

(Applause)

Mr. Kim.

MR. KIM: Thank you, Mr. Speaker. Today I'm very happy to be joined by a few of my family members. My father- and mother-in-law have joined us, Mr. Leshan Tan and Heng Xue. And my mother-in-law has also been joined by her family members visiting from China. Her sister, Kee (phonetic) Xue; and Zong (phonetic) Xue, her brother. This is their first time, the siblings, visiting the State Capitol and observing the democratic process of this country. And I also want to give a quick -- you know, a belated Happy Father's Day to

my father-in-law. And without my father-in-law and mother-in-law taking care of my young daughters, oftentimes, when I'm up here doing the people's work, I don't know how I would be managing my family. I know that a lot of young families here appreciate their families also stepping up, especially Leshan Tan. He's an -- an extraordinary man who came here to study, all the way from Kunming, China at a time when the Chinese government was misplacing folks. It's -- actually, they're labeled the "lost generation" of -- of China because under the Mao regime, professionals, academics, were often put into labor -- put into places where they didn't want to go. And -- and despite all the hard hardships, he managed to persevere and stay determined, pursuing his Ph.D at Cornell University, where he raised his family in Ithaca. And that's where my wife, Alison, went to school as well. So, I just want to acknowledge all the hard work that he put in to be an amazing person for the State of New York as well.

Mr. Speaker, please allow the privileges -- extend the privileges of this floor to my family today. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Kim, the Speaker and all the members, we welcome you here to the New York State Assembly. As family, you always have the privileges of the floor. We are so pleased that you could be here with us and you would be able to see your son and son-in-law in his role as an Assemblyman. We are so proud of him. And he is so proud of you, and we share in that. Thank you so very much. I hope you enjoy

your trip here. Thank you.

(Applause)

Housekeeping.

On a motion by Mr. Gottfried, page 16, Rules Report No. 201, Bill No. 11011-A, amendments are received and adopted.

On a motion by Mr. Pretlow, page 40, Calendar No. 169, Bill No. 2303-B, amendments are received and adopted.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I would like to start on page 3 of main Calendar with resolutions, and begin with Assembly Resolution No. 1380 by Ms. Simotas.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly Resolution No. 1380, Rules at the request of Ms. Simotas.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 2018 as Post-Traumatic Stress Disorder Awareness Month in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; all opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 1381, Rules at the request of Mr. Titone.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 15 to June 15, 2018 as Tourette Syndrome Awareness Month in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly No. Resolution 1382, Rules at the request of Mr. Bronson.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim October 2018 as Breast Cancer Awareness Month in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 1383, Rules at the request of Mr. Jones.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim December 4, 2018 as Pallister-Killian Syndrome Day in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

(Pause)

Mr. Morelle.

(Pause)

MR. MORELLE: Thank you, Mr. Speaker. If we could go to page 13 of the main Calendar, I want to begin consenting with Rules Report No. 185 by Mr. Weprin.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A10343, Rules Report No. 185, Weprin. An act to amend the Executive Law, in relation to improving the medical parole certification and consideration process.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10369, Rules Report No. 186, Nolan. An act to amend Chapter 61 of the Laws of 2002 amending the Education Law and a chapter of the Laws of 2002 amending the Education Law relating to requiring certain public school facilities to retain on premises at least one functional cardiac automated external defibrillator, as proposed in legislative bill number A.8779-A, relating to on-site cardiac automated external defibrillator, in relation to naming such act the "Louis Acompora AEDs in Schools Act."

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. This is our first vote of what I expect will be many, many votes today, and many, many votes this week. But getting that first one in sets the tone, Mr. Speaker. I'd love to have everybody cast their vote. And those members who are not in the Chambers, please make your way as

quickly as possible so you can participate in our first vote of the day.

ACTING SPEAKER AUBRY: Thank you so much. Mr. Morelle reminds us, you can't get to the last vote until you start with the first vote. If you're in your chair, please vote now. If you're in the sound of our voice, please come to the Chamber and cast your vote. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10410, Rules Report No. 187, Carroll, Englebright, Weprin, D. Rosenthal, Pichardo, Ortiz, Pellegrino, D'Urso, L. Rosenthal. An act to amend the Real Property Tax Law, in relation to providing a tax abatement for electric energy storage equipment.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Carroll to explain his vote.

MR. CARROLL: Thank you, Mr. Speaker. I rise today to explain my vote. This bill will provide a property tax abatement to those individuals who install an energy storage system in their home or cooperative. What an energy storage system ostensibly is is a battery system that is connected to solar panels or other forms of

renewable energy. This is the next step in making New York's economy more green and our energy infrastructure more green. This will make our grid more dynamic and allow for future growth of green energy.

I -- I now request to pull my abstention and vote in the affirmative, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Carroll in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I would like to ask members of the Cities Committee to join Mr. Benedetto in the Speaker's Conference Room. Cities Committee, Speaker's Conference Room.

ACTING SPEAKER AUBRY: Cities Committee, Speaker's Conference Room, immediately.

The Clerk will read.

THE CLERK: Assembly No. A10474, Rules Report No. 188, Englebright, Cusick, Carroll, Santabarbara, Barron, Hunter, Gottfried, Ortiz, Colton, Arroyo, Lifton, Abinanti, Jaffee, Lupardo, Davila, Mosley, Seawright, Simon, Williams, Hyndman, Niou, D'Urso, Woerner, Murray, Dickens, Pellegrino, Galef, Stirpe, L. Rosenthal, Magnarelli, Wallace, Steck. An act to amend the Public



Service Law, in relation to rate schedules for net energy metering; and directing the Long Island Power Authority to adopt a methodology for the establishment of a value of distributed energy resources crediting mechanism.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10614, Rules Report No. 189, Weprin. An act to amend the Executive Law and the General Municipal Law, in relation to training for police officers.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10654, Rules Report No. 190, Paulin, Seawright. An act to amend the Not -- Not-for-Profit Corporation Law, in relation to the regulation of key persons.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10696, Rules Report No. 191, Abbate. An act to amend the Retirement and Social Security Law, in relation to amending the contribution provisions applicable to certain New York City Employees' Retirement System (NYCERS) Special Plans subject to Retirement and Social Security Law (RSSL)

Articles 14 and 15 to allow using any excess basic or additional member contributions to offset any deficits in such other contribution account prior to date of retirement.

ACTING SPEAKER AUBRY: On a motion by Mr. Abbate, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER DENDEKKER: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10729, Rules Report No. 192, Fernandez, Solages, Pichardo, Williams, Jaffee, Ortiz, D'Urso, Arroyo, Aubry, Dickens, Cook, Gottfried, Rivera, Davila. An act to amend the Mental Hygiene Law, in relation to the confidentiality of clinical records.

ACTING SPEAKER DENDEKKER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

The bill is laid aside.

THE CLERK: Assembly No. A10734, Rules Report No. 193, Hevesi. An act to amend the Social Services Law, in relation to providing rent subsidies to individuals living with roommates.

ACTING SPEAKER DENDEKKER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10768, Rules Report No. 194, Morelle. An act to amend the Tax Law, in relation to extending the Empire State Commercial Production Tax Credit.

ACTING SPEAKER DENDEKKER: The bill is laid aside.

THE CLERK: Assembly No. A10826-A, Rules Report No. 195, Lupardo, Gottfried. An act to amend the Public Health Law, in relation to the definitions of concentrated cannabis and marihuana.

ACTING SPEAKER DENDEKKER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10827, Rules Report No. 196, Magee, Lupardo, Santabarbara. An act to amend Agriculture and Markets Law, the Public Health Law and the Alcoholic Beverage Control Law, in relation to ice cream or other frozen desserts made with wine, beer or cider.

ACTING SPEAKER DENDEKKER: Read the last section -- on a motion by Mr. Magee, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I would like to ask members of the Codes Committee to join the Chair, Mr.

Lentol, in the Speaker's Conference Room. Codes in the Speaker's Conference Room.

ACTING SPEAKER DENDEKKER: Codes Committee in the Speaker's Conference Room. Please, Chairman Lentol is awaiting.

The Clerk will read.

THE CLERK: Assembly No. A10833, Rules Report No. 197, Weinstein. An act making an appropriation to the College Savings Account for payment of services and expenses related to the administration of the College Choice Tuition Savings Program.

ACTING SPEAKER DENDEKKER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10905, Rules Report No. 198, Lupardo, Wright, Seawright. An act to amend the Banking Law, in relation to public awareness of joint deposit and convenience accounts.

ACTING SPEAKER DENDEKKER: On a motion by the Senate -- by the -- on a motion by Ms. Lupardo, the Senate bill

is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Goodell for the purposes of an introduction.

MR. GOODELL: Thank you, Mr. Speaker. It is my pleasure to welcome back to the Chamber our former Assemblyman, Peter Lopez. After serving very well and admirably here on the floor, he went on to bigger and better things, and he is now the Regional Administrator for the United States Environmental Protection Administration. Accompanying Mr. Lopez are two other distinguished individuals of the EPA, including Kenneth Wagner, who's a Senior Advisor; and Erin Chancellor, who is Counsel.

And so if you would extend the greetings to our former colleague who has gone on to bigger and better things, and his top staff, I'd certainly appreciate it. Thank you very much, Mr. Speaker.

ACTING SPEAKER DENDEKKER: Yes. On behalf of Mr. Goodell, the Speaker and all the members, Mr. Lopez, welcome back. You're a member, you always have the privileges of

the floor and the cordialities of the House. And welcome to your guests that are here. And we hope today you enjoy the proceedings, and we thank you for the vital work that you're doing to protect our environment and the State of New York. Thank you.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A10938, Rules Report No. 199, Gunther, Jaffee, Lupardo. An act to amend the Mental Hygiene Law, in relation to the Geriatric Service Demonstration Program, to promote mental health and home care collaboration within the program.

ACTING SPEAKER DENDEKKER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10971-A, Rules Report No. 200, Magnarelli, Cymbrowitz. An act redistributing bond volume allocations made pursuant to Section 146 of the Federal Tax Reform Act of 1986, relating to allocation of the Unified State Bond

Volume Ceiling, and enacting the Private Activity Bond Allocation Act of 2018; and providing for the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11011-A, Rules No. 201 has been amended.

Assembly No. A11013-A, Rules Report No. 202, Committee on Rules (Solages, Crespo, Kim, Niou, Barron, Davila, De La Rosa, Dickens, Epstein, Espinal, Fernandez, Hevesi, Hyndman, Jaffee, Jean-Pierre, Lentol, Mosley, O'Donnell, Pichardo, Pretlow, Ramos, Rozic, Seawright, Weprin, Williams, Wright, Lavine, Gottfried, D'Urso, Perry, Joyner, Ortiz, Fahy, Simon, Buchwald, Lifton, Arroyo, Glick, L. Rosenthal, Taylor, Bichotte). Act to amend the Civil Rights Law and the Judiciary Law, in relation to protecting certain interested parties or people from civil arrest while go to, remaining at, or return from the place of such court proceeding.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A11019, Rules Report



No. 203, Committee on Rules (Walker, Peoples-Stokes). An act to amend the State Finance Law, in relation to authorizing the use of centralized services by public authorities and public benefit corporations.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11022-A, Rules Report No. 204, Committee on Rules (Magnarelli). An act to amend the Education Law, in relation to standardized test administration.

ACTING SPEAKER AUBRY: On a motion by Mr. Magnarelli, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11030, Rules Report No. 205, Committee on Rules (D. Rosenthal). An act to amend the Workers' Compensation Law, in relation to presumptions for injured workers who have not refused an offer of reemployment.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A11043, Rules Report No. 206, Committee on Rules (Stern). An act to amend the Insurance Law, in relation to insurance coverage for enteral formula.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect January 1st.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you very much, Mr. Speaker. I will be supporting this bill, but I -- I want to note that this is one more mandated insurance coverage that we are imposing on the back of everyone who buys insurance. And each one of these individual mandates is a great coverage, and each one adds to the cost of insurance. And every time we add to the cost of insurance, we lose a number of people who can no longer afford it. So, I -- I really again urge our Legislature to consider the option of allowing small businesses and individuals to buy a basic policy that's much more affordable, that doesn't have nearly 60 mandated insurance coverages,

but can be tailored to their specific insurance needs.

Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Goodell in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11046, Rules Report No. 207, Committee on Rules (Nolan). An act to amend the Education Law, in relation to the Smart Schools Review Board.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Smith to explain his vote.

MR. SMITH: Thank you, Mr. Speaker. I'd like to take a moment to commend the sponsor of this bill. As all of us remember, in 2014, in the 2014-2015 New York State Budget, it -- it approved \$2 billion for the Smart Schools Bond Act. Then subsequently that November, the voters of the State of New York overwhelmingly approved this money, which was to give our local schools money to upgrade their technology needs. In light of numerous school shooting tragedies, this money now -- there's been a request by our school districts to use this money to upgrade their

security in the buildings. Unfortunately, this bill is necessary because the Smart Schools Review Board has only met a handful of times between 2014 and today, and out of the \$2 billion, \$1.6 billion is still sitting here in Albany and has not made its way back to our school districts. So, I would ask -- I see all of my colleagues are supporting this bill, and I want to thank you. Our schools at this time need that money to come to our local communities so that we can improve school safety to ensure our children are safe every single day.

So I thank the sponsor, and I thank you. I'll be in the affirmative.

ACTING SPEAKER AUBRY: Mr. Smith in the affirmative.

Mr. Murray to explain his vote.

MR. MURRAY: Mr. Speaker, just briefly. I'd echo the sentiments of my colleague, and also would like to commend the sponsor of the bill. This is much-needed that we do have this review board meet on a more regular basis. In fact, I would make the suggestion that maybe we -- while I am -- am supporting this bill, I would make the suggestion that we go back and -- and maybe urge them to meet even more frequently. The backlog right now, we've got at least 50 school districts right now in a backlog situation waiting for approval, waiting to spend the money, waiting to put safety measures in place and they cannot get the approval and get -- not get the money through. I would recommend we have this review board meet on a monthly basis until we are caught up with the backlog, and then

maybe go to a quarterly basis.

But in the interim, I do commend the sponsor. I will support this bill, but I would strongly urge that we consider going monthly. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Murray in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11048, Rules Report No. 208, Committee on Rules (Abinanti). An act to amend the Surrogate's Court Procedure Law, in relation to the granting of letters of administration and letters of administration with will annexed.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. Ms. Weinstein would request the pleasure of everyone's company who is a member of the Ways and Means Committee in the Speaker's

Conference Room. Ways and Means, Speaker's Conference Room.

ACTING SPEAKER AUBRY: Ways and Means, Speaker's Conference Room.

THE CLERK: Assembly No. A11050, Rules Report No. 209, Committee on Rules (Lupardo, Lifton). An act to amend the Elder Law, in relation to the Long-Term Care Ombudsman Program.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER PICHARDO: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11057-A, Rules Report No. 210, Committee on Rules (Glick, Fahy). An act to amend the Education Law, in relation to mandatory reporting of certain convictions, professional misconduct and/or adverse employment actions; and to amend the Criminal Procedure Law, in relation to notice to the Education Department.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect on the 180th day.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11094, Rules Report No. 211, Committee on Rules (Carroll, Rodriguez). An act to amend the Public Authorities Law, in relation to capital program plans.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

THE CLERK: Assembly No. A11097, Rules Report No. 212, Committee on Rules (Morelle). An act to amend Chapter 656 of the Laws of 2002 amending the General Business Law relating to rental vehicle protections, in relation to extending the provisions of such chapter.

ACTING SPEAKER PICHARDO: On a motion by Mr. Morelle, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11119, Rules Report No. 213, Committee on Rules (Weinstein). An act to amend the General Municipal Law, in relation to the amount of dollars that may be invested in the obligations of any corporation, bank, trust company or agency.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11124, Rules Report No. 214, Committee on Rules (Thiele). An act to amend the General City Law, the Town Law and the Village Law, in relation to



identifying lands at risk from sea level rise or flooding as eligible sending districts.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01050-A, Rules Report No. 215, Stirpe, Jaffee, Lupardo, O'Donnell, Blake, Gottfried, Cahill, Skoufis, Goodell, Finch, Palmesano, Paulin, Steck, Arroyo, Davila, Pichardo, Friend, Buchwald, Magnarelli, Simon, Hawley, Gunther, Hunter, Peoples-Stokes, Weprin, DiPietro, Quart, Abinanti, Seawright, Otis, Barrett, Ryan, M.G. Miller, Benedetto, Jenne, Zebrowski, Cusick, L. Rosenthal, Fahy, Rozic, Lifton, McDonald, Wright, M.L. Miller, Ortiz, Carroll, Brindisi, Jean-Pierre, Barclay, Englebright, Dilan, De La Rosa, Walker, D'Urso, Ramos, Morinello, McDonough, Wallace, Titone, Errigo. An act to amend the Judiciary Law, in relation to the Court-Appointed Special Advocates Program.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. So, as many of you know, my practice has involved work in Family Court for about 10 or 15 years now, and I primarily work as an attorney for the child. I -- I'm opposed to this bill because -- I have a couple of reasons. I think that the bill fails to provide adequate clarity regarding the role, responsibility and -- and expectations for CASA, which is the Court-Appointed Special Advocate. And I think it cedes the authority from the Legislature to the courts. And I think that since the bill codifies existing court rules to define a CASA and its scope, that this represents an impermissible delegation of legislative power to the Judic -- Judiciary. The New York Public Welfare Association is against this bill. The Legal Aid Society is against this bill, and so are -- well, the Legal Aid Society lawyers for children.

So, for those reasons, I'm voting against this bill.

Thank you.

ACTING SPEAKER PICHARDO: Ms. Walsh in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01815, Rules Report

No. 216, Dinowitz, Colton, Gottfried. An act to amend the General Business Law, in relation to the rights of cooperative and condominium sponsors and purchasers regarding the rental of vacant dwelling units.

ACTING SPEAKER PICHARDO: The bill is laid aside.

THE CLERK: Assembly No. A03145-A, Rules Report No. 217, Thiele. An act to amend the Real Property Law, in relation to lease-hold retirement communities.

ACTING SPEAKER PICHARDO: The bill is laid aside.

THE CLERK: Assembly No. A03694-C, Rules Report No. 218, Gunther, Lifton, Skoufis, Buchwald, Galef, Abinanti, Steck, L. Rosenthal. An act to amend the Insurance Law, in relation to establishing the Mental Health and Substance Use Disorder Parity Report Act.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect on the 60th day.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04029-A, Rules Report No. 219, Thiele, Cahill, Crespo, Englebright, McDonough, Montesano, Morinello, Murray, Titone, Raia, L. Rosenthal, Skoufis, D'Urso, Lupardo. An act to amend the Agriculture and Markets Law, in relation to the confinement of companion animals in unattended motor vehicles under conditions that endanger the health or well-being of an animal.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07129-A, Rules Report No. 220, Williams. An act to amend Tax Law and the Education Law, in relation to gift for City University of New York.

ACTING SPEAKER PICHARDO: On a motion by Ms. Williams, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07153-A, Rules Report No. 221, O'Donnell. An act to amend the Insurance Law, in relation to requiring insurance coverage for pre-exposure prophylaxis and post-exposure prophylaxis to prevent HIV infection.

ACTING SPEAKER PICHARDO: The bill is laid aside.

THE CLERK: Assembly No. A07599-A, Rules Report No. 222, Abbate, Colton, Richardson, Dickens, Mosley, Hyndman, Rodriguez, Ortiz, Aubry, Barnwell, Solages, De La Rosa, Perry, DenDekker. An act to amend the Retirement and Social Security Law, in relation to the definition of overtime ceiling.

ACTING SPEAKER PICHARDO: The bill is laid aside.

THE CLERK: Assembly No. A07728-A, Rules Report No. 223, Nolan, Brindisi, Mosley. An act to amend the Education Law, in relation to authorizing private special education schools to seek Department approval to offer alternative high school equivalency preparation programs.

ACTING SPEAKER PICHARDO: Read the last

section.

THE CLERK: This act shall take effect on the 180th day.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07936-A, Rules Report No. 224, Abinanti, Williams, Rodriguez, Ortiz, Simon, Galef, Blake, Ra, D'Urso, De La Rosa, Peoples-Stokes, Otis. An act to amend the Environmental Conservation Law, in relation to requiring supermarkets to make excess food available to qualifying charities.

ACTING SPEAKER PICHARDO: The bill is laid aside.

THE CLERK: Assembly No. A08382-B, Rules Report No. 225, Galef, McDonald. An act to amend the Education Law, in relation to requiring immediate notification by law enforcement of the filing of an accusatory instrument alleging a sex offense by an employee.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will

record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09522-A, Rules Report No. 226, Woerner, Brindisi, Brabenec, Blankenbush, Finch, Jones. An act to amend the Vehicle and Traffic Law, in relation to slow-moving vehicles.

ACTING SPEAKER PICHARDO: On a motion by Ms. Woerner, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect on the 180th day.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09950-B, Rules Report No. 227, Gottfried, Braunstein, Englebright, Cahill, McDonald, D'Urso, Crouch, Thiele, Seawright, Buchwald, Lifton, Dickens, Taylor, Jaffee, Niou, Lupardo, Barron, Zebrowski, Norris,

Lawrence, Errigo, Montesano, Blake, Ortiz, Cook, Mosley, Lavine, Glick, Crespo, Bichotte, De La Rosa, Goodell, Rivera, Fahy. An act to amend the Public Health Law and the Education Law, in relation to hospital standing orders for the care of newborns.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect on the 120th day.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09985, Rules Report No. 229, Paulin, Dinowitz, Galef, Seawright, Vanel. An act to amend the General Business Law, in relation to the one-call notification system; and providing for the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER PICHARDO: On a motion by Ms. Paulin, the Senate bill is before the House. The Senate bill is advanced.

