

TUESDAY, JUNE 19, 2018

10:50 A.M.

ACTING SPEAKER AUBRY: The House will come to order.

In the absence of clergy, let us pause for a moment of silence.

(Whereupon, a moment of silence was observed.)

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 Monday, June 18th.

Mr. Morelle.

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

to dispense with the further reading of the Journal of Monday, June 18th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker. In just a moment, I'll go to schedule, but before I do that, let me note that on this day in 1789, U.S. Representative James Madison submitted to the House of Representatives certain amendments to the newly-drafted U.S. Constitution which he felt appropriately retained to individuals, rather than the government, certain rights. There were originally 17 amendments which the House approved. The U.S. Senate then consolidated them down to 12. In the end, in December 1791, the states ratified 10 of those 12 amendments, creating what we know today as "The Bill of Rights."

And under the heading of "Did you know," did you know that New York State is the birthplace to 116 people who have served as Governors of the -- in parts of the other 49 states? It's the most of any state in the union, and the math works out so that one -- a New Yorker is elected governor somewhere in the country in another state roughly every two years. So, we are the State of Governors.

And with that, let me describe our work for the day. But let me begin by thanking everyone for their cooperation yesterday, and it was a long day, but we accomplished a great deal and I expect today will be another long day, Mr. Speaker, colleagues, so your

continued indulgence and patience and cooperation would be greatly appreciated. The members have on their desks a Calendar, and, as well, a debate list, and after any introductions and housekeeping, we will continue to consent the new bills on the main Calendar, beginning with Rules Report No. 241, which the members will find on page 14 of the main Calendar. We will also continue to work off the debate list throughout the course of this morning and this evening. Members should be prepared as the following Committees will meet off the floor: Committee on Environmental Conservation, which I'll be calling shortly, Ways and Means and Rules. Those Committees will produce an A- and a B-Calendar, both of which we will take up today. I will continue to consult with the Speaker, as well as the Minority, regarding the need for any other scheduling announcements or Conferences.

So, with that as an outline, Mr. Speaker, housekeeping and introductions would be appropriate right now.

ACTING SPEAKER AUBRY: No housekeeping, Mr. Morelle, but we do have a (sic) introduction.

Ms. Jaffee for the purposes of an introduction.

MS. JAFFEE: Thank you -- thank you, Mr. Speaker. I am so proud this morning to be introducing a woman, a good friend, an extraordinary, leader Jane Brown.

Please stand.

Jane has been an educator for over 40 years. She has worked extensively in classrooms with infants, preschool and

school-aged children. She has provided professional development for numerous early childhood centers and home-based staff members over the years. She worked on-site with individuals to enhance their environments, curriculum, interactions with children and their families, and to help teachers find ways to relieve the stress associated with early childhood industry.

Jane's expertise as a director of early childhood school-aged programs has helped many administrators of such programs, and she has provided training and technical assistance to them on supervision, leadership, hiring, orienting and training staff. Jane has presented on several topics and all kinds of audiences, national and State, and she is currently Executive Director of Child Care Resources of Rockland, and has been employed there for 26 years in several positions. She has served on several boards and advisory committees, including past Co-President of the New York State of Education of Young Children, and past President of the New York State Early Care and Learning Council.

Jane's vision on children, in order to -- you know, focusing on access to quality, affordable childcare and early education services has served our communities in such an incredible way. She understands how important it is to recognize the value of early childhood teacher and respect the earliest years are the most important years when children need quality environments for their optimum growth. Jane is an extraordinary woman and a leader in Rockland County and the State, a good friend, and she has continued to inspire

me over the years. And so, I really want to recognize this distinguished woman for her steadfast commitment to this issue of affordable child care and education services. I'll be presenting her with a citation.

And, Mr. Speaker, if you would extend the cordialities of the House to this extraordinary woman, extraordinary leader making a difference in our State and communities. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Jaffee, Mr. Zebrowski, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. So pleased that you could join us. Congratulate you on such a successful career in education. Hope that you continue that work as it is to the betterment of this State. Thank you so very much.

(Applause)

Mr. Ashby.

MR. ASHBY: Thank you, Mr. Speaker. I'm happy to be joined today by students from Holy Spirit Student Council in East Greenbush, and their teacher, Cori Spain, and parent, Shannon. The students here with us today are Christopher, Styliana, Jagger, Claire, Brianna, Chloe and Mehar. And I'm very grateful that they're here joining us today learning about our State government and I would ask that you extend to them all the cordialities of the House on behalf of myself and Assemblyman McDonald. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf

of Assemblymember Ashby, the Speaker and all the members, we welcome these extraordinary students and their teachers and escorts to the New York State Assembly. Extend to you the privileges of the floor. So pleased that you have had the opportunity today and come and participate with us, watch the Session, learn about government. We hope that you will continue that learning and one day you may find your way into this great institution. We hope that happens. Thank you so very much.

(Applause)

(Pause)

Ms. Hunter for the purposes of an introduction.

MS. HUNTER: Thank you, Mr. Speaker. I am honored today to be able to introduce some very important people from my hometown here in Syracuse. They traveled today to help us celebrate the Juneteenth commemoration. With us today I have our former City Council President, Van Robinson; his wife, who is our current NAACP President; we have folks who traveled with her from the NAACP, as well, and I would ask that you welcome them, extend them the cordialities of the House as they're here today to commemorate a very special occasion in our nation, which is Juneteenth.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly. On behalf Ms. Hunter, the Speaker and all the members, we welcome you here to the New York State Assembly. Extend to you the privileges of the

floor, so pleased that you could join us today for Juneteenth celebration. We hope that you will have a great day, and travel home safely. Thank you so much for being with us.

(Applause)

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I'd like to go to resolutions on page 3, beginning with Assembly Resolution No. 1399 by Ms. Simotas, and I note that Mrs. Peoples-Stokes' resolution a little further down, she wishes to be heard on.

ACTING SPEAKER AUBRY: Certainly. The Clerk will read.

THE CLERK: Assembly Resolution No. 1399, Rules at the Request of Ms. Simotas. Legislation Resolution memorializing Governor Andrew M. Cuomo to proclaim June 2018 as Homeownership Month in the State of New York, in conjunction with the observance of National Homeownership Month.

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. 1400, Rules at the Request of Mr. Zebrowski. Legislation Resolution memorializing the Honorable Andrew M. Cuomo to proclaim October 2018 as Polish-American Heritage 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. 1401, Rules at the Request of Ms. Pellegrino. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim October 21-27, 2018 as Safe Schools Week in the State of New York, in conjunction with the observance with America's Safe Schools Week.

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. 1402, Rules at the Request of Mrs. Peoples-Stokes. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 19, 2018 as Juneteenth Day in the State of New York.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes on the resolution.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to have a bit of a conversation regarding this resolution.

Mr. Speaker, as you know, June 19th, which is today, became a holiday in this country because we're commemorating the fact that some people in United States and, particularly, Galveston, Texas, found out in 1865 that there had been some declarations in the State regarding slavery. And even though it had happened earlier, they did not get the information until June 19th. And so each year, for the purposes of those folks who are descendents of the people who

made it through the middle passage, descendants of the people who made it through slavery, Jim Crow and all the rest of those things, we celebrate our culture so that we can pass it on to our youth.

You should know, Mr. Speaker, that there are multiple cities in the State of New York who have Juneteenth celebrations in them: Albany, Binghamton, the Bronx, Brooklyn, Buffalo has the first large -- second largest parade in the entire country, Rochester, Schenectady, Syracuse, Yonkers and many more. And it's growing. And one of the major reasons, Mr. Speaker, why it continues to grow, because it's so critically important that young people know their history.

There are two Adinkra symbols that I generally try to wear on a regular basis, one or the other, one of them is a Gye Nyame, which pretty much says accept God, because God is omnipresent and he was present with us throughout all of the trials that we've been through. And the other is a Sankofa, which is a bird that looks backwards and it basically says you need where you've been in order to know where you're going.

So, Mr. Speaker, it is our honor and our pleasure to ask the Governor to memorialize this resolution, declaring that June 19th, 2018 is Juneteenth Day in the State of New York. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: On the resolution -- excuse me.

Mr. Buchwald.

MR. BUCHWALD: Thank you, Mr. Speaker. I want to thank the Chair of the Governmental Operations Committee, Mrs. Peoples-Stokes, for sponsoring this resolution, as well as the Speaker. I'm proud to represent White Plains, which has a Juneteenth commemoration every year, as well. But I rise specifically this year to note that one of the great ills of slavery in this country was that it separated people from their families. And we should certainly learn lessons of history and not repeat those same mistakes. Thank you very much, Mr. Speaker, I urge support of the resolution.

ACTING SPEAKER AUBRY: Mr. Barron.

MR. BARRON: Thank you, Mr. Speaker. I always like to share some history with you all, I know you look forward to it, so, I'm going to share some more that might disappoint you about one of your heroes, and that is about the Emancipation Proclamation. You need to understand, and it's not any history I got from any black historians, I got it from reading the Emancipation Proclamation.

When the Civil War started, there were 34 states in the United States. Nineteen of them were free states, and 15 of them were slave states. Eleven of the 15 slave states left the Union and started the Confederacy under -- under Jefferson Davis. Four states that were slave states stayed with the Union: Maryland, Missouri, and Kentucky and one other state, they stayed with the Union. So, those states -- the Emancipation Proclamation read, *Those states in rebellion against the Union, your slaves are free*. Well, Lincoln didn't have any jurisdiction over them because they left the Union. The states that

were slave states and stayed with the Union, he said, *It doesn't apply to you, because you stayed with the Union.* Lincoln was a racist. He said he believed --

(Booing)

-- in the superiority --

Mr. -- Mr. Speaker, would you discipline these undisciplined people here?

(Booing)

ACTING SPEAKER AUBRY: Ladies and gentlemen, we -- our tradition is to allow speakers to speak. You may also speak on the resolution when he is done. Thank you.

MR. BARRON: Lincoln was a racist who believed in the superiority of the white race. Lincoln also said, *If I could free the Union and not free a single enslaved African, I will. If I could save the Union and free them all, I'll do it.* Lincoln wanted to free us and send us back to Africa so the United States can be a white state. Look up the book with Lerone Bennett, Lincoln -- *Forced into Glory*, Lincoln's white dilemma (sic). You don't like to face history, you like this fake history, the revisionism of history so that you can feel comfortable with racists. We've talked about George Washington. George Washington sold his enslaved Africans for molasses. Your great Thomas Jefferson raped Sally Hemings, a 14-year-old African woman and had a bunch of children by her. So, when we look at Juneteenth or the 4th of July, we call it the *4th of You Lie* because we, as African people, should not be supporting the 4th of July because we

were enslaved when you all were throwing off firecrackers and all of that.

So, I just wanted to share a little history with you, that Juneteenth was about our liberation. And if you think that the Emancipation Proclamation freed anybody, that was done in 1863, right? The Civil War ended in 1865. Well, if you had been freed, if we were free, why did you need the 13th Amendment in 1865 to abolish slavery? What slavery? I thought Lincoln freed us. Because he didn't free a soul. He wanted to save the Union.

So, on this Juneteenth, our liberation day, the African soldiers, the African infantry went from plantation to plantation. It was African soldiers, 200,000 of them, that Lincoln said that they could not have won the Civil War without those African soldiers. And they went from plantation to plantation freeing enslaved Africans. And they finally got to Galveston, Texas, one of the later times they got there, and they freed them, as well. And even after June 19th, we were -- still had some slavery, because it wasn't until December that the 13th Amendment in December of -- -

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

MR. GOODELL: I just want a check on the time.

MR. BARRON: You don't have to rise to check on the time --

ACTING SPEAKER AUBRY: Still has time, Mr. --

MR. BARRON: -- he knows what time it is. He

knows what time it is. And this is the time to tell the truth, if you want to check out time.

So, I just want to let you all know, that's a real history, not revisionist history to make people look good that were hateful, racist and supported slavery. Happy Juneteenth.

ACTING SPEAKER AUBRY: Mr. Blake on the resolution.

MR. BLAKE: Thank you, Mr. Speaker and -- and colleagues. It's always a joy to follow Mr. Barron. Thank you, sir.

When we think about the importance of today, it is important for us to be clear about collective history. It is a reminder, first and foremost, of why there is so much appreciation for this day, for multiple reasons. First, when we talk about emancipation and freedom itself, there is a reason why, especially within black communities, we celebrate Watch Night Service. Is it because, in particular, across the country, they were waiting until December 31st, to actually learn of the freedom going into '62 and '63 itself. And when we think about what's going on in the country right now, it seems somewhat quite appropriate and ironic that with all that's happening in Texas, in particular, where it is a continual reminder of the separation that's happening against communities and particularly, communities of color. This is why we need to celebrate our history, this is why we need to celebrate what's happening on this day, but let's continue to remember we cannot forget what the black experience and what black Americans and African-Americans have experienced in

this country.

So, we celebrate Juneteenth, we salute and are grateful for Assemblymember Peoples-Stokes and memorializing it and moving forward on this today, but as was mentioned by many members, let us not forget our history, despite how uncomfortable it may be.

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. 1403, Rules at the Request of Mrs. Gunther. Legislation Resolution memorializing Governor Andrew M. Cuomo to proclaim August 2 -- 2018 as Adult Vaccine Preventable Disease Awareness and Improvement 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. 1404, Rules at the Request of Mr. Titone. Legislation Resolution memorializing Governor Andrew M. Cuomo to proclaim September 2018 as Alopecia Areata 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.

Mr. Gottfried.

MR. GOTTFRIED: Thank you, Mr. Speaker. I would like to briefly make an introduction. In the rear of the Chamber is 11-year-old Haley Hilt and her mother, Melissa Hilt. Haley is a young lady with Intractable Epilepsy. Four years ago, when she was seven, Haley and her mother were one of the many families with a child with Epilepsy who came to Albany to very successfully argue for the Medical Marihuana legislation. Haley was the first child to be a certified patient under the new program and thanks to her access to medical marihuana, her seizures are about 75 percent reduced and her condition is -- is really dramatically improved. And I would appreciate it if you would welcome Haley Hilt and her mother, Melissa, who are here to visit us today.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Gottfried, the Speaker and all the members, Haley, Melissa, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. Our appreciation for the work that you've done and the work you continue to do. And always go with our heartfelt blessings. Thank you so very much and you are always welcome here.

(Applause)

Mr. Ashby for an introduction.

MR. ASHBY: Thank you, Mr. Speaker. I'm happy to be joined today by members of the Brunswi -- Brunswick Sportsman's Club and members of the Shooters Committee on Public Education. They provide an invaluable service to our community in

conservation and youth programs, and I would be happy if you would extend to them all the cordialities of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Ashby, the Speaker and all the members, we welcome you here, gentlemen, to the New York State Assembly. Extend to you the privileges of the floor. Thank you for the services that you provide your community. Continue your good work. Thank you.

(Applause)

(Pause)

Mr. Morelle.

MR. MORELLE: Thank you, sir. Before we begin to consent, I'd like to ask members of the Environmental Conservation Committee to join Mr. Englebright in the Speaker's Conference Room. Environmental Conser -- Conservation in the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Environmental Conservation, Speaker's Conference Room. Please go there immediately.

Mr. Morelle.

MR. MORELLE: Yes, thank you, sir. I'd like to begin consenting on page 14 of the main Calendar, beginning with Rules Report No. 241 by Mr. Ramos.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A05297-A, Rules Report No. 241, Ramos. An act to amend the Real Property Tax Law,

in relation to adjusted base proportions for assessment rolls.

ACTING SPEAKER AUBRY: On a motion by Mr. Ramos, 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.)

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. Ladies and gentlemen, this is our first vote of the day. So, I please ask you to cast your votes. If you're not in the Chamber, if you're in the LOB, please make your way over as quickly as possible so you may participate in our first vote of the day.

ACTING SPEAKER AUBRY: First vote of the day, members. If you are in your seats in the Chamber, please vote. If you are not, please come to the Chamber and cast your vote.

Mr. Morelle.

MR. MORELLE: Yes, sir. We have a technical issue. I'd like to ask you to withdraw the roll call and put the bill back up on the floor.

ACTING SPEAKER AUBRY: The Clerk will withdraw the roll call and the bill will go back on the floor.

On a motion by Mr. Ramos, the Senate bill is before the House. The Senate bill is advanced.

(Pause)

Now, Mr. Morelle, a do-over.

The Clerk will read.

THE CLERK: Assembly No. A05297-A, Rules Report No. 241, Ramos. An act to amend the Real Property Tax Law, in relation to adjusted base proportions for assessment rolls.

ACTING SPEAKER AUBRY: On a motion by Mr. Ramos, 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.)

Mr. Morelle.

MR. MORELLE: Actually, Mr. Speaker, this represents our first vote of the day. So, I will say the same thing I said before, if you're in the Chambers, please cast your vote. If you're not, please get here. Thanks.

ACTING SPEAKER AUBRY: Et cetera, et cetera, et cetera.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06960-B, Rules Report No. 242, Seawright. An act to amend the General Business

Law, in relation to labeling requirements for electric assisted bicycles.

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.)

Ms. Seawright to explain her vote.

MS. SEAWRIGHT: Thank you, Mr. Speaker.

Electric assisted bicycles are deemed to be motor vehicles and, as such, cannot be operated at all unless they have license plates or registered or insured and meet all the equipment requirements of a motor vehicle. As electric assisted bicycles are incapable of all of that, they are barred from being used on public roads. This bill promotes transparency to the consumer by making them aware of the restrictions prior to the purchase. In my district on the Upper East Side, we see a lot of electric assisted bicycles delivering food and other items. This bill goes a long way in promoting transparency to the consumer and I proudly cast my vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Seawright in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08821, Rules Report

No. 243, Vanel, D'Urso, Barron, Montesano, Galef, Dickens, Mosley, Skoufis, Pichardo, Blake, Rivera, Niou, Hyndman, Giglio, Raia, Glick, Taylor, Jaffee, Errigo, Crespo, Ra, Bichotte. An act creating a temporary State Commission to study and investigate how to regulate artificial intelligence; 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. Vanel to explain his vote.

MR. VANEL: Thank you, Mr. Speaker, for allowing me the time to explain my vote. It's very important in this day and time that New York State and this country gets ready for the future, for artificial intelligence, robotics and automation. There are many, many issues that we have to face and be ready for. We have to make sure that New York State is ready for the investment for the future, to make sure that we lead in innovation and technology. Also, we have to get our workforce ready for the world of tomorrow. So, it's important that we have this conversation and that we've -- to study with the experts with academia and with New York State so that we lead in this space. And I vote in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Vanel in the

affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08884-B, Rules Report No. 244, Titone, Thiele. An act to amend the General Business Law and State Technology Law, in relation to notification of a security breach.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A09970-B, Rules Report No. 245, Jenne, Skoufis. An act to amend the Agriculture and Markets Law, in relation to the disposition of cats.