And the bill is laid aside.

THE CLERK: Assembly No. A10281-A, Rules Report No. 230, Abinanti, Galef, Buchwald, Otis. An act mandating



that the Public Service Commission require every electronic and telecommunications corporation and association to submit their reports to the Commission pursuant to a proceeding of the Commission to evaluate a standardized facility and equipment transfer program.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10459-A, Rules Report No. 231, Lupardo, Arroyo, Hyndman, Walsh, Errigo, Murray, Braunstein, Hevesi. An act to amend to amend the Social Services Law and the Public Health Law, in relation to authorizing residents of assisted living programs to receive hospice services.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10468-B, Rules Report No. 232, Ryan. An act to amend the Public Health Law, in relation to authorizing the reclassification of controlled substances by regulation.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10574, Rules Report No. 233, Hyndman. An act to amend the Penal Law, in relation to theft of services from barbershops, salons and beauty shops.

ACTING SPEAKER PICHARDO: On a motion by Ms. Hyndman, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect on the 90th day.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10644, Rules Report No. 234, Gunther, Jean-Pierre, Santabarbara. An act to amend the Mental Hygiene Law, in relation to a hospital's policies and procedures regarding discharge of individuals with a mental health disorder.

ACTING SPEAKER PICHARDO: On a motion by Mrs. Gunther, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect on the 180th day.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I would

like to ask members of the Rules Committee to join the Speaker in the Speaker's Conference Room. Rules in the Speaker's Conference Room.

ACTING SPEAKER PICHARDO: Rules Committee, Speaker's Conference Room. Members, please start making your way over there.

The Clerk -- the Clerk will read.

THE CLERK: Assembly No. A10675, Rules Report No. 235, Gottfried. An act to amend the Public Health Law, in relation to the Early Intervention Coordinating Council and the Maternal Child Health Services Block Grant Advisory Council; and to amend Chapter 882 of the Laws of 1982 relating to requiring the Governor to submit to the Legislature detailed reports for each Federal block grant, in relation to advisory councils for block grants administered by the Department of Health.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11016, Rules Report

No. 236, Committee on Rules (Cook). An act to amend the Executive Law and the Surrogate's Court Procedure Act, in relation to burial expenses.

ACTING SPEAKER PICHARDO: On a motion by Mrs. Cook, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect in 180 days.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11036, Rules Report No. 237, Committee on Rules (Titus). An act to amend the Insurance Law, in relation to the definition of loss cost for purposes of Workers' Compensation insurance.

ACTING SPEAKER PICHARDO: The bill is laid aside.

THE CLERK: Assembly No. A11051, Rules Report No. 238, Committee on Rules (Paulin, Solages, Dinowitz). An act to amend the Tax Law, in relation to unrelated business taxable income of a taxpayer.

ACTING SPEAKER PICHARDO: Read the last

section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I would like to ask you to take up the following two bills which were inadvertently laid aside. First will be Rules Report No. 192 by Ms. Fernandez on page 15, and then Rules Report No. 229 on page 22 by Ms. Paulin.

ACTING SPEAKER PICHARDO: The Clerk will read.

THE CLERK: Assembly No. A10729, Rules Report No. 192, Fernandez, Solages, Pichardo, Williams, Jaffee, Ortiz, D'Urso, Arroyo, Aubry, Dickens, Cook, Gottfried, Rivera, Davila. An act to amend the Mental Hygiene Law, in relation to the confidentiality of clinical records.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will

record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Congratulations, Ms. Fernandez, on your first.

(Applause)

For many more.

(Applause)

The Clerk will read.

THE CLERK: Rules Report No. 229, Senate Bill No. S06756-A, Griffo (A09985, Paulin, Dinowitz, Galef, Seawright, Vanel). An act to amend the General Business Law, in relation to the one-call notification system; and providing for the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I understand members have on their desks an A-, B- and C-Calendar. I now move to advance the A-, B- and C-Calendars.

ACTING SPEAKER AUBRY: On Mr. Morelle's motion, the A-, B- and C-Calendars are advanced.

Mr. Morelle.

MR. MORELLE: Thank you, sir. I would like to now go to the debate list and like to take up in this order the following three bills off that debate list: Beginning with Rules Report No. 35 by Mr. Hevesi on page 4. Continue after that with Rules Report No. 41 by Mr. Gottfried, which is also on page 4. And then flipping to page 5, take up Rules Report No. 50 by Mr. Vanel.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A01683-B, Rules Report No. 35, Hevesi. An act to amend the Insurance Law, in relation to electronic delivery of property-casualty insurance notices.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect in 90 days.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.



THE CLERK: Assembly No. A04507-A, Rules Report No. 41, Gottfried. An act to amend the Tax Law, in relation to requiring written notice of the collection of a tax levy to be provided by registered or certified mail.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect January 1st.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, Mr. Speaker. As a courtesy to all my colleagues, I will take the opportunity to explain my vote rather than to debate the bill.

(Applause)

Don't use up all two minutes with applause.

(Laughter)

This bill requires --

ACTING SPEAKER AUBRY: Cheap way to get applause, Mr. Goodell.

MR. GOODELL: It is. Certainly. This bill requires that notices from the Tax Department be sent by registered or certified mail, and I'm sure the sponsor believes that is a more likely form of communication to receive the taxpayers. Unfortunately, I have had actual personal experience in this situation. When you send a letter by first-class mail, it stays in the person's mailbox until they come home

and eventually find it. When you send it by registered or certified mail, if the individual didn't sign for it, it's returned back to the sender. And I had that personal situation where our tax department in my county used to send it by certified or registered mail, thinking they were doing a courtesy, until we found out that some of our taxpayers who may have been on vacation or ill or out of their -- you know, not at their house for some reason -- never, ever received a notice. And so I think we need to be mindful that while the intent of this bill is certainly very positive, the practical ramifications may not be as expected, and the unanticipated consequence may be that individuals don't receive the notice at all.

For that reason, I'll be voting no. Thank you, sir.

ACTING SPEAKER AUBRY: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08783-B, Rules Report No. 50, Vanel, Kim, Lentol, Woerner, Simon, Lupardo, Titone, Raia, Montesano, Ra, Aubry, Galef, Wright, Mosley, Barron, Skoufis, Pichardo, Blake, Rivera, Niou, Weprin, Otis. An act to establish the Digital Currency Task Force; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will

record the vote.

(The Clerk recorded the vote.)

Mr. Castorina to explain his vote.

(Pause)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I would like to give several more bills in this order off the debate list: I would like to begin the next grouping with Rules Report No. 70, 7-0, by Mr. Cymbrowitz on page 6. I would like to follow that with Rules Report No. 93 on page 8 by Mr. Abbate. Once we're concluded with that, I would like to go to Rules Report No. 122 by Ms. (sic) Cahill, which is on page 9. Then Rules Report No. 127 by Mrs. Peoples-Stokes on page 9, Rules Report No. 128 by Ms. Lupardo on page 9, and then conclude this group with Calendar -- Rules Report No. 131 by Mrs. Barrett, which is on page 10 of the main Calendar.

(Pause)

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A10828, Rules Report No. 70, Cymbrowitz. An act to amend the Private Housing Finance Law, in relation to increasing the bonding authority of the New York City Housing Development Corporation.

ACTING SPEAKER AUBRY: Mr. Oaks.

MR. OAKS: Thank you, Mr. Speaker. Just as we consider this bill, this is a author -- giving authority to the New York City Housing Development Corp to expand its debt; the current debt load being at \$11.3 billion authorization. And within that, there is a plan. It offers an opportunity to allow the City to complete what the plan is of spending this year. Currently it's at \$1.4- that they have the authorization, but the plan would go to \$1.7-. This authorization would increase overall bonding authority from \$11.3- to \$12.3 billion. Just in consideration as we're looking, obviously, housing effort's important for this State, but this is continued bonding, expanding our debt in the State. Something that as we go forward is something that we should always be mindful of, that we are adding to the overall debt of this State and on the backs of our future taxpayers.

Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10486-B, Rules Report No. 122, Cahill, Lupardo, Lifton. An act to amend the Insurance Law, in relation to authorizing continuing care retirement

communities to adopt a written cybersecurity policy.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Cahill to explain his vote.

MR. CAHILL: Thank you, Mr. Speaker. The purpose of this legislation is to recognize that the very limited number of people that live in continuing care retirement communities would not necessarily be able to sustain the high cost of compliance with cybersecurity regs, should CCRCs, as they're called, be required to comply with the same protocols that our larger insurance companies would be -- are -- are being required to meet. However, what this legislation does, uniquely, how it is worded, it assures that -- that the data is protected of the people that are living in that community who have components of their private information that should be protected under cybersecurity regs, but does so in a way that is uniquely applicable to these smaller organizations.

I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Cahill in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10744-A, Rules Report No. 127, Peoples-Stokes. An act to amend the Executive Law, in relation to certification classifications for businesses owned by minority group members or women.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10774-A, Rules Report No. 128, Lupardo, Jaffee. An act creating the Radon Task Force; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10836-B, Rules

Report No. 131, Barrett, Palmesano. An act to amend the Education Law, in relation to project costs for buildings of public libraries located in economically-distressed communities; to amend Chapter 498 of the Laws of 2011 amending the Education Law relating to the Public Library Construction Grant program, in relation to the effectiveness thereof; and providing for the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I would like to ask members of the Committee on Governmental Operations to join Mrs. Peoples-Stokes in the Speaker's Conference Room. Governmental Operations in the Conference Room.

ACTING SPEAKER AUBRY: Governmental Operations, Speaker's Conference Room.

Mr. Morelle.

MR. MORELLE: Yes. And if I can, sir, I would like to describe the next four bills I'd like to take up off the debate list.

ACTING SPEAKER AUBRY: One minute, Mr. Morelle.

We will not be able to understand what our agendas are if we are not a little quiet. Shh.

Proceed, sir.

MR. MORELLE: Thank you, Mr. Speaker. I would like to take up next, Rules Report No. 147 by Mrs. Galef, which is on page 11 on the main Calendar. Following that, Rules Report No. 163 by Ms. Rosenthal on page 12 of the main Calendar. Then I'd like to skip to Calendar No. 223 by Mr. Thiele, which is on page 44. And following that, Calendar No. 225 by Mrs. Barrett, also on page 44.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A02874-A, Rules Report No. 147, Galef, Stec, McDonald, Abinanti, Magnarelli, Seawright, Rivera, Hyndman, Williams, D'Urso, Hooper, Cook, Stirpe, Errigo, Blake. An act to amend the Real Property Tax Law and the Real Property Law, in relation to the taxation of property owned by a cooperative corporation.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: Mr. Goodell to explain his vote.

MR. GOODELL: Thank you very much, sir, to explain my vote. This bill authorizes local municipalities, by local law, to adopt an alternative assessment methodology for condos and



co-ops so that they can base the new assessment on the actual sales price of individual units rather than tax the entire complex as one unit. Those who support this bill point out that the current process gives an indirect tax break for condos and co-ops because the individual units might actually sell for more than the entire thing is worth. And those who are opposed to it note that the current methodology, which can result in lower tax bills, can be very helpful for those who are buying co-ops and condos as their first investment. Because this is a local home rule authorization, I will be supporting it, and I trust in the wisdom of the local governments to make the right choice.

Thank you so much, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the affirmative.

Mrs. Galef to explain her vote.

MRS. GALEF: Thank you. Just a little bit of a clarification here. This is a bill that is not about New York City and not about Nassau County, because you have special assessing districts. It's about the rest of the State, and it enables a community, three years from now, if they, under their own local home rule, would have a public hearing and decide that they would like to assess their condos and co-ops at a different rate, they're able to do that. Again, there's nothing that's been built. There's nothing that has been authorized in a community. This is -- we're just thinking futuristic, and enabling a local community to make a decision themselves. It does not cover Nassau or New York City.

Thank you very much. I hope you will support it.

ACTING SPEAKER AUBRY: Mrs. Galef in the affirmative.

Mr. Skoufis to explain his vote.

MR. SKOUFIS: Thank you, Mr. Speaker. I do have a number of concerns with this bill, not the least of which are we're now divvying up the State into different sectors as it pertains to how we're looking at these property taxes for condos. Nassau will be treated one way, New York City will be treated another way, some municipalities will be treated one way. The matter of fact is, in my Assembly district, some of the only places where senior citizens can continue to afford to live are in these condos and co-op-type settings. I think that affording even the opportunity for some municipalities to move towards increasing those taxes will make it even more difficult for many seniors and first-time homeowners to be able to remain in New York State.

I remain firmly opposed to this bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Skoufis in the negative.

Mr. Abinanti to explain his vote.

MR. ABINANTI: Thank you, Mr. Speaker. I have been contacted by several of my municipalities supporting this legislation. This is an extension of what we presently have. Several years ago this Legislature passed a law which allowed towns to -- to

prevent a change of assessment, because what we found was some fancy complexes -- maybe million-dollar homes -- that were planned unit developments were converting to the condominium form of ownership and, therefore, cutting their taxes by half or a third. This is purely prospective. This will apply only to developers off in the future who have not yet gotten their approvals. And our municipalities are very concerned that they're seeing developers coming in now, trying to use condominium form of ownership in situations where we never would have seen them before. So this is not going to affect people who are looking for affordable housing. This is going to affect the existing homeowners, because they're going to find that their taxes are going to be increasing because new developments coming in are going -- they're going to find that the undeveloped land will not increase in value under the new assessments.

So, our municipalities want this, they want the option to do this, and I commend the sponsor. This is a very important piece of legislation.

ACTING SPEAKER AUBRY: Mr. Abinanti in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08393-B, Rules Report No. 163, L. Rosenthal. An act to amend the Election Law, in relation to voter notification of special elections.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will  
record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02804-A, Calendar  
No. 223, Thiele. An act to amend the New York State Urban  
Development Corporation Act and the Economic Development Law,  
in relation to the creation of micro-business worker cooperatives upon  
transfer of ownership.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will  
record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER ESPINAL: Are there any other  
votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02809-B, Calendar  
No. 225, Barrett, Abinanti, Otis, DiPietro, Fahy, Buchwald. An act to  
require the Department of Environmental Conservation to prepare

recommendations for best practices in treating residential properties for tick prevention and management.

ACTING SPEAKER ESPINAL: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ESPINAL: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Madam Speaker.

Before I call up the next three bills, I'd like to ask members of the Health Committee to join Mr. Gottfried in the Speaker's Conference Room. Health in the Speaker's Conference Room.

ACTING SPEAKER ESPINAL: Health in the Speaker's Conference Room.

Mr. Morelle.

MR. MORELLE: Thank you, Madam Speaker. If I can lay out the next three bills that I'd like to take up in this order: I would like to begin with Calendar No. 669 by Mrs. Gunther on page 79 of the main Calendar, followed by Calendar No. 671 by Mr. Englebright, also on page 79. And then I would like to skip to page 90 and take up Calendar No. 849 by Ms. Pellegrino.

ACTING SPEAKER ESPINAL: The Clerk will read.

THE CLERK: Assembly No -- Assembly No. A09563-A, Calendar No. 669, Gunther, Colton. An act to amend the Mental Hygiene Law, in relation to notice to local governments of the potential for significant service reductions at certain State-operated hospitals.

ACTING SPEAKER ESPINAL: On a motion by Mrs. Gunther, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ESPINAL: The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01492-A, Calendar No. 671, Englebright, D'Urso, Otis. An act to amend the Environmental Conservation Law, in relation to increasing certain penalties relating to endangered and special species, species of special concern and illegal ivory articles and rhinoceros horns.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will  
record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10157-A, Calendar  
No. 849, Pellegrino, Weprin, Seawright. An act to direct the  
Department of Financial Services to study consumer protection issues  
regarding ATMs that accept EVM-enabled chip cards.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 180th  
day.

ACTING SPEAKER AUBRY: The Clerk will  
record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I would  
like to ask members of the Governmental Employees Committee to  
join Mr. Abbate in the Speaker's Conference Room. Governmental  
Employees, Speaker's Conference Room.

ACTING SPEAKER AUBRY: Government (sic) Employees, Speaker's Conference Room.

Mr. Morelle.

MR. MORELLE: Yes, thank you, sir. I would like to give you the next several bills I would like to take up in this order: Beginning with Calendar No. 586 by Mr. Morelle on page 76 -- be careful --

(Laughter)

Then I'd like to go to Rules Report No. 56, which is on page 5 by Ms. Paulin. Follow that with Calendar No -- Rules Report -- I apologize, Rules Report No. 77 by Mr. Cahill on page 7. Then I'd like to follow that up with Rules Report No. 93 by Mr. Abbate on page 8. And this group I would like to conclude with Rules Report No. 126, also by Mr. Abbate. That's on page 9 of the main Calendar.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A08155-B, Calendar No. 586, Morelle, Weinstein, DenDekker, Vanel. An act to amend the Civil Rights Law, in relation to the right of privacy and the right of publicity; and to amend the Civil Practice Law and Rules, in relation to the timeliness of commencement of an action for violation of the right of publicity.

ACTING SPEAKER AUBRY: Mr. Morelle, an explanation is requested, sir.

MR. MORELLE: Thank you, Mr. Speaker. This bill



essentially takes something to New York, which is the right of privacy for people, and it -- it enhances it to take advantage of -- or to address 21st Century technology, and it also creates a new right of publicity which confers on people who have a right of privacy. It confers on them a post-mortem right, and that's now called the right of publicity.

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: Thank you, Mr. Speaker. Will the sponsor yield for a few questions?

ACTING SPEAKER AUBRY: Will you yield, Mr. Morelle?

MR. MORELLE: Yes, sir.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RA: So, because I know the bill was recently amended, I just want to, you know, clarify a few things right off the bat. So, this version of the bill retains that right of privacy that New York State has had over -- for over 100 years?

MR. MORELLE: That's -- that's correct. And I -- if I can, Mr. Ra --

MR. RA: Sure.

MR. MORELLE: Just to give a little further explanation for this. Particularly in the areas well-known right of privacy in New York is essentially the right that performers and others have, subjects of photographs, it allows an individual -- for instance, someone who is an actor in a movie -- has the right of privacy, meaning that they have certain rights about the use of their image,

their persona, their likeness, et cetera. With -- with new technology, as many people know, and the use of super computers and new software, you can actually take the images or the persona of someone who has passed and put them in a first-run movie. So we will see the day in the not-too-distant future where Carey Grant will appear in new front-run movies, first-run movies. And it's being used in a way that, in my view, would take away the ability for someone's estate to assert a right, a property right, for that individual because in New York there is no post-mortem right of privacy. So it does -- the amendments do update -- update the right of privacy to conform to a recent Court of Appeals decision. Also, to add the word "signature," which would now be protected. But then also adds this right of publicity, which is essentially a post-mortem right similar to the current right of privacy.

MR. RA: Okay. And the post-mortem right would be for 40 years after death?

MR. MORELLE: That's correct.

MR. RA: So, I -- I know you're aware there are, you know, a number of organizations that have put out opposition with regard to this. Obviously, one of the often comparisons we see is the State of California which, like New York, obviously, has a very rich media industry and -- and perhaps is part of why there's such interest. But -- but one of the things that seems to be raised here is whether or not many of those exemptions -- you know, we have a rich history of case law with regard to that right of privacy that it's developed over -- over that long period of time that we've had that right in New York

State, which I think was actually created in response to -- to a situation that came up, and whether those exemptions to protect kind of not just free speech, but really, you know, newsworthy works and -- and things of that nature will apply to this right of privacy. So can you just explain what the exemptions that are provided for from this right of publicity that's created?

MR. MORELLE: Yes. What we tried to do is to essentially graft on to the right of publicity, post-mortem, all of the same protections that would apply to broadcasters, news media, people who are involved in creative expression. Those would continue. And if you sort of think about it this way, that essentially whatever rights you have currently in the right of privacy as an individual would extend now post-mortem. But those same protections for broadcasters and others -- documentaries, filmmakers -- they would exist even with the right of publicity.

MR. RA: Okay. And my understanding is that the California right of publicity applies to people who were -- died domiciled in California. Is that the case here, or is this -- would this apply to any celebrity -- well, I guess any individual. It's not just limited to celebrities, correct?

MR. MORELLE: You would assert your -- assuming your estate registers, as the bill outlines in the right of publicity, this would apply to -- to anyone who seeks damages in New York in the same way that we do for right of privacy.

MR. RA: Okay. So there would be a registry, then,

and perhaps the -- the heirs of an individual or maybe some other right holder that they have transferred this right to would -- would register their interest, correct?

MR. MORELLE: Correct. You would -- if you were a -- if you had an -- an estate -- let's just say, for instance -- I apologize for using his name, wherever he is -- but Robert De Niro or someone else decides that their -- his estate, in this case -- let's say he passes. His estate would register with an online website that the Secretary of State's office would maintain, and once you're listed in the registry, then a filmmaker or someone else would have to seek the permission of the estate in order to utilize his image going further. You do have a -- there's a six-month period that's a safe harbor that would allow an estate to register. So, for those first six months. But after that, if there's no registering by the estate and no indication that -- that you've listed or registered, then you wouldn't have that right of publicity. If you did it at some subsequent point, though, from that point on, that right would be asserted.

MR. RA: Okay. And that registry, then, would, I guess, constitute, you know, some notice to anybody who was looking to utilize somebody's likeness that there is some -- there is some heir or rights holder that is asserting -- asserting their ownership of that particular right.

MR. MORELLE: That's correct.

MR. RA: Okay. Now just in terms of the transferability. This doesn't just -- would the rights automatically go

to a person's heir, assuming they haven't been transferred otherwise?

MR. MORELLE: Well, again, the heir of the estate would have to register that, and it's accepted, absent some -- some action that that's the rightful heir. And, you'd have to have 51 percent of the interest of that estate would have to agree to use, let's say, your image. Your estate -- if there's multiple heirs in the estate, 51 percent or more would have to agree to use your image.

MR. RA: And could you, you know, in your will or some other instrument convey that to a particular heir or a particular person?

MR. MORELLE: You can.

MR. RA: Okay. And just in terms of the transfer of this right during the life of the individual. So I -- I believe there are some limits on this for children in terms of transferability.

MR. MORELLE: That's correct. So, transfer -- so you can -- if you're a parent or guardian, you could establish -- up until the time of death, you could establish certain rules, but -- but after that is done, after that period post-mortem, it would be left up to the estate. So you cannot have an agreement that goes beyond the death of a child under the age of 18.

(Pause)

I'm sorry. I apologize, Mr. Ra. So, a parent or guardian can make decisions for the child, but you cannot transfer the rights, and that's existing law.

MR. RA: Okay. But, you know, an adult over --

over 18, they would be free to transfer it. I mean, they could, I guess, sign it over to a particular, you know, production company, an agent, something of that nature.

MR. MORELLE: That's correct. That's why the right of publicity is during your lifetime as well as a post-mortem, because you may choose to make decisions on how your image, likeness, et cetera, will be treated post-mortem.

MR. RA: Okay. All right. So, you -- you did speak earlier about the kind of cutting-edge end of this, that -- that maybe we'll end up being ahead of the curve on that's this, you know, increasing ability to basically digitize people. We've seen some use of this with, you know, musicians and even, I guess, maybe even more recent Star Wars movies. They're trying to, you know, utilize actors who are no longer with us. So that is defined with regard to the definition of digital replica in this -- in this bill. Now, would that just be -- you know, we're taking and basically reproducing the person, or could that be, you know, a look-alike and we're doing some type of movie meant to evoke that character, or would it just be, you know, we're reproducing that person's actual image?

MR. MORELLE: It -- the digital replica is the reproduction of the person. If someone looks like another person, that's not covered under this. You could go find someone who looks like Robert De Niro, or you could find someone that looks like another actor. There's no prohibition on that. It's -- it's the digital replica, and it was subject to a recent Court of Appeals decision. We've essentially

codified that decision.

MR. RA: So -- so if somebody, say, were to get, you know, an actor that looks like somebody -- and -- and do -- do a, you know, a movie based on their life, would -- would this be, you know, violated, or...

MR. MORELLE: No. That would be -- that would be an allowable activity.

MR. RA: Okay. All right. Thank you.

Mr. (sic) Speaker, on the bill.

ACTING SPEAKER WOERNER: On the bill.

MR. RA: Thank you, Mr. (sic) Speaker. So, you know, this is certainly an interesting topic, and I -- and I thank Mr. Morelle for -- for answering the questions. And, you know, the amendment recently made to this bill now has rather than us kind of replacing that right of privacy, adding to it with this right of publicity. Now there are, as I mentioned, you know, other states that have done this. California does have -- have a right that is a little more limited, in that it applies if you were domiciled in California. But, you know, we're obviously in a unique media market. Any of us that have looked through some of the communications we've gotten from everything from internet media to television stations to movie studios stating their concerns with this bill, you know, would do well to certainly look at them. But, you know, this is an area particularly with regard to, you know, the digital replica that -- that I'm sure we're going to hear lots of in the coming years because technology is just changing rapidly. We're

seeing musical performances of deceased individuals. But I just want to, you know, mention that the concern that has been raised, and I see it over and over again in a lot of these memos, is -- is that idea that we have 100 years of case law with this right of privacy. And it has served to protect that right of privacy of individuals, but it has also served to kind of carve out really what is acceptable uses, and has put us in a place where, you know, news media and -- and other entities feel on solid ground when -- when they're utilizing somebody's likeness in -- in some way in some newsworthy reporting. One of the, you know, foundational aspects with regard to copyright law and intellectual property law is -- is ensuring that certain types of works are protected, you know, so that, you know, our First Amendment is never infringed by -- by any type of intellectual property right. And then one of the other concerns really is with regard to the transferability of this post-mortem right. There's a couple of things that have been raised. One is, you know, the heirs' right to, you know, protect the use of -- of an individual, their loved one's likeness, which I think certainly there needs to be some protections. You don't want, you know, right after some famous person passes away, somebody is now profiting greatly off of their likeness, or in particular, maybe in some way that is going to cast that individual in a bad light. But at the same time, there are some that have suggested that this might be somewhat of a windfall for those -- for those heirs, for that -- for that post-mortem right.

The other part of it is the concern of the free



transferability of this, because now we're considering this to be a property right as opposed to that right of privacy, which is -- which was, you know, a -- a right that existed during the -- during the life of the individual. It -- it's not difficult to imagine, you know, the idea of some -- something being transferred; maybe it's for financial reasons that somebody gets to -- who had some success earlier in life comes into a hard way and they sell off their -- their likeness to somebody and then down the road they can't get back. Somebody else is now in complete control of it.

So there was an interesting blog post that was -- that I read about, you know, how an individual actor should be only the person who could own basically who they are. And that was an interesting point to be brought up. So I -- I thank the sponsor for -- for answering some of the questions. It is certainly a -- a topic that is of interest to myself. It might not be to many others, but I think it's something that we're probably going to continue to talk about, as we talk about holograms and all types of things that people can now do to utilize -- to utilize the likeness of celebrities and others who have since passed on.

I'm going to -- I'm not quite comfortable with the full package of this bill. I -- I do think some of the exemptions could be a little better carved out to protect works that are -- that are done for newsworthiness and -- and to protect the First Amendment, so I'm not going to be supporting it. And I just urge everybody to think carefully about those issues that are raised.

Thank you.

ACTING SPEAKER WOERNER: Mr. DenDekker.

MR. DENDEKKER: On the bill.

ACTING SPEAKER WOERNER: On the bill, Mr. DenDekker.

MR. DENDEKKER: I want to, first of all, thank the sponsor of the bill. It's a very good bill. You know, people that are in movies and theater and music devote their lives to a craft, and usually they want to make sure that they leave that to their family, whatever that worth might be. And for them to not then have control over what happens to all that years of dedicated work that somebody has put into their craft and just be able to let somebody else electronically modify it and then use it for profit. You've heard a lot of the internet companies and a lot of the studios are -- are against this, and that's because they don't want to pay for the right -- or for the usage of -- of that. They want to be able to have it for free. They want to be able to steal the craft and the character and the likeness that somebody has devoted their life to.

This is a very important bill, I -- I think especially with new media. When we look at the news aspect of it, of doing a profile on somebody's life, usually that production company, that news production company, goes out and acquires the rights to the segment that they're going to air. And at the end of the -- the documentary or the news, they will actually credit who took the photos or -- or what movie it was from, or where the clip came from. And they pay a fee

for that credit because whoever actually took that photo or that -- or that piece of film is entitled to a royalty for the money that they paid to actually do that production.

So this is a very good bill. It's going to protect that -- that craft, and it's going to be able to protect those family members. And -- and I -- I also worry that if we don't do a bill like this that maybe someone uses that -- that person's likeness in a negative manner that then diminishes their legacy. A family also wants to make sure that their loved one is -- is looked at in the, you know, professional light that they had done while they were alive. And you wouldn't want that to be lost, and you'd like to have some control over where your loved one's name is going to appear. You don't want to see it maybe on a bag of popcorn, et cetera, et cetera. You know, you want them to have the dignity and the respect of their -- their character and their craft that they had.

So I think this is a real important bill, and I hope everybody will be supporting it. But for those reasons, I -- I will be. Thank you.

ACTING SPEAKER WOERNER: Mr. Morelle.

MR. MORELLE: Thank you, Madam Speaker. On the bill. I appreciate the -- my colleagues' comments, and I appreciate Mr. Ra's questions. This is a -- an interesting topic and one that's become certainly more relevant as technology continues to improve. And I want to say one of the interesting things, I was just flipping through channels a few months ago and I saw a story on CBS Sunday

Morning about Roy Orbison touring in Eng -- in Europe and selling concert tickets to Roy Orbison's concerts, which would be interesting under any circumstances. But the fact that Mr. Orbison passed away several years ago made it more interesting. Maria Callas is on tour right now as well, the opera singer. She is -- is no longer with us physically, but is in a hologram. So and you note that in movies such as the Star Wars series where Carrie Fisher, as well as other actors, have been portrayed after their death. And the technology continues to get better and better, and the opportunities to use someone's image, their likeness, their persona in these types of entertainment is such that, as Mr. DenDekker rightly points out, it could be used in ways that are not appropriate. This bill will allow the heirs of an estate to say what their loved one will appear in; whether it's on concert, in a movie, et cetera. And, certainly, the dark side of this is there's more and more information about whether it's fake news and the ability to put people who are public officials saying something that they never said and the inability for an individual who's looking at it to note whether or not it was them saying it or not. That the computer technology has gotten so good that you don't -- you can't even discern that. There's also something called deep fakes, which is the ability to use people's images in pornography, and that is becoming more and more of a thing. There's are protections in this bill against that as well. But it's not only celebrities. I note that back in 1986, a young girl passed away in a children's hospital, and the hospital used her image to -- to be able to try to attract dollars for their mission. The mission,

as well-intended as it might be. But the parents stepped in and said, *We're not comfortable using the image of our deceased daughter in your advertising.* The 1986 -- the Appellate Division -- I -- I erred, I said Court of Appeals -- the Appellate Division said that the defendant hospital's improper publication of the infant's photograph for advertising purposes constituted invasions of the infant's statutory rights to privacy. However, these rights were personal to the infant and cannot support an independent cause of action in favor of the parents. In other words, once that child passed away, she had no more rights to it, nor did her parents because it was not a post-mortem right, which is why we've decided to step in and essentially take this approach. That -- and Mr. Ra points out, there's a whole body of adjudicated law and case law on the right of privacy. So we didn't change that. We simply updated it to change some of the definitions to reflect new technology. What we did instead -- and we left that body of law in place -- what we did instead is create this new right of publicity, which is essentially a post-mortem property right. It's a new property right in the State of New York which says that you or your heirs will have the ability to -- to really determine how your image will be used for commercial purposes. And that's really what's at effect here. It's not a question of whether the estate is trying to make money. What's currently happening is the media is able to make money off of the image of an individual who has passed and who is unique. So unique that whatever filmmaker chooses to use that person's likeness in -- in a movie or in other types of commercial activities. And that

commercial trade is what we seek to make sure that the heirs and the estates have a right to determine how that person is used, and since it is a profit-making venture, that they would share in those profits.

I do want to just thank -- and I don't often do this, but this was a long and arduous task to get to this point and to get this bill on the floor. I do want to thank Ms. Weinstein, who was chairing the Judiciary Committee when this was reported out last year. Her staff, Rich Ancowitz and Amy Maggs, did an amazing job, as well as my counsel, Bob Bergin. I want to publicly thank them for all the work that they did in --in getting this to the floor, and I would like to certainly ask my -- my colleagues to support the legislation.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 180th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed. Mr. --

(Applause)

MR. MORELLE: This is not the last one, by the way.

(Laughter)

We've got a lot more stuff to do here.

ACTING SPEAKER AUBRY: That's why I didn't stand and clap, Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: We just call them oldies but goodies.

Mr. Morelle.

MR. MORELLE: Yes, sir. I would like to break the merriment by calling Local Governments in the Speaker's Conference Room. Mr. Magnarelli awaits Local Governments in the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Mr. Magnarelli in the Speaker's Conference Room. Local Governments.

Mr. Morelle.

The Clerk will read.

MR. MORELLE: Thank you.

THE CLERK: Senate Bill No. S07912-A, Rules Report No. 56, Senator Comrie (A09993-A, Paulin, Otis, Seawright, Vanel, Simon, Barron, Niou). An act to amend the New York State Urban Development Corporation Act, in relation to extending the amount of time between notice of a project and a public hearing.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Would the sponsor yield?

ACTING SPEAKER AUBRY: Ms. --

MS. PAULIN: Yes, I'd be happy to.

ACTING SPEAKER AUBRY: Ms. Paulin yields.

MR. GOODELL: Thank you very much, Ms. Paulin.

I note that this bill doubles the length of time necessary for a public notice before there's a hearing or UDC to proceed forward on various economic development projects. The Governor has vetoed this bill in 2014 and again in 2015. In his veto message, he argued that a shorter timeframe makes New York State more responsive to economic development efforts. My first question is, has this bill been changed any since it was last vetoed?

MS. PAULIN: Yes. It was -- the original bill that was vetoed twice was 30 days, and we reduced that to 20 days, hoping that, you know, we could lengthen the time and give more notice which we believe is transparent and will help the communities have input into the project and, at the same time, perhaps address the veto message, which was not specific but did indicate that 30 days was too long.

MR. GOODELL: Have you heard anything further from the Governor's office on whether or not that change was acceptable?

MS. PAULIN: No. We expect we'll hear soon.

MR. GOODELL: Thank you very much, Ms. Paulin.  
On the bill.

ACTING SPEAKER AUBRY: On the bill, Mr.  
Goodell.

MR. GOODELL: I certainly respect Ms. Paulin's



efforts to provide more notice for a public hearing. At the same time, one of the things that New York State has routinely criticized for is not being business-friendly enough. And absent information indicating that the current 10-day notice is insufficient, I would recommend we stay with a shorter notice when moving economic development projects further, keeping in mind that this notice is only one of several that typically applies to economic development projects. So the challenge of getting a new economic development project off the ground is significant in New York State, and I would not recommend that we double the length of time for this type of hearing.

Thank you very much, and again, thank you very much to the sponsor for -- for that information.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Paulin to explain her vote.

MS. PAULIN: I -- I just want to remind everyone that these projects take an enormous amount of time and bureaucracy through essentially closed systems that the public does not have access to. So to add 10 days to a very cumbersome process, I would argue we should be cutting out some of the bureaucracy which could also help expedite the projects and not short-change the public from having their say.

Thank you. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Paulin in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10970, Rules Report No. 77, Cahill. An act to amend the Executive Law, in relation to extending Workers' Compensation coverage to certain TNC drivers; and to amend part AAA of Chapter 59 of the Laws of 2017, amending the Vehicle and Traffic Law and other laws relating to the regulation of transportation network company services and establishing the New York State TNC Accessibility Task Force and the New York State Transportation Network Company Review Board, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Cahill, the Senate bill is before the House. The Senate bill is advanced.

Mr. Cahill, an explanation is required.

MR. MORELLE: I'm sorry. Mr. -- Mr. Chair -- Mr. Speaker? Mr. Speaker, I'm sorry.

ACTING SPEAKER AUBRY: Excuse me.

Mr. Morelle.

MR. MORELLE: Yes, I'm sorry. I need to interrupt just to ask members of the Real Property Taxation Committee to join

Mrs. Galef in the Speaker's Conference Room. Real Property Tax in the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Real Property Tax in the Speaker's Conference Room. Mrs. Galef awaits you.

And now, Mr. Cahill, if you will forgive us for that interruption.

MR. CAHILL: I'm a big guy like that.

ACTING SPEAKER AUBRY: You certainly are.

MR. CAHILL: Mr. Goodell, Mr. Speaker, this measure is -- is really quite simple. In 2017, we authorized transportation network companies to do business in New York State, all across the State. One of the provisions temporarily placed those drivers during period one in the Black Car Fund temporarily, meaning it was going to expire at the end of this very month, pending a report that was supposed to be generated and provided to the Legislature to -- to demonstrate whether it was having any impact on the Fund. We never got that report. We've not heard any complaints from the Black Car Fund. We've not heard any complaints from the industry, and most importantly, we haven't heard any complaints from the passengers who are paying roughly 20 cents or 30 cents on a ride to make sure that drivers are adequately protected. So this would remove the sunset. That's all it does.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Would the sponsor yield?

MR. CAHILL: I yield.

ACTING SPEAKER AUBRY: Mr. Cahill yields,  
Mr. Goodell.

MR. GOODELL: Thank you, Mr. Cahill, for a very clear and succinct explanation. My question is, why are we removing the sunset provision completely, rather than just extend it a year to give the Fund more time to give us a report?

MR. CAHILL: Thank you, Mr. Goodell. Mr. Speaker, I think the reason that we placed the sunset on it in the first place was to provide both the Fund and the industry to register in, should there be any concerns. There being no concerns, it makes perfect sense to make it permanent. It probably would have been permanent in the first instance if there was not a little concern. But whatever was the issue, and a particular, when it comes to the Fund, the issue would be did the inclusion of these drivers for this period do anything to diminish the value of the Fund or place too much pressure on the Fund. That didn't happen. From the perspective of the TNCs, did it dissuade people from taking the ride because it added too much to the cost. That didn't happen. So basically what we have been able to do in the past year is prove that it works, and that's why it should become permanent.

MR. GOODELL: It concerns me a little bit that we passed legislation asking for a study to be done, a report made back to us so that we can intelligently and thoughtfully respond to these things. Are we getting any explanation why our statutory directive

was just ignored?

MR. CAHILL: Well, it -- it was a statutory directive for the benefit of the people who were to do the study. The fact that they chose not to do the study, I'm going to conclude means that they don't have any objection or -- and by the way, I shouldn't say they didn't do the study, they didn't provide us with the study.

MR. GOODELL: Thank you very much, Mr. Cahill.

MR. CAHILL: Thank you.

MR. GOODELL: Thank you very much, Mr.

Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will  
record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03136-A, Rules  
Report No. 93, Abbate. An act to amend the State Finance Law, in  
relation to the direct deposit of certain salaries.

ACTING SPEAKER AUBRY: An explanation is  
requested, Mr. Abbate.

MR. ABBATE: To provide payment for direct -- for  
salaries by direct deposit for employees hired after January 1st, 2019.

MR. GARBARINO: Will the sponsor yield?

ACTING SPEAKER AUBRY: The sponsor -- will you yield, Mr. Abbate?

MR. ABBATE: Yes.

ACTING SPEAKER AUBRY: Mr. Abbate yields.

MR. GARBARINO: Mr. Abbate, I have a couple of questions. Can you explain to me why this bill is necessary, why we're doing it?

MR. ABBATE: Well, as the Chair of the Governmental Employees Committee does pensions and salaries, the Comptroller asked me to put this bill in for him, so it's a request from the State Comptroller.

MR. GARBARINO: Any explanation as to why he's seeking it?

MR. ABBATE: Yes, he said that basically, and his staff said that it would make the process easier and also save money.

MR. GARBARINO: Okay.

MR. ABBATE: And when I heard "save money," I thought that was a good idea for a change.

MR. GARBARINO: All right. Currently, employees are allowed to choose whether or not they want a direct deposit. What happens if we change this law, give this -- the Comptroller this unilateral power, and employees don't have access to a bank account?

MR. ABBATE: The employees can opt out.

MR. GARBARINO: They can opt out?

MR. ABBATE: You can opt out.

MR. GARBARINO: Is there a certain standard to opt out, or do they have to request, or...

MR. ABBATE: No, just -- I just think it's a form they have to fill out and you can opt out.

MR. GARBARINO: So they -- they -- and it -- it's up to the Comptroller whether or not -- so it's automatic. If they fill out this form it's automatic?

MR. ABBATE: Automatic.

MR. GARBARINO: Okay. Section 192 of the Labor Law prohibits any employer in the State from putting somebody -- enrolling somebody into a direct deposit account unless they get previous permission from that employee. Why are we holding other employers to that standard while the State is allowed to just put all of its employees into a direct deposit?

MR. ABBATE: I think the Comptroller's interpreting that by saying that if the -- the person can opt out, that satisfied that section of the law. That's his interpretation. Or his office's interpretation.

MR. GARBARINO: Okay. Thank you very much, Mr. Abbate.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GARBARINO: Currently, State employees can opt in to a direct deposit. I have done it. But there are certain people

that either don't have access to bank accounts or, you know, don't -- or they -- they just don't trust direct deposit. They want their checks on paper. That, combined with the fact that we require other employers in the State to get prior permission from employees before they are opted into a direct deposit account, makes me question this bill, and I suggest that all my colleagues vote no, as I will be doing so today.

Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect January 1st, 2019.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10735, Rules Report No. 126, Abbate. An act to amend the Civil Service Law, in relation to credit for unused sick leave for employees of community colleges.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Abbate.

MR. ABBATE: Surely. This bill would allow a public employee who separates from State service to maintain their sick leave to offset healthcare charges, provided that such employee is reemployed at a community college within one year of their



retirement.

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: I'm sorry. Will the sponsor yield?