ACTING SPEAKER AUBRY: On a motion by Ms. Jenne, 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 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. A10074, Rules Report No. 246, Peoples-Stokes, Bohen. An act to amend the Public

Authorities Law, in relation to the total amount of bonds the Buffalo Sewer Authority may issue.

ACTING SPEAKER AUBRY: Home rule message is at the desk. 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. A10128-A, Rules Report No. 247, Schimminger. An act to amend the Alcoholic Beverage Control Law, in relation to authorizing custom liquor production for a non-licensed individual by farm distilleries.

ACTING SPEAKER AUBRY: Read the last section.

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

THE CLERK: Assembly No. A10151-A, Rules

Report No. 248, Ryan. An act to amend the Environmental Conservation Law, in relation to the protection of certain streams.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10179, Rules Report No. 249, L. Rosenthal, De La Rosa, Seawright, Otis. An act to amend the Public Authorities Law, in relation to requiring public hearings prior to certain transportation facility closures.

ACTING SPEAKER AUBRY: On a motion by Ms. Rosenthal, 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 pass -- is passed.

THE CLERK: Assembly No. A10385, Rules Report No. 250, Otis, Paulin. An act to amend Chapter 88 of the Laws of 2009 amending the Tax Law relating to the imposition of an occupancy tax in the City of New Rochelle, in relation to extending the effectiveness thereof.

ACTING SPEAKER AUBRY: Home rule message -- Home rule message is at the desk. 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. A10620, Rules Report No. 251, Glick, Dickens, Zebrowski, Lupardo, Barron, Cook, Gunther, Jaffee, Williams, Lifton, Englebright, Lavine, D'Urso, Abbate, Epstein, McDonald, Seawright, L. Rosenthal, Blake, Gottfried, Stirpe, Crespo, Colton, Jones, Jean-Pierre, Simon, Rivera, Wallace, Niou, Arroyo, Cahill, Hooper. An act to amend the Education Law, in relation to State appropriations to the State University of New York and the City University of New York.

ACTING SPEAKER AUBRY: On a motion by Ms. Glick, 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. A10631, Rules Report

No. 252, Glick, Dickens, Zebrowski, Lupardo, Barron, Cook, Jaffee, Williams, Lifton, Englebright, Lavine, D'Urso, Mosley, Abbate, Epstein, Pellegrino, L. Rosenthal, McDonald, Seawright, Blake, Gottfried, Stirpe, Colton, Jean-Pierre, Simon, Rivera, Niou, Arroyo, Cahill, Hooper. An act to amend the State Finance Law, in relation to five-year capital plans for the State University of New York and the City University of New York.

ACTING SPEAKER AUBRY: On a motion by Ms. Glick, 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. A10781-A, Rules Report No. 253, Gottfried. An act to amend the Public Health Law, in relation to clinical laboratory supervision.

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 JONES: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10790-A, Rules Report No. 254, McDonald, Fahy. An act authorizing the City of Albany to alienate certain lands used as parkland and to dedicate certain other lands as parklands.

ACTING SPEAKER JONES: On a motion by -- the Senate bill is before the House. The Senate bill is advanced. Home rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER JONES: 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, for allowing a brief interruption. I want to acknowledge and welcome some guests of ours, part of our extended family here. Tomorrow, as you may know, we will take a few moments to thank those members who have served and who will be ending their service, at least in the State Assembly. But I did want to take a moment today, we're joined

by a longtime -- longtime colleague and friend, Mr. Hikind's family has joined us to help him observe his last few days as a member here, and his many contributions, and I did want to take a moment to introduce them. First, his beautiful wife, Shani, is here, and she is, as I indicated, quickly after meeting her, his better half. And we're also delighted to have his two sons with us, Yoni and his son, Schmuel. We're delighted to have them as part of our extended family. We want to thank them for sharing him with us and all the time that he has spent here in Albany instead of back home in Brooklyn. If you'd please extend all the cordialities of the House to members of our extended family, the Hikind family.

ACTING SPEAKER JONES: Of course. On behalf of Mr. Morelle, the Speaker and all the members, Mr. Hikind, it's always great to have family here, and we welcome your wife, your beautiful wife and two -- two sons here. And we realize tomorrow it'll be a -- an emotional time for you, but it's great to have your family here. And thank you so much for being here for him and for all of us. And we extend all the cordialities of the floor. You're always welcome here.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A10803-A, Rules Report No. 255, Magee, Hunter, Jones, Pellegrino, Woerner, Stirpe, D'Urso, Rivera. An act to amend the Agriculture and Markets Law, in relation to the inspection and sale of seeds, agricultural liming

materials and commercial fertilizer.

ACTING SPEAKER JONES: Read the last section.

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

ACTING SPEAKER JONES: 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. A10815, Rules Report No. 256, Zebrowski, Skoufis, Jaffee. An act to amend the Public Officers Law, in relation to the appointment of peace officers in the County of Rockland.

ACTING SPEAKER JONES: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER JONES: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Zebrowski to explain his vote.

MR. ZEBROWSKI: Thank you, Mr. Speaker, just to explain my vote because sometimes the title doesn't always properly clarify what the bill does. This allows for those volunteers that investigate animal cruelty laws to reside not just in Rockland, but also in Orange and Westchester. So that's all this bill does. Thank you.

And I'll be voting in the affirmative.

ACTING SPEAKER JONES: Mr. Zebrowski in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10837, Rules Report No. 257, Fernandez, Solages, D'Urso, Arroyo, Pichardo, Taylor, Perry, Joyner, Epstein, Pellegrino, Aubry, Dickens, Barron, Cook, Simon, Gottfried, Rivera, Rozic, Weprin, Mosley, Hyndman. An act to amend the Criminal Procedure Law, in relation to bail of pregnant women.

ACTING SPEAKER JONES: The bill is laid aside.

THE CLERK: Assembly No. A10867, Rules Report No. 258, Otis. An act to amend Chapter 725 of the Laws of 1984 relating to authorizing the Village of Mamaroneck, Westchester county, to sell and convey both permanent and temporary easements in certain park lands to the County of Westchester, for the purpose of construction, operation and maintenance of a sanitary sewage pumping station, pipelines and outfall, in relation to the description of certain lands to be excepted as necessary for above-ground appurtenances.

ACTING SPEAKER JONES: On a motion by Mr. Otis, the Senate bill is before the House. The Senate bill is advanced. Home rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER JONES: 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. A10961-A, Rules Report No. 259, Abinanti. An act to amend the Vehicle and Traffic Law, in relation to the residential parking permit system in the Village of Tarrytown.

ACTING SPEAKER JONES: Home rule message is at the desk. The Clerk will record the vote.

(The Clerk recorded the vote.)

Oh, or...

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER JONES: And she'll read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER JONES: Mr. Abinanti to explain his vote.

MR. ABINANTI: Thank you, Mr. Speaker. This bill adds one street to a long-existing residential parking permit system in the Village of Tarrytown. The system has been there for a while, this is one additional street.

ACTING SPEAKER JONES: Mr. Abinanti in the affirmative, I believe.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11028, Rules Report No. 260, Committee on Rules (Jean-Pierre, Williams, Fernandez, Dickens, Ortiz, D'Urso, Pellegrino, Barron, Arroyo, Rivera, Davila, Mosley, Abbate, Cook, Simon). An act to amend the Workers' Compensation Law, in relation to presumptions in opioid overdose claims for compensation.

ACTING SPEAKER JONES: The bill is laid aside.

THE CLERK: Assembly No. A11044, Rules Report No. 261, Committee on Rules (Schimminger). An act to amend the General Municipal Law, in relation to the local administration of Empire Zones.

ACTING SPEAKER JONES: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER JONES: 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. A11045-A, Rules Report No. 262, Committee on Rules (Woerner). An act to amend the

Labor Law, in relation to additional information provided to employees on public work contracts.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A11099, Rules Report No. 263, Committee on Rules (Cusick, Palmesano). An act to amend the Public Service Law, in relation to establishing the Energy Storage Deployment 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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11111, Rules Report No. 264, Committee on Rules (Barrett). An act to authorize the State Soil and Water Conservation Committee to establish a Columbia/Dutchess carbon farming pilot project to study the carbon sequestration potential of a range of farming practice in Columbia and Dutchess Counties; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mrs. Barrett, 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.

Mr. Morelle.

MR. MORELLE: Yes, sir. This is déjà vu all over again. I'd like to be ask members of the Environmental Conservation Committee to join Mr. Englebright in the Speaker's Conference Room. This time, with feeling.

ACTING SPEAKER AUBRY: Environmental Conservation, Speaker's Conference Room.

The Clerk will read.

THE CLERK. Assembly No. A11169, Rules Report No. 265, Committee on Rules (Pretlow). An act to provide for the payment of annual contributions owed and to be owed on behalf of the New York City Off-Track Betting Corporation to the New York City Employees' Retirement System.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A11171, Rules Report No. 266, Committee on Rules (Joyner). An act authorizing and directing the Commission of Environmental Conservation to conduct a study on food waste initiatives and to provide recommendations based

on the study's findings.

ACTING SPEAKER AUBRY: On a motion by Ms. Joyner, 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. A11185, Rules Report No. 267, Committee on Rules (Titus). An act to amend the Criminal Procedure Law, in relation to persons designated as peace officers.

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. A11188-A, Rules Report No. 268, Committee on Rules (Braunstein, Gunther, Weprin). An act to amend the Penal Law, the Criminal Procedure Law, the

Family Court Act and the Civil Rights Law, in relation to establishing the crime of unlawful dissemination or publication of an intimate image.

ACTING SPEAKER AUBRY: Read the last section.

The bill is laid aside.

THE CLERK: Assembly No. A00208-E, Rules Report No. 269, Lupardo, Thiele, Barrett, Hevesi, Abinanti, Jaffee, Galef, Magnarelli, D'Urso, Montesano, Murray, McDonough, Friend, Blankenbush, Palmesano, Walsh, Palumbo, Ashby, Raia. An act to amend the Vehicle and Traffic Law and the Education Law, in relation to pre-employment and random drug and alcohol testing of school bus drivers.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. This is one of those bills where I'm surprised that it wasn't already law. So, this mandates pre-employment and random drug and alcohol screening for school bus drivers, and it's something that's supported by the New York Association for Pupil Transportation. It's an important bill, I commend the sponsor and I'm happy to support it. Thank you.

ACTING SPEAKER AUBRY: Ms. Walsh in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00302-B, Rules Report No. 270, Buchwald, Englebright, Lupardo, Colton, Mosley, Gunther, Bichotte, Lifton, Gottfried, Rozic, Ryan, Titone, Barrett, Otis, Steck, Zebrowski, Blake, Jaffee, Barron, Arroyo, Walker, Quart, Cahill, Galef, Abinanti, L. Rosenthal, D'Urso, Weprin. An act to amend the Environmental Conservation Law, in relation to banning the acceptance of high volume hydraulic fracturing wastewater from oil or natural gas extraction at wastewater treatment facilities and solid waste management facilities.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01878-B, Rules Report No. 271, Lentol. An act to amend the Tax Law, the Insurance Law and the Executive Law, in relation to enacting the Residential Structure Fire Prevention Act of 2018.

ACTING SPEAKER AUBRY: On a motion by Mr. Lentol, 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. A02799-A, Rules Report No. 272, McDonald, Crespo, Raia, Stec, Steck, Lawrence, Gottfried, Paulin, Gunther, Cusick, Thiele, Ra, Hawley, Skoufis, Jenne, Crouch, Butler, Colton, DiPietro, Ortiz, Giglio, Hunter, Santabarbara, Abbate, D'Urso, Blankenbush, Jones, Morinello, Blake, B. Miller, Barnwell, Englebright, Montesano, Schimminger, Pichardo, Norris, Mosley, Murray, Dickens, Braunstein, Walsh, Castorina, Buchwald, Cook, Errigo, Arroyo, DenDekker, Lavine, Aubry, Hyndman. An act to amend the Executive Law, in relation to providing for an increase in the rates of compensation for gold star parents.

ACTING SPEAKER AUBRY: On a motion by Mr. McDonald, the Senate bill is before the House. The Senate bill as 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. 4 -- A04504, Rules Report No. 273, Blake, Crespo, Hyndman, Pichardo, Mosley, Cook, Richardson, Walker, Pheffer Amato, De La Rosa, Barron, Seawright, Taylor, Ortiz, Gottfried. An act to amend the Private Housing Finance Law, in relation to establishing an electronic automated system for applications and waiting lists, and to develop a written procedure for applicant selection and rejection.

ACTING SPEAKER AUBRY: Read the last section.

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

THE CLERK: Assembly No. A05618-A, Rules Report No. 274, Abinanti, Buchwald, Byrne, Lupardo, Galef, Otis. An act to amend the Education Law, in relation to reimbursement methodologies for tuition.

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. A07265-A, Rules Report No. 275, Abinanti, Jaffee, Gottfried, Galef, Gunther, Cook, Crespo, M.G. Miller, Friend, Cahill, Jean-Pierre, Ra, D'Urso, Jenne, Solages. An act to amend the State Finance Law and the Education Law, in relation to establishing a comprehensive centralized system to coordinate procurement of books and non-print library materials and related ancillary services.

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. A07870-A, Rules Report No. 277, Seawright. An act to direct the Department of Environmental Conservation to adopt rules and regulations requiring permittees to place air monitoring equipment near permitted waste transfer stations.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 365th

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.

THE CLERK: Assembly No. A08292-A, Rules Report No. 378, Seawright. An act to amend the New York State Urban Development Corporation Act, in relation to kitchen incubator/shared use kitchen facilities.

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. A09537, Rules Report No. 279, Pretlow. An act to amend the Local Finance Law in relation to bonds and notes of the City of Yonkers.

ACTING SPEAKER AUBRY: Home rule message is at the desk. 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. Goodell to explain his vote.

MR. GOODELL: Thank you very much, sir. This is another one of those bills where we authorize a particular municipality to sell bonds at private sale rather than go through an open competitive bid. The open competitive bid is designed to ensure that a municipality not only gets the best price on the sale of its bonds, but also to avoid fraud and collusion. We initially allowed the City of Yonkers to do this when the City of Yonkers was under the Financial Control Board and they couldn't get any bidders on an open competitive bid. That situation has changed. It should not be a permanent exemption from the rules that are designed to protect the taxpayers and avoid fraud. And for those reasons, I'll be voting no. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09825, Rules Report No. 280, Galef, Lupardo, Brabenec, Montesano, Woerner, Lifton, Abinanti, Paulin, Otis. An act to amend the Education Law, in relation to the component school districts' share of the capital

expenditures of a board of cooperative educational services.

ACTING SPEAKER AUBRY: On a motion by Mrs. Galef, 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. A09861-C, Rules Report No. 281, Lentol, Davila, Barron, Mosley. An act to amend the Public Authorities Law and the Vehicle and Traffic Law, in relation to mitigating the closure of the L subway line in the City of New York; and to amend the Public Authorities Law, the Vehicle and Traffic Law and the Public Officers Law, in relation to establishing a temporary high-occupancy vehicle program on the Williamsburg Bridge by means of mobile or stationary photo devices; 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. A09935-A, Rules Report No. 282, Peoples-Stokes. An act in relation to granting Tier I status in the New York State and Local Employees' Retirement System to Thomas Amodeo.

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. 10631 -- A10639-A, Rules Report No. 283, Morelle, D'Urso, De La Rosa, Hevesi, Magnarelli, Colton, Gottfried, Barron. An act to amend the Workers' Compensation Law, in relation to Paid Family Leave and Bereavement.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10648, Rules Report No. 284, Stirpe, McDonald, Lupardo. An act to amend the Education Law, in relation to removing the three-year exemption of mandatory continuing education for newly licensed certified public accountants

and public accountants.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect January 1st, 2020.

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. A10650-A, Rules Report No. 285, Paulin, Ortiz, Taylor, Williams, Pellegrino, Cahill, Vanel, Dickens, D'Urso, Gottfried, Englebright, Mikulin, Errigo, Mosley, Seawright, Rivera, Arroyo, Cook, Raia, Bohen, Blake. An act to amend the Military Law, in relation to authorizing additional paid leave for health related services for certain employees.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect April 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. A10707-A, Rules Report No. 286, Bronson, Mosley, Abinanti, Hyndman, Cook, Gunther, L. Rosenthal, Hunter, M.G. Miller. An act to amend the Social Services Law, in relation to making care and services provided by licensed mental health practitioners eligible for coverage under the Medicaid Program.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A11093-A, Rules Report No. 288, Committee on Rules (Englebright, Glick, Steck, Thiele, Weprin, L. Rosenthal, D'Urso, Galef). An act to amend the Environmental Conservation Law, in relation to enacting the Birds and Bees Protection Act; and providing for the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A11121, Rules Report No. 289, Committee on Rules (Carroll). An act to amend the Vehicle and Traffic Law, in relation to authorizing the Commissioner of the Department of Motor Vehicles to require examination of persons involved in an accident which was caused by a loss of consciousness by such person.

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 votes.)

Mr. Carroll to explain his vote.

MR. CARROLL: Thank you, Mr. Speaker. I rise today because in early March of this year, two children were killed by a vehicle in Park Slope Brooklyn in my district because somebody lost consciousness and then lost control of their car. This bill would allow for the DMV and the Department of Health, after there's an accident, to review that accident and that if there was a loss of consciousness or awareness, to revoke that person's license. This bill will save lives. This bill makes sense. I request to withdraw -- I -- I withdraw my request to abstain and vote in the affirmative.

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.

THE CLERK: Assembly No. A11123, Rules Report No. 290, Committee on Rules (Weprin). An act to amend the Real Property Tax Law, in relation to the determination of adjusted base proportions in special assessing units which are cities for the Fiscal Year 2019.

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. A11172, Rules Report No. 292, Committee on Rules (Weinstein). An act to amend the Public Housing Law, in relation to the authority of certain municipalities to levy an excise tax on the sale of tobacco products other than cigarettes.

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. A11189, Rules Report No. 293, Committee on Rules (Heastie, Glick, Magnarelli, Peoples-Stokes, McDonald). An act to amend the Education Law and the Vehicle and Traffic Law, in relation to authorizing the installation and use of safety cameras on school buses for the purpose of monitoring overtaking and passing of school bus violations; 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; 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; 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 certain provisions upon expiration thereof.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A11203, Rules Report No. 294, Committee on Rules (Lupardo, Brindisi, Woerner, Skoufis, Barrett, Fahy, McDonald). An act to amend the Tax Law, in relation to clarifying alcoholic beverage tastings sales tax exemptions.