ACTING SPEAKER AUBRY: Will you yield, Mr. Abbate?

MR. ABBATE: Yes.

ACTING SPEAKER AUBRY: Mr. Abbate yields.

MR. RA: Sorry, I was trying to --

MR. ABBATE: I'm yielding.

MR. RA: Sure. Just -- just for a second. Mr. Goodell has some questions as well. Do you want to take it over? All right. I'm sorry, he is back, so I'm going to sit down.

ACTING SPEAKER AUBRY: Now that Mr.

Goodell has returned, Mr. Ra will yield to Mr. Goodell.

Mr. Goodell will ask Mr. Abbate to yield.

MR. ABBATE: I yield.

ACTING SPEAKER AUBRY: And we've got our yields right. Thank you.

MR. GOODELL: Mr. Abbate, you almost had the good fortune of having me out grabbing something to eat, but...

MR. ABBATE: It's a pleasure to have you back.

MR. GOODELL: So as I understand this, you could have up to 200 hours of unused sick leave that you acquired while working for the State of New York. And if you are subsequently hired within one year by a community college, the community college would

have to honor the 200 hours of sick leave?

MR. ABBATE: Correct. Correct.

MR. GOODELL: And so the very instant the community college hires such an individual, they then have an unfunded post-retirement accrued liability hitting their books?

MR. ABBATE: Yes.

MR. GOODELL: And that would be equal to almost two-thirds of the annual salary of the person that they hired?

MR. ABBATE: Yeah. You know, these rules and regulations were done by the Department of Civil Service. And it basically says an employee may use sick leave -- that sick leave bank for the purpose -- for that purpose. And the definition, and what -- why we're trying to get to this, the definition of State service is limited to State agencies, independent elected bodies, and select universities, right, of academic institutions. It doesn't include community college. Almost everyone else is included. So, we're trying to put community colleges in this.

MR. GOODELL: Now, community colleges have their own financial books and records, correct?

MR. ABBATE: Yes.

MR. GOODELL: And they have their own budget.

MR. ABBATE: Yes.

MR. GOODELL: And they're also supported -- that budget is also supported by local municipalities, the counties or towns or cities that sponsor them.

MR. ABBATE: Right. But if --

MR. GOODELL: So, why --

MR. ABBATE: -- they do not want to -- if they don't want to sign into this, they don't have to hire that person. They're sort of like when you hire the person, they'll know this is going on. So they have that choice. If they want to get a qualified -- maybe they think it's a great bio -- biology teacher, chemistry teacher, they're willing to pick up this added expense to get someone who they want. No different than in sports where you draft someone and play -- pay a lot more money if you think that player is much better than someone else you might have.

MR. GOODELL: And I -- I think you've put your finger right on the issue, that it may render all these former State employees unemployable by a community college, because it has the effect of an immediate bonus equal to two-thirds of their salary that hits the balance sheet of the community college. And the community college under this bill doesn't get any funding from the State, right? I mean, if they -- if the individual has 200 hours in the State sick leave bank, the State doesn't transfer the value of that money in a transfer to the community college, correct?

MR. ABBATE: The community college will only get the amount of money they get from the State now, and they get nothing in this bill extra.

MR. GOODELL: Thank you very much. I appreciate your answers on the bill.

MR. ABBATE: Thank you.

MR. GOODELL: On the bill.

ACTING SPEAKER AUBRY: On the bill, Mr.

Goodell.

MR. GOODELL: I certainly appreciate Mr. Abbate's desire to enable a former State employee to keep all of his sick leave. But that desire is reflected in an unfunded State mandate on our community college that can be very substantial. It could be equal to -- well, 200 days of sick leave, which that employee could then translate into paid-up health insurance upon their retirement from the community college. So, even though they may have worked for the State for 20 years, the very instant that they're hired by a community college, they would have the equivalent of four or five years of paid health insurance. And the financial impact on the community college could be very substantial. It's about two-thirds of their annual salary, with no corresponding payment from the State. And we need to recognize that the community colleges are under tremendous financial stress as a result of some of the legislation we passed last year that provided free college tuition. Because when we passed the legislation for free tuition, it eliminated the cost advantage that community colleges enjoy. And so at a very time when our community colleges are seeing a substantial drop in enrollment and under tremendous financial stress, this bill would put a tremendous new burden, unfunded, on its community colleges. I would certainly support this concept if this concept was accompanied by a payment by the State of

New York to the community college of the value of those 200 hours, which is already reflected on New York State's balance -- balance sheet, but not reflected on the community college.

So, I hope if this bill comes up, we can include the funding for it. It would then have my enthusiastic support. But in the meantime, this is a huge unfunded potential liability to community colleges which, unfortunately, will force many community colleges to simply refuse -- as the sponsor noted -- refuse to hire a State retiree. And it would be such a shame to price out State retirees from alternative employment in the future.

Thank you very much, Mr. Speaker. And, again, thank you for the comments from my colleague.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I'd like to call up the next four bills in this order: I'd like to go next to Rules Report No. 178 by Mr. Dinowitz, which is on page 13 of the main Calendar; then jump to Calendar No. 71 by Ms. Simon, which is on

page 31. And then I'd like to go to Calendar No. 121 by Ms. Rozic, which is on page 35; and then finish this grouping with Calendar No. 151 by Mr. Bronson, which is on page 38 of the main Calendar.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Senate No. S07862, Rules Report No. 178, Senator Golden (A09627, Dinowitz, De La Rosa). An act to amend the Public Authorities Law, in relation to allowing two automatic free transfers for riders using pay-per-ride Metrocards.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Dinowitz.

MR. DINOWITZ: This bill would allow -- this bill would allow two free transfers in certain instances.

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: Thank you. Will the sponsor yield?

ACTING SPEAKER AUBRY: Will you yield, sir?

MR. DINOWITZ: Yes.

ACTING SPEAKER AUBRY: Mr. Dinowitz yields.

MR. RA: I'll ask the obvious first question. In what certain instances?

MR. DINOWITZ: I'll give you the background. Some years ago, the MTA imposed a number of service cutbacks, particularly the bus service. And as a result, many people were then put into what amounts to two fare zones because they have to take two buses to get to the train. Some of those cutbacks have been restored, and some of them have not. But two fare -- when you -- when you

have a -- a Metrocard, you can get one free transfer. So, the people who need two free transfers are pretty much exclusively in the boroughs outside of Manhattan, particularly in the outer reaches of the area of New York City. So, in the northern Bronx, such as in my district or the Speaker's district or Co-op City, represented by Assemblyman Benedetto, and certain areas in the other boroughs, Queens, Brooklyn, for example. So some people have to pay two fares, and some people pay one fare. So that's not fair.

MR. RA: There's -- there's a voice coming from over here somewhere that keeps saying "Staten Island." I don't know where it's coming from.

MR. DINOWITZ: Neither do I.

(Laughter)

Oh, yeah, they're -- they're a borough, too. And they're one of the --the outer boroughs --

MR. RA: Yes.

MR. DINOWITZ: I like to think of Manhattan as island borough. The Bronx is the mainland, but the -- the four boroughs besides Manhattan are affected by the policy --

MR. RA: Sure.

MR. DINOWITZ: -- of the MTA.

MR. RA: Okay. So, this bill has been vetoed twice previously. Is this identical to that previous bill?

MR. DINOWITZ: It's identical. It's the exact same bill, but the Governor, like any wise person, sometimes reconsiders his

position on an issue. I think just today he announced the reconsideration of an important issue, and I'm hoping that this is the year that he makes the correct decision to do right by people in the four boroughs besides Manhattan.

MR. RA: Okay. So -- so, I think, you know, looking back at these two vetoes -- actually, I would said the reasoning was a little different the first time as opposed to this previous time. And I know, you know, you somewhat addressed last time that there was a concern raised by the MTA of a cost of about \$40 million, which I know you do not think is accurate. Do you have any handle on what the cost would be?

MR. DINOWITZ: Well, according to the MTA, very few people would be affected by this in the first place. So it's very difficult for the MTA to say with a straight face that on the one hand, *Very few people are affected, so why should we do anything about this unfair policy*, but on the other hand saying, *It's going to cost us millions and millions of dollars*. They both cannot be true. So, I would also say that, and I'm sure you'll agree that when the MTA comes out with numbers and figures, you can't always believe it.

MR. RA: Fair. So, the other thing that was stated in the veto message this previous year, you know, the Governor talked about having -- tried to engage in some type of dialogue to come to an agreement. I assume maybe he was requesting a chapter amendment; I know we've done a number of those this year. But he did talk about that he had recommended a number of steps from the MTA to allow



for transfers and to address this issue. Do you know if any of those initiatives were followed through on? I'm -- I'm going to assume you're going to say no because we wouldn't be -- perhaps we wouldn't be talking about this bill, but do you know if any of those initiatives were followed through on?

MR. DINOWITZ: Well, last year what they -- they indicated they would sign the bill based on a chapter amendment which would allow a free transfer in the case of service disruptions. So, like if you're -- if you took a bus to the train and then your train breaks down, or there's work being done on the train and you have to take -- get onto a bus. But that's not really what this bill is intended to address in the first place. And so I rejected their suggestion to do a chapter amendment because it would not have accomplished -- and by the way, they're doing what -- that anyway. It wouldn't have accomplished what the bill is intended to do, which is to help people -- and by the way, the people who are most impacted by this are -- are lower-income people in that -- or a lot of people are lower-income people, in that the people who can't afford or who don't buy the monthly unlimited Metrocards are the ones who are impacted. If you have an unlimited, then you have an unlimited. But some people can't lay out that kind of money each month, and those are usually people who are, you know, have less money.

MR. RA: Okay. So, this -- this just -- just to, you know, repeat, so this isn't designed for -- for -- it may benefit people in -- in those types of situations where there's service cuts or -- or

disruptions, but really this is designed for people that are in a situation that, you know, where they live versus where they're going -- they're in a scenario that they're going to have to transfer twice, and they would not be able to do that currently under this piece of legislation. They would then have the additional transfer and be able to get where they're going, whether it's to work, a doctor's appointment, shopping, whatever it is. Correct?

MR. DINOWITZ: Yes.

MR. RA: Okay. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01051-A, Calendar No. 71, Simon, Arroyo, Blake, Barrett, Braunstein, Colton, Cook, Dinowitz, Gottfried, Jaffee, Joyner, M.G. Miller, Otis, Perry, Skoufis, Steck, Titone, Mosley, Abinanti, L. Rosenthal, Carroll, D'Urso, Barron. An act to amend the Public Health Law, in relation to specifying procedures for the closure and/or decertification of assisted living residences.

ACTING SPEAKER AUBRY: An explanation is

requested, Ms. Simon.

MS. SIMON: Thank you. This bill would amend the Public Health Law in relation to specifying procedures for the closure of privately-funded assisted living facilities.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you. Would the sponsor yield?

ACTING SPEAKER AUBRY: Ms. Simon, will you yield?

MS. SIMON: Certainly.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Ms. Simon. As I understand this bill, if an assisted living facility wanted to close down, they -- this bill would impose a number of restrictions on them. First, they -- they wouldn't be able to close until all the residents were transferred somewhere else. And that's obvious, because we've never had one close, lock the doors and still have residents locked inside, so --

MS. SIMON: That's a good thing.

MR. GOODELL: So I don't think that's going to be an issue. But you also provide that the operator will not increase the amount of any rent, fees or surcharges imposed during that time period, correct?

MS. SIMON: Well, actually, that is partially correct. They cannot increase fees or charges until the closure plan is

approved. Once it's approved, if they're justified they would be able to seek such an increase from the Department of Health.

MR. GOODELL: And is there any timeframe on how quickly that closure plan must be approved?

MS. SIMON: No, not by statute. The State Department of Health would review everything, and it would make its decision when it makes its decision.

MR. GOODELL: Now, we've debated a similar bill in the past. Is there any changes from the previous bill to this bill?

MS. SIMON: No, this is the very same very excellent bill.

(Laughter)

MR. GOODELL: I see. And so my question is this: If a facility is -- goes into bankruptcy, which unfortunately happens from time to time, this bill would prevent them from raising any fees or rents or surcharges, even though they're facing bankruptcy, correct?

MS. SIMON: Well, once they have filed for bankruptcy, as I believe you know, it's really under the control of the bankruptcy court. Assuming that this would be a Chapter 11, and it would be a plan where they work out a reorganization or a plan to close, that would be something that would be negotiated with bankruptcy counsel, the trustee and the facilities.

MR. GOODELL: Well, bankruptcy court has the authority to override contracts for sure. They don't have the authority to override State statutes, do they?

MS. SIMON: No, they wouldn't override this -- the statute.

MR. GOODELL: So, this statute would prevent the facility, then, from raising the fees and rents or other charges to avoid bankruptcy?

MS. SIMON: No. This would -- this would preclude raising fees until the Department of Health issues an approval of their closure plan.

MR. GOODELL: Okay. And if the facility is going into bankruptcy, who's paying the payroll?

MS. SIMON: The facility would be paying the payroll, and it would be working this out with bankruptcy court. And I'm sure the Department of Health would be very present in those conversations.

MR. GOODELL: And if the facility doesn't have the money to make payroll and pay the suppliers and provide the quality of care that we want, does this bill provide any emergency State financial aid?

MS. SIMON: This does not provide particular financial aid, but obviously, an institution could seek such aid.

MR. GOODELL: And is such aid available?

MS. SIMON: At the moment I'm not aware of any particular fund for that purpose. But I'm also sure that something could be resolved --

MR. GOODELL: Okay.

MS. SIMON: -- in a variety of ways.

MR. GOODELL: Thank you very much, Ms. Simon.

MS. SIMON: Thank you, Mr. Goodell.

MR. GOODELL: On the bill.

ACTING SPEAKER AUBRY: On the bill, Mr. Goodell.

MR. GOODELL: I appreciate Ms. Simon's desire to ensure that health care facilities, particularly assisted living facilities, close in an orderly manner. I think all of us agree with that objective. The problem is that in the real world, these facilities from time to time go bankrupt. And what happens when they go bankrupt is they don't have enough cash flow to pay for the supplies and the staff and the other operating expenses. And it's impossible, or nearly impossible for a facility that's going into bankruptcy to get a bank loan, because you can imagine walking into your favorite banker and saying, *Hey, can I borrow some money? I'm losing money every day, I have no prospect of repaying it. How much can I borrow?* And I can help any of you who haven't gone through that process get the answer real quickly. The answer is no. So, while I appreciate the desire, and in a perfect world we'd like to have a nice orderly closing, but in an imperfect world where there's not enough cash flow to get the supplies needed to ensure that the patients are properly cared for, there's not enough money to pay for the staffing needed to provide proper care, and there's not enough cash flow to maintain the building to ensure high quality care. In those situations, unless the State is providing

emergency aid, we cannot wave a magic wand. We can't wave the magic wand and say, *Suppliers, sorry you're not being paid. Keep supplying the materials. Staff, sorry you're not getting paid. Keep showing up for work.* It just doesn't happen.

So while I absolutely appreciate the desire of the sponsor to provide for an orderly transition, we cannot legislatively mandate that a facility stay open and not raise any fees needed to cover those shortfalls and just continue as though nothing's happening. It just doesn't happen in the real world.

Thank you very much, Mr. Speaker. And again, thank you to the sponsor, certainly for her -- for her positive objectives, even if I disagree with the implementation. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section -- no, excuse me.

Mr. McDonough.

MR. MCDONOUGH: Thank you, Mr. Speaker.  
Would the sponsor yield?

ACTING SPEAKER AUBRY: Ms. Simon, will you yield?

MS. SIMON: Yes.

MR. MCDONOUGH: I think --

ACTING SPEAKER AUBRY: Ms. Simon yields.

MR. MCDONOUGH: I think that I may have misunderstood one question and answer that Mr. Goodell asked you.

And that question, I thought what he said is, is there some additional fees that could be charged during the closing period? And I think your answer was once the closure is approved, then they could do it. Now

--

MS. SIMON: Yes.

MR. MCDONOUGH: -- I don't know too much about how long the place would stay in business, but if the closure is approved, let's say everybody says yes on January 1st, and they're not able to close until July or August or whatever, you mean they could raise fees during that time?

MS. SIMON: Yes. If the -- once the closure plan is approved. So, for example, let's say they apply for closure, the Department of Health approves their closure plan, and then they go about giving notice -- they have to give four months to the residents under this statute. Previously it was 90 days, so it was three months. During that period of time and subsequent to the closure plan, the facility could have -- could request permission to increase certain fees. And as Mr. Goodell has pointed out, if there is, in fact, no appropriate place for someone to be able to transfer within that four- month period of time -- it might take five months to relocate a particular resident, or perhaps six --

MR. MCDONOUGH: Sure.

MS. SIMON: During that whole period of time they would be able to increase rates as needed.

MR. MCDONOUGH: So, in other words, they're



saying to someone, *Okay, we're closing down, and the Department of Health just said we can close down. So but in the meantime, we're going to charge you an extra -- X number of dollars each month.*

MS. SIMON: Yes, that would be provided for here. Of course, those kinds of rates need to be approved by the Department of Health.

MR. MCDONOUGH: "Provided for," you mean the amount of money would be provided for?

MS. SIMON: No, the -- the provision that you could raise fees --

MR. MCDONOUGH: From the residents?

MS. SIMON: Yes. Or from whoever is paying.

MR. MCDONOUGH: Well, you mean a relative or something like that?

MS. SIMON: It might be the resident, it might be a family member. Right.

MR. MCDONOUGH: So then I understood it correctly. *We're closing, and we probably will close in the next four months. But in that four months, you're going to have to pay us an extra \$50, \$100, whatever it is, right? And that's legal?*

MS. SIMON: Whatever is approved, yes.

MR. MCDONOUGH: Approved by who?

MS. SIMON: The State Department of Health.

MR. MCDONOUGH: So in other words, when they approve the closure, would they at that point approve the amount that

could charged in the interim period?

MS. SIMON: Under the -- the bill, the facility would have to then request that increase and document that that was needed.

MR. MCDONOUGH: In addition to the closure notice?

MS. SIMON: Subsequent --

MR. MCDONOUGH: That's two separate items they have to get approval on.

MS. SIMON: They get approval, they then make an application to increase the fees.

MR. MCDONOUGH: And then the Department of Health or the State would have to approve them asking for more money?

MS. SIMON: I believe so, yes.

MR. MCDONOUGH: Two separate steps, then. One, they approve the closure, and two, they may approve a request to raise the fees.

MS. SIMON: Yes.

MR. MCDONOUGH: Okay. Thank you very much, Ms. Simon. Thank you, Mr. Speaker.

MS. SIMON: Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect January 1st.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Simon to explain her vote.

MS. SIMON: Thank you, Mr. Speaker. Permission to -- to explain my vote. This bill, as you may recall, is the outgrowth of a real estate deal that was very destructive to the lives of 120 seniors who were over the age of 80 in my district. This was not a bankrupt organization. This was brought about for one reason only: Valuable real estate. Throughout our State, this situation is occurring again and again. And that it is far less likely that the facility itself is on the verge of bankruptcy and much more likely that it is vulnerable to the vicissitudes of the real estate market, which is going up every day. In the situation in my district, elderly people, many of whom had dementia who were -- many who were over 90, had difficulty finding new facilities. They were subject to abuse, they shut off their air conditioning, they fed them moldy food, they shut off electricity to common areas, all in -- in an effort to harass them and drive them out. This should not be happening to people who are over 90 years old. We must have orderly procedures to take care of them and to ensure that their next facility is something that is appropriate for their care.

Thank you, and I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01610, Calendar No. 121, Rozic, Abinanti, Aubry, Barrett, Baron, Bichotte, Blake, Colton, Crespo, Curran, Dinowitz, Englebright, Fahy, Gottfried, Hevesi, Hunter, Jaffee, Joyner, Lupardo, Mosley, O'Donnell, Pichardo, Peoples-Stokes, Perry, Quart, Raia, L. Rosenthal, Skoufis, Steck, Stirpe, Titone, Walker, Castorina, De La Rosa, Weprin, Hyndman, Simotas, Jean-Pierre, Seawright. An act to amend the Correction Law, in relation to the segregated confinement of pregnant inmates.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Rozic. Thank you.

MS. ROZIC: Thank you, Mr. Speaker. This bill would ban solitary confinement for pregnant women. Amendments in the past were to include postpartum women up to eight weeks, and mothers living with infants in prison nursery programs.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Would the sponsor yield?

ACTING SPEAKER AUBRY: Would you yield, Ms. Rozic?

MS. ROZIC: Yes. Of course.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you very much, Ms. Rozic. As I understand it, there was a settlement agreement reached between the Department of Correctional Services and --and there was a court case, and they dealt specifically with this issue, didn't they?

MS. ROZIC: Yes, they did.

MR. GOODELL: And how is this bill different than the settlement that was reached with DOCS?

MS. ROZIC: So, it both codifies the settlement agreement that was reached between the New York Civil Liberties Union and DOCS, and then expands it to include postpartum women and women who are still with their infants in the nursery programs.

MR. GOODELL: Now, the settlement agreement with DOCS still allowed for segregated confinement of pregnant women under exceptional circumstances, correct?

MS. ROZIC: Yes.

MR. GOODELL: And those exceptional circumstances as -- as specified in the settlement agreement included when the -- when the removal would -- would -- the exceptional circumstances would be where segregated confinement was necessary for the safety of the inmate? Or where the inmate was exceptionally violent or other similar types of circumstances. Is that correct?