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. A02963-B, Rules Report No. 295, Cusick, Lupardo, Pichardo. An act to amend Chapter 182 of the Laws of 1960 amending the Highway Law relating to providing that the Narrows Bridge shall be designated and known as "The Verrazano-Narrows Bridge", in relation to making a technical correction thereto; and to amend the State Law, the Highway Law, the Navigation Law, the Environmental Conservation Law, the Public Authorities Law, and the Administrative Code of the City of New York, in relation to the Verrazzano-Narrows Bridge.

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. Byrne to explain his vote.

MR. BYRNE: Yes, thank you, Mr. Speaker. I just rise to thank the sponsor for introducing this legislation. I think it's a great bill and I love to see that this Chamber is -- is honoring history and -- and righting a wrong that was done decades ago. So, thank you. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Byrne in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04899-C, Rules Report No. 296, L. Rosenthal, Brindisi, Hunter, Galef. An act to amend the Insurance Law, in relation to requiring health insurers to provide coverage of opioid addiction prescription drugs prescribed for the treatment of substance abuse disorder.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A08646-C, Rules Report No. 298, Hunter, Titone, D'Urso, Magnarelli, Fahy, Lupardo, Hawley, Galef, Cook, Raia, Williams, Errigo, Hyndman, Stirpe, Blake. An act to amend the Environmental Conservation Law, in relation to wildlife damage management.

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.

THE CLERK: Assembly No. A09806-A, Rules Report No. 299, Jean-Pierre, M.G. Miller, Ortiz, Seawright, Pellegrino, D'Urso, McDonough, Raia, Montesano, Giglio, Ramos,

Titone, Rivera, Titus, Quart, Galef, Jaffee, Woerner, Lawrence, Ra, Errigo, Cook, Dickens, Lavine, Niou, Barron, Bichotte, Dinowitz, Benedetto, Arroyo, L. Rosenthal, Byrne, Carroll, M.L. Miller, Garbarino, Pretlow, DiPietro, Johns, Barrett, Abinanti, Weprin, Brindisi, Castorina, Walsh, Santabarbara, Cusick, Williams, Hevesi, McDonald, Aubry, B. Miller, Mosley, Buchwald, Brabenec, Colton, Perry, Stern, Stirpe, Steck, De La Rosa, Hyndman, Taylor, Smith, Solages, Fahy, Walker, Lifton, Hunter, D. Rosenthal, Fernandez, Vanel, Hooper, Malliotakis, Tague, Palumbo, Rodriguez, Butler, Finch, Pichardo, Hawley, Dilan. An act to amend the Navigation Law, in relation to enacting Brianna's Law.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10513-C, Rules Report No. 300, Brindisi, Magee. An act to amend the Public Authorities Law, in relation to the total amount of bonds the Upper Mohawk Valley Memorial Authority may issue; authorizing, for certain public works undertaken pursuant to project labor agreements, use of the alternative delivery method known as design-build contracts; increasing the membership of the Authority and providing for the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Brindisi, 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.)

Mr. Brindisi to explain his vote.

MR. BRINDISI: Thank you, Mr. Speaker. Although I hope this is not the last bill I ever pass, it most definitely will be the last bill I ever pass as a member of the New York State Assembly. So I want to, instead of taking this opportunity to talk about how great this bill is for the City of Utica and Oneida County, instead I want to say to all my colleagues and the Speaker what an honor and a privilege it has been to serve with each and every one of you over the last seven years. I want to thank all the people in the 119th Assembly District for giving me the opportunity to serve them over these last seven years; thank all the staff up there on the dais for making us look good every day; to our Sergeant-at-Arms and all his staff for keeping us in line; and to all of you, I hope you all have the best of luck in your future endeavors. Thank you all. Thank you, Mr. Speaker. I vote in the affirmative.

(Applause)

ACTING SPEAKER AUBRY: Mr. Brindisi.

(Applause)

Mr. Brindisi is in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11116-A, Rules

Report No. 301, Committee on Rules (Cahill). An act to amend the Insurance Law, in relation to the implementation of a valuation manual; and to direct the Department of Financial Services to study the impact of the implementation of such valuation manual; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Cahill, 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.)

Mr. -- Mr. Cahill to explain his vote.

MR. CAHILL: Thank you, Mr. Speaker. This legislation which is known to most of us as PBR, Principle-Based Reserving, changes the way insurance companies use the money that you give them with their policy. This bill is an effort to make sure that insurance -- life insurance policies remain affordable, and that the assets behind those insurance policies grow as fast as our economy does. I just wanted to take a -- one moment to thank, in particular, the Ranking Minority member of our Committee, of the Insurance Committee, for all of his hard work in making sure that this bill continued to move forward. It was a tough slog, but he -- he made sure it happened. So with that, 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.

(Pause)

The Clerk will read.

THE CLERK: Assembly No. A11118-C, Rules Report No. 302, Committee on Rules (Otis, Paulin, Abinanti). An act to amend the Public Service Law, in relation to providing water usage data to municipalities.

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. A11125-A, Rules Report No. 303, Committee on Rules (Otis, L. Rosenthal, Braunstein, Joyner, McDonald, Simotas, Paulin, Galef, Buchwald). An act to amend the Penal Law, in relation to establishing the crime of misrepresentation by, or on behalf of, a caregiver for children.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Otis to explain his vote.

MR. OTIS: Thank you, Mr. Speaker. This bill arises out of the murder of six-year old Lulu and two-year old Leo Krim killed by their nanny in 2012. What the case revealed was a gap in the law that we need to correct today and we are correcting today. It is the case that employees and volunteers at child care facilities for them there is a duty in the law when giving references and background information, a duty in the law to be accurate. But for caregivers coming into the home, there is no such duty in the law. The legislation before you today corrects that. This is an important step in making families and children safer.

I want to thank Speaker Heastie; Codes Committee Chair, Joe Lentol; Codes Committee staff, Dan Salvin; Council to the Assembly, Kathleen O'Keefe, for their help on this legislation. And in the Senate, Senator Lanza is carrying this bill and we worked very hard to come up with a version that we can pass in both Houses. But the greatest thanks goes to the parents, Kevin and Marina Krim, who were very dedicated in turning this tragedy into helping other families and protecting all children in this State. And so, we're doing an important thing today to help everybody. I thank you for your support

for this bill.

ACTING SPEAKER AUBRY: Mr. Otis in the affirmative.

Read the last section.

Are there any other votes? Excuse me. Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11213, Rules Report No. 304, Committee on Rules (Solages). An act to amend the Public Authorities Law, in relation to the New York Racing Association, Inc.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A11216, Rules Report No. 305, Committee on Rules (Lavine). An act to amend the Nassau County Administrative Code, in relation to the administration of real property tax refunds, cancellations and credits in Nassau County on class four real property.

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. A11217, Rules Report No. 306, Committee on Rules (Lavine). An act to amend the Public Authorities Law, in relation to the Nassau County Interim Finance Authority.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A11218, Rules Report No. 307, Committee on Rules (Pretlow). An act to amend the Racing, Pari-Mutuel Wagering and Breeding Law, in relation to the disposition of off-track pools.

ACTING SPEAKER AUBRY: The bill is laid aside.

(Pause)

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I'd like to take up two bills, one, Rules Report No. 268 by Mr. Braunstein, which is on page 19 which was inadvertently laid aside, and then go to Rules Report No. 295 by Mr. Cusick on page 24, which we had to cross and we need to redo it.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A11188-A, Rules Report No. 268, Committee on Rules (Braunstein, Gunther, Weprin). An act to amend the Penal Law, the Criminal Procedure Law, the Family Court Act and the Civil Rights Law, in relation to establishing the crime of unlawful dissemination or publication of an intimate image.

ACTING SPEAKER AUBRY: Read the last section.

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

On behalf of Mr. Cusick, Rules Report No. 295, Assembly bill recalled from the Senate. The Clerk will read the title of the bill.

THE CLERK: An act to amend Chapter 182 of the Laws of 1960.

ACTING SPEAKER AUBRY: There is a 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. On a motion by Mr. Cusick to -- to substitute the Senate bill, 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: 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 take the following three bills off the debate list in this order: I'd like to begin with Rules Report No. 49 by Ms. Jaffee on page 5, follow that with Rules Report No. 5-4 by Ms. Jean-Pierre, also on page 5, and then this group I'd like to conclude with Rules Report No. 65 by Mr. Rodriguez on page 6.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A08360, Rules Report No. 49, Jaffee, Pellegrino. An act to authorize Konbit Neg Lakay, Inc. of Spring Valley to file an application for certain real property tax exemptions.

ACTING SPEAKER AUBRY: On a motion by Ms. Jaffee, 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: Senate Bill No. S07399-A, Rules Report No. 54, Brooks (Jean-Pierre, Curran--A09580-A). An act to authorize the Village of Lynbrook to offer an optional twenty year retirement plan to a certain police officer employed by such village.

ACTING SPEAKER AUBRY: Home rule message is at the desk. 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: Senate Bill No. S08414, Rules Report No. 65, Benjamin (Rodriguez--A10656). An act to amend the Public Authorities Law, in relation to authorizing the Dormitory Authority to provide financing to the New York Academy of Medicine.

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. Montesano to explain his vote.

MR. MONTESANO: Thank you, Mr. Speaker. I just want to make my colleagues aware of something. You know, this year

we've seen a lot of these bills coming through with the Dormitory Authority funding, a lot of non-for-profits. You know, the Dormitory Authority about 75 years ago when it was created, it was created for the purpose of building dormitories for the colleges, and it went on to do some public improvement work. But over the past number of years it's gotten into the business of borrowing money on behalf of a number of non-profit businesses, such as the one before us today. And right now they have outstanding on that side of the equation \$47.6 billion in debt they've incurred, just in the non-profit sector, and they have \$86 million on the government sector of where they've outlaid that money. And the troubling issue for me is when they take out these loans for non-government entities, such as these non-for-profits, if those non-for-profits go out of business or go belly-up, the State taxpayers are responsible to pay off that loan.

So right now with no security in place on many of these projects, we have the exposure of \$47 billion in the event these loans fail. And that's -- this was not the original purpose of the Dormitory Authority, but it's evolving into a bank for private businesses and I don't think that's the purpose it should be doing, especially without taxpayer approval. So for that reason, I'll be voting in the negative and ask my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Mr. Montesano in the negative.

Mr. Rodriguez to explain his vote.

MR. RODRIGUEZ: Thank you, Mr. Speaker. I

think it's important to recognize that when we talk about the Dormitory Authority, in addition to expanding the use for -- of State bonding, that this is, in fact, being utilized for non-profit health care related institutions. Over 20 years ago, the -- the mission of DASNY was expanded to allow for the -- the tax exempt financing of health care and mental health-related institutions. This is certainly one of them, one in my district. We will be seeing a subsequent bill, but this is not a business; this is a non-for-profit organization that is utilizing tax exempt financing to take out a loan, one that they will pay back. So, they are only receiving the benefit of the tax exempt financing, which is a lower rate of financing to provide a public service, one that involves the -- the use of public health and information and later on, for providing rehabilitation for people in -- in district and in need. So, it's important to recognize that the Dorm Authority, while there may be other uses that may fall outside of what people think is relevant, what we are talking about specifically here is for health care organizations in the district and that is very much within the purview of the Dorm Authority as we have expanded it in legislation. Thank you. And as a result, I withdraw my explanation and vote in the affirmative.

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'd like to ask members of the Rules -- the Ways and Means Committee -- sorry, I'm getting ahead of myself. Ways and Means Committee in the Speaker's Conference Room. Ms. Weinstein has requested your presence.

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

Mr. Morelle.

MR. MORELLE: Yes, sir. I'd like to now take up Rules Report (sic) No. 376 by Mr. Perry on page 59 of the Calendar.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A05285-C, Rules -- Calendar No. 376, Perry, Abinanti, Arroyo, Aubry, Barron, Bichotte, Bronson, Cahill, Davila, Dickens, Dinowitz, Gantt, Gottfried, Hevesi, Hyndman, Jean-Pierre, Jenne, Kim, Magnarelli, Montesano, Mosley, Ortiz, Pretlow, Richardson, Rivera, Rodriguez, Seawright, Simotas, Solages, Steck, Titus, Vanel, Walker, Williams, Jaffee, D'Urso, Peoples-Stokes, Wright, Ramos, Englebright, Hikind, Colton, Thiele, De La Rosa, Joyner, Stirpe, Dilan, L. Rosenthal, Quart, Hunter, Taylor, Errigo, Fernandez. Act to amend the Judiciary Law, in relation to establishing the Commission on Prosecutorial Conduct.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Perry. Members, we are on debate. Shh. We're going to need a little peace and quiet in the building. Shh. Thank you.

MR. PERRY: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Hold on one minute.

On a motion by Mr. Perry, the Senate bill is before the House. The Senate bill is advanced.

Mr. Perry, you may proceed.

MR. PERRY: Thank you, Mr. Speaker. This bill would create a new Commission on Prosecutorial Conduct to review and make determinations on complaints of prosecutorial misconduct in New York State. The Commission is modeled and closely tracks the law that established the State Commission on Judicial Conduct. The Commission would consist of 11 members appointed, two by the Governor, two by the President of the Senate, one by the Minority Leader of the Senate, two by the Speaker of the Assembly, one by the Minority Leader of the Assembly and three by the Chief Judge of the Court of Appeals, one Justice of the Appellate Division and two Judges of Courts other than the Court of Appeals.

Mr. Speaker, last week New York took a giant step towards real Criminal Justice reform when this bill passed the Senate by a vote of 45-12. All of America is watching today and in this House, we have the chance to leap to the head of the pack and stand as a State where we believe in justice and every New Yorker who stands before our courts is involved in any activity related to a criminal charge that is before our courts will be assured that fairness is paramount and justice will prevail in our State. Thank you.

ACTING SPEAKER DENDEKKER: Mr. Palumbo.

MR. PALUMBO: Thank you, Mr. Speaker. Would

the sponsor yield, please?

ACTING SPEAKER DENDEKKER: Would the sponsor yield?

MR. PERRY: Certainly, Mr. Speaker.

ACTING SPEAKER DENDEKKER: The sponsor yields.

MR. PALUMBO: Thank you, Nick; how are you? Just a few questions on the mechanics of how this would work. It's my understanding that there would be a written complaint either from someone involved in the court process or, in fact, the Commission themselves can file a written complaint; is that accurate?

MR. PERRY: That is accurate.

MR. PALUMBO: And then the subject of the complaint would be provided an opportunity to -- to give a written reply and -- and ultimately present some evidence if necessary, possibly even at a hearing, to the Commission in order to defend their position; is that accurate, as well?

MR. PERRY: The complaint, once received, could be reviewed and dismissed without any further action, but if it's found to be of substance, there will ensue an investigation.

MR. PALUMBO: Understood. And once they pursue that investigation, then, the respondent would have to actually provide some answers. They couldn't take the Fifth, necessarily; is that fair to say?

MR. PERRY: Yes. The prosecutor involved would

be -- would receive sufficient information regarding the complaint and have the opportunity to respond.

MR. PALUMBO: And does this bill delineate any type of burden of proof? I didn't see any, I'm not sure if there was one in there, or is it just at the discretion of the Commission, they could then sanction, or not, but if they were to sanction, it could go anywhere from a center all the way to a request to be removed by the Governor; is that fair to say?

MR. PERRY: It's not as simply as you put it. The Commission on receipt of a formal complaint and the decision to conduct an investigation would do so, and certainly provide to the ADA or DA involved every opportunity to respond.

MR. PALUMBO: And after that investigation is complete and they render a decision, could you just tell me what the ultimate sanctions are? Is it -- could they recommend disbarment? Could they recommend removal or anything along those entire lines?

MR. PERRY: The provisions in this bill provides a full recipe of due process for anybody who becomes involved who is accused of wrongdoing.

MR. PALUMBO: And, Mr. Perry, I also saw that this was in the memo, it indicated that this was essentially modeled after the Commission on Judicial Conduct; is that what this was -- used as a model?

MR. PERRY: Yes, so if you are familiar with that process, you -- it's pretty much a copy of that model.

MR. PALUMBO: Very good. Thank you, Mr. Perry.

On the bill, please, Mr. Speaker.

ACTING SPEAKER DENDEKKER: On the bill.

MR. PALUMBO: Thank you very much. And I really just wanted to cut to the chase. Some of you folks have seen that there is some opposition and some severe opposition, strong opposition from the District Attorney's Association. And I think that the reason is somewhat obvious, because the Commission on Judicial Conduct is ultimately to review the conduct of judges, obviously, but our Judiciary is not a party. You can't grieve a judge. There's really no oversight over the Judiciary other than that particular Body, which is appropriate. However, when you're a party in the Criminal Justice system, when you're either the prosecution or a defense attorney, you have a number of remedies against each other for misconduct, one of them being a grievance. And this Commission is actually just another grievance committee, and the process and the reason I had asked the sponsor about the way that this goes about is identical to a grievance. A lawyer gets grieved, they have an opportunity to respond, then there -- there's usually a reply, additional evidence may be submitted and then the grievance committee renders a decision, up to and including a recommendation to the Appellate Division to remove their license and disbar them, suspend them, censure them or otherwise.

So, this is really just creating one more layer, and it's actually, it's very specific to prosecutors and the problem with it is that we now have a Body that is not like a grievance committee, which I

believe is appointed by an Administrative Judge and the Bar Association, we have a Body that's appointed by politicians that's going to oversee potential prosecutorial misconduct. And that's not a bad thing to always make sure that prosecutors are held to a higher standard, because they need to be, because they have tremendous power, and I think we all agree with that. But if you look at the checks and balances, and I just made a couple quick notes before, other than an appeal, and many of these issues regarding Brady material, it doesn't become known which is exculpatory material. Many people don't know it until long after the conviction that it would come out, and then you have your 440 motions, post-sentencing motions you could make, the Attorney General can investigate, I'm just thinking of examples like the DNA Project with Robert Shapiro. Many, many, many years later they were exonerating folks -- and again, the Inspector General.

The list kind of goes on and on, but I think the biggest concern with this particular Commission is, again, it's more of a political animal, but it's -- and it's not something that is very specific to a limited area or a limited Body that can't really be overseen, just as the Judiciary. Again, you can't grieve a Judge. So, we need to have a Body and Commission that can oversee inappropriate conduct. As a lawyer and as a prosecutor, they certainly have many, many remedies and, as a result, I will be voting in the negative and I urge my colleagues to do the same. Thank you.

ACTING SPEAKER DENDEKKER: Mr.

Montesano.

MR. MONTESANO: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER DENDEKKER: On the bill.

MR. MONTESANO: Thank you. You know, this is a type of bill that kind of puts me in the middle of things, having been a former law enforcement officer and, you know, you watch these things develop over the years, but I want to thank the sponsor for this bill and I'm happy to be a co-sponsor on this bill with him because this type of bill and the legislation that ensues from it is well overdue.

We've seen in the past couple of years, especially down home in Nassau and Suffolk, some problems in cases where people charged with murder and other serious offenses had to have their cases dismissed because of misconduct committed by the District Attorneys. There was a couple of cases last year in Suffolk County where people that committed serious crimes walked out the door because of misconduct by District Attorneys, and they had to be sanctioned by the judges and eventually they lost their jobs. But other than that, there's no recourse against them. District Attorneys have the most unfettered power in our State, and actually throughout the country, and they have full immunity from anything that they do.

And people pay a very expensive price when there's misconduct on behalf of prosecutors. The State of New York has paid hundreds of millions of dollars in the last several years because of their misconduct. The Innocence Project has gotten a number of

people out of jail that was serving life sentences or very long jail sentences because of the misconduct by prosecutors. So, trying to say that they have to -- while they should enjoy certain protections because of the nature of the work they do, they shouldn't escape the liability for their misconduct.

So, I think this Commission is well-thought-out. It's something that'll have to be worked through, but I think everybody has to be put on notice that everybody, you know, is answerable to the law and because you're a prosecutor, it doesn't let you -- get to be able to trample peoples' rights. There's certain discovery that people are entitled to that's been intentionally withheld; there's evidence that's been withheld, and this has been proven in legal proceedings.

So, I would encourage my colleagues to vote on this bill. It's long overdue and it's necessary and I'll be voting in the affirmative. Thank you.

ACTING SPEAKER DENDEKKER: Read the last section.

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

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Perry to explain his vote.

MR. PERRY: Thank you, Mr. Speaker. I spent a lot of time preparing for this debate. I expected it to be a lot more robust. I thought -- I thought that my colleagues would have a lot more

questions. I hope that the lack of questions is an indication that there is overwhelming support, because this is something that we need to do in this State. And I stand here today on behalf of the wrongfully convicted, so many in New York State and throughout the United States, some of who are here in the Chamber today. I would just like to recognize as I close, for 16 years, Jeff Deskovic stayed in jail for a crime he did not commit. He's in the Gallery here and I hope - and he's watching - and I hope that he'll walk out today very happy to see that we, the people elected to speak on behalf of folks in that situation, are doing the right thing. Selwyn Days, who spent 17 years in jail convicted for a crime he did not commit due to prosecutorial misconduct. And there's a list that goes on and on.

And we vote today, Mr. Speaker, to say to all of those who are victims of this system that we're not going to let this go on and we are going to do something to make New York a better place than it has been, to make New York the State where prosecutors don't -- if they are rogue, they can't wreak wanton injustice and injustice by their acts. I withdraw my request, Mr. Speaker, and I vote in the affirmative. Thank you.

ACTING SPEAKER DENDEKKER: Mr. Perry in the affirmative.

Ms. Walker to explain her vote.

MS. WALKER: Thank you, Mr. Speaker. It is with great honor today that I take the privilege to vote in the affirmative on this piece of legislation. In many instances, my district was Ground

Zero to a number of incidences where people had to be exonerated; a number of them occurred in the Ocean Hill-Brownsville section of my neighborhood. And it's not uncommon for me to have people who come into my office who said that they've done 27 years and they were wrongfully convicted, and what life is like in order to try to put back the pieces after having lost 27 years of your life.

A lot of people talk about the Innocence Project and other DNA-based techniques in order to reverse the tide, but what happens when your testimony -- when your conviction, your wrongful conviction is based on testimony. Sometimes those situations are not as clear. And there are a number of groups throughout the State of New York who have been working on these things, and I honor all of the great work that they do today. I also want to honor Jeff who is someone that I did get a chance to meet many years ago, but who is also a Pace Law School student, and we have been really on this road for a long time to make sure that people do not have to live with this type of injustice anymore. So, it is my honor again to vote in the affirmative and I vote yes on this legislation.

ACTING SPEAKER DENDEKKER: Ms. Walker in the affirmative.

Mr. Barron to explain his vote.

MR. BARRON: I want to congratulate my colleague, Nick Perry, for doing a great job on this and congratulations to you. This is especially for you, and others like you who had to go through a wrongful conviction. There's nothing more devastating to a person's

life than to be spending time wrongfully in prison. That is not a place where any of us want to be. Remember the "Central Park 5" were wrongfully convicted and had to waste the best years of their lives. They had to go behind bars because they were wrongfully convicted.

So, when we pay people to prosecute people on behalf of the people of the State, for them to become the ones that's the problem and not the people that they wrongfully convicted is unacceptable and unconscionable and it is time for us to have this kind of commission to hold them accountable. We had a Brooklyn DA in his office - prior to Brooklyn DA Thompson, prior to him - that Brooklyn DA wrongfully convicted countless, countless people - Charles Hynes - and now this Commission will hold people like him accountable. So I want to congratulate Nick Perry on this and for all those who are supporting this today. We're doing the right thing making history, and I vote in the affirmative.

(Applause)

ACTING SPEAKER DENDEKKER: Mr. Barron in the affirmative.

Ms. Richardson to explain her vote.

MS. RICHARDSON: Mr. Speaker, I want to commend the sponsor of this legislation, as this legislation is extremely imperative and just timely in what we are going through. I see all of those who are standing in the pews and the tears that began to pour down the gentleman's face just to see that this bill was coming to the floor. Having to spend over a decade, two decades, three

decades in prison for a crime you did not commit, it's just a terrible thing.

I also want to acknowledge a gentleman I personally know. His name is Alan Newton. I had the pleasure of going to Medgar Evers College with him, and he served 22 years in prison for a crime he did not commit. Thank God for DNA evidence and the Innocence Project. He now sees his freedom today, just like those gentlemens (sic) in the pews. And I really want to acknowledge the Kings County District Attorney's Office in the Borough of Brooklyn, because this issue is such a rampant issue within our county that there's a special unit that works on turning over these cases and finding the truth for these gentlemen and giving them a chance to live their lives again.

So I just want to say to you guys up there that there are people down here that will continue to fight for you. You continue to raise your voice. There may have been years of your life that have been taken away, but you're going to use the rest of the years to ensure that you change the others' lives. Knowing that, Mr. Speaker, there are still people in jail today who are serving time for crimes that they did not commit, so this piece of legislation is just the beginning of a further journey that we are all going to undertake. Thank you.

(Applause)

ACTING SPEAKER DENDEKKER: Ms.

Richardson in the affirmative.

Mr. Gottfried to explain his vote.

MR. GOTTFRIED: Yes, Mr. Speaker. This is an issue that I guess has been with us as long as we've had prosecutors and grand juries and the like. I remember in the late '70s getting a couple of pieces of legislation enacted on the problems of prosecutorial misconduct. Every decade or so the Legislature seems to be able to achieve some small advance in this area, and I just want to join in commending the sponsor of the bill in what must have been an extraordinary effort to get this piece through both Houses and on its way to the Governor's desk. One more step forward to protect our rights and liberties in the criminal justice system, and I'm happy to vote in the affirmative.

ACTING SPEAKER DENDEKKER: Mr. Gottfried in the affirmative.

(Applause)

Mr. Quart to explain his vote.

MR. QUART: Thank you, Mr. Speaker. I wanted to acknowledge my friend and someone who I have worked with over the years, Jeffrey Deskovic, who is sitting there, and his incredible effort. And I just wanted to congratulate the sponsor, Nick Perry, on an important piece of legislation.

I think recent events in Rensselaer County have really highlighted why this bill is necessary. In Rensselaer County, alleged serious malfeasance against the outgoing or former District Attorney and the Governor, by Executive Order, tasked the Attorney General to investigate the matter. But recently a Supreme Court Judge -- or

Criminal Court Judge in Rensselaer County that dismissed the action against the District Attorney, setting forth that the Executive Order was not sufficient. Now, the Governor could set forth a new Executive Order, change the Executive Order, but I think what happened in Rensselaer County with one judge in particular dismissing that case shows that the powers that exist under the State Constitution only by Executive Order are insufficient to deal with alleged abuse by prosecutors throughout the State.

What's necessary is a bill like this, and let us understand that normal attorneys, civil practice who engage in alleged malfeasance, their own bar committees or grievance committees with few and any investigatory powers, none with subpoena power. So, if you think existing protocols are in place that can deal with District Attorneys, that's inaccurate. What we need is legislation like this, and I'm thankful that Nick Perry brought this bill forth and I -- I withdraw my request and vote in the affirmative.

ACTING SPEAKER DENDEKKER: Mr. Quart in the affirmative.

Mr. Abinanti to explain his vote.

MR. ABINANTI: Thank you, Mr. Speaker. I am pleased to join those who support this legislation. Most of the District Attorneys elected in this State are honorable people attempting to do what's right, but some few sometimes forget that their job is not to obtain convictions, but to do justice. The present process is insufficient. Those who would investigate District Attorneys most

often are subject to the jurisdiction of those District Attorneys, whether they are plain lawyers or whether they are judges. So, we need a process to conduct the investigations where the people empowered by the legislation are out of the reach of the District Attorneys who they're investigating. I suggest that's the only way that we can ensure that justice is done; therefore, I vote in the affirmative.

ACTING SPEAKER DENDEKKER: Mr. Abinanti in the affirmative.

Ms. Glick to explain her vote.

MS. GLICK: I appreciate the opportunity just to explain my vote. While we depend on the justice system to protect us and protect society, there have been too many instances where the focus has been on clearing a case and not necessarily on seeking justice. So, I commend the sponsor and I happily vote in the affirmative.

ACTING SPEAKER DENDEKKER: Ms. Glick in the affirmative.

Are there any other votes?

No, hold on.

(Pause)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

Mr. Morelle.

MR. MORELLE: Thank you, ladies and gentlemen; thank you, Mr. Speaker. I'd like to take the following bills up in this order: I'd like to begin with Rules Report No. 69 by Mr. Rodriguez on page 6, followed by Rules Report No. 150 by Mr. Abinanti on page 9, then Rules Report No. 194 by Mr. Morelle on page 11, and follow that with Calendar No. 86 by Ms. Rozic on page 35.

ACTING SPEAKER DENDEKKER: The Clerk will read.

THE CLERK: Assembly No. A10813, Rules Report No. 69, Rodriguez. An act to amend Chapter 384 of the Laws of 1998 amending the Public Authorities Law relating to the powers of Terence Cardinal Cooke Health Care Center, in relation to extending the effectiveness thereof.

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. A03036-B, Rules Report No. 150, Abinanti. An act to amend the Election Law, in relation to prohibiting certain loans to be made to candidates or

political committees.

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.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you very much, Mr. Speaker. I wanted to commend the sponsor. There were some concerns that were raised during the Committee process. The sponsor took those concerns into consideration and amended the bill to address it, and as a result of those amendments, I think the bill will receive unanimous support. So, again, compliments to the sponsor for looking for and responding in a favorable way to suggestions to improve the bill. So, look forward to seeing this bill become law. Thank you, sir.

ACTING SPEAKER DENDEKKER: 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. 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: 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.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you very much, Mr. Speaker, for allowing me to explain my vote. This bill has received a lot of opposition in the past when it was sponsored by a different member, and while I certainly appreciate the current sponsor, the bill remains the same. And what it does is it provides a \$7 million tax credit for commercial production companies. And the problem I have with the bill is it's a substantial benefit to commercial production companies, none of which I think are suffering financially, and the nature of the business is it's a one-time event. They make the film, they're done. And I think we, as a State, would be much better if we took that type of approach to helping our manufacturers who make substantial investments in equipment and capital investments here and stay here year after year after year, whose product doesn't end after one production run.

And so I just think this is, while it may be certainly helpful for this industry, that our State would be better off if we were focusing our resources on long-term employment rather than incidental, instant, you know, employment that relates to a particular instance. And for those reasons, I'll be voting in the negative. Thank

you very much, Mr. Speaker.

ACTING SPEAKER DENDEKKER: Mr. Goodell in the negative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to explain my vote. I actually want to applaud the sponsor on this one. As a result of these efforts, I want to say that I have visited personally at least three stages of different movie productions that were done in the great City of Buffalo, and while, you know, they may come in and spend six months and sometimes a year doing a film, what they see when they're there, they wouldn't have seen had they not come. They see a great city. They see great opportunities, they see a great cost of living. They see a little bit of traffic, they see Niagara Falls and in many instances, Mr. Speaker, they actually come back and visit. And I know at least I want to say two or three different people who are now looking for vacant warehouse space to establish permanent studios. This would not have happened if we did not have the opportunity to incentivize them to come the first time. So, I applaud the sponsor of this legislation and I'm very pleased to vote in the affirmative.

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'd 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 AUBRY: Rules, Speaker's Conference Room.

The Clerk will read.

THE CLERK: Assembly No. A01272-A, Calendar No. 86, Rozic, Aubry, Barrett, Blake, Davila, Fahy, Jaffee, Mosley, Perry, Titone, L. Rosenthal, Simon, Weprin, Gottfried, De La Rosa. An act to amend the Correction Law, in relation to requiring the Department of Corrections and Community Supervision to place incarcerated parents at correctional institutions and facilities closest to their children's home.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect in 365 days.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER PHEFFER AMATO: Ms. Walsh to explain her vote.

MS. WALSH: Thank you. I'm supporting this bill because although the -- the little description up there says that it requires the Department of Corrections to place incarcerated parents in the facilities closest to their children, it does say whatever practicable.

So, there is -- it's -- it's not a hard and fast requirement. I like the fact that it says that if it's suitable and appropriate this will happen, and only when it's in the best interest of such child or children.

I do think in the future going forward that it would be great if we could work on increasing web-based video conferencing services to allow children to have face-to-face contact through that means with their incarcerated parent, because having visited a maximum security and minimum security prison, it's really not a great place for kids to go to visit with their parents. So, I'd love to look at alternatives to that, as well. Thank you.

ACTING SPEAKER PHEFFER AMATO: Ms. Walsh 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, Madam Speaker. I'd like to call up the following bills, all found on page 98 of the main Calendar, beginning with Calendar No. 957 by Ms. Fahy, followed by No. 958 by Mr. Kim, and then this group to conclude with Calendar No. 969 by Ms. Paulin.

ACTING SPEAKER PHEFFER AMATO: The Clerk will read.

THE CLERK: Assembly No. A08882-C, Calendar No. 956, Fahy, Morelle, Barrett, Ortiz, Magnarelli, Gottfried,

Englebright, Thiele, Simon, D'Urso, Glick, Lupardo, Jaffee, Zebrowski, Santabarbara, Colton, Cahill, Jenne, Galef, Mosley, Arroyo, Seawright, Pichardo, Lifton, Titone, Brabenec, Brindisi, Dinowitz, Vanel, Stirpe, L. Rosenthal, Steck, Abinanti, Richardson, Wright, Wallace, O'Donnell, Taylor, Niou, Quart, Carroll, De La Rosa, Weprin, Pellegrino. An act to amend the Public Service Law and the State Finance Law, in relation to instituting Internet service neutrality.

ACTING SPEAKER PHEFFER AMATO: An explanation is requested, Ms. Fahy.

MS. FAHY: Yes, thank you, Madam Speaker. This bill was introduced a number of months ago after a ruling at the Federal level and what it does is require or works to preserve a free and open Internet, often referred to as "net neutrality" because we believe it's critical for New York's growth and critical for the entrepreneurial spirit, innovators, students and consumers who are all dependent upon a free and open Internet. And what this would do is actually require Internet Service Providers, or ISPs, to publicly disclose if they have been engaged in practices such as throttling or paid prioritization.

Now, this requirement is still one that is required by the FCC, the Federal Communications Commission, and what we would do is just ask that the PSC in New York, the Public Service Commission, establish a process for certifying and ensuring that they are checking these public disclosures - again, these

Federally-mandated public disclosures - to make sure that net neutrality principals are maintaining a free and open net -- free and open Internet are still being abided by if these ISPs, Internet Service Providers, are contracting here in the State of New York and if they are not, they would not be eligible for State or municipal contracts.

ACTING SPEAKER PHEFFER AMATO: Mr. Palmesano.

MR. PALMESANO: Yes, Madam Speaker. Will the sponsor yield for some questions, please?

MS. FAHY: Sure.

ACTING SPEAKER PHEFFER AMATO: The sponsor will yield.

MR. PALMESANO: Thank you, Pat. So, as you said, this -- this legislation was introduced in response to the FCC ruling as far as their ruling about the Restore (sic) Internet Freedom Act in which kind of countered the -- which -- which was put in place in 2015, correct?

MS. FAHY: Yes.

MR. PALMESANO: And prior to -- so, the ruling from the FCC basically would just take us back to the regulatory framework we were prior to that order in 2015, correct?

MS. FAHY: Not really. If you will, it's somewhat of a side-door approach. We are saying, clearly, the Federal Commission, the FCC, has decided not do that, but what we want to do is maintain a free and open Internet here in New York. So, we're

saying whether the Feds require it or not, you still have to publicly disclose it based up, again, based on Federally-mandated requirements, you still have to disclose if you are practicing paid prioritization or throttling or any other costly type of practice. And if you are, you would not be eligible for a State or municipal contract. So, we're not saying you can't do it, we're just using the power of New York State's purse to make sure that you are not doing it here in New York.

MR. PALMESANO: Thank you. Didn't the Governor issue an Executive Order along the same lines along this issue?

MS. FAHY: Yes, after we had introduced the bill, yes.

MR. PALMESANO: I do have some additional questions. Madam Speaker, will the sponsor continue to yield?

ACTING SPEAKER PHEFFER AMATO: Sponsor, will you yield?

MS. FAHY: Yes.

MR. PALMESANO: Pat, relative right now under the Public Service Law, there's no provisions under Public Service Law to regulate Internet services; is that correct?

MS. FAHY: That's correct.

MR. PALMESANO: The bill would do that?

MS. FAHY: And this would not require any regulation either.

MR. PALMESANO: Okay.

MS. FAHY: And that's how we're getting around any Federal preemption problems. This only requires that the PSC, the Public Service Commission here in New York, would certify that ISPs who are interested in State or municipal contracts have abided by these Federally-mandated requirements of disclosing if they are adding any paid prioritization or throttling or anything that we think would not keep the Internet free and open to the public.

MR. PALMESANO: I know the question is obviously looking out for the consumers in this process, I know that's where your interest is in the legislation. Obviously, I have some concerns relative to it. Right now under current law, doesn't the Attorney General right now have the ability to enforce Consumer Protection Laws of general applicability against broadband providers if they go against the business operating in the State? The Attorney General has that right under the law if there is consumer violation, consumer laws being violated right now. Doesn't the Attorney General have that right under the law?