MS. ROZIC: Yes.

MR. GOODELL: Now, the statute, the existing statute lists those exceptional circumstances, but only in the context of restrictions on segregated confinement for mentally ill inmates. In other words, the current law says if you're mentally ill, you cannot be in segregated confinement unless you're a substantial risk of danger to yourself or to others, very violent or something of that nature. Is that your understanding as well?

MS. ROZIC: My understanding is that they overuse it, and it's my intention in this bill that you would confine a woman to her own cell and not rely heavily or at all on seg -- on mandatory seg and solitary confinement.

MR. GOODELL: Looking at your bill, however -- I'm looking on page one, lines 12 through 14 -- it's very simple and very straightforward. It's an absolute prohibition against any segregated confinement and has no exception. Is that correct?

MS. ROZIC: Correct. As I just mentioned, the intent is for DOCS to confine a person -- a woman to her own cell and not to rely on solitary confinement. Because you have to keep in mind that when you're using solitary confinement, nutrition is curtailed, exercise is curtailed, and obviously, we don't want to do anything that would impact a pregnant woman or a woman who had just had a child.

MR. GOODELL: Thank you very much, Ms. Rozic.  
On the bill.

ACTING SPEAKER AUBRY: On the bill, Mr.  
Goodell.

MR. GOODELL: Currently, there's a settlement agreement in place with DOCS dealing specifically with segregated confinement for pregnant inmates, and it bans segregated inmate confinement, with some very important exceptions. And those exceptions under the settlement agreement are situations where the pregnant woman is a -- has a substantial safety risk to the woman herself. Or where she's been exceptionally violent toward other

inmates or toward correctional officers or where she may be engaged in activity that is extraordinarily dangerous to her unborn child, like utilizing contraband drugs. That's very dangerous in a prenatal setting. Or engaged in violent physical attacks with other inmates. That is also very dangerous to the unborn inmate. So, the current settlement accomplishes what we want, which is to elimin -- limit segregated confinement, while recognizing that segregated confinement may be an important disciplinary tool to protect the health and safety of the inmate and the unborn child. This bill allows for no exceptions whatsoever, and therefore, poses an increased risk to the inmate who may be engaged in very dangerous activity, dangerous to the unborn child and herself, and it increases the risk to our correctional officers who put their lives on the line every day to ensure law and order and some level of discipline that's appropriate in these prisons.

For those reasons, I will be voting no, recognizing that the settlement agreement strikes the right balance between reducing segregated confinement for pregnant inmates, while still recognizing important exceptions. Thank you very much, Mr. Speaker. And thank you, Ms. Rozic.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Ms. Solages to

explain her vote.

MS. SOLAGES: You know, prenatal through birth is such a critical time in development of our littlest New Yorkers. And we, as society and a State, must do whatever is possible to support pregnant women. Solitary confinement is not acceptable accommodations. We should be providing pregnant women with social and emotional services so we can make sure that these babies grow into good New Yorkers.

So, I thank the sponsor of the bill for putting forth this legislation and having an open mind and servicing and helping the pregnant women of New York State and our little infants and toddlers as well. Thank you.

ACTING SPEAKER AUBRY: Ms. Solages in the affirmative.

Mr. Weprin.

MR. WEPRIN: Thank you, Mr. Speaker. I, too, would like to be excused from voting to explain my vote. I want to thank the sponsor of this legislation and -- and so many other pieces of legislation in the correction system protecting women. But women, pregnant women, of course, are very vulnerable and -- and susceptible to other issues. And the fact that there is a settlement does not necessarily codify a decision and to put it into statute just like we -- when we passed the -- the whole solitary confinement bill that you're familiar with. The argument against it was also brought up that there was a -- a settlement. That -- that should not inhibit us codifying it.



But again, I want to thank the sponsor for bringing this legislation. It passed overwhelmingly out of my Committee, the Corrections Committee. And I want to thank her leadership on this issue, as well as so many other issues protecting women in the correctional system.

I proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Weprin in the affirmative.

Mr. Barron to explain his vote.

MR. BARRON: Thank you, Mr. Speaker. You know, I am a great promoter of democracy, but if there was ever a bill that I would ban debating on, it would be this one. This is ridiculous. And I think at some point we got to call it for what it is. This is so obvious that you would like to see -- anyway, Mr. Speaker, I'm getting carried away, so I'll just bring myself back in. I just don't get it. You know, sometimes we got to not try to intellectualize or nitpick at stuff when you see the bigger issue is whether or not a pregnant woman should be in solitary confinement. I mean, come on. At some point we got to -- I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Barron in the affirmative.

Are there -- are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02022, Calendar No.

151, Bronson, Steck, Mosley, Colton, Lupardo. An act to amend the State Finance Law, in relation to the cost-effectiveness of consultant contracts by State agencies.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Bronson.

MR. BRONSON: Yes, Mr. Speaker. This bill is in response to the numerous numbers of New Yorkers across the State calling upon the Legislature and the Executive Branch to find cost efficiencies in our government operations. The bill would enact a requirement that State agencies, if they are anticipating letting out a contract for consulting work, and that contract is over \$750,000 spanning the period of 12 months, then there would be a requirement that the State agency do a cost benefit analysis. The cost benefit analysis would consider certain factors which are set forth in the bill. But in essence, it would ask this question: Would it be more cost-effective and save taxpayer dollars if we were to have this work performed by State workers versus private contracting firms outside of State government? And if it is determined that there would be savings of 10 percent or more, then there would be a business plan set forth to save those taxpayer dollars and have the contract performed in a more cost-effective way.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you very much, Mr. Speaker. Would the sponsor yield?

ACTING SPEAKER AUBRY: Will you yield, Mr.

Bronson?

MR. BRONSON: Yes, I will, Mr. Speaker.

MR. GOODELL: Thank you very much, Mr.

Bronson. I note that the Governor has vetoed this legislation in the past. Why did he veto it in the past?

MR. BRONSON: The Governor vetoed a version of this legislation. This is not -- this current version has not gone to the Governor to veto or to pass.

MR. GOODELL: And what were the changes between the prior legislation and this legislation?

MR. BRONSON: We have changed the threshold to \$750,000, and we have also changed the parameters of which the, as what's called in the bill, the business plan would set forth once there's a determination that there would be cost efficiencies.

MR. GOODELL: Is it your premise that State agencies are not conducting cost benefit analyses now?

MR. BRONSON: It's my premise that based on research and analysis that has been done by comptrollers of New York State, both Republican comptrollers and Democratic comptrollers, that has been done KPMG, that has been done by a number of other agencies that have determined that if we were to do this analysis and we could save hundreds of millions of dollars a year, if we were to use in-house workers versus consulting contractors.

MR. GOODELL: I guess that didn't really -- maybe I didn't understand. My question is, is it your position, then, that State

agencies are not currently doing that type of cost benefit analysis?

MR. BRONSON: My position is that State agencies ought to be required and should do that analysis in order to save taxpayer dollars.

MR. GOODELL: And that they're not doing it now?

MR. BRONSON: And that they should be doing it. Whether -- they may be doing it in some instances. I don't follow every single contract, but what I can tell you is that we spend billions, billions of dollars on outside consulting work, and we ought to be doing this analysis because we have studies and analysis done by various individuals in - in various capacities, as well as experts that say that you can have savings by having it done in-house.

MR. GOODELL: Now, a number of entities, including the Business Council, for example, and others -- the American Council of Engineering Companies, for example -- have raised a question that this type of analysis would have the effect of slowing down State contracts, and the cost of the analysis itself would increase the cost of the overall project. What is your thoughts on those concerns?

MR. BRONSON: Well, you know, certainly, those are people who have a -- a particular monetary interest in whether or not this bill gets passed into law is my first perspective on that. My second perspective is certainly, I would think that the State agency would want to take into consideration that cost of that analysis as well.

MR. GOODELL: Now, under current law, under the

State Finance Law and under current law, we -- the State is already required to do a best value determination.

MR. BRONSON: Mm hmm.

MR. GOODELL: How does this differ than the existing law that requires a best value determination?

MR. BRONSON: The best value determination is where the State has already made a decision that they are going to enter into a contract for various services and/or goods. This particular scenario is we're asking them to actually do an analysis on whether or not to have a contract let out or do the work in-house. So, there's some overlap, of course, with best value, but this is not the same as the best value under the State Finance Law.

MR. GOODELL: Thank you very much for those clarifications, Mr. Bronson.

MR. BRONSON: Thank you.

MR. GOODELL: On the bill.

ACTING SPEAKER AUBRY: On the bill, Mr. Goodell.

MR. GOODELL: Thank you very much, Mr. Speaker, and thanks to my colleague for that explanation. Obviously, everyone in this Chamber wants to ensure that State government is running as efficiently as possible. If it turns out that after eight years of Governor Cuomo they're not doing a cost benefit analysis, I'd be very disappointed. The information that I've received from those who work with the State suggest that there is a basic cost benefit analysis,

that the agencies are, indeed, evaluating it. But --

ACTING SPEAKER AUBRY: One minute, Mr. Goodell. I think we need to allow mirth to leave the room. It shouldn't be hard on a night like tonight, but we'll try.

MR. GOODELL: You wouldn't -- you wouldn't think we'd have a problem with mirth. But in any event, this process would undoubtedly increase the cost of doing government, and slow the process down. And that's a particular concern in those areas where we need fast, effective, timely and efficient decision-making.

Thank you very much, Mr. Speaker. And again, thank you to my colleague, Mr. Bronson.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell.

Read the last section.

THE CLERK: This act shall take effect on the 90th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker. Briefly, I want to commend the sponsor on this. Several years ago, the MTA embarked upon a process whereby they lost a lot of their in-house capability for certain kinds of work on tracks, and they contracted out. And for about six to eight months, the IRT on the East Side in Lower

Manhattan had to run very slowly so as not to collapse the street at Canal and Center because the contractor, who was not used to working underground, had made some serious errors. So I think that in-house competency is incredibly important. It holds down costs, and is a benefit to the -- to the taxpayer because we're not paying for the profit motive that is necessitated in private industry.

I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Mr. Bronson to explain his vote.

MR. BRONSON: Thank you, Mr. Speaker, to explain my vote. I find it interesting that those who are interested in making a monetary profit if we let out contracts are making the argument that agencies are already doing this. That there's going to be an additional cost if agencies do the analysis, and it's going to slow down the process. Well, you can't have it both ways. If agencies are already doing this, then they're already expending the cost. And if there's a slowdown in the process, it's already being slowed down. I don't believe that's the case. I believe that agencies are not all the time doing this, and that we, as good stewards over taxpayer dollars, ought to require agencies to do this analysis so that we can have cost efficiencies each and every time we're letting out a contract or we're keeping a contract in-house.

For those reasons, I think that we ought to vote in favor of the taxpayer and vote in favor of this bill. Thank you.

ACTING SPEAKER AUBRY: Mr. Bronson in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. The next two bills that I would like to take up are on the B-Calendar, which we have already advanced. And I would like to go directly to, first, Rules Report No. 276 by Ms. Glick, which is on page 5 of that B-Calendar, and I would like to follow that with Rules Report No. 287 by Mrs. Peoples-Stokes. That's on page 7 of the B-Calendar.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A07798-C, Rules Report No. 276, Glick, Vanel, Ortiz, DenDekker, Cymbrowitz, Quart, Barron, Williams, Hevesi, Simon, Thiele, L. Rosenthal, Cook, Gottfried, Rodriguez, D'Urso, Carroll, Blake, De La Rosa, Dinowitz, Dickens, Seawright, Jaffee, Mosley, Aubry, Bichotte, Kim, Rivera, Simotas, Pichardo, Rozic, Benedetto, Titus, Paulin, Taylor, Arroyo, Espinal, DiPietro, Abinanti, Steck, Jones. An act to amend the Vehicle and Traffic Law, in relation to photo speed violation monitoring systems in school speed zones in the City of New York; to amend Chapter 43 of the laws of 2014, amending the Vehicle and Traffic Law, the Public Officers Law and the General Municipal Law relating to photo speed violation monitoring systems in school speed



zones in the City of New York, in relation to making technical corrections thereto; and to amend Chapter 189 of the Laws of 2013, amending the Vehicle and Traffic Law and the Public Officers Law relating to establishing in a city with a population of one million or more a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: Home rule message is at the desk.

Ms. Glick, an explanation has been requested.

MS. GLICK: Certainly, Mr. Speaker. The bill would extend an existing demonstration program for an additional four years. This would -- speed cameras are limited to specified schools zones, and the -- this would add from the current 140 an additional 50 cameras per year for three years. It requires the City to prioritize the placement of these cameras in school zones based on data from speeding tickets and crash history that has been obtained both from DMV and the NYPD. It would also prohibit the installation of a speed camera within 300 feet along a highway that continues off the end of an exit ramp, and that access or exit ramp from a controlled highway. It would require the City to install warning signs that a speed camera ahead is 300 feet away from where the cameras are so that people have an opportunity to react to that. It would modify the zone to allow for a radius around the schools, opposed to a number of feet from the front of the school building but rather, a radius of a quarter-mile. And as

has been the case in the past, it continues to require an annual report with a long list of factors that must be contained within that report, and it extends the sunset to July 1, 2022. And it saves lives; the lives of children, the lives of caregivers, staff, parents. That's what the bill does.

ACTING SPEAKER AUBRY: Mr. Castorina.

MR. CASTORINA: Will the sponsor yield for a few questions?

ACTING SPEAKER AUBRY: Will you yield, Ms. Glick?

MS. GLICK: But of course.

ACTING SPEAKER AUBRY: Ms. Glick will yield.

MR. CASTORINA: Good evening, Ms. Glick. I'd like to start off with a question to you about the confrontation clause of the Constitution. I know you and I've had this conversation in -- in the past. Do you believe that this bill does not violate the confron -- the confrontation clause? Is that your position?

MS. GLICK: It has been my position and the position of the Majority that the bill in no way violates the Constitution of the United States, the Constitution of the State of New York.

MR. CASTORINA: Okay. But specifically in that Constitution there's something called "the confrontation clause." And the confrontation clause allows an individual to have the opportunity to confront their accuser not just in the courtroom, but also at the time

of the alleged infraction or occurrence. Does the individual receiving the summons have the opportunity at the time of the infraction to confront their accuser under this bill?

MS. GLICK: It is quite similar to receiving a ticket at a parking meter or at an alternate side parking violation. If you are not in your car, the car is parked in a no parking zone and an appropriate authority puts a ticket on the car. You are not there to confront the individual. Nobody has yet proven the unconstitutionality of parking violations. I look forward to your opportunity to take that to the Supreme Court if you care to, but that -- I believe this is similar. It is similar to speed cam -- to red light cameras which have sustained the constitutionality of this mechanism for enforcing our traffic laws.

MR. CASTORINA: Now, Ms. Glick, you made the analogy between somebody receiving a parking ticket. But do we have some automated system whereby a camera captures a photograph of a car parked in a parking spot where the meter has expired and then instantaneously they receive a summons? Do we have a system like that, or do we have a system where an individual --

MS. GLICK: Will the gentleman yield to a question?

ACTING SPEAKER AUBRY: Ms. Glick asked you to yield.

MR. CASTORINA: Certainly.

ACTING SPEAKER AUBRY: Mr. Castorina says yes.

MR. CASTORINA: Sure.

MS. GLICK: Are these serious questions?

MR. CASTORINA: They're very serious questions. And actually, they're very serious questions, and if you would listen to them and give them a little bit of your attention, you might actually learn something. So I'm going to ask -- I'm going to ask again. Do we have a system by which we have cameras that automatically give a summons to an individual when their vehicle is in a parking spot past the time allotted for a parking meter? Do we have a system like that? Because I don't believe we do, and you just made that analogy, so I don't see the parallel.

MS. GLICK: Well, an analogy is not always precise, but it is sort of like a metaphor, which is not always precise, but implies the same thing. So what I was saying to you was that in the -- the argument I believe you were making was that individuals who receive a violation either from a speed camera or a red light camera, which is also a system which exists in the City of New York in which I do not believe has been challenged successfully on constitutional grounds, that the analysis -- the analogy was to the fact that there isn't an immediate opportunity, necessarily, for someone who has received a parking ticket to confront the person who has given the parking ticket, in the same way that with a speed camera or a red light camera, there isn't an immediate opportunity to -- to contest it at the time. It was an analogy, not necessarily intended to provide an exact --

MR. CASTORINA: I understand, and I think you've made my point. My point is that there would be an individual, a

person, who would write out the summons to the individual who received the parking ticket. Now, if at the -- if they were not present at the time that the summons was issued, naturally, they wouldn't be able to confront their accuser. But they would then have an opportunity in a tribunal or in a court to confront their -- physically -- their -- their accuser as to the summons, in person, with that individual in a courtroom. In the case where you have speed cameras, you don't have a person doing the -- the accusing. What you have is machinery. Isn't that true, and isn't that the distinction?

MS. GLICK: Well, regrettably, I have received a parking ticket on one or two occasions in the distant past, and when I went to contest it, I didn't meet anybody who had written the ticket. I was there with what I believe was maybe an administrative law judge who asked if there was any evidence that I could present that I actually -- that had a reason for either being acquitted of the full value of the ticket, or by merely showing up out of the kindness of their heart, they reduced the cost of the ticket. I don't believe that people actually getting a parking ticket in New York City actually have the opportunity to appear and confront -- your language, not mine -- the person who wrote the ticket.

MR. CASTORINA: So if somebody speeds in New York City and they receive a speeding ticket physically from an officer, would they have an opportunity to confront that officer at the courtroom?

MS. GLICK: I'm sorry?

MR. CASTORINA: If an officer provides a ticket to somebody who they believe is speeding and they physically give them the summons, do they have the opportunity to confront that officer in the courtroom?

MS. GLICK: Never having had a speeding ticket, I can't answer that directly. I, from personal experience -- I have -- it has been my understanding from other people that frequently, the party does not show up and the judge makes a decision.

MR. CASTORINA: What if I were to tell you that the police officer is mandated to be present in the courtroom, and that the individual who is accused does have the opportunity at that time to confront not only the police officer, but the device that is utilized to determine what the speed was that the police officer determined it was based upon that machinery for the purposes of the issuance of the summons?

MS. GLICK: I'll accept that.

MR. CASTORINA: Okay. Well then we can move on to the next point. Thank you. Speed cameras are also deemed, generally, as a mass -- a form of mass surveillance over ordinary drivers, okay? Because they're constantly -- they're constantly working. Isn't that correct? The cameras are constantly working during the time that school is -- is ongoing. Is that correct?

MS. GLICK: I would assume so.

MR. CASTORINA: Okay. Now isn't it true that the government is forbidden from engaging in sweeping surveillance

systems without warrants? Just to look --

MS. GLICK: I don't believe that is it is --

MR. CASTORINA: Can I -- let me just finish the question. Sweeping surveillance systems without warrants to look for offenders of any crimes. In other words, it's kind of like a trap. Isn't it true that the government is forbidden, without search warrant, to do so?

MS. GLICK: I don't believe that a fixed area for a limited period of time each day would qualify as mass surveillance. I will just remind the gentleman that the areas involved are surrounding our school buildings, and that the intention of the bill is not to identify people who are traveling slightly -- it -- the cameras are calibrated to actually generate a -- a violation when one has exceeded the speed limit by 11 miles. Now, part of that -- the whole rationale is that if an individual is hit by a car speeding at -- traveling, let me say traveling at 30 miles an hour, you have a reasonable chance of surviving. If, on the other hand, you're hit by a vehicle traveling at 40 or 45 miles an hour, you stand almost no chance of surviving. So, the -- the -- the -- you alleged that there was an attempt, I think, to catch people in a crime. The crime is actually speeding above the speed limit. This is actually allowing people 11 miles an hour above that. So --

MR. CASTORINA: Ms. Glick, forgive me, but I -- I do agree that the -- that the underlying reasons for the bill are, in fact, noble. I -- I don't have an issue with that. I do, however, take issue with the means employed to accomplish that particular goal. Don't

you agree that there might be a different or -- or better way to accomplish the goal without the utilization of this type of surveillance, particularly --

MS. GLICK: No.

MR. CASTORINA: Can I -- let me finish, please. I know you're so eager, but let me just finish. Perhaps by using speed bumps or other devices within the design of a road, stop signs, yield signs, and a variety of other traffic devices, wouldn't those less intrusive means that do not trample upon our great Constitution, wouldn't they be better means to employ than this mass, wide-sweeping surveillance that you have in this bill?

MS. GLICK: Obviously, I do not agree.

MR. CASTORINA: Do you agree that speed bumps actually slow down drivers?

MS. GLICK: I have not done a study of the relative effectiveness of a speed bump. I think that if you have a speed bump and somebody is not slowing down, you have the possibility that the vehicle will actually go airborne and thereby create a more hazardous condition. So I can't today say that that would actually be -- create a safer environment than utilizing the -- the means of using a camera.

MR. CASTORINA: That interesting, Ms. Glick, because the camera doesn't actually slow down or stop the driver at the time of the incident; isn't that correct? Isn't it true that the speed bump would actually --

ACTING SPEAKER AUBRY: Mr. -- hold on. Mr.



Buchwald, why do you rise?

MR. BUCHWALD: Does Mr. Castorina yield to a question?

ACTING SPEAKER AUBRY: Mr. Castorina, will you yield?

MR. CASTORINA: Absolutely.

ACTING SPEAKER AUBRY: Mr. Castorina yields.

MR. BUCHWALD: Would the gentleman agree that, in fact, studies show that at times, speed bumps, if placed improperly, actually can speed up cars? Because when someone is getting between speed bumps, they tend to try to make up their time, and so therefore -- although someone obviously slows down for the speed bump, they try to then zoom after that, maybe, for the next speed bump or wherever they're going. So, in fact, even a speed bump can actually speed up, in certain locations, people's travels.

MR. CASTORINA: Thank -- thank you for the question, Mr. Buchwald. I don't agree that those facts are -- are accurate. I do see how you can make that inference, but in my experience, generally speaking, speed bumps are placed not just one at a time, but they're placed in close proximity. And when placed in close proximity, it would be physically impossible for folks to, once they get over the speed bump, to gather or garner enough speed and then slow down again within the next interval of the next speed bump. So I -- I don't see how that would be accurate under those facts.

MR. BUCHWALD: Well, Mr. Speaker, if I -- if I

could -- and I say this respectfully as the former Chairman of the Traffic Commission of the City of White Plains -- in fact, studies show that when speed bumps are placed -- in fact, multiple speed bumps along the road --

ACTING SPEAKER AUBRY: Is that --

MR. BUCHWALD: -- that someone -- drivers do tend to speed up between the speed bumps in order to make up time --

ACTING SPEAKER AUBRY: Mr. Buchwald, you need to pose that in a question and --

MR. BUCHWALD: I -- I would just --

ACTING SPEAKER AUBRY: You must --

MR. CASTORINA: I would like to continue with the sponsor.

ACTING SPEAKER AUBRY: I think you're going to have to come back for a second because we have elapsed the time allowed for the moment.

MR. CASTORINA: Thank you.

ACTING SPEAKER AUBRY: You're quite welcome, sir.

Mr. Dinowitz.

MR. DINOWITZ: I'll be very brief. I could just tell you about my experience in my neighborhood. And it's pretty clear that this legislation, that the speed cameras save lives and they slow people down. How do we know that? Because it's making less money than it did just a year or two ago. I -- I guess we probably all, in the

City, have some speed cameras in our district, and I know that most people know about the speed cameras now. So anybody who lives in the neighborhood who knows about the speed camera at a particular school is going to slow down, because if they don't, they're kind of an idiot for not slowing down, knowing that the speed camera is there. So it's doing exactly what it's intended to do. Yes, the extra revenue that the City may get, that's -- that's great. But that's not really the main motivation for the speed cameras. It's to save lives. It's to prevent injuries, especially at schools. And most people who get a speed camera ticket don't get a second one because most people can learn their lesson. So, I think the more speed cameras that we have in the City, whether it's at a school or in another place, the better because people will drive more safely.

So, I -- I thank the sponsor for this legislation, and I would even go beyond it. So I would hope we would all vote yes on this. Certainly, if you're not from the City you should want to support this because you want us in the City to be safer.

ACTING SPEAKER AUBRY: Mr. Raia.

MR. RAIA: On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RAIA: Some of us that live on Long Island have no choice but to drive through one of the five boroughs on the way out, so we all have a vested interest in this. A few years ago, we gave Nassau and Suffolk County the ability to do this, and it was such a disaster, the rollout in Nassau County, that Suffolk County didn't

even bother to try to do it, and Nassau County actually ended the program. It -- the fact that you're going to give somebody a ticket after they committed a crime is not a deterrent. Or it may be a deterrent after the fact, but it's certainly not going to save any child's life. If you have a big sign there that says "speed camera," that actually might get somebody to slow down.

This is a cheap money grab for the City, it does nothing to protect youngsters, and I will be voting no.

ACTING SPEAKER AUBRY: Ms. Malliotakis.

MS. MALLIOTAKIS: Will the sponsor yield, please?

ACTING SPEAKER AUBRY: Will you yield, Ms. Glick?

MS. GLICK: Absolutely.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. MALLIOTAKIS: Thank you. When we had this discussion last year, we had discussed how the original law in 2013 was a five-year demonstration program for 20 cameras, and at the end of that demonstration program there would be a report issued that answered a series of questions that were required in the original law. Do you recall that?

MS. GLICK: Yes.

MS. MALLIOTAKIS: Okay. In the report -- when we were discussing this and I had the report, and I have it here in front of me, the 2017 report, you said that the questions that I was asking

and that were required by law would be in this year's report. Has the report been released yet?

MS. GLICK: That has not been compiled yet.

MS. MALLIOTAKIS: Okay. So why are we expanding -- why are we choosing to expand the law and add additional cameras when we haven't an opportunity to review that important information?

MS. GLICK: Well, we saw from the first report that in a number of intersections, year over year there were fewer violations, which I believe indicates that people -- I believe the point of the legislation is behavior modification, and I believe that the information we had previously demonstrated that year over year there was a reduction in those areas where there were speed cameras. And so, people may have gotten a ticket, and the recidivism rate, which they can track, is extremely low. So I do think it changes behavior. I don't think it's a money grab.

MS. MALLIOTAKIS: Excuse me. In the report from last year, there were only nine locations in which they had identified a decline in speeding, out of 140. So I think it would be difficult to make that determination with only having the data for nine cameras out of 140. But I would like to know if the City has complied with the law that we originally wrote, and if they determined the locations where, and also the dates when photo speed violations and monitoring systems were used. And I'm looking at the original law, page 3, line 14. It lists the questions that we've asked the City to

comply with, so if you wanted to follow along. I was wondering if you had that information because I don't see it in the report.

MS. GLICK: Well, I will say that the report that was presented in the past was a -- a more selective identification, because the actual reports were -- that were available from DOT were quite voluminous, and sending all of that material, which showed a great deal of, I think, improvement in the level of danger presented to youngsters and their families, I think, was very positive.

MS. MALLIOTAKIS: I -- I must not have the same report that you have, then, and I'm wondering if you could help answer some of these questions. And again, I'm looking at the original requirement under the law that we passed in 2013, and -- and one of the requirements is that the City would have to give us the number of violations recorded within in all school speed zones within the City, both -- in a daily, weekly and monthly basis. Do you have that information in your report?

MS. GLICK: Not in front of me, no.

MS. MALLIOTAKIS: Oh, okay. What about the number of violations recorded within each school speed zone where photo speed violation monitoring system is used on a daily, weekly and monthly basis?

MS. GLICK: I don't have all of that in front of me. As I said, it was voluminous.

MS. MALLIOTAKIS: Oh, okay. So the City did offer it to the Legislature, then, you're saying. That information is out

there somewhere.

MS. GLICK: Backing up the first report, we have not yet seen --

MS. MALLIOTAKIS: Okay. Because that's not in the first report, so therefore, they did not comply with the law as required. I would assume number 6 is not in the report, either, which is the number of violations recorded within all school speed zones within the City, and then they ask it to be broken down by mileage; there's a 10 but not more than 20 miles per hour; 20 but not more than 30; 30 but not more than 40 miles per hour, going all the way up to more than -- more than 40 miles per hour than posted speed limit. Do you have that information, or do you know if the City provided it to the Legislature?

MS. GLICK: I will stipulate that I do not have that material with me today.

MS. MALLIOTAKIS: Has the City provided it to the Legislature?

MS. GLICK: I -- I said earlier, and repeat myself in case it wasn't clear, that we have not yet received that.

MS. MALLIOTAKIS: Oh, okay because originally you said that it was very "voluminous," I think is the word you used.

MS. GLICK: I referred to the first --

MS. MALLIOTAKIS: Okay.

MS. GLICK: -- report, not the current report that's due.

MS. MALLIOTAKIS: Well, that -- that first report, I have here, and it's 16 pages. I wouldn't exactly call that voluminous.

MS. GLICK: Well, I believe --

MS. MALLIOTAKIS: And it does not --

MS. GLICK: Excuse me --

MS. MALLIOTAKIS: -- answer the questions --

MS. GLICK: Excuse me --

MS. MALLIOTAKIS: -- as required by law.

MS. GLICK: When -- when we discussed this some years ago, I had before me a small segment of the report, backup information that was about this high (indicating). That was a partial backup to the what I would refer to as the summary report.

MS. MALLIOTAKIS: Okay. All right. Number 8, the total number of notices of liability issued from violations recorded by such systems. Has the City provided the Legislature with that information?

MS. GLICK: I will stipulate that we do not have the report, the most recent report. And so you can itemize each one of those, which will make the debate longer but will not enlighten us --

MS. MALLIOTAKIS: Well, I think it's important

MS. GLICK: -- beyond that.

MS. MALLIOTAKIS: -- for the members of the Legislature who will be voting on this to know, and also those who are watching at home, to know which questions were required by the original law and which ones that the City did not comply with.



So moving on to number 10. The number of violations adjudicated, and the results of such adjudications, including breakdowns of dispositions made for violations recorded by such systems. Has the City provided that information that we required by law?

MS. GLICK: Oh, I stipulated to that before.

MS. MALLIOTAKIS: Is that a -- is that a no? Okay we will -- I just want a yes or no answer, Mr. Speaker.

ACTING SPEAKER PICHARDO: She can answer the question however she seems -- deems fit.

MS. MALLIOTAKIS: Is that a yes or no?

MS. GLICK: Asked and answered.

MS. MALLIOTAKIS: Well, it's a different question, so it can't be asked or answered. Number 11, the total amount of revenue realized that the City, in connection with the program. The Speaker before me suggested, or actually claimed, that the number of -- the revenue has gone down and that's how we know the camera system is working. But I haven't seen those figures. Do you have that number on you to tell me how much it has declined by over the last year?

MS. GLICK: Well, not having that specific report, no. But I will say that in this bill we further request June 2019 -- June 1st, 2019 for an updated report.

MS. MALLIOTAKIS: Okay.

On the bill.

ACTING SPEAKER PICHARDO: On the bill.

MS. MALLIOTAKIS: Mr. Speaker, once again we're looking to expand what was a demonstration program without seeing the data that was required by the original law. In 2013, we established the speed camera program with 20 cameras. We were supposed to receive a report within five years. But five years has now gone by, there is no report. And during that time, we've already increased it multiple times, and this is the fourth attempt to increase it to now 290 cameras. You know, I -- I feel it's really irresponsible for the Legislature to expand the program without having the data. And why are we allowing the City to add more cameras when they are in clear violation of the existing and original law? So in addition to that, I also want to cite that the PBA said that they are opposed to the expansion of cameras as well. We have to understand that, you know, cameras don't get drunk drivers off the street. Cameras don't get someone using heroin or under the influence off the streets. Only police officers can. I think we're making a mistake by looking to expand this without having all the pertinent information to be making an intelligent decision.

And so, therefore, once again I will be voting against this legislation and I encourage my colleagues to do the same. Thank you.

ACTING SPEAKER PICHARDO: Mr. Blake.

MR. BLAKE: On the bill, Mr. Speaker.

ACTING SPEAKER PICHARDO: On the bill, sir.

MR. BLAKE: First, I want to commend the sponsor for this critically important piece of legislation that obviously the intent is to help families and to save lives. Some of the points that have been raised, not just tonight, but just in general. I first want to, colleagues, reference us to the New York Times article on May 28th of this year, which referenced the principal from 12 -- PS 124, Annabell Burrell, who said, quote, "If you're really serious about protecting children in schools, this needs to be happening everywhere that there is a school. Why wouldn't you do this?" End quote. So let's -- let's make sure we're -- we're clear in conveying why we're here. First, as the justification conveys, this about the safety of the children, which should be our priority. There's only 7 percent of those going to New York City schools that have these cameras near its school. We should be focused on making sure we're actually protecting lives and helping respective children and families. Second, when we think about the actual success of what has been happening thus far, again utilizing the example referenced in the article, it states that you saw the droppage of what was happening in that community going from 250 to 54 summons in that area, an 80 percent decline. Clearly, as the sponsor indicated, there was a change in behavior by having these cameras present. Third, it was conveyed, Mr. Speaker and colleagues, that if you don't have an individual present, somehow that would lead to the efficiency and efficacy of what happens here, which as we know is something that we have moved forward in our many communities. You can look at it as simply when you go to a supermarket and you

decide to go to a line that does not have a teller. If we're able to purchase food without a teller, I'm sure we can understand having a camera in a community will actually help keep us safe. Equally, Mr. Speaker and colleagues, the point was raised about mass surveillance, which I think was -- can be conveyed to -- to try to create a negative dynamic. But just for our context, the US Postal Service actually has what's called the "mail isolation control and trafficking program," which photographs every exterior piece of paper mail that is processed. If that is occurring when it comes to mail, then why on earth would we not want to have that when it comes to protecting our families? Equally, it was conveyed and asked around the efficacy around speed bumps versus speed cameras, which again, since -- rather than talk about rhetoric, let's focus on the facts. The Washington Post actually highlighted that speed bumps are expensive to install, anywhere between \$4,500 and \$7,500, but more critically, there actually was a legal settlement conveying that the reason why speed bumps were less -- less efficient and more problematic is it actually slowed down the response time of emergency vehicles actually getting to areas. It led to an instance where in Hillsborough County, Florida, they actually had to have a settlement because they couldn't get ambulances to communities faster because you have speed bumps in those areas. So when we tie this all together, the point that's being raised is essentially because of different entities and allies, we shouldn't be doing this. The argument being made is we should wait until all data is finalized and present. Well, for context, we actually

passed earlier this year to move forward and actually helping people that are struggling when it comes to lead paint. I don't need to wait to see every single piece of data when it comes to a child with lead paint. I don't have to wait when it comes to why we changed on Raise the Age to help these communities. We don't have to wait when it comes to actually getting funding for schools itself. Sometimes you don't have to wait. And to the point that's been raised, do we have all the data. Yes, the data has actually been referenced in the May 28, 2018 New York Times article. If we would take the time to actually support these students and read what was in the article we'd actually know that answer.

I support the sponsor, I support the legislation, and it is obviously necessary because we're here not to make sure we get an endorsement, but to actually help the kids.

ACTING SPEAKER PICHARDO: Mr. Castorina for round two.

MR. CASTORINA: Will the sponsor yield for some more serious questions?

ACTING SPEAKER PICHARDO: Do you yield, Ms. Glick?

MS. GLICK: Yes.

MR. CASTORINA: Thank you.

ACTING SPEAKER PICHARDO: The sponsor yields.

MR. CASTORINA: Thank you, Ms. Glick. Ms.

Glick, you know, we spend an awful lot of time talking about the amount of revenue that the City collects from this program, I think that you'll admit. But what I'd like to know is, who is or what is the company that is utilized for the purposes of handling this operation? In other words, the company that manufactures the cameras and maintains them and is in charge of the billing practices.

MS. GLICK: Well, to tell you the truth, I have not looked into the contract, because my focus has been on the fact that if people don't speed, they don't get a ticket. If the -- there is a person who reviews the material and there are steps involved in ascertaining that the cameras are properly calibrated, et cetera. But I have not looked at the contract because that has not been what I believe is the salient point of the legislation --

MR. CASTORINA: Ms. -- Ms. Glick, you --

MS. GLICK: I'm sorry, I get to answer the question.

MR. CASTORINA: I'm sorry, I thought you were -- you were done. I'm sorry, go ahead.

MS. GLICK: So, I have not believed that the contract for whether it's company A or B or whether there are two different companies, that has not been my concern. My concern has been ensuring that if people speed in a school zone, that they get a ticket, and hopefully that will then get it into their head that when they are near schools, they should slow down.

MR. CASTORINA: Ms. Glick, you are in luck, because I've gone ahead and I've found out who that company is or

what that company is. And it's called American Traffic Solutions, Incorporated. Are you familiar with the name of that company?

MS. GLICK: That rings a bell.

MR. CASTORINA: Would it surprise you if I told you that that corporation is located outside of the State of New York and in the State of Arizona?

MS. GLICK: It makes no difference to me.

MR. CASTORINA: Would it make a difference to you if I told you that they make a commission on every ticket that is written?

MS. GLICK: No.

MR. CASTORINA: It wouldn't? That wouldn't make a difference? Well, let me ask you a question: Would you say that it is practically impossible for a motorist or the owner -- rather, the owner or the registered owner of a vehicle to contest one of these tickets that are issued as a result of a speed camera closing its shutter in the process of -- of what this -- what this -- what it does?

MS. GLICK: Well, what I would say to that is that there is an 11 mile-an-hour buffer between --

MR. CASTORINA: I -- I heard -- I heard that. You said that before.

MS. GLICK: Well, I'm sorry, you asked a question, and I am answering it.

MR. CASTORINA: I understand.

MS. GLICK: So my view is --

MR. CASTORINA: Yes.

MS. GLICK: -- that the fact that somebody gets a violation based on going 11 miles over the speed limit, in many instances if there is -- I don't know how the contract is, it may have been a cheaper way of constructing a contract. I'm not a procurement officer, so that is not my concern. My concern is that we get people to slow down and not kill as many kids as have been killed in the past.

MR. CASTORINA: I'm with you on that, and I think it's a laudable. I think that is absolutely laudable. But my -- my question was -- and this is important -- is it possible to beat one of these tickets? And -- and my hypothesis is that it is practically impossible to beat one of these tickets. And as a result, if you couple that with the notion that this out-of-State company gets a commission per each ticket that's -- that's given, that's administered, well, do they have any type of reason not to make sure that these tickets are processed and processed and processed and administered to motorists because they have a vested monetary interest in the outcome, which is that they get a commission for every summons that is given.

MS. GLICK: Well, I don't share your cynicism.

MR. CASTORINA: Well, it's not cynicism. If there is a commission for each ticket that is given, it's -- it's fact. And if it's true, then shouldn't we, as members of the Legislature, have some significant concerns as to the motives and intent of an out-of-State corporation for-profit who is selling this system to the City of New York?



MS. GLICK: Well, I would say to you the tickets are sent along with photographic evidence. I believe that people could go to traffic court and try to contest the ticket. I don't believe that in some instances where there's been actually a reduction in the number of violations posted that one can say that there is an obvious incentive for there to be fraud. Because I do believe that if they were doing it based on what you're suggesting, which is that they are motivated to simply issue tickets willy-nilly without them actually issuing a ticket based on a violation over 11 miles-an-hour beyond the speed limit that they would, in fact, be liable. And so I believe that they are acting in an appropriate fashion until somebody demonstrates otherwise.

MR. CASTORINA: But, Ms. Glick, isn't it true that you're basing this opinion on blind faith and not on any verifiable report? Because you've indicated that there is no report present for us members of the Legislature to review, and I recall that being the same thing last year. So aren't you just resting your opinion on blind faith and -- and just not really getting into the nitty-gritty, as we should?

MS. GLICK: No, actually, if we go back a few years and we had this -- a similar conversation -- and perhaps it was actually with your colleague -- I could identify out of the voluminous material presented, which was then distilled into a summary report, that we could identify specific areas actually in Staten Island where there were cameras available and where they were demonstrated that fewer violations had been issued.

MR. CASTORINA: Okay, but this is a project that

came -- that started last year, and you have no data on this particular project, but you do have data on a similar project, but not this one, and last year we didn't have any data as well.

I'm going to ask another question. Are you familiar with something known as the "chain of custody" in evidence matters?

MS. GLICK: Mr. Castorina, though I am not an attorney, I have a vague understanding of the chain of custody.

MR. CASTORINA: Okay. Because this is just very fundamental, it's very basic. I would like to know who maintains control over the photograph. If you could walk me through the process. When the shutter is closed on that camera and the picture is captured, where does that picture go? Does it get transferred to Mesa, Arizona? Does it get transferred to the New York City Department of Finance? How does this work? Who has -- who maintains this picture and ultimately, how many -- how many people or -- or how many agencies does it filter through before it finally gets in my mailbox?

MS. GLICK: Well, the material is sent to New York City. I'm not sure whether it is DOT or Department of Finance, but -- or NYPD, for that matter. But there is a New York City employee, a technician who is sworn, swears out these summonses. They are an employee of the City of New York, and they act on the information provided.

MR. CASTORINA: But they --

MS. GLICK: That information that is provided is --

also, there is a technician that attests to having checked the equipment (pause) it goes into a daily log, and a -- and a -- an annual calibration of the equipment is required.

MR. CASTORINA: So are you saying that a party, a person who works for the City of New York swears to a statement without personal knowledge, just by looking at a photograph that was transmitted to them from someplace, somewhere? How is that possible? How can that party swear or affirm that the photograph accurately (inaudible).

ACTING SPEAKER AUBRY: Mr. Blake, why do you rise?

MR. BLAKE: Mr. Speaker, might I ask Mr. Castorina a question, please, that's relevant to this?

ACTING SPEAKER AUBRY: Mr. Castorina, will you yield?

MR. CASTORINA: No, not at this time.

ACTING SPEAKER AUBRY: Mr. Castorina will not yield at the moment.

MS. GLICK: They are swearing or attesting to the facts that are presented in the visual evidence.

MR. CASTORINA: So they were not there at the time that the alleged infraction or violation took place, but they are swearing or affirming to what? That they see a photograph? And -- and do you think that that rises to the level of admissible evidence for the purposes of having somebody violated, where they will be

deprived of -- of their -- of their financial resources?

MS. GLICK: Yes.

MR. CASTORINA: Okay. That's an honor answer.