MS. FAHY: Well, again, it technically would not be a violation. So, in this case, I do not believe the Attorney General would have any jurisdiction here because let's say an ISP, one of the Internet Service Providers did choose to do paid prioritization or throttling, or now even a zero rating, the -- I don't think the AG would have jurisdiction there because right now that would be legal because there are no net neutrality -- the net neutrality principles have been

abandoned, if you will, by the FCC. They only have to report them. They are not prohibited or they are not in violation if they practice any of these paid prioritizations. So, I don't think there would be jurisdiction there.

MR. PALMESANO: And I understand -- I understand that's what you're interested in. Didn't the FCC order also restored jurisdiction back to the Federal Trade Communication (sic) to use when broadband providers engage in anti-competitive or deceptive behavior, the FTC has that jurisdiction under that order right now. So, why -- why the need for New York to come in with their own set of rules when the FTC has that ability and jurisdiction to do that right now?

MS. FAHY: They have the jurisdiction, but, again, they've decided not to essentially abandon the current principles and while they have the jurisdiction, they have withdrawn any of the regulations that required keeping the Internet free and open. So, while they have the jurisdiction, they no longer -- it's no longer a violation, if you will. So, we think the State has the ability, again, without regulating, the ability to at least monitor the disclosures - they're still required to disclose if they're beginning to charge or practice unfair paid prioritization - where they disclose it, we would not make them eligible. So, again, it's a side-door approach using the power of the State's purse to make sure that we discourage those practices here in New York.

MR. PALMESANO: So -- so I know you're saying

there's no regulation, but if they're going to be barred from being eligible for certain contracts and being -- participating, certainly as a regulatory part of this process, as well. I guess one question I would like to bring up is -- is given the Internet, obviously agree, crosses all boundaries, crosses State lines, works internationally, I don't want to -- I don't want to get my colleague in front of me up in arms about the Constitution, but couldn't this certainly possibly be looked at from -- from -- from a perspective of a violation of the Interstate Commerce Clause in the Constitution?

MS. FAHY: We -- we looked at that very closely, again, back in December when we were first looking at this, and essentially, we think we have thread the needle rather carefully here and because we are not restricting - any company can still come in here into New York, we are not prohibiting them, we're just saying if you're not practicing net neutrality principles, you just can't get New York State contracts or municipal contracts. So, that does not violate or restrict interstate commerce, which is why we've -- we -- our draft was quite different than what you saw in many other states because we're not regulating. We are only certifying based upon what are already Federally -- Federally-mandated reporting requirements. So, we have circumvented any of those problems.

MR. PALMESANO: All right. We may have some difference on our interpretation of whether it's regulation or not, and I'm sure that could be another conversation, but wouldn't you argue -- and when we talk about business investment in our State, one of the

complaints we hear from the business community a lot is -- is, one, the uncertainty in the business climate and -- and the regulations and impact they face; isn't that one of the biggest challenges our business community always stresses to us during our budget policies and whether it's taxed and regulatory policies, wouldn't you agree that that's one of the biggest hurdles we face and hear a lot from the business community?

MS. FAHY: Sure, and that was honestly one of my single biggest motivations for jumping on this and -- and sharing serious concern when we saw that these -- these rules were being abandoned, if you will, because particularly here in Upstate, small business innovators, particularly among the millennials, it is the lifeblood of the Upstate economy and many of those innovators and entrepreneurs rely on a free and open Internet to begin to launch their businesses, particularly small startups. So, the idea of -- of having -- being sidelined, if you will, or having to pay more in order to get their content higher and having to compete with larger businesses on paid -- with paid prioritization would really hurt small businesses. So, that was honestly one of the -- the major, if not the impetus for this bill.

MR. PALMESANO: Right. One of the things that I wanted to -- I know one of the things that I think when the FCC was doing their investigation in this, one of the things they noticed from when the time, from the time that the 2015 regulation came in place at the Federal level they saw a decrease in investment in broadband expansion from 2014. They saw capital expenditures decrease from

\$32.1 billion to \$26.4 billion at a time when the economy was doing okay, but they saw a decrease in that investment and that's one of the concerns that they had, they want to increase that investment and I think that's the concerns I have. I guess, it's my understanding -- were you aware that there are over 200,000 wireless-related jobs in New York State and that the wireless industry contributes over \$29 billion to the State's Domestic Gross Product, GDP?

MS. FAHY: Yes, and we would like to see more growth there, not less, quite frankly, but I think some of that has also been a consolidation in the industry. Already, particularly here in Upstate, there are many areas of the State where libraries or homeowners or entrepreneurs only have access to one Internet Service Provider -- here in the City of Albany we only have one; some of the surrounding areas have two. So, if anything, we want to make sure that because of the monopoly, if you will, of those services, we want to make sure that they continue to be free and open while recognizing there has been a consolidation in the industry.

That said, though, we have seen -- some of the content providers raise concerns about -- raise concerns about the ability to change the Internet from a free and open one, as well. In other words, like even Facebook, Google, they've all raised concerns about the possibility that we could see more of this paid prioritization. And, by the way, I should note, folks like AT&T have said they will continue to abide -- in response to the backlash, if you will, of what happened in December, companies like AT&T have said they will

continue to abide by net neutrality principles, and they deserve a lot of credit for that. We just want to make sure that all Internet Service Providers continue to practice good behavior, again, on keeping this free and open. But we think -- we think this is a way to keep all on notice.

MR. PALMESANO: Pat, is there a concern that if now you have a patchwork of states doing different things now that this Federal order is in place that it could put -- it could certainly stymie investment and job growth in this industry, particularly in New York when you have like a patchwork of policies going around in different states. Isn't that something that can certainly stymie the investment in our State that we want to see happen and grow in this State?

MS. FAHY: That's an excellent question and thank you for -- for asking that. We, at the time, back in December, actually shared the bill with multiple other states. Obviously, our preference would be to see the Feds step in and, as you know, there has been an effort in Congress to step in and restore these net neutrality principles. At this point, that has not happened, although there has been some bipartisan support for it. But we -- we don't want to see a patchwork of 50 states having 50 different types of statutes on the books which, again, is why we shared this because we are not regulating here, we are only asking that the PSC step in to certify based on Federally-mandated disclosure laws. So -- so we think we have thread the needle a little more carefully than a number of other states, but I

would prefer to see all 50 states adopt similar statutes, as well as prefer to see the Feds address this and restore those net neutrality principles.

MR. PALMESANO: Thank you, Pat. I agree with you on the one statement you made, that the Federal government should be the one really addressing this issue rather than having --

MS. FAHY: Yes.

MR. PALMESANO: -- the patchwork of states. Madam Speaker, on the bill. Thank you, Pat, for your time, I appreciate it.

MS. FAHY: Thank you.

MR. PALMESANO: Madam Speaker, on the bill.

ACTING SPEAKER PHEFFER AMATO: On the bill.

MR. PALMESANO: Yes, Mr. Speaker -- Madam Speaker and my colleagues, I have concerns with this legislation because I'm concerned about what we're going to have as a patchwork of regulations and policies in 50 different states. This is something I think it's going to create uncertainty in our business community. Right now, we have over 24 companies that are providing advanced telecommunications and broadband services across New York. I think this is something that could put us at a competitive disadvantage with other states that aren't putting in other policies.

When we talk about 200,000 wireless jobs in New York State right now contributing over \$29 billion to our State's GDP,

I think this is something -- a policy that could stifle innovation and -- and prevent investment at a time when we need it most. There's already documentation that showed from 2014 to 2016 we saw a decrease in capital expenditures for broadband services. That's not what we need at this point in time, especially in our rural areas. There were areas that were hurt from that -- from that time, from that order that was place in 2015. Even some of -- impacted many different providers, even some that provide services to our rural areas that they -- because of the cost of the obligations that it prevented them from doing some of the build-on expansions and investment that they would have liked to do.

I think that's a concern I have and some of us on this side of the aisle have. I think I do agree with the sponsor that the ideal place for this is to be handled be at the Federal level, and I think this legislation and other states trying to do things like this is going to create a patchwork of regulations and requirements that is going to put more of a burden on our business community, which is going to stifle that investment and that build out of the broadband that we're trying to promote throughout our State, in particular in our rural areas. We want to create jobs and we want to have that investment here in New York State and I'm just concerned that this -- this issue is going in the wrong -- wrong direction and for that reason, I will be voting in the negative and I'll be urging my colleagues to do the same you. Thank you, Madam Speaker.

ACTING SPEAKER PHEFFER AMATO: Mr.

Goodell.

MR. GOODELL: Thank you, Madam Speaker.

Would the sponsor yield?

ACTING SPEAKER PHEFFER AMATO: Will the sponsor yield?

MS. FAHY: Sure.

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

Now, as I understand it, and I just want to make sure I understand it because I don't have my grand kids here to explain these kinds of things to me, but, certainly, if I go and I want to get Internet access, the provider initially offers me multiple plans, it's like slow, medium, fast, super fast or whatever, and I pay a different fee depending on the speed. And that's the current status and that's not affected by this, correct?

MS. FAHY: Correct.

MR. GOODELL: And presumably I pay a higher fee to the Internet provider for the higher -- I pay a higher fee for the higher speed because it presumably involves capital investments, more sophisticated equipment and more expense to the provider to provide me with a higher quality of service.

MS. FAHY: Yes.

MR. GOODELL: And this then goes beyond that and says that if one of the sites that I want to visit wants to have even higher speed than what would otherwise be available under the Internet provider's basic plan, I would be prohibited -- or I shouldn't

say prohibited, but net neutrality says I would be prohibited even if I wanted to pay more for a higher quality and a higher speed from a particular site, this would ban that; net neutrality would ban that, correct?

MS. FAHY: It -- it might ban it there, but it's more of the concern about the paid content. So, for instance, if you have a photography business and you are advertising as an entrepreneur, as a startup company trying to advertise your services and other bigger companies came in and paid to make sure that when *photography* was Googled in your region or area, all of their services came up first, and you would have to pay more --

MR. GOODELL: Well, but that occurs under the current system, right? I mean, there's all these optimization programs and things like this, but what I'm driving at is if what if a local municipality, or a library, for example, without net neutrality, it would be possible or it might be a situation where they want access to a particular provider and they want really extra fast, extra high-quality service. Without net neutrality, they would be able to negotiate for a higher cost and a higher quality of service from that particular content provider, correct? But this bill would ban that.

MS. FAHY: No, I don't think that that applies here. If anything, actually, the schools and the libraries somewhat surprised me. The libraries across the State came out in opposition -- I'm sorry, in support of this bill because of their concerns about having to pay extra for certain content. But in terms of getting higher speeds, that

would not -- in terms of having just higher speed service, you can do that now and that would not be prohibited. It's -- it's what kind of content and the traffic management.

For instance, right now, education programs are used extensively across the State. AP courses and what have you are offered generally for free. This would now pay -- this would -- could lead to a paying extra for any of those services or paying extra for what are freely available library services. But, it's not -- not the speed that I know. That might be a possibility, Mr. Goodell, but that's not one of the concerns that has been raised by so many of those in opposition to what the FCC ruling.

MR. GOODELL: Thank you very much for explaining that. On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: Thank you, Mr. Speaker.

So, you know, in the private sector where government doesn't regulate everything, if you want to buy a car that has higher quality or a higher speed, you can do that. Imagine if we passed a law that said every car can only go one speed, only has one speed and we made it illegal for anyone to make a car that went faster or slower. Well, that's sort of what we're doing here. On one hand we say you can buy whatever speed you want to connect between your Internet provider and your own personal computer, but then we say we would ban any of our municipalities from paying more if they wanted higher quality service, or paying less if they wanted lower quality service

when it came to the source of the information.

One reason why those who support Internet freedom as opposed to net neutrality is because they argue that if you remove those restrictions, the Internet will innovate more, will develop even higher quality service for a premium price for those sites that may use very wide bandwidth or may have special requirements, such as high density photography and, therefore, ultimately provide a much higher level of service to everyone. And as long as you have an open competitive market, we've learned through experience that open competition results in better price and better quality. And every time we impose a price control, we stymie innovation and the opportunity for consumers to decide the speed they want, the quality they want, the sites they want and, otherwise, get the product that they want.

We look at television. My television gets the same as your television. That doesn't mean I have ESPN or any Pay-Per-View, but we recognize if you allow Pay-Per-View, you get a broader variety. Maybe not for me, but for others. We realize that if you allow ESPN to charge extra, we have more variety and that's exactly what we're talking about here. Do we want to stymie variety? Do we want to stymie opportunities? Do we want to restrict consumer choice, or do we want to let the private sector work its magic to give us the best quality at the best price with options that meet our own individual consumer budgets. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Fahy to explain her vote.

MS. FAHY: Thank you, Mr. Speaker. I just want to reiterate some of my comments and then respond to some of the others. And I thank the Speaker and the Chair for bringing this bill to the floor. Net neutrality and preserving a free Internet, an open Internet, have been critical to New York's growth, particularly for the innovation and entrepreneurial -- the growth of the entrepreneurial economy. They've all been dependent upon a free and open Internet. This is not about speed and how fast the Internet is, this is about making sure that content is not one -- one type of content is not chosen over another because larger companies can pay more to have their content shown over an entrepreneur who is in a startup photography business or any other type of dot-com business that we've talked about. And when this was discussed in December when the FCC rolled back on these -- on these protections, 80 percent -- the poll at that time said 80 percent of consumers supported net neutrality rules.

What we are doing in passing this bill and even, as I said, I'd like to see this done at the Federal level, but we are trying to put Internet Service Providers on notice that they need to continue to play fair, need to continue to keep the Internet free and open, and what we would do is deny -- have the ability to deny State contracts or municipal contracts or even library contracts to those who have

publicly disclosed, based upon Federal mandates, that they are engaging in practices like throttling or paid prioritization or other types of traffic management that would favor one large company -- in many cases, a large company over another startup company. When -- we've already heard from investors who say that they are struggling to find investors because of this fear of paid prioritization. And with that, I stand in support and -- of my own bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Fahy in support.

Mr. Pichardo.

MR. PICHARDO: Thank you, Mr. Speaker, for allowing me to abstain and explain my vote. First and foremost, at this point, because the Internet has become so ubiquitous with our lives and society and how we see the world, it's inherently become a public utility. And the problem is when you try to create a system where you have the haves and have-nots, the folks who can pay for Internet access and those who don't, we talk about a pretty old and really recognized phenomenon called "the digital divide". I have studied this issue for the better part of close to a decade and it's -- it goes beyond just simply people having access to a computer or not or smartphone or not, it's having the infrastructure around -- around them to utilize these devices efficiently and effectively.

Ultimately, what happens is that if you allow the private sector to run roughshod of the consumer, the consumer will suffer. We've seen that with supply-side economics time and time

again, and I can explain to you that my constituents have not seen the -- the private market help them to the degree where it's been said today, so I commend the sponsor for her leadership on this issue and I'm proudly stand and vote in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Pichardo in the affirmative.

Mr. Walter.

MR. WALTER: Thank you, Mr. Speaker, to explain my vote. What this bill really does is give away power and control to huge companies like Netflix, Facebook, Google. They're using an infrastructure that was built, an investment that was made for free, for all intent and purposes, and we're not going to do anything to stop them from doing that. Of course, the content providers want this because they're the ones that are benefitting from this. We have made massive infrastructure, we have seen massive infrastructure investments in -- Internet -- Internet Service Providers over the decades without the hand of government heavily weighing down on them. But as soon as we decided to get into this business of regulating Internet content -- Internet Service Providers, that's when we saw a rollback of the investments being made.

So, if we want to continue to expand and grow the availability of Internet throughout -- throughout our region and throughout the area, then we need to take a step back and get out of the way for this to occur, for that investment to continue to be made so

everybody can benefit from it. As soon as we put our fingers on the scale, that's when we screw it all up. So, I vote in the negative and I encourage my colleagues to also vote in the negative.

ACTING SPEAKER AUBRY: Mr. Walter in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you very much, Mr. Speaker, that I might interrupt briefly to introduce a very, very special guest of Mrs. Peoples-Stokes who is in the Chamber with us. We're delighted to have Samuel Leon Radford, III, who is more affectionately known throughout the Buffalo and greater Erie County region as "Brother Sam". Brother Sam is the CEO of Inpowerment Training and Consultations. He's a motivational speaker. He's a teacher, he's a trainer, he's an author, publisher, producer and community activist. And, occasionally, he gets to sleep a little, too. A very active, well-known individual, and I know that Mrs. Peoples-Stokes is very excited to have him in the Chambers to observe our proceedings and we certainly want to extend all the cordial -- cordialities of the House to -- to Brother Sam -- Sam Radford, and if you would please do that and offer him the privileges, sir.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mrs. Peoples-Stokes, the Speaker and all the members, Mr.

Radford, we welcome you here to the New York State Assembly. Extend to you the privileges of the floor. So happy that you have joined us today. So happy that you've had such an accomplished life and that you're willing to share that and, of course, that you are gracing us with your presence and making Mrs. Peoples-Stokes happy today, which is a day that we need some help being happy. Thank you so very much. We're so pleased to have you. Come back again.

(Applause)

The Clerk will read.

THE CLERK: Senate Bill No. S07423, Calendar No. 958, Avella (Kim, Vanel, D'Urso--A09524). An act to amend the New York State Urban Development Corporation Act, in relation to assistance for certain small businesses.

ACTING SPEAKER AUBRY: An explanation has been requested, Mr. Kim.

MR. KIM: Yes. Thank you, Mr. Speaker. This bill would allow dry cleaning businesses and appearance enhancement businesses which practice nail speciality to make capital improvements through grants and flexible financing programs through the Urban Development Corporation Act.

ACTING SPEAKER AUBRY: Mr. DiPietro.

MR. DIPIETRO: Just on the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. DIPIETRO: Well, being a dry cleaner all my life, I wanted to comment on this because I want to just one more time

reiterate what's going on in the industry. This is a good bill in a certain aspect that it's going to allow dry cleaners and others the chance to get a loan to improve the facial product of their business. But the fact is just in March, the DEC with the stroke of a pen outlawed about 80 percent of the dry cleaners that use a certain piece of equipment, their main piece of dry cleaning.

And let me give you a little history. Back in 1999, the DEC came in and maybe with the help of this Legislature told all dry cleaners they had to comply with these new regulations. Now, these new regulations were supposed to improve the industry, which they did, but the technology that they said in 1999-2000 that they wanted all dry cleaners to adhere by was not even invented yet. And so, in New York State's great ominous will, they said, *It will happen and you'll comply*. Well, as a dry cleaner in 2017, they still had not complied almost 20 years later. The technology for this industry was still not there. So when a DEC inspector came around to every dry cleaner in the State to inspect them and looking for leaks with a leak detector, you were told to take silicone and when the inspector found the areas on your machine, you were to silicone them because that was the only way to get the parts per billion to a point that would be in New York State compliance, which was the only State in the country and the second highest compliance in the entire world to be a dry cleaner is right here in New York State, still to this day. Toughest place to do business. In the year 1999, 2000, there were about 4,400 dry cleaners in New York State. When the new rules and regulations

came into effect, now there are less than 1,600. Those were all mom and pop stores employing between two and eight people. All those people are gone. They couldn't afford the compliance.

So, with all those regulations and now having to have about 80 percent of the industry having to comply and build these machines back up to so that they are not -- they're not even in compliance -- the technology is not there, but we do in New York State have the cleanest dry cleaners in the entire country are in New York State. So, what does our good Governor do back in March with the DEC? With a stroke of a pen says all of your dry cleaning machines, if you use a certain type, in five years are going to be void, out of compliance. There's no grandfather clause. Last year, I was about to spend and take a huge loan out for about \$125,000 and buy a new machine. Thank goodness I did not, because I would now have to in five years get rid of a beautiful machine, the best machine in the industry in the world, but under -- because it's New York State, they would say, you know what? Too bad. Tough luck. Oh, and, by the way, to get rid of any dry cleaning machine costs between \$7- and \$15,000. It has to be done a certain way.

So, while this bill -- I just want to keep reiterating that while this bill helps, if you can't afford \$125,000, then the difference between a 2 percent loan and a 3 percent loan doesn't mean squat. You're not going to be able to afford it. So, the real issue is this Body should start taking a look and maybe go back after the Governor and the DEC and say forget that regulation, we are the best

dry cleaning industry in the world, we have the -- we have -- we are on top of the technology here. All other states look up to us because we're on the cutting edge, because we have to be. No other state has to go through the hoops and regulations that we do. And, yet, now to put more people out of business, the Governor pulls this in March because now he's under the gun with a political opponent, and make no mistake, this is politics, but he's just put a huge burden and put a lot of people out of business in the next few years that are going to have to comply and cannot.

So, while I applaud the sponsor, this is closing the barn door after everybody's left the barn. And so, good luck to those who are still going to be in business if they need that loan to comply, but dry cleaning in New York State, next time you're out and you complain about the price of dry cleaning, I'm telling you exactly why. Maybe thank your dry cleaner and give him a tip. So with that, I will be voting for it, but five years from now, we'll see where it all goes because it's not going to be pretty. Thank you, Mr. Speaker.

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. A10673, Calendar No. 6 -- 969, Paulin. An act to amend the New York State Medical Care Facilities Finance Agency Act, in relation to the ability to issue certain bonds and notes.

ACTING SPEAKER AUBRY: On a motion by Ms. Paulin, 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.)

Mr. Oaks to explain his vote.

MR. OAKS: Thank you, Mr. Speaker. This is -- New York State Medical Care Facilities Finance Agency provides resources for hospitals and nursing homes, projects, rehabilitation or new building. What this does is expand the overall bonding threshold from \$15.8 billion to \$16.6 billion. I will be voting in favor of this. Certainly, the facilities that will be improved or built due to this are important. At the same time, though, I would, as we've done a number of bills over the last few days, this is expanding bonding or the ultimate indebtedness in the State and if I look back at 2004, we were at \$12.4 billion. This pushes us from \$15.8- to \$16.6-. Just cautionary as we proceed to the State as a whole, just the total amount that we have indebtedness as we go forward. Thank you.

ACTING SPEAKER AUBRY: Mr. Oaks 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. If I could...

(Pause)

Yes, sorry, Mr. Speaker. I'd like to take the following three bills off the debate list in this order: Beginning with Calendar No. 325 by Mrs. Peoples-Stokes, which is on page 54; then go to Calendar No. 172 by Mr. Dinowitz on page 42; and then conclude this grouping with Rules Report No. 152 by Mr. Bronson, which is on page 41.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A04303-B, Calendar No. 325, Peoples-Stokes, Crespo, Taylor. An act to amend the Executive Law, in relation to dialysis center disaster preparedness plans.

ACTING SPEAKER AUBRY: Read the last section.

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

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 wanted to commend the sponsor, Mrs. Peoples-Stokes.

This bill came up last year, we had some -- a few negative votes on a concern that the bill is too narrowly drafted. She made some changes in the bill, and I appreciate her thoughtfulness and flexibility and I will be supporting it this year. Thank you very much, Mrs.

Peoples-Stokes. And thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Goodell in the affirmative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker, for the opportunity to explain my vote. This is a bill that's very near and dear to my heart. As most people already know, I actually do have a daughter who is on dialysis. Thankfully, though, my daughter is on dialysis at a hospital, and hospitals already have in place alternative methods of energy, should in case some sort of power system goes down. But, Mr. Speaker, there are a lot of stand-alone dialysis centers, not just in the City of Buffalo, but all across the State of New York that provide this service for people. And, as you know, we have experienced quite a few storms that have had impact on the power system, so it's important that there is a -- an opportunity to still have that person receive their service if something happens to the power.

I want to thank Mr. Goodell for his very thoughtful recommendations on the legislation, just -- as opposed to just focusing

on a generator, it focuses on any source of energy that can be used off the grid that will continue to be able to provide that dialysis service to the patients.

With that, Mr. Speaker, I want to encourage everybody to support this. And, actually, even maybe call their friends in the Senate so that we might get this bill approved this year. And I will be voting in the affirmative. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you. Mrs. Peoples-Stokes in the affirmative.

Ms. Niou.

MS. NIOU: Thank you, Mr. Speaker, for allowing me to briefly explain my vote. I just wanted to commend the sponsor of the bill for all of her work and I think that this is an incredibly important piece of legislation. One of my biggest fears, because my grandmother is going through kidney failure and has to be on dialysis all the time, is, you know, when something does happen, what do they do? So, I think that this is an incredible piece of legislation. I just cannot speak on how highly I commend the sponsor for her work on this bill. Thank you.

ACTING SPEAKER AUBRY: Ms. --

MS. NIOU: I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Niou in the affirmative.

Ms. Richardson.

MS. RICHARDSON: Thank you, Mr. Speaker. I

want to commend the sponsor of this legislation because this legislation really has impacted me personally very recently. I lost a family member, Ms. Deborah Morales, very recently to kidney failure. And she had been on dialysis for over 10 years. And she started to receive complications right around the time where in the City of New York we prepared for a snowstorm that never came. And so instead of having all of the dialysis patients come to the dialysis center and having a disaster preparedness plan, all of the patients were told to stay home. She stayed home, she began to swell, and where now, she just lost her life just last week from complications that ensued for months on end.

And so, we need to, as a State, really prepare for all of our fragile New Yorkers, whether they are physically sick, mentally sick, elderly, you know, we just really need to stay ready so we don't have to get ready. And with that, Assemblywoman Peoples-Stokes, thank you so much. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Richardson in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02319, Calendar No. 172, Dinowitz, Otis, Colton, Abbate, Ortiz, De La Rosa, Abinanti. An act to amend the Public Authorities Law, in relation to establishing a committee on safety within the Metropolitan Transportation Authority.

ACTING SPEAKER AUBRY: On a motion by Mr. Dinowitz, 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. 03830-A, Rules Report No. 152, L. Rosenthal. An act to amend the Cooperative Corporations Law.

ACTING SPEAKER AUBRY: On a motion by Mr. Bronson, the Senate --

(Pause)

The Clerk will read.

THE CLERK: Assembly No. A02023-A, Calendar No. 152, Bronson, Lupardo, Gottfried. An act to amend the Workers' Compensation Law and the Education Law, in relation to the care and treatment of injured employees by licensed or certified acupuncturists.

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

Mr. Bronson, a (sic) explanation is requested.

MR. BRONSON: Yes, Mr. Speaker. This bill is in connection with the Workers' Comp System. Workers' Compensation, as many of you know, provides for wage replacement as well as medical treatment for injured workers. On the medical treatment end, it's designed to ensure quality medical care for injured workers to help them recuperate, and also help them return to work. In order to have that, then we need to have professions authorized to perform medical services that matches the needs of the injured worker.

There are certain medical professions currently authorized under the system, one of those, however, is not acupuncturists. So, what this bill would do is authorize their services to be reimbursed under the medical -- or under the medical treatment provisions of the Workers' Compensation Law.

ACTING SPEAKER AUBRY: Mr. Hawley.

MR. HAWLEY: Yes, Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. HAWLEY: So although I've actually received, personally, acupuncture for a back injury that I've had off and on for a good number of years, one thing that including this would do, of course, is increase the cost for businesses providing Workers' Compensation. And to single out a singular treatment under Workers' Compensation is not necessarily what we're looking to do if we're trying to retain businesses in the State of New York and if we're trying to attract businesses in the State of New York.

I do note that in 2013, the Governor vetoed a nearly

identical bill, and in doing so, the Governor noted that the legislation would create a new system of oversight for acupuncturists separate from those governing other service providers in the Workers' Compensation Program. And as if that wasn't enough, in 2014, the Governor vetoed an identical bill citing the same kinds of concerns. And then in 2016, he again vetoed the exact same bill. The Business Council indicates that there's little doubt that this bill would lead to a proliferation of acupuncture treatment, which is all well and good, but under Workers' Compensation, it would significantly increase costs for employers at a time when reducing the costs of an extraordinarily expensive system should be a priority.

I would note that in 2008, the cost of Workers' Compensation in this country, New York is ranked nineteenth in terms of cost for employers. Two years later, 2010, we went from nineteenth most expensive to thirteenth most expensive; 2012, two years later, we dropped, or increased, if you will, to the fifth most costly Workers' Compensation in the country; 2014, fourth most expensive. And the last study was done in 2016, third most expensive. 2018 is where we are now. If we add acupuncture to a treatment under Workers' Compensation, I dare say that we'll probably be ranked first or second in terms of most costly Workers' Compensation.

So, while acupuncture works wonderfully, I don't think that Workers' Compensation is the place that we ought to be looking. We ought to be attracting businesses with good Workers' Compensation rates, less mandates, less taxes, et cetera, et cetera.

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. Bronson to explain his vote.

MR. BRONSON: Yes, Mr. Speaker, to explain my vote. First of all, the Workers' Comp system is set up specifically to provide the medically appropriate treatment for the injured worker. If acupuncture, determined by a medical doctor, is the most appropriate treatment, then it ought to be afforded. And, indeed, under the current system, it is being provided, but it's being provided by certified acupuncturists, which are medical doctors, versus licensed acupuncturists, which have more training and more on-the-job training than the medical doctors do.

Second of all, if a -- if a patient were to go to an acupuncturist for this treatment versus a medical doctor, the schedule fee is less for the acupuncturist. So, it would save the system money. Furthermore, if there's acupuncture that is provided instead of, in lieu of pain medication, then we're doing to help people not get addicted to opioids, saving the system money. And, indeed, the services of acupuncture are less expensive than the cost of pain medications. This bill is not going to increase the cost to Workers' Comp; indeed, it is going to save the Workers' Comp system money.

We should be doing this for two reasons: Number one, it's going to save the system money, therefore, less cost for employers through premiums; and two, it is the medically appropriate treatment determined by medical doctors that injured workers deserve under our system. I encourage all my colleagues to vote in favor of this. I withdraw my request and vote in the affirmative. Thank you, Mr. Speaker.

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. Would you please call on Mr. Otis for an announcement?

ACTING SPEAKER AUBRY: Mr. Otis for the purposes of a (sic) announcement.

MR. OTIS: There will be -- there will be an immediate meeting of the Democratic Conference in the Democratic Conference Room.

ACTING SPEAKER AUBRY: Democratic Conference room immediately.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I now move that the House stand at ease until the conclusion of Party

Conference.

ACTING SPEAKER AUBRY: The House will stand at ease.

(Whereupon, the House stood at ease.)

* * * * *

ACTING SPEAKER AUBRY: The House will come to order.

Mr. Morelle.

MR. MORELLE: Yes, thank you, sir. Before I begin to go to bills on the debate list, I would like to ask members of the Rules Committee to join the Speaker in the Speaker's Conference Room. Committee on Rules in the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Committee on Rules, Speaker's Conference Room.

Mr. Morelle.

MR. MORELLE: Yes, thank you, sir. I'd like to take up the next two bills in this order off the debate list: Begin with Calendar No. 1077 by Ms. Espinal on page 103; and once that's done, I'd like to go to Calendar No. 1008 by Mr. Braunstein on page 101 of the main Calendar.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A10727, Calendar No. 1076, Dinowitz. An act to amend the General Obligations Law, in relation to prepayment penalties for mortgages secured by real property owned in a cooperative form of ownership.

(Pause)

MR. MORELLE: Mr. Speaker.

ACTING SPEAKER PICHARDO: Mr. Morelle.

MR. MORELLE: Yes. Just to be clear, it should be Calendar No. 1077 by Ms. Espinal on page 103 of the main Calendar.

ACTING SPEAKER PICHARDO: Loud and clear, sir.

The Clerk will read.

THE CLERK: Calendar No. 10728 -- Assembly No. A10728, Calendar No. 1077, Espinal, Epstein, Simon, Ortiz, Pichardo. An act to amend the Penal Law, in relation to crimes involving the death or injury of a worker.

ACTING SPEAKER PICHARDO: An explanation has been requested, Ms. Espinal.

MS. ESPINAL: Thank you, Mr. Speaker. This bill, Carlos' Law, aims to protect workers from employers who fail to enforce safer working environment by creating new offenses and considerably increases the fines and penalty imposed of an employer or corporation convicted of certain crimes that leads to bodily injury, severe physical injury and/or a death of a worker.

ACTING SPEAKER PICHARDO: Mr. Goodell.

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

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

MS. ESPINAL: Yes, I do.

ACTING SPEAKER PICHARDO: The sponsor yields.

MR. GOODELL: Thank you very much, Ms. Espinal. I -- looking at the scope of this, if I can direct your attention to page 2, starting on line 19, we define a "worker" to include an independent contractor. So, clearly if you have a -- an -- a normal employer situation and you have employees, we understand "worker" would be an employee of the -- of the employer.

MS. ESPINAL: Uh huh.

MR. GOODELL: If the employer, like a company, hires an independent contractor to do work on their building, for example, put on a new roof or whatever, is that independent contractor under this definition considered to be an employee of the business?

MS. ESPINAL: Correct. Employee of the business?

MR. GOODELL: Yes.

MS. ESPINAL: Yes.

MR. GOODELL: So, the normal definition of an independent contractor is a -- is a company or person that's solely responsible for the means, manner and method of performing the work. So, if you, for example, run a business and you hire a contractor, a qualified contractor to put on a new roof --

MS. ESPINAL: Mmhmm.

MR. GOODELL: You, as a business, are not engaged in the supervision, you don't determine the means, the manner

or the method of the new work, that's all within the sole responsibility of the independent contractor. So, shouldn't independent contractors' failure to follow safety procedures not result in criminal liability for a business?

MS. ESPINAL: It's -- it depends on the -- the degree of control of the independent contractor. If you are the independent contractor, you are liable for it. Not the -- as an employee, not -- if you -- if you're hired by the independent contractor, you're liable for it. Not --

MR. GOODELL: Okay. So -- just so I make sure I understand. So if a business hires an independent contractor --

MS. ESPINAL: Mmhmm.

MR. GOODELL: -- and it truly is an independent contractor, so they really are solely responsible for the means, method and the manner, then if the independent contractor screws up, the business would not be liable. But if the independent contractor screws up and an employee of the independent contractor is hurt, then the independent contractor, as the employer of that employee, would be liable?

MS. ESPINAL: Correct.

MR. GOODELL: Is that --

MS. ESPINAL: Correct.

MR. GOODELL: Okay. Thank you. Now, you have three degrees. The first one is where an employer acting with criminal negligence exposes a worker to the risk of physical injury. So, there's

several levels of -- in that sentence, right? First, they have to be acting with criminal negligence --

MS. ESPINAL: Mmhmm.

MR. GOODELL: And I think we all agree that's a fairly high standard, it's a substantial and unjustified risk. But then it's a substantial and unjust -- that they're exposed to a risk. Aren't some activities inherently risky? I mean, you can't engage in window cleaning in New York City without being exposed to a risk of injury; isn't that correct?

MS. ESPINAL: Correct.

MR. GOODELL: So, how do we avoid having everyone who hires window cleaners in New York City being criminally liable if there's a malfunction in the cleaning equipment?

MS. ESPINAL: Well, first of all, they need to be sure they're safe and protect the workers and make sure that they're not liable for any injury. So that's how you make sure of that.

MR. GOODELL: Okay. So, obviously the Business Council is concerned that a number of occupations are inherently risky. Logging, for example, there's no way to get around the fact that when you're logging, you're cutting down huge trees and they sometimes fall in ways that aren't predictable. Or I gave the example window cleaning. Or, we have in my district a company that makes refractory linings, so they're, you know, high temperatures, you know, melting glass, all those at -- firemen or policemen, right? Obviously, we saw with the World Trade Center extraordinary risk and

tremendous heroism. Would this bill subject the City of New York to criminal liability because they send firemen into situations that are inherently -- have a high degree of risk?

MS. ESPINAL: Well, all workers -- all work are -- is dangerous when it comes to that. You've just got to make sure the workers are safe. So you're -- you're going to put your workers liable if you put them in a construction site. You've just got to make sure they're safe.

MR. GOODELL: So, on the first category, which is a Class A misdemeanor, imprisonment up to a year --

MS. ESPINAL: Yeah.

MR. GOODELL: -- it's based on exposing a worker to a risk of physical injury. The second category which is a Class E felony is exposing the worker to a risk, and the worker incurs a substantial -- I'm sorry, a serious physical injury. I didn't see any definition in this particular bill, nor did I see any definition in the Penal Law of "serious injury", but lawyers are quite knowledgeable about the standard for "serious physical injury" as contained in the Insurance Law for no-fault insurance. Was it your intent that the Insurance Law definition of "serious physical injury" be the same as -- would be applicable here?

MS. ESPINAL: Correct.

MR. GOODELL: So, in that context, then, when we're talking about "serious injury", we're talking about really serious injuries, right? Dismemberment, disfigurement, loss of a body

function, broken bones. We're not talking about bumps and bruises, correct?

MS. ESPINAL: Correct.

MR. GOODELL: And -- and that's very important certainly for business owners because they don't want to be facing up to four years in prison if somebody slips and falls, right?

MS. ESPINAL: Correct.

MR. GOODELL: As you know, we have special liability in New York State for any injuries from an elevated surface; ladders, for example.

MS. ESPINAL: Mmhmm.

MR. GOODELL: And it's strict liability. So, an employer pays 100 percent of the cost with very few exceptions, regardless of negligence. Would a slip and fall off a ladder trigger any of these criminal provisions even if it resulted in a serious injury?

MS. ESPINAL: No.

MR. GOODELL: The last category, of course, I think we all agree on, and that is you act with criminal negligence, causes the death of an individual. Now, the first category, which is a Class A misdemeanor, that's comparable to reckless endangerment, right --

MS. ESPINAL: Yeah, putting --

MR. GOODELL: -- reckless endangerment is a Class A --

MS. ESPINAL: Putting the workers at risk, yeah.

MR. GOODELL: And what would the second category be comparable to?

MS. ESPINAL: Serious injuries --

MR. GOODELL: Okay.

MS. ESPINAL: No -- no bruises. More than just that. It's just a serious injury that might be cause to death.

MR. GOODELL: Now, the Business Council and -- expressed a concern that this bill might have a negative impact on the business environment in New York State because employers might fear criminal prosecution based on an unfortunate accident. How would you respond to that and what assurances would you give to the members of the Business Council if this bill is narrowly drafted to protect legitimate business owners from being criminally liable in addition -- they're already civilly liable, but being criminally liable for a workplace accident?

MS. ESPINAL: That's highly unlikely to happen.

MR. GOODELL: And why?

MS. ESPINAL: Because the employers wouldn't be put at risk, it'll be the construction -- or the corporations that would.

MR. GOODELL: Okay. Thank you very much. I appreciate your comments and your insights on this bill.

MS. ESPINAL: Thank you.

MR. GOODELL: On the bill.

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

MR. GOODELL: All of us here, of course, and our constituents are all very much concerned about the business climate in New York. We certainly want businesses that are here to grow and expand, we want to be able to recruit new businesses. And certainly in my district, having high quality family-sustaining employment is a top priority. At the same time, all of us in this room are concerned about workplace safety. We certainly don't want anyone hurt on the job. And all of our responsible employers are equally concerned about workplace safety because they don't want to have one of their valued employees out of work, they don't want to pay higher Workers' Comp costs, they want things to go smoothly.

So, the challenge for all of us is how do we balance the need to make sure that New York is business friendlier against the desire to make sure that those who are really bad actors face the consequences. And the only way you can strike that balance is to have very careful definitions so that unfortunate injuries don't result in criminal liability.

And so, I don't know whether the Senate is taking this up today or tomorrow or coming in for Special Session, but if it doesn't go through both Houses, I would recommend that we look at tightening these definitions so that we are very clear that criminal sanctions would only apply in situations where people are not following any reasonable standard and they're really not even in the same ballpark as the rest of us. We want to make sure we protect the workers, but when it comes to criminal sanctions, we also need to

make sure that the law is very clear and very carefully drafted. Thank you very much, Mr. Speaker, and, again, thank you very much to the sponsor.

ACTING SPEAKER PICHARDO: Mr. Tague.

MR. TAGUE: Would the sponsor yield for just a couple of quick questions?

ACTING SPEAKER PICHARDO: Do you yield?

MS. ESPINAL: Yes, I do.

ACTING SPEAKER PICHARDO: The sponsor yields.

MR. TAGUE: I'm just wondering, who would enforce this law?

MS. ESPINAL: The District Attorneys.

MR. TAGUE: And how would they be able to investigate construction accidents?

MS. ESPINAL: They already do.

MR. TAGUE: Okay. What about OSHA and MSHA that already does these investigations?

MS. ESPINAL: That's on the civil -- yeah, that's on the civil workers --

MR. TAGUE: But don't those civil -- those civil cases turn into legal issues afterwards? I mean, aren't we just duplicating what the Labor Department and OSHA and MSHA already do with this law?

MS. ESPINAL: No, we're not.

MR. TAGUE: Okay. What's the difference?

MS. ESPINAL: The difference here is that -- what we're -- with the investigation with the DA and what we're doing is we're putting a light to the death of workers. So, when the DA and -- puts this -- a light, it is because there's been hundreds and thousands of death already and we haven't prosecuted anybody, only one case.

MR. TAGUE: There's been -- how many deaths did you say?

MS. ESPINAL: There's been over 500.

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

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect in 30 days.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Crespo to explain his vote.

MR. CRESPO: Thank you, Mr. Speaker, just briefly. Before I ever ran for office, or even went to college, I grew up in a household of laborers. My dad and I would often do jobs around the City on scaffolds, on ladders, and the jobs we were able to get, especially during the winter season, were the ones that everybody else was too afraid to do and Papi never found a job he would say no to for a chance to pay the rent and take care of us. And so, we oftentimes were subjected to conditions and saw firsthand that sometimes the

owners of the building, or the contractors who would call us, could care less if we were doing it safely, could care less if we had the equipment, they just wanted the job done. And, unfortunately, some of us were willing to take the risk at those days because, again, we had to make ends meet.

And I think this is important. Five hundred deaths have occurred. The vast majority of those injured and dead happen to have been Latino workers. And so, the idea that no one has ever been found criminally responsible for those -- for the actions that led to those deaths is -- is something we're trying to correct. So, I thank the sponsor, Assemblywoman Espinal, for her leadership on this and for continuing to carry the torch forward to make sure that every worker is protected and that if a death occurs, that those that made that situation possible for that loss of life face the penalties they deserve. So, I will be voting in the affirmative.

ACTING SPEAKER PICHARDO: Mr. Crespo in the affirmative.

Ms. Espinal to explain her vote.

MS. ESPINAL: Mr. Speaker, thank you, to explain my vote. On April 6th, 2015, Carlos Moncayo was buried alive in a construction site in Manhattan. He was only 22 years old. Like so many of my people in my district, he was an immigrant. His death in an unsecured trench that workers has complained about for months. It wasn't an accident. It was criminal negligence. It was murder.

Over the past decade, almost 500 construction

workers have died on jobs in New York State. They have often been immigrants like Carlos. Working the hardest jobs just (sic) provide for their families, only to die because of con -- contractors and developers, but to profit over their lives of New Yorkers. Passing Carlos' Law today will send a clear message: Just because you're a construction worker doesn't mean your life is expendable; just because you're an immigrant doesn't mean your life is expendable. It means you have the right to justice and to working safe environment.

Thank you to all my brothers and sisters in Labor who has (sic) helped me fight for this bill, and for my fellow colleagues who have been unwavering their support for this bill. And for my predecessor, Francisco Moya, the Councilman who has fought day and night for workers' rights. I will be working in the affirmative. Thank you.

ACTING SPEAKER PICHARDO: Ms. Espinal in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08325, Calendar No. 1008, Braunstein, Stirpe, Carroll, Williams, Montesano, Skoufis, D'Urso, Cook, Galef, Palumbo. An act to amend the Estates, Powers and Trusts Law, in relation to disqualification as a surviving spouse.

ACTING SPEAKER PICHARDO: An explanation has been requested, Mr. Braunstein.

MR. BRAUNSTEIN: Thank you. This bill would provide for the disqualification of a surviving spouse to take an elective share if there's an annulment either before the death of the decedent, or after the death of the decedent. Recent court decisions in New York State have struggled with a particular fact scenario, where we see opportunistic caregivers who secretly marry elderly and infirmed individuals that are in their care, and the family does not find out about the marriage until after their loved one has passed away. Even though the family is able to have the marriage annulled in court, their surviving spouse is still permitted to take the one-third elective share because the EPTL provides that an annulment only disqualifies a surviving spouse if it happens before the time of death.

So, this bill aims to fix this problem by providing that if a family is able to have a marriage annulled after their loved one passes away, the surviving spouse, who's usually someone who married the person in the first place due to fraud or undue influence, is no longer permitted to collect the one-third elective share. This bill was introduced at the request of the New York State Bar Association.

ACTING SPEAKER PICHARDO: Mr. Goodell.

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

MR. BRAUNSTEIN: Yes --

ACTING SPEAKER PICHARDO: Do you yield?

MR. BRAUNSTEIN: Yes.

ACTING SPEAKER PICHARDO: The sponsor

yields.

MR. GOODELL: Thank you, Mr. Braunstein. And you and I have talked about this quite a bit in the last couple of weeks and I very much appreciate those discussions. For the benefit of our colleagues so everyone's caught up, there have been a number of cases that have dealt with this subject already, correct? And they've gone --

MR. BRAUNSTEIN: Sure.

MR. GOODELL: -- up to the Appellate Division --

MR. BRAUNSTEIN: Sure. When -- when confronted with this kind of situation, several courts have found ways to find an equitable solution. But in their decisions, the courts have always cited that the preferential fix would be to change the law.

MR. GOODELL: But, those courts in those situations where it was clear that one of the parties was -- the decedent lacked capacity, and the court had no problem saying, *No marriage, no inheritance*, right? That was one of the cases cited by the Bar Association.

MR. BRAUNSTEIN: As -- as I said earlier, we have seen cases where the court, frustrated that we haven't fixed this problem, has found equitable solutions. I will say that we haven't yet confronted a situation where someone marries someone who's incapable of entering into a marriage contract and isn't aware of the fact that the other party lacks that capacity and then goes and tries to collect their one-third of elective share. That is a scenario that could conceivably take place in the future, and that's something we're

seeking to prevent.

MR. GOODELL: We've also had cases where the court clearly recognized that the marriage was fraudulent and had no problem setting aside the inheritance. I'm referencing, for example, Campbell vs Thomas, right?

MR. BRAUNSTEIN: I'll say it again. On -- on the cases where the court has struggled between the -- the incongruent situation where we have -- the Domestic Relations Law provides that you can get an annulment after someone passes away, and the EPTL provides that the disqualification of the surviving spouse to take the elective share is only permitted if the annulment isn't -- is granted before death. In those cases, the courts have found an equitable solution. But as I said before, it's always because there is an incongruence between the Domestic Relations Law and the EPTL.

MR. GOODELL: New York is rather unique amongst all states, isn't it, in the fact that New York is one of the only states that allows someone who is not part of the marriage, not a spouse, to bring an action to dissolve a marriage. That's rather unusual in the -- in the nation, isn't it?

MR. BRAUNSTEIN: You know, we're not debating the merits of the Domestic Relations Law as it applies to annulments. We're talking about the EPTL.

MR. GOODELL: And under New York law, an action can be brought after one of the spouses has died, by a friend or another potential beneficiary; is -- is that correct?

MR. BRAUNSTEIN: Once again, we're not talking about what is currently in law. And I -- and I will say that if a marriage is annulled, the basis for that is because there was incapacity on one of the parties to enter into the marriage. And so, it was never a legal -- they -- they determined that it's not a legal contract.

MR. GOODELL: Thank you very much for that background information.

On the bill.

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

MR. GOODELL: Being -- you know, I've been practicing for over 30 years. And one of the most frustrating things that happens is when I have a client come to me, and they make up their will, they're very clear about who they want to get their property and who they don't want to have their property. And sometimes it's very painful, because they'll say to me, *You know, I'm not giving money to that particular child because they haven't seen me in 10 years, they don't ever call me on my birthday, I just don't see or hear from them.* And -- and it breaks my heart sometimes when I hear those kind of stories. And every time I do a will, I make very careful notes and I'm very clear to make sure the person knows exactly what they're talking about. What's amazing is oftentimes, shortly after their death, sometimes while they're still in the hospital, their family starts calling my office, *I was dad's favored son.* And I'm always polite, and I'm always as kind as I can because they've lost their father. And I

don't tell them the only reason you're his favorite son is because you're his only son and you haven't seen him in 10 years. And it just pains me when that happens.

So, here in New York we have an unusual situation, because after dad died, the heirs to his estate can bring a lawsuit to set aside his marriage, to set aside his marriage on the grounds they didn't know about it and, therefore, it was fraudulent. Or -- or maybe they claim that dad didn't have understanding. And you'd be amazed on how many wills I write where the --

ACTING SPEAKER PICHARDO: Mr. Braunstein, why do you rise?

MR. BRAUNSTEIN: Would Mr. Goodell suffer for a question?

ACTING SPEAKER PICHARDO: Would you yield, Mr. Goodell?

MR. GOODELL: Sure.

ACTING SPEAKER PICHARDO: Mr. Goodell yields.

MR. BRAUNSTEIN: I just want to make sure you're clear on the fact that the grounds for annulment is not simply the fact that the family didn't know about the marriage, but that there was -- one of the people getting married, um --

ACTING SPEAKER PICHARDO: Mr. Braunstein, do you have a question for Mr. --

MR. BRAUNSTEIN: Yeah, I'm asking him if he was

aware of the fact that the grounds for an annulment is not simply the fact that the family didn't know that someone was married, but one of the parties was incapable of entering into a marriage contract.

MR. GOODELL: Absolutely. Thank you very much for that clarification.

So, what happens is, they come to my office and they say, *Cannot believe that Dad didn't include me in his will, because must be that when Dad wrote a new will and took me out of the old will, he wasn't competent. Or, Must have been induced by fraud. Or misleading.* And dad's not there to answer it. And now, think about this: The kids come forward, or a friend comes forward, and the friend says, *You know --* and the only reason they come after the death is because they want money. Sadly, that's why they're there. They come and they say, *You know, Dad must not have known what he was doing when he got married. And if he really loved that woman, he would have invited us to the wedding.* Never mind the fact we hadn't seen him for 10 years and he didn't include us in the will either.

So, how have the courts handled this? The courts have handled it properly. The courts have done an individualized review. And so in one case dad was getting continuous care, his normal caregiver was gone for a week on vacation, a substitute caregiver came in, and during that one week, she married dad. And the court had no trouble saying that was a fraudulent marriage. Threw it out, threw out the inheritance. Then the next case comes along. Caregiver's been taking care of dad for 10 years, 10 years. And a year

before dad dies, they get married. And dad didn't invite the family. Maybe dad thought it was none of their business, because if they didn't know how he was being cared for, maybe that's how he felt. And that was challenged. Do you know by whom? By the people who were interested in dad's money after he died. And in that case, the court scheduled a full trial to find out, is this legitimate or not?

So, the courts have had no problem setting aside fraudulent marriages. They've had no problem in a situation where dad married after he had been determined already to be incompetent, they didn't have any trouble setting that aside. The courts have been handling it properly. Does that not mean that the Bar Association isn't asking for it? Sure, the Bar Association wants it. Why? Because lawyers make money representing people who want money by trying to attack the validity of the marriage of their dead dad.

So, I appreciate the frustration when we see someone taking advantage of a senior citizen and marrying them when they're not competent or exercising fraud. And I'm not alone with that frustration, because the courts share that frustration. The courts exercise their broad discretionary equitable powers, and where appropriate, the courts have made sure that justice prevails. We do not need to change the system to encourage more lawsuits brought by people after the spouse has died, heaping insult on injury to the surviving spouse in an effort to get more money. And, therefore, I will be voting no and encourage my colleagues to do the same. Thank you very much, Mr. Speaker. And thank you very much, Mr.

Braunstein.

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: Thank you, Mr. Speaker. I'd like to take up the following three bills in this order: I'd like to begin with Calendar No. 956 by Mrs. Barrett, which is on page 98 of the main Calendar; follow that with Calendar No. 953 by Mr. Kim, that's on page 97, and then conclude this group with Calendar No. 913 by Ms. Paulin, which is on page 96.

ACTING SPEAKER PICHARDO: The Clerk will read.

THE CLERK: Senate No. S07242, Calendar No. 956, Serino (Barrett, Hunter, Gottfried, Magee, Thiele, McDonald, Lupardo, Lifton, O'Donnell, Jones, Fahy, Wallace, Cahill, Stirpe--A08829). An act to amend the Parks, Recreation and Historic Preservation Law, in relation to installing Lyme and tickborne disease warning signs at all State-managed parks.

ACTING SPEAKER PICHARDO: Mrs. Barrett, an

explanation has been requested.

MRS. BARRETT: This -- this bill will help reduce the incidents of Lyme and tickborne diseases by putting signs in State Parks and campgrounds, because we have seen an enormous increase in the number of ticks across our State, including in Chautauqua County, which I believe you represent, Mr. Goodell, which has seen an 8 percent increase in the last 10 years -- eight-fold.

ACTING SPEAKER PICHARDO: Mr. Goodell.

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

ACTING SPEAKER PICHARDO: Do you yield, Mrs. Barrett?

MRS. BARRETT: Yes, I do.

ACTING SPEAKER PICHARDO: The sponsor yields.

MR. GOODELL: Thank you, Mrs. Barrett. This bill requires Parks, Recreation and Historic Preservation to put up signs at every trail in any State-managed park across the State, correct?

MRS. BARRETT: On -- in campsites and on trailheads, yes.

MR. GOODELL: Just for the ease of our discussion, I'm just going to refer to them as "Parks and Rec," if that's okay?

MRS. BARRETT: That's your choice.

MR. GOODELL: Did Parks and Rec ask for this legislation?

MRS. BARRETT: Not specifically, but they have endorsed it.

MR. GOODELL: And did Parks and Rec, are they working on a plan on their own?

MRS. BARRETT: The Governor has introduced, in part, as a result of advocacy on our part, a Tick Disease Plan, which includes a piece of this, and this has all come subsequent to our introduction of this bill and working with -- with his DEC staff in order to -- you know, to understand the issues and see what the concerns are in -- in our regions.

MR. GOODELL: And does Parks and Rec need statutory authorization to put up any type of warning signs within the State Park system? They do have the authority to do this on their own, don't they?

(Sidebar)

MRS. BARRETT: They can do rules and regs, but this would -- this would put it in statute so, obviously, it would have more permanence.

MR. GOODELL: So, I wanted to talk to you a little bit about the scope of this bill.

MRS. BARRETT: Sure.

MR. GOODELL: It's clear that you want Parks and Recs to put up all the signs. I mean, that's an -- an amendment to their authorization. And you require them to install and maintain signs at "All State-managed parks". Can you tell me what is included within

the phrase "State-managed parks?" I understand if it's a park under the jurisdiction of Parks and Rec, it's going to be included, correct?

MRS. BARRETT: I -- I'm sorry, I couldn't hear what you just said.

MR. GOODELL: Could you explain what is included within the phrase of "All state-managed parks"?

MRS. BARRETT: It's trailheads and campground --- campsites in State --

MR. GOODELL: I'm focusing first on the word "parks". I mean, certainly, you know, we all know what State Parks look like that are under the jurisdiction of Parks and Recreation, because they are particularly named "park". And, certainly, those are all within the scope. What about State-managed properties that are not under the jurisdiction of Parks and Recreation?

MRS. BARRETT: They are not affected. This is the 180 parks and campsites that are under the jurisdiction.

MR. GOODELL: So, this bill only applies to Parks and Rec?

MRS. BARRETT: I don't -- you know, you -- Parks and Rec is your phrase, it's not a State agency, so I'm not sure what you're referring to when you talk about Parks and Rec.

MR. GOODELL: Okay. So, just for an example --

MRS. BARRETT: Or it's a TV show.

MR. GOODELL: Yeah. Just as an example, Adirondacks (sic) Park.

MRS. BARRETT: That's not included in this.

MR. GOODELL: Not included. What about the ski resorts, Whiteface, Gore, Belleayre?

MRS. BARRETT: They are not State Parks.

MR. GOODELL: What about DEC forest preserves, wilderness access points, all those items?

MRS. BARRETT: No.

MR. GOODELL: Not included.

MRS. BARRETT: No.

MR. GOODELL: What about the Empire Trail?

MRS. BARRETT: Well, since it doesn't exist yet, I don't think it's covered at this point. But anywhere that would be risky to -- for ticks, I think would make sense to have signs.

MR. GOODELL: Okay. And likewise, OGS, like the park that's next to this building, not covered?

MRS. BARRETT: No.

MR. GOODELL: I see. And this requires, in particular, signs at -- it's very broad, rights-of-way that include those for skiing and snowmobile and connecting and side trails, correct?

MRS. BARRETT: If they're on State-managed -- if they're State-managed properties and, obviously, those trails are not -- when there's no snow, there is no skiing and snowmobiling on them, so they're used for other things, generally.

MR. GOODELL: And is there any danger from ticks during the winter when people would be skiing or snowmobiling?

MRS. BARRETT: Once the temperature goes below freezing, there -- I'm sorry, above freezing, there is a danger of ticks.

MR. GOODELL: But when it's snow covered and frozen, no danger of ticks, correct?

MRS. BARRETT: Generally not. But we haven't -- that's still possible. I'm not going to say absolutely.

MR. GOODELL: Okay. Thank you very much, Mrs. Barrett.

On the bill.

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

MR. GOODELL: Ironically, this -- this bill is both too broad and too narrow, at the same time. It's too broad because it requires a sign warning of the dangers of ticks at every single trailhead, intersecting trail, ski trails, snowmobile trails, anything under any park that's maintained by the Department of Parks, Recreation and Historic Preservation. Now, for those of you who aren't aware of it, ticks don't jump, they don't fly; they climb up on grass or brush along the side of a trail and they require direct contact before they can get on a person. And there is no danger of any tickborne disease by any snow-skier or snowmobiler. And so, if we put up signs on all the snowmobile paths that say, *Warning, this is a tickborne disease*, we will be the laughingstock of all those snowmobile trailers -- trail users during the winter who wonder what we were thinking about and whether there's a new breed of ticks that

survive in the winter and are a danger to heavily-clad snowmobile operators. That's why this is too broad.

It's also too broad because there's virtually no danger of contacting ticks if you're on a paved walkway. So, for example, one of the top tourist destinations in the nation is Niagara Falls State Park. It gets millions of visitors. All the walkways are paved. All the lawns are carefully manicured. The likelihood you'll get a tickborne disease is near zero. The likelihood that you'll create confusion is high if you have signs throughout that Niagara Falls State Park warning of dangers, of tickborne disease.

So the State Department of Parks, Recreation and Historic Preservation, they have an initiative thanks in large part to my colleague, Mrs. Barrett --

ACTING SPEAKER PICHARDO: Mrs. Gunther, why do you rise?

MRS. GUNTHER: I'd like to ask a question.

MR. GOODELL: Not at this point. Thank you, though.

ACTING SPEAKER PICHARDO: Mr. Goodell does not yield.

MR. GOODELL: To the benefit of Mrs. Barrett, they have taken the initiative to put together a comprehensive approach, and it is site specific. And so, every single one of the State Parks in our State has, or is developing, a tickborne disease response plan. And it includes signs where appropriate, no signs where it's not

appropriate. Other options like brochures, public information, actual mechanisms to reduce the likelihood of ticks that can reduce the incidents of ticks on deer, mice and rodents and other things.

So, rather than have a one-size-fits-all plan that will cost us a lot of money, that ignores the Adirondack Park, the largest State Park, and focuses resources that aren't needed, where they're not needed, like a paved amusement park in my district, or Niagara Falls, which is all paved, we should look at a thoughtful, comprehensive site-specific approach that addresses the issues and responds appropriately. And that's exactly what's happening without this bill. So, in order to reduce the cost and have a more effective program, I would recommend we let State Parks do their job and deal with this in a thoughtful, sensitive, site specific manner. Thank you very much, Mr. Speaker.

ACTING SPEAKER PICHARDO: Read the last section.

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

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Englebright to explain his vote.

MR. ENGLEBRIGHT: Thank you, Mr. Speaker. This is a terrific bill. I have a lot of experience with ticks and, in fact, have contracted one tickborne disease myself. I got it on a paved trail. I stopped for a moment to lean against the split rail fence, and that's

where the tick encountered my clothing and came onto me. I think that some of what we've just heard is ill-informed. I say that from direct experience. I have even seen ticks in the intertidal zone on Shelter Island. That's right, in between high and low tides. They are voracious, they are aggressive. This bill begins to meet the challenge, but it is a very good step forward. I vote yes. Thank you.

ACTING SPEAKER AUBRY: Mr. Englebright in the affirmative.

Ms. Jenne to explain her vote.

MS. JENNE: Thank you, Mr. Speaker. Over the last, I would say five to 10 years, we've seen a tremendous uptick in - no pun intended - of ticks in --

(Laughter)

-- my area. And I was outdoors, enjoying the outdoors this weekend back in my district and encountered at least five ticks that had to be killed, because they are so abundant. Part of my weekend travels included going in and out of a New York State Park. So, whether or not they -- ticks are, you know, found on the pavement, can't live on the pavement, there are humans that walk around on that pavement and brush into one another and other fixed objects. So, to say that, you know, it's crazy to think that you might find a tick, say, on a boat launch area with a paved parking lot, that they wouldn't be there, well, people like me are there. And if they can be on me, I can move them around, whether I'm on pavement or out on a -- on a dirt path.

So, I want to commend the sponsor for really focusing on this issue. It is not only a problem in the part of the State where she lives, but it is a problem in places like where I live. And we also -- we want to make sure that the public is well aware that this is a danger that did not exist in, at least my area when I was growing up, but now it does and I think that our families that are out and about trying to enjoy New York State should be aware and should be vigilant, not just on themselves, but their children and their pets, and that they can take something from, you know, just walking off the path to look at a flower, they can -- they can make themselves open to a tickborne disease, and when they get home, they should check themselves as well as their children and their no pets to ensure that we ward these situations off before they become a serious public health threat. Thank you, Mr. Speaker. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Jenne in the affirmative.

Mr. Santabarbara.

MR. SANTABARBARA: Thank you, Mr. Speaker, in explaining my vote. Lyme Disease is one of the fastest growing infection -- infectious diseases in the country, and one of the most difficult to diagnose, as we just heard. At this point, experts in the medical and scientific community consider it a public health crisis and a growing threat to the health of our communities. There are new tickborne diseases, and a tick -- each -- each day -- each year, we're finding new tickborne diseases and the population of ticks is growing

more and more each year and it's becoming a greater threat. Annually, there -- there are an estimated 300,000 cases of Lyme Disease across the nation, which means about 2,500 cases each month. And -- and New York was actually one of the 14 states that contained 95 percent of the confirmed cases of Lyme Disease. And as we know, if left untreated, this is a disease that can cripple someone for the rest of their lives. It affects your nervous system, your heart, your muscles, joints and so many other things.

And the goal of this -- of this bill is to help protect our families and our communities by raising awareness and help -- helping families take action to reduce the risk of Lyme Disease and protect yourself against ticks and I'm very pleased to cast my vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Santabarbara in the affirmative.

Ms. Niou.

MS. NIOU: I actually wasn't going to stand up to talk about this bill because it's a -- you know, it's a bill that is a little bit outside of my, you know, purview, except for the fact that any time that I visited anywhere Upstate, I had to make sure to -- make sure that my dog got the tick and flea treatment. And the reason why is because the -- the very first time that we ever went anywhere, you know, dogs are actually allowed in all New York State Parks, actually, and so you bring a leash, they're allowed for -- with a six-foot long leash, and, you know, if -- if you're on the pavement, doesn't mean that they might

necessarily want to just walk on the pavement. And they'll brush across something. And a tick nest is actually very, very small. And a tick, when they're microscopic in -- in size, you can't really tell that you're carrying it around. And it wasn't until, you know, the ticks had actually already latched onto him, that like you shake his fur, and it literally -- thousands of ticks popped off of him like sesame seeds. Like, they were disgusting.

And I just have to say that, you know, it's microscopic, you can't really tell that it's happening. He -- he came back looking like he was fine, and all of a sudden he had a bunch of little poppy seed things falling off of his body, you know, and that's -- and every single one of them, hundreds and hundreds of ticks were falling off of him. And I kid you not, you know, they could latch onto a person if he just brushed past them.

So, I think that this is a really, really good bill. It's a crisis that's actually happening, you know, we saw that there's a huge rise in -- in Lone Star Ticks, in -- in Deer Ticks. And so, I just think that, you know, this is something -- like the sponsor has said, is something that's new to New York. And I also think that it's really -- well, not new to New York, but new in its rise in New York. And I just wanted to say that, you know, this is why it's so important to make sure that we have a little bit of public awareness for this. So, it's a very simple bill, and I really commend the sponsor in doing it. So, thank you and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Niou in the

affirmative.

Mrs. Barrett.

MRS. BARRETT: Thank you. I want to thank my colleagues for their support and for their recognition. This is truly a public health crisis, and we're seeing it across New York State. The tick density map that the New York State has, after a 10-year study has published, shows an incredible increase in -- and particularly in the Upstate area, so I'm surprised at the lack of awareness of some of our colleagues. They're -- even in the Capital District, there is a new disease, a tickborne disease that was just identified this past week in Columbia County, a case of Powassan. So, these ticks are not just carrying Lyme, they're carrying a whole lot of different diseases. And the more informed that we can be, the better we are. So, I thank my colleagues for their support and I vote in the affirmative. Thank you.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07945-A, Calendar No. 953, Kim, Bichotte, Braunstein, Quart, Steck, D'Urso, Dickens, Taylor, Rivera, Blake, Cook, Wright, Arroyo, Jaffee, Niou, Fahy, Hooper, Benedetto. An act to amend the State Finance Law, in relation to damages to contracts occasioned by delay.

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

An explanation is requested, Mr. Kim.

MR. KIM: Yes, thank you, Mr. Speaker. This bill amends the State Finance Law by requiring all State and local construction contracts to include a clause authorizing contractors and subcontractors to recover damages for project delays where the delay is both unreasonable and -- and the fault or responsibility of the public owner. It therefore will prohibit the use of "no damages for delay clauses", which is still found in many State and local public works contracts. This bill is nothing more than an effort to apply a uniform standard for recognizing reasonable delay damages claims across all public agencies in New York, because some agencies presently recognize them while others do not.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you very much, Mr. Kim. Do local governments currently have the authority to include clauses of this nature authorizing collection of delay damages?

MR. KIM: Yes, they do and, in fact, at OGS, at the State level, has set the standard for many years by including the clause. But many choose not to because they don't have to, and it's kind of a take it or leave it to the subcontractors, often sidelining the smaller contractors, especially MWBE subcontractors.

MR. GOODELL: And this bill would take a lay -- take away the discretionary authority of all the local governments and school districts to decide whether or not to have a delay clause, and would mandate, then, that every single contract by every single

municipality and every single school district have a provision authorizing a contractor to sue the municipality for delay damages?

MR. KIM: Yes.

MR. GOODELL: And this -- these delay damages could be triggered by, among other things, failure by a third-party to perform properly? In other words, as you know, all of our municipalities have to comply with the Wicks Law. That means they are required by our law to have four separate contracts if it involves heating, air-conditioning, electrical -- you know, the four categories. If one of those four don't perform in a timely manner, that -- the municipality could still be liable, correct?

MR. KIM: I believe so, but that would be accounted for each individual case. Again, this -- the intent of the law is to make sure that the contractor subcontracting to public entities have this agreement in place without impacting the third-party -- third-parties involved.

MR. GOODELL: And, of course, this law could also be triggered if the project were stopped by -- based on a stop work order if the stop work order continued for 30 days or more?

MR. KIM: I'm sorry, can you repeat that, Mr. Goodell?

MR. GOODELL: This would also trigger damages to all of our local municipalities if the project were delayed based on a stop work order, correct?

MR. KIM: Yes.

MR. GOODELL: And that stop work order might have nothing at all to do with the municipality that was contracting with the work, right? It could be a stop work order from the New York State Labor Department, for example, or another governmental entity.

MR. KIM: Yeah, I mean -- yes, that could be the case. But they -- those entities would have an opportunity to defend themselves case by case.

MR. GOODELL: Is there any limitation on the amount of damages that could be imposed on all of our local governments based on delay?

MR. KIM: No, sir.

MR. GOODELL: Thank you very much. I appreciate your comments, Mr. Kim.

MR. KIM: Thank you.

MR. GOODELL: On the bill.

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

MR. GOODELL: We hear on a regular basis about how State government keeps imposing mandates on local government, mandates that can often cost a lot of money, mandates that are typically without any funding. And this would be a simple example of that type of mandate. Right now, municipalities have the option. They can award, include in their contract delay damages. Or not. It's their option. And they make that decision presumably on the basis of

its impact on the cost of the project, the complexity of the project, whether or not they have multiple contractors. This requires them, every single municipality, every single town, village and school district, to pay damages in an unspecified amount in the event the project is delayed. And those delays could have nothing whatsoever to do with the municipality. It could be the result of another subcontractor not performing in a timely manner. It could be the result of stop work orders issued by a third-party.

So, I certainly appreciate the sponsor's desire to help contractors who are frustrated with delays that often occur on construction projects, including complex construction projects. The best solution to that situation is at the negotiating table as the municipality is moving forward. The State has already addressed it in our OGS contracts, but we should leave it up to the wise discretion of the towns, villages, counties and school districts on how they want to approach this issue, and not force a State mandate that's broadly defined, without reasonable protections on the amount of delay damages or how it's to be calculated, or even excluding delay damages when it's not the fault of the municipality. For that reason, I will not be supporting it. Thank you very much, Mr. Speaker. And, again, Mr. Kim, thank you very much for your thoughtful responses.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Kim to explain his vote.

MR. KIM: Yeah, I mean -- thank you, Mr. Speaker, to explain my vote. This is a -- to me, it's a simple legislation that makes our contracting process more fair for the smaller contractors that are involved with public entity projects. Just in layman's terms, I mean, there are stakeholders and -- and local governments that want to keep the status quo because they don't want to make the contracting process more fair. And, as a result, in places like the City of New York, we often want to help improve smaller size MWBE's compete for contracts, but it's -- it's clauses like these -- the lack of clauses like these that prevent them from even thinking about competing on public entity projects. So, this is one minor, I think, fix to engage and make the smaller size contractors more -- more comfortable and more -- more confident in competing for public projects. Thank you, Mr. Speaker. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Kim in the affirmative.

Ms. Bichotte.

MS. BICHOTTE: Thank you, Mr. Speaker, for allowing me to explain my -- my vote. I first want to commend the sponsor for introducing this bill. As the Chair of the Minority- and Women-Business Enterprise and advocate for all small businesses, I have a pretty decent understanding of the overwhelming complexities that many small businesses and Minority- and Women-owned

Businesses undergo, especially when it comes to revenues hitting their books. In the world of contracting, typically working capital is a -- is a major factor of keeping their -- their work and their operations in their company. And if there's any type of interruption, that obviously not because of their own doing, that can be a major hurdle and really could impact that particular company.

You know, many small businesses don't have the luxury of working capital. Many cases when they are not paid on time or when agencies are negligent, they suffer and sometimes their companies have to be dissolved. We don't want that. We should be advocating the security of our small businesses. We should be pushing to make sure that they are growing and bringing more economic development in our -- in our communities. This bill will also protect contractors, as well as labor forces, because indirectly these labor workers can get impacted.

Putting a uniform State Law and implement practices such as OGS has, outside of a law, will provide a less expensive process and more equitable, especially for smaller contractors and MWBEs. It would also present more confidence in the bidding of the public work contracts and sometimes, again, these small businesses depend on the public contracts. I just want to say that I fully support this bill. There are 25 other industry construction groups who support this bill and, again, we already are doing it with one agency, OGS, so I think this is a good bill and, again, I want to thank my -- my -- my colleague, Assemblymember Kim, for introducing this bill. Thank

you and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Bichotte in the affirmative.

Mr. Raia?

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07211-A, Calendar No. 913, Paulin, Galef, Stirpe. An act to amend the Real Property Tax Law, in relation to changes in assessment for businesses that make payments in lieu of taxes.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Paulin.

MS. PAULIN: (Inaudible/mic off) -- adjustments to payments in lieu of taxes, better known as pilots, based on a change of assessment do not affect school districts in the middle of their fiscal year. Instead, the change of assessment would not take effect until the following taxable year once the school district's fiscal year has ended.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. PAULIN: Yes.

ACTING SPEAKER AUBRY: Ms. Paulin yields.

MR. GOODELL: Thank you, Ms. Paulin. Normally when there's an assessment grievance or an assessment case, the change is retroactive to the date that the grievance was initiated. And I would assume that would apply equally to pilot payments, wouldn't it, under current law?

MS. PAULIN: Pilots are a contract, which is a little different. And so, because it's a contract, the -- the effective date could be altered by that contract.

MR. GOODELL: Would this bill apply to existing contracts or only contracts in the future?

MS. PAULIN: It would be the future.

MR. GOODELL: Well, the effective date says this will take effect on the 60th day after it becomes law. Doesn't that means that it applies to existing contracts in 60 days?

MS. PAULIN: The language in the bill, if I put my glasses on I can read, says that -- so, if you look at the line 5, it says, "Payment in lieu of taxes agreement entered into on or after the effective date of this Section."

MR. GOODELL: So if you have a pilot agreement, which is typically between a business, right, and an IDA or a government entity, that's typically the parties.

MS. PAULIN: Right.

MR. GOODELL: And that pilot agreement says that business, in return for making an investment, will pay a certain percentage of the assessed value, correct?

MS. PAULIN: Right.

MR. GOODELL: I mean, that's typically the way it works. So, if it turns out the assessed value was set too high by the assessor, why it is fair to make the business continue paying it until the next school year?

MS. PAULIN: The -- what happens usually is that, you know, what happens is typically a pilot is a large business. They're going out of business. Indian Point, for example, has a pilot