I disagree with it, but it's an honest answer.

Okay, now going back to what we were discussing before where I -- I described that -- that the government is -- is forbidden from engaging in sweeping surveillance systems without search warrants to look for offenders of crimes. Now, when -- when a photograph is taken, does it only capture the vehicle, or does it capture something more? Does it capture the roadway? Does it capture a tree that may be in the vicinity? What is -- what is the size of the frame that is captured once that shutter is closed?

MS. GLICK: It captures the car, the license plate and a portion of the street.

MR. CASTORINA: Okay. Now, Ms. Glick, I want you to imagine that if something -- some -- Ms. Glick? I just --

MS. GLICK: It -- it actually captures two or three to allow for the calibration of the speed.

MR. CASTORINA: Okay. So now when that picture is captured, arguably there are more items, if you will, in the -- in the frame other than the vehicle. Perhaps it's the roadway, perhaps maybe people that are traversing the roadway or on the sidewalk nearby.

MS. GLICK: Hopefully they are --

MR. CASTORINA: Would you agree?

MS. GLICK: -- on the sidewalk and not in front of the car.

MR. CASTORINA: Well, would you agree that they -- that that would be captured in the photograph if they were present within the confines of that frame?

MS. GLICK: I would say that it's possible. I don't know how wide the field of vision is.

MR. CASTORINA: Yes. Now, in the event that somebody were to subpoena the frames for the purposes of proving either some other civil -- in some other civil matter or criminal matter, what would happen if a party to another action, completely separate from the traffic infraction, issued a subpoena to the City of New York for information that was captured within a particular frame? Maybe, for instance, in a civil matter there was a dispute about a party line or a wall or some other issue. What would happen to the subpoena? What would happen -- what would the City of New York do in that case?

MS. GLICK: I believe that is beyond the purview of this legislation. I have no idea what would happen. But perhaps some months from now you'll have an opportunity to tell us.

MR. CASTORINA: Well, that's very kind of you, Ms. Glick. And I also appreciate our debates. It's always, you know, in good fun, and certainly, I have enjoyed it in my time here in the Assembly. My point is that if a frame captures some act, whether it be criminal wrongdoing or some -- something related to a civil issue, that the City would then be in a position to provide that information, to

provide that data in another proceeding. And my point is, if you will, whether or not you believe that the City participating in this type of what I call wanton sweeping surveillance, if they're actually placing themselves in the middle of a variety of other actions that could be taking place.

MS. GLICK: Let me just respond that I am advised that, in fact, that it could not be subpoenaed for the purpose of a civil action. There would have to be some proof of a criminal event. And I believe that the gentleman's time --

ACTING SPEAKER AUBRY: I do believe that your time again has expired, Mr. Castorina. But thank you for your patience.

MR. CASTORINA: Thank you.

ACTING SPEAKER AUBRY: Ms. Glick to close.

MS. GLICK: Well, first of all, I'm always appreciative of the far-reaching legal questions that are presented on this legislation. But, having spent a great deal of time with the families of people lost in traffic accidents, youngsters on their way to school, having talked to young people who have lost their best friends, some of the debate here seems completely out of touch with the reality of the lives of the people and the families who have lost children. The purpose of the bill is to tell people that if you speed in a school zone, they're given fair warning that they are entering an area, a sensitive area, and if they continue to speed 11 miles-an-hour over the speed limit, they risk being summoned for speeding. It is within the

ability of each and every driver to avoid the possibility of being picked up as a violator in this alleged "mass surveillance enterprise" by simply sticking to the speed limit. Or even if one exceeds the speed limit by a few miles an hour, you are safe from Big Brother. But the point of the legislation and the attempt by the City of New York to utilize technology that was not perhaps available to us 20 or 30 years ago, and it is not possible for the City of New York to provide a police officer at each and every major intersection that surrounds the 1,000 school buildings, this is, as we are so often in this Body asked to think about cost to the taxpayer and to utilize methodology to reduce the cost to the taxpayer and using more modern opportunities to ensure the safety of the citizenry, this seems like a pretty modest expansion. Fifty cameras a year for three years to ensure that school children, their parents, school personnel, and just people who live in the neighborhood -- elderly people, grandparents who may be taking a child to school -- that they are -- that their safety is paramount over the concerns of motorists who choose to speed. The car doesn't go unless you put your foot on the pedal. So, people make choices. They can choose not to speed in a school zone. So there is no violation of their civil liberties or civil rights if they stick to not speeding.

So, I ask all of my colleagues to come to their senses, support the legislation, and support getting it passed not just in this House, but in the other House because the bottom line is that we repeatedly say, *If this will save but a single child's life, we should be doing it.* Well, this is likely to save the lives of many children.

I appreciate your forbearance, and I ask all of my colleagues to vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Braunstein.

MR. BRAUNSTEIN: Thank you, Mr. Speaker.

Would the sponsor yield for a quick question?

ACTING SPEAKER AUBRY: Ms. Glick, will you yield?

MS. GLICK: Yes.

MR. BRAUNSTEIN: Does the legislation require that the tickets are only issued if it's over 11 miles-per-hour above the speed limit?

MS. GLICK: Yes.

MR. BRAUNSTEIN: Okay. That's it. Thank you.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, Mr. Braunstein.

MR. BRAUNSTEIN: In the past, I voted no on extending the speed camera system in the City of New York. In my district, some of my constituents have felt that the City was using it as a way to generate revenue. From the placement of where some of the cameras were early on, I could see where they would make that assumption. But the -- the protections in this bill, first of all with the signage, and also with requiring the City to prioritize placing speed cameras in places based on speeding data and accident statistics leads me to believe that this is really about protecting students and not really



an effort to generate revenue.

So since the bill has those protections, I feel very comfortable that this bill is being introduced and is going to be utilized for the right purpose, which is protecting our students. So I will be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. DenDekker to explain his vote.

MR. DENDEKKER: Thank you, Mr. Speaker. I want to amend -- applaud the sponsor of this bill. I think it's a very good bill. I would like to see more being done in the matter of school safety. I'd like to see a school crossing guard at every corner. Or at least a traffic light on every corner of every school. But most importantly, in my district we have had three children get killed on Northern Boulevard; two of them while they were walking to school, and they were killed by vehicles making turns while the crosswalk was green, saying "walk," and the car had a green light. And the City has done this lead pedestrian lighting, and I have been asking them to change that because I want to be able to prevent cars from turning while people have green walk signs. And I think it would be a very smart idea for the City, as the sponsor just said about if there's any way we can save a life, well, we can save a life if when it says walk

for pedestrians, cars do not move at all. And then after the pedestrians cross the street, then the lights should turn green for vehicles.

But I will be supporting this bill and be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. DenDekker in the affirmative.

Mr. Castorina.

MR. CASTORINA: Thank you, Mr. Speaker. I would like to take this opportunity to commend the sponsor of the bill. I think that the sponsor's aims and intent are quite laudable. And I think that we can all agree that we should be doing whatever we can to save lives, especially lives of children. There's no question about it. But I think that the point that I'm trying to make is that there are less restrictive means to do so that don't run amuck of our Constitution. And that when we look at our intent, we should figure out a way to get to that point, to get to that end result by following the law, by making sure that we don't trample upon our constitutional rights. In addition, there clearly are issues with the vendor that is being used. It's an out-of-State vendor. Are there no New York State vendors? I don't know the answer to that question, but -- but that's a good question, I think. I think we should be patronizing our New York vendors, particularly if they exist in this realm. The second question is, well, how are they being paid? Are they being paid per ticket that's being issued? If they're being paid a commission based upon every summons that's issued, I think that we all have an obligation to

examine and take a step further. Frankly, the information was not available today, was not provided, and that gives me great pause -- great concern for pause in this matter. I think that you can infer that any corporation that has the ability to just continue to issue summonses, well, we have to make sure that they're actually doing it the right way if we are in agreement that this is constitutional. I don't believe it's constitutional. I believe we should be saving lives of children and making our roads safer, but we can do it a less --

ACTING SPEAKER AUBRY: Mr. Castorina --

MR. CASTORINA: -- restrictive means. Thank you very much. I will be voting in the negative.

ACTING SPEAKER AUBRY: And Mr. Castorina is in the negative.

Mr. Ortiz.

Two minutes, individuals, ladies and gentlemen.

MR. ORTIZ: Thank you, Mr. Speaker, for allowing me to explain my vote. I also would like to commend the Speaker, and I would like to commend the sponsor of this piece of legislation. In my district, I represent -- I represent the areas of Park Slope, Sunset Park and Bay Ridge from 73rd Street all the way down to 9th Street on 4th Avenue. When you drive through 4th Avenue, we have a total of -- a total of about 22 schools just on those streets, from 9th to 73rd Street. On those -- from out of those schools, 11 schools happen to be middle school. Four schools happen to be high school, and the rest happen to be elementary school and three pre-K school. And every

school has a total probably about 1,000 students who attend this particular schools. So, therefore, on 60th Street and 4th Avenue was a kid that was killed as a result of somebody being distracted driver, speeding, and hit a child that was six years old. On 47th Street, which I have two schools; one PS school -- one elementary school and one preschool across the street. Another child, 47th street and 4th Avenue, another child got hit by a distracted driver who was speeding and hit a child, and the child died.

So this is -- this is a commonsense piece of legislation. I remember the date back in 2000, I was on this floor debating banning cell phone drivers, where members was laughing as a result that people was asking for statistics. They was asking for data, they was asking for more numbers. *How many people died, Felix, as a result of somebody driving and talking on their cell phone?* That began to be the -- the funny story of the day. But in reality, that this particular bill, in -- the same as the cell phone ban and the text messages, this bill is about saving lives and protecting our children. And this bill does three things: Number one, bring light to public safety, quality of life, and save lives.

So this, my brothers and sisters, this is a commonsense piece of legislation, and I encourage you to vote in the affirmative. Thank you very much.

ACTING SPEAKER AUBRY: Mr. Ortiz in the affirmative.

Mr. Gottfried.

MR. GOTTFRIED: Thank you, Mr. Speaker. I've been listening to criminal justice debates in this Chamber for a long, long time, and I've heard an awful lot of legislators very adamantly portraying themselves as tough on crime. And if you asked, you know, *Where's the study that shows that this tougher penalty that you're asking for is actually going to make anybody safer*, you would be looked at like you were somehow un-American. But then I noticed that some of those same legislators would have a very different -- different attitude on some crimes, like drunk driving. All of a sudden, there was a lot more concern about whether penalties were too harsh or certain sex offenses. There was a lot more concern about civil liberties, and well, *The complainant might be lying*, or, *How was I supposed to know she was under age*, et cetera. And I wondered, how come people who are very tough on crime, on some crimes they're not so tough? And it dawned on me. Crimes that middle-aged, middle-class men can imagine that they might be accused of, they take a very different attitude. All of a sudden, the Constitution looms much larger in their thinking, and protecting the victims of this crime becomes a little less important. I think that's a lot of what's going on here tonight.

I am delighted to vote in the affirmative on this bill.

ACTING SPEAKER AUBRY: Mr. Gottfried in the affirmative.

Ms. Simon.

MS. SIMON: Thank you, Mr. Speaker. I would like

to commend the sponsor as well. In my district, we have lost too many children to speeding cars. There is nothing we can do more to protect our children then to have speed cameras at schools where there are large numbers of children crossing dangerous streets. I, frankly, do not care whether it is a New York State vendor. My guess is that the City went out and found the cheapest vendor that would give them the best service for the lowest price, and we should be thankful that they're using a vendor that is providing a quality service.

The whole point of this bill is to reduce the traffic accidents and to protect children's lives, so I'm very proud to support -- to vote in favor of this bill. Thank you.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Mr. Colton.

MR. COLTON: Thank you, Mr. Speaker. The protection of children, especially school children, at dismissal times and at times when they're walking in the vicinity of the school is of the utmost importance. No one wants to see a child injured because of a speeding car. However, I am disturbed by indications that the City has not been complying with the reporting requirements, because if, in fact, this legislation authorizing some additional cameras does not serve to protect children and the evidence does not show that, I would be very disturbed because then it's a matter of raising revenue, and that's something that I would not support. So, I'm also a little disturbed by the fact that the -- there's a commission for the per -- by --

for the company that is installing and maintaining these cameras, because that certainly gives them an incentive to have more violations. However, because I do believe in the importance of protecting children, this time I am going to vote in the affirmative on this legislation. But I'm going to become increasingly troubled if the City fails to make the reports and comply with the requirements of this legislation and of the prior legislation which gave them the right to do that.

So, I am going to vote in the affirmative, but I'm going to be really holding the City very carefully to re -- redoing -- to complying with the requirements, the reporting requirements which demonstrate whether or not this is successfully protecting the lives of children, or whether it is more a revenue procedure and -- and technique.

So, I withdraw my request and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Colton in the affirmative.

Ms. Bichotte.

MS. BICHOTTE: Thank you, Mr. Speaker, for allowing me to explain my vote. I first want to thank the sponsor for introducing this piece of legislation that would expand and implement more speed cameras in the speed zone. You know, very often we have bills that come across our desks, and some of them are just -- some of them just make more sense to pass. In this particular case, the speed

camera in the school zone is a piece of legislation I fully support, simply because I narrowly survived being struck by a car when I was 10 years old, and I would not wish that on any young child. It has changed my life, certainly. And there are many children who get hit by a car who may not have a second chance in life.

So, Mr. Speaker, I would implore that everybody support this bill. I do want to mention that in my neighborhood, there were four youngsters who were standing at the corner who got hit by a speeding car; a car that was driving -- a reckless driver that was driving at the rate of 60 or 70 miles per hour. Unbelievable. These children, they survived, but they are permanently damaged. So, again, I think this bill is needed. It's imperative. We need to focus on implementing ways to keep our children safe, as well as our community.

So, I will vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Bichotte in the affirmative.

Ms. Williams.

MS. WILLIAMS: Thank you, Mr. Speaker. First, I would like to commend the Speaker for this -- the sponsor for this piece of legislation. I, too, as a parent, for many years have walked my kids to school and have had to really battle the traffic of crossing the school. And I understand that the intent of this bill is to protect children, but also, the intent of this bill will also protect those who are walking their children to school, and even more so, our school



crossing guards.

So, I vote -- vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Williams in the affirmative.

Mr. Abinanti.

MR. ABINANTI: Thank you, Mr. Speaker. I generally distrust camera evidence, and usually don't support this type of legislation. But I was convinced to join on to this bill, first because I think that the City should not have to stop a program that's ongoing, right in the middle. And I'm concerned that they haven't supplied the evidence that they should be supplying. But I do think they should be allowed to continue with the program while we're looking at the evidence.

Secondly, I think this bill is a much better bill than we've had in the past. It seems to be a carefully-designed scheme with limited and reasonable number of cameras in some sensitive areas around our schools. And there's also a posted notice requirement, which shows that we're more concerned about safety than we are with raising revenue. I would like to see the reports come in as they're supposed to come in. I would also like to see a State review of the use of these cameras. And I'm very concerned about the adjudication bureaus, where it's almost impossible to -- to defeat a -- an allegation where the defendant is -- is, in fact, innocent. So I think that there are a lot has to be done in this area, but I think on balance, we have to go forward and allow the City of New York to continue the program in

hopes that we keep the streets around the schools safe.

So, I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Abinanti in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10810, Rules Report No. 287, Peoples-Stokes, Arroyo, Cook. An act to amend the Vehicle and Traffic Law and the Public Officers Law, in relation to establishing in the City of Buffalo a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you very much, Mr. Speaker. Would the sponsor yield?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Of course, Mr. Speaker.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes yields.

MR. GOODELL: Thank you very much. Mr. Castorina has authorized me to ask a few questions.

(Laughter)

I -- I assume -- I assume this bill is virtually identical to the bill we just discussed.

MRS. PEOPLES-STOKES: Yes, actually it is, with the exception of the fact that Buffalo is obviously a much smaller city, so it has a lot less schools. There's only about 70 or so of them. This bill is only asking for a demonstration for 20 schools. And just to be mindful, most of Buffalo City schools are on residential streets. They're not on streets that have four lanes of traffic, they're on streets that have one lane of traffic, maybe two, and probably parking on either one or both sides.

MR. GOODELL: Now, we heard that the demonstration project that went forward in New York City five years ago required a number of questions to be answered as part of our report. I assume all of those questions were serious. And I see that this bill, likewise, asks for a report on all that data. Is that correct?

MRS. PEOPLES-STOKES: That's correct.

MR. GOODELL: Now, the New York City version required that report be given annually, and the City violated that reporting requirement annually. How often is this report required for the City of Buffalo?

MRS. PEOPLES-STOKES: Once during the demonstration project and once after.

MR. GOODELL: And is there any sanction if it's not provided? Is there a fine or a penalty or anything of that nature?

MRS. PEOPLES-STOKES: No, there's no sanction

if it's not provided. But I can tell you that my -- my office is not far from City Hall, and so I will be interested in this data. I know that the Safe Kids Worldwide has done some research, you know, and found that a lot of children do die as a result of trying to manage traffic around school areas. And so, it's going to be -- this is not just an opportunity for anyone to take advantage of raising resources. This is an opportunity to save children's lives. And so for me, it's passion. And so, I -- if I don't get the report in a year, then I'm going ask for it. I'm gonna go get it. And I think that it will have to be delivered because it's required by the law.

MR. GOODELL: I certainly appreciate your determination and wish you the best of luck in that endeavor.

MRS. PEOPLES-STOKES: Thank you.

MR. GOODELL: In my district -- and I know it's different than Buffalo -- but in my district, our local police officers routinely ensure that the speed limit is complied with near schools, and fortunately, we have not had a school injury involving a car and a student in recent memory. Is there any reason why the City of Buffalo doesn't provide an appropriate level of law enforcement near schools?

MRS. PEOPLES-STOKES: I'm not sure that they don't provide a -- an appropriate level. I mean, it depends on who is deciding what's appropriate for the municipality that they live in and that -- and that they serve. I will say that there are crossing guards at -- at most schools, and even in some cases, particularly at high schools, there are officers there, present all day.

MR. GOODELL: One of the things that was very effective in my district is that the school speed limit sign had flashing yellow lights on it, so it was impossible to miss the sign. Is that the situation in the City of Dunkirk as well?

MRS. PEOPLES-STOKES: I'm not sure about Dunkirk, but I'm sure it's not Buffalo.

MR. GOODELL: But looking at the specifics of this bill, it's a defense if an owner receives one of these tickets if the owner can establish that the car was stolen at the time the picture was taken, and it's a defense if the owner of the car was leasing it to a third-party at the time of the offense. Is there any other defense that's available to an owner?

MRS. PEOPLES-STOKES: I think that's it.

MR. GOODELL: I do note, though, that the owner could raise as a defense -- and I apologize that I didn't mention this earlier -- could raise as -- as a defense that the monitoring -- monitoring system was malfunctioning at the time of the alleged offense.

MRS. PEOPLES-STOKES: They could.

MR. GOODELL: Now, your bill provides that the photo identification equipment is only calibrated once a year. Is that correct?

MRS. PEOPLES-STOKES: So, they have to do a test on a daily basis.

MR. GOODELL: But the calibrations -- I'm looking

at page 26, lines 41 and 42 -- it's only calibrated once a year.

MRS. PEOPLES-STOKES: That's -- that's standard. It's the quality of the camera.

MR. GOODELL: So if a defendant wants to assert as a defense that the camera was malfunctioning, is it then the responsibility of the City to remove the camera and make it available to the defendant for independent inspection?

MRS. PEOPLES-STOKES: Exactly.

MR. GOODELL: I'm sorry?

MRS. PEOPLES-STOKES: Yes.

MR. GOODELL: Yes? And that would be at City expense?

MRS. PEOPLES-STOKES: Yes.

MR. GOODELL: Is it a defense to this charge if the driver can prove conclusively -- or the owner can prove conclusively that he was not or she was not driving the car at the time of the offense? For example, maybe the owner was on vacation in Florida and can prove that conclusively. Is that a defense?

MRS. PEOPLES-STOKES: If the owner was in Florida and they can prove that, I'm pretty sure that would be a defense. Much like if you get a speeding ticket now and there's no camera, you get the right lawyer, you will not pay and you will not get any charges on -- on your record, on your insurance. So, it depends on the kind of defense that you have when you present whatever your issues are.

MR. GOODELL: Thank you very much for those observations.

MRS. PEOPLES-STOKES: You know, and in some ways, you know, their insurance -- and in other ways they -- if you let somebody use your vehicle, there is some liability. I'm sure you know that.

MR. GOODELL: Thank you very much, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: You're welcome.

MR. GOODELL: I appreciate your comments.

On the bill.

ACTING SPEAKER AUBRY: On the bill, Mr. Goodell.

MR. GOODELL: My colleagues on the previous bill outlined a number of concerns. I'm not going over all those. I am still concerned, though. This is an unusual bill in the sense that the bill does not expressly provide that an owner can defend themselves by saying, *It was not me*. And this is unusual in the sense that we are imposing a penalty on a person based on action that may have occurred without their knowledge or consent. And that raises a whole host of other due process issues in addition to the issues that were raised by my colleagues. I will also note that this program in no way should be considered a substitute for all the other means that should be engaged in by the local municipality to ensure the safety of our children. And so, I would encourage the City of Buffalo to provide an

adequate level of law enforcement. To ensure that there are appropriate speed limit signs. To add the flashing lights, if that's not already done. To provide the crossing guards. And if none of that works, to consider closing down the street during certain times of the day, or limiting access to protect the lives and safety of our children. Approving a system that violates due process, that confrontational clause and other constitutional protections, is not a substitute for doing it the right way to protect our children from danger.

Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: A home rule message is at the desk should be noted.

Mrs. Peoples-Stokes to --

MRS. PEOPLES-STOKES: On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill.

MRS. PEOPLES-STOKES: Yes, on the bill. Mr. Speaker, I appreciate the opportunity to bring this bill forth in the interest of the City of Buffalo and its children. And I do hear my colleagues who question the constitutionality of this as an issue. I -- it -- it's a bit concerning to me about the number of cameras that are generally in our society, all over. There's not a lot of places you can go where there aren't any cameras. And, you know, I'm charged to remember that in this legislation, even though there's been a picture taken of a person going 10 miles over the speed limit, there is a technician who gets to analyze that photo and decide whether or not



it's a crime. And I would suspect that if there is some adjudication around whether it was a crime or not, that that technician would have to be there to have the full discussion on why they thought this person had actually violated the intent of the law. I believe that this is a great opportunity within the next five years to demonstrate that if people know where they have to -- they have to follow the law, they will. There are a lot of people who already know what the law is, Mr. Speaker, but that doesn't mean that they follow it. And quite honestly, I have sat myself at a green light, it was my turn to go through the intersection, and I had to wait for other cars to go. Now, this is not about intersection right here, this is about children. Because if it happens there, that same person could be driving on the same street that the kid is getting off the bus from, trying to get into the school building. And so I think at some point we have to make people responsible for following the intent of the rules of law, and this is a great opportunity for us to begin that initiative in the City of Buffalo.

So I thank my colleagues for considering the vote. I thank my colleagues for taking the vote in the interests of the children of the City of Buffalo. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mrs. Peoples-Stokes.

Mr. DiPietro.

MR. DIPIETRO: Would the sponsor yield?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Yes, of course, Mr. Speaker.

ACTING SPEAKER AUBRY: She yields.

MR. DIPIETRO: I know you are very close to the Mayor's office, Crystal, and I'll -- I'll just say that if anyone could go in there and create havoc, you would. So I believe we will get those reports. Just a quick question. Is this the same company that's being used in New York City?

MRS. PEOPLES-STOKES: I am not familiar with who the Mayor's procurement department is looking at to fulfill this contract if they are able to get it through this vote.

MR. DIPIETRO: Okay, so you don't know if it's that Arizona company, or --

MRS. PEOPLES-STOKES: I have not a clue.

MR. DIPIETRO: Okay. So you don't know. Do you know if it's the same thing where they get a percent -- or get money off of it, the company makes money? Is it a for-profit -- you don't know that, or do you --

MRS. PEOPLES-STOKES: I am not sure about that, either, Mr. DiPietro. I do know that in the City of Buffalo there are a number of cameras that are monitored on regular basis by the Buffalo Police Department. They have little blue lights on them. You can see where they are all over the place.

MR. DIPIETRO: Yes, I know. Okay. No, I just didn't -- I wanted to ask those questions. Thank you, Mrs. Stokes.

MRS. PEOPLES-STOKES: You're very welcome.

MR. DIPIETRO: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will  
record the vote.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I -- I'm compelled to rise and thank the sponsor of the previous bill for the lengthy debate that she went through on the exact same issue, which in many cases I -- I think, you know, kind of made this debate a little shorter. So, I -- I want to thank the member for her efforts there. But I also want to remind my colleagues that as we move, you know, deeper and deeper into the age of technology, into artificial intell -- intelligence and all these sorts of things that will have a -- a different level of control over our lives, that it is more important than ever that we get on the right page with understanding that there is a rule of law. And even if we don't like it, we still have to adhere to it. And so, if this is something that can help people understand that, then I think it's the right thing to do.

With that, Mr. Speaker, I withdraw my request and  
vote in the affirmative.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes

in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker. I would like to take up Rules Report No. 1 -- 123, 1-2-3, by Mr. Englebright. It's on page nine of the main Calendar.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A10608, Rules Report No. 123, Englebright, D'Urso, Pellegrino, Thiele, Stern, Jean-Pierre, Lavine, Ramos, Glick, Cymbrowitz, Colton, Lifton, Abinanti, Fahy, Simon, Santabarbara, Zebrowski, Skoufis, Jaffee, Ryan, O'Donnell, Titone, Woerner, Carroll, Raia, Murray, Weprin, Otis. An act to amend the Environmental Conservation Law, the Transportation Corporations Law and the Navigation Law, in relation to infrastructure and vessels associated with the production of oil or natural gas in Federal waters.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you very much, Mr. Speaker. I'm very pleased to let my colleagues know that even though it's, you know, 20 of 10, there's espresso with lots of nicotine and caffeine -- not nicotine, caffeine --

(Laughter)

And -- and -- and so I -- I was able to use that slight

break to refresh my cup.

Mr. Englebright, would you yield for a question?

MR. ENGLEBRIGHT: Yes.

ACTING SPEAKER AUBRY: Mr. Englebright yields.

MR. GOODELL: This bill -- looking at page 3 of your bill on -- starting on line 24, it prohibits any petroleum vessel from transporting any crude oil produced within this region designated by the bill from traveling through New York coastal waters. Is that correct?

MR. ENGLEBRIGHT: That would be vessels associated with the production of oil and gas from well drilled on our continental shelf, yes.

MR. GOODELL: And that oil and gas that's produced, is there any significant difference in its chemical composition compared to other oil and gas produced around the world?

MR. ENGLEBRIGHT: We -- you're asking a hypothetical question, because we don't have any samples because we haven't done any drilling here. I anticipate, though, that this would be very similar to other places in -- in the continental shelf areas of the world, yes.

MR. GOODELL: So the only reason the transportation would be banned would not be because of the chemical composition of the oil, but from the location from which it was

obtained?

MR. ENGLEBRIGHT: I think that would be fair to say.

MR. GOODELL: Thank you. No other questions.

MR. ENGLEBRIGHT: Thank you.

MR. GOODELL: On -- on the bill.

ACTING SPEAKER AUBRY: On the bill, Mr. Goodell.

MR. GOODELL: The United States Constitution prohibits states from banning interstate commerce. It's a fundamental premise of our constitutional form of government that's been in place since the first Constitution. This bill makes it illegal to transport certain oil and gas products through New York State, even though there's absolutely no chemical differentiation that would justify a complete ban. So you can have a tanker truck filled with thousands of gallons of highly-refined gasoline traveling through downtown New York City; that's okay. But this bill would prohibit crude oil from being transported anywhere in New York waters. And, unfortunately -- or fortunately, that violates in the most basic and straightforward way the commerce clause to the U.S. Constitution. And as a result, I would recommend that my colleague consider amending that if we see future variations.

Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, sir. I would like to take up Calendar No. 676 by Mr. Titone on page 80.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No -- Assembly No. A08697, Calendar No. 676, Titone, Gottfried, Abinanti, Simon, D'Urso, Galef, Pellegrino. An act to amend the Public Health Law, in relation to prohibiting mandatory arbitration clauses in contracts with residential health care facilities and residents of such facilities.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Titone.

MR. TITONE: Thank you, Mr. Speaker. This bill would prohibit residential healthcare facilities from including mandatory arbitration agreements in contracts with their residents. It would protect residents and their families of residential healthcare facilities from being forced into potentially unfavorable and hornswoggle arbitration.

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: Thank you, Mr. Speaker. Will the sponsor

yield?

MR. TITONE: Of course.

ACTING SPEAKER AUBRY: Mr. Titone yields,  
Mr. Ra.

MR. RA: Just a couple quick questions here. So, obviously, these are, you know, agreements that are entered into when somebody's entering one of these facilities, whether it's a patient or their family. And the concern that's always going to come up if we're getting rid of arbitration clauses is -- is the potential for, you know, increased costs and time when it comes to adjudicating these -- these situations. Is there a particular issue we have identified with -- with residential healthcare facilities?

MR. TITONE: Well, first of all, let's be clear on something. We're not getting rid of arbitration clauses. What we're saying is that when the -- the resident enters into a facility, the nursing facility cannot force upon the family or that resident a contract which has a mandatory arbitration agreement. That's not to say -- and this is very -- this is where it's dist -- distinguishable from anything that we've seen before -- that's not to say that if an issue arises down the line that the parties can't consent to or agree to go to arbitration.

MR. RA: Okay. But they can't -- they can't enter into a contract that contains a mandatory arbitration clause.

MR. TITONE: Not at the initial admission into the facility, no.

MR. RA: Okay. Just -- can you just elaborate on --



so, you know, there's been a look at different levels, including at the Federal level, in terms of, you know, the use of these agreements or these clauses and agreements. So is there more of a benefit to banning them or perhaps putting in very specific parameters as to, you know, things that would need to be met in terms of informed consent and -- and maybe narrowing what type of provisions there could be between the two entities?

MR. TITONE: Yes, well, certainly there are proposals that are being considered by the Federal government, none of which has been adopted as of yet. We saw in the past administration President Obama put in certain policies which the Trump Administration presently is looking on -- at looking at rolling back on. There some proposed fixes to the problem that occurs when you have a mandatory arbitration agreement, particularly for such a vulnerable population, but there's nothing in place right now and that's why it's important that we do this now.

MR. RA: Thank you very much.

MR. TITONE: Thank you, Mr. Ra.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

(Pause)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, sir. I would like to take up Calendar No. 803 by Mr. Thiele. It's on page 87 of the main Calendar.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Senate No. S07300, Calendar No. 803, Senator LaValle (A08937, Thiele). An act to amend the to repeal Article 23 of the Economic Development Law, in relation to the establishment of a New York Seafood Marketing Task Force and relating to State agencies having seafood marketing roundtable meetings with relevant stakeholders; and providing for the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Would the sponsor yield?

ACTING SPEAKER AUBRY: Mr. Thiele, will you yield?

MR. THIELE: I will yield.

ACTING SPEAKER AUBRY: Mr. Thiele yields.

No rhymes.

MR. GOODELL: Thank you very much, Mr. Thiele. Last year you introduced a bill that established the New York Seafood Marketing Task Force, and apparently that bill had unanimous support, enthusiastic support in this Assembly Chamber. What does

this bill do?

MR. THIELE: This bill is a chapter amendment to that bill. When the bill was signed, the Governor had requested some amendments, which we exceeded to. And let me give you a little bit of the context in which that arose. This legislation that we passed last year, as you said, was a Seafood Marketing Task Force, and the genesis of that bill was to provide -- was came from Cornell Cooperative Extension, who brought -- who has a marine program that provides advice to the seafood industry, to the commercial fishing industry, and they had brought to our attention that other states had similar legislation -- Massachusetts, Rhode Island -- and that we should do similar legislation. They were engaged in that particular area of -- of sea -- of helping with seafood marketing. So we put the bill in, and as -- as I said, we got the request from the Governor to make changes. So we got the request for amendments. I -- I would charac -- characterize the changes, really, as two-fold. One is instead of calling this a task force, it is now a round table, a series of round tables on this -- on this same subject. Really, the same number and types of individual stakeholders that are going to be involved with this. So it's a round table instead of a task force, and instead of being permanent like the task force would have been, this legislation has a sunset provision in it. A report would have to be sent and provided to the Legislature and others by next September. So I took the amendments while we were -- they were under consideration. I brought them back to Cornell Cooperative Extension and they also

shared them with some -- some of the other stakeholders in the seafood industry and the commercial fishing industry. It appeared to us that while there were some cosmetic modifications and the type of, modifications that I mentioned, but that the same goal would be accomplished, and that is to provide recommendations for promoting seafood and the seafood industry in New York State.

MR. GOODELL: Thank you very much, Mr. Thiele.

MR. THIELE: Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will  
record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, sir. I would like to ask you to take up Calendar No. 914 by Mr. Zebrowski on page 95 of the main Calendar.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A07516-C, Calendar No. 914, Zebrowski, Englebright, McDonough, Hooper, Simon, Dickens, De La Rosa, Jaffee, Crespo, Gunther. An act to amend the General Business Law, in relation to enacting "Harper's Law",

requiring tip restraint devices on certain furniture.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Zebrowski.

MR. ZEBROWSKI: Good evening, Mr. Speaker. This bill would require that retailers sell tip restraint devices and post a notice. Between 2000 and 2016, there's been 195 people that have died as a result of the tipping of clothing storage units. One hundred and fifty-nine of those, or 95 percent, were under six years old. Between the same time period, 2006 to 2016, there were 6 -- 65,200 injuries which resulted in emergency room treatment due to the tipping of these type of storage units. Unfortunately, Mr. Speaker, on November 19th of 2016, young Harper Fried, a three-year-old Hudson Valley girl, succumbed to this type of injury and unfortunately died. And I've worked with her tremendously strong parents, Aaron and Erica, to draft this bill and hopefully prevent any such tragedies in the future.

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: Thank you, Mr. Speaker. Will the sponsor yield?

MR. ZEBROWSKI: Yes, I'll yield.

ACTING SPEAKER AUBRY: Mr. Zebrowski yields.

MR. RA: So just a few questions. And -- and certainly, I appreciate your effort on this. Obviously, you know, young children do have a tendency, and it's an attractive thing, to

climb a piece of furniture, and obviously can have, you know, horrible consequences when -- when a piece of furniture does tip over. I know a couple years ago we had adopted some legislation to create an outreach program, and there were some reporting requirements. Do -- have we -- do you know if there's been any such report that might suggest that this is where we should go next with this?

MR. ZEBROWSKI: I'm not familiar with any report issued by the State.

MR. RA: Okay.

MR. ZEBROWSKI: I'm only familiar with reports done by, like, Consumer Reports and those type of agencies.

MR. RA: Okay.

MR. ZEBROWSKI: Not agencies, but groups.

MR. RA: Okay. So just with regard to the -- the specific requirements of this. So, a retail entity that is offering furniture for sale -- and I think you -- you define "furniture" pretty narrowly -- well, it's what we would think of as our normal kind of bedroom furniture. You know, a chest of drawers or, you know, higher, you know, armoires, those -- things of that nature. So the store would then have to both sell some type of restraint, but also have, I guess, some type of display demonstrating the use of such restraint. Is that correct?

MR. ZEBROWSKI: No, they have to make the -- those type of mechanisms available for sale, display them and also post a -- post a notice. And in the bill it says -- if you want me to read

*it -- Certain furniture may become unstable and tip over, leading to possible injury or death. Tip restraint devices may prevent tipping of furniture when properly installed.*

MR. RA: Okay. And -- and does this apply, basically, to any retail entity? Obviously, I know there -- it doesn't include online, but any retail entity that has -- that sells any furniture under the definition of furniture, even if it's, you know, maybe they're predominantly in some other business but they sell a piece of furniture.

MR. ZEBROWSKI: Any -- yes, any new furniture. There is a mechanism in the bill where if the furniture does include those type of tip restraint devices already, then they do not have to offer them for sale; however, they would still have to post the notice.

MR. RA: Okay. And would -- would they have to still have the display that demonstrates the -- the device?

MR. ZEBROWSKI: If it doesn't already come with the device, then they have to do the display. But if it does, they just have to post the notice.

MR. RA: Okay. And just in terms of enforcement of -- of these provisions, who enforces it? Would it just, you know, like any other provision of the General Business Law, is there anything specific to the enforcement in this bill?

MR. ZEBROWSKI: Like any other, it would be the Attorney General civil fine -- civil penalty of \$500.

MR. RA: Okay. And, you know, if -- if the entity, say, you know, they run out of them or anything like that, would they

be in violation of that -- of that for not stocking the device, or -- or would they have, you know, a defense and be able to cure the defect by just getting more in stock?

MR. ZEBROWSKI: No, they would be in violation then. I would suggest to retailers, get as many as pieces of furniture that you order, that many of those tip restraint devices.

MR. RA: Okay. Thank you, Mr. Zebrowski.

MR. ZEBROWSKI: Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 90th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I would like to take up off the B-Calendar Rules Report No. 291 by Mr. Aubry. It's on page 8.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A11158, Rules Report No. 291, Committee on Rules/Aubry. An act to amend the Transportation Law and the Highway Law, in relation to authorizing



an airport mass transit project at LaGuardia Airport; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker.

While I still have everyone's attention, I want to thank everybody for your cooperation today. We did a significant body of work, and if we get the same kind of cooperation tomorrow, we're on a good glide path here. So -- and tomorrow we will be here. I'll adjourn -- I'll ask for a motion to adjourn in just a few minutes. 10:00 tomorrow morning.

So with that, Mr. Speaker, would you call on Mr. Crouch so he may make an announcement?

ACTING SPEAKER AUBRY: For the purposes of an announcement, Mr. Crouch.

MR. CROUCH: Thank you, Mr. Speaker. There'll be an immediate members-only conference in the Parlor. Republican conference, members only.

ACTING SPEAKER AUBRY: Immediate

Republican conference in the Parlor after Session.

But we have housekeeping, Mr. Morelle.

Mr. Morelle.

MR. MORELLE: Yes. Mr. Otis will be much more popular. He does not have announcements to make.

(Cheers)

But I know we have further housekeeping. Also, Mr. Speaker, I know that there are resolutions, including one by Mr. Raia which he would like to be heard on, if we can get that in front of the House.

ACTING SPEAKER AUBRY: Certainly.

The Clerk will read.

THE CLERK: Assembly Resolution No. 1393, Mr. Raia.

Legislative Resolution paying tribute and remembering Master Sergeant Christopher J. Raguso of the New York National Guard, who lost his life on Thursday, March 15, 2018 in Iraq.

ACTING SPEAKER AUBRY: Mr. Raia on the resolution.

MR. RAIA: Thank you, Mr. Speaker. I -- I know the evening's late, and I will move this along as quickly as possible. Resolutions such as this in which brave men and women have given their -- made the ultimate sacrifice on behalf of our ideals are never easy. Assemblymember Fitzpatrick and myself have the proud

privilege of sharing Sergeant Christopher Raguso. He was first my constituent, then Michael's. Christopher was a Master Sergeant in the New York National Guard, who lost his life on March 15, 2018 in Iraq when the helicopter he was in tragically crashed. Master Sergeant Raguso was much more than just a resident of Commack. He was a Special Missions Aviation Flight Engineer for the 106th Rescue Wing, which he joined in 2001. Young men and women all over this country stand up, swear in and volunteer to put on the uniform of their nation. They do not sign up for a particular mission, they sign up simply to work to the best of their ability to preserve and defend our way of life, our culture and our values. Chris not only went on rescues to save his fellow service men and women from harm -- harm's way where no one else on earth could have possibly reached them, but also responded to natural disasters such as the hurricanes in Texas and Puerto Rico, where he personally helped airlift hundreds of men and women and children from flood waters.

On top of that, Master Sergeant Raguso joined the Commack Volunteer Fire Department in 2000, prior to becoming a member of the New York City Fire Department in 2005. I'm honored to have helped Chris become a New York City firefighter when there was a paperwork snafu.

For 15 years, I've watched his career grow and grow and grow, only to have it snuffed out in the prime of his life. While we will always miss our friend, we will equally smile with pride and gratitude, and thank God that we were afforded the blessing of his

presence and the warmth of his character. His is survived by his wife, Carmella, and his two daughters, Eva and Mila. And we should be inspired by the fire and determination with which he lived his life.

Thank you.

ACTING SPEAKER AUBRY: Mr. Fitzpatrick on the resolution.

MR. FITZPATRICK: Thank you, Mr. Speaker. I -- I also rise to add to the eloquent comments made by Mr. Raia. Chris Raguso was a wonderful father, a great firefighter and a real asset to the Commack community. He will be sorely missed. We fondly remember his -- his family. He will be remembered forever as a great young man who served his country and his community with distinction.

Thank you.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Mr. Morelle.

MR. MORELLE: Yes, sir. Do you have other resolutions and housekeeping to take up?

ACTING SPEAKER AUBRY: Certainly. Housekeeping first.

On the main Calendar, on a motion by Mr. Zebrowski, page 66, Calendar No. 484, Bill No. 6949-B, amendments are received and adopted.

On behalf of Ms. Glick, Bill No. 3677, Assembly bill recalled from the Senate.

The Clerk will read the title of the bill.

THE CLERK: An act to amend the Alcoholic Beverage Control Law.

ACTING SPEAKER AUBRY: Motion to reconsider the vote by which the bill passed the House.

The Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

The bill is before the House and the amendments are received and adopted.

On behalf of Mr. Skoufis, Bill No. A10201, Assembly bill recalled from the Senate.

The Clerk will read the title of the bill.

THE CLERK: An act to amend the Executive Law.

ACTING SPEAKER AUBRY: Motion to reconsider the vote by which the bill passed the House.

The Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

The bill is before the House and the amendments -- the amendments are received and adopted.

We have numerous fine resolutions. We will take them up with one vote.

On the resolutions, all those in favor signify by saying aye; opposed, no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 1384-1392 and 1394-1398 were unanimously adopted.)

Mr. Morelle.

MR. MORELLE: Thank you, sir. I now move that the Assembly stand adjourned until 10:00 a.m., Tuesday, June 19th. Tomorrow, ladies and gentlemen, is a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 10:11 p.m., the Assembly stood adjourned until Tuesday, June 19th at 10:00 a.m., that being a Session day.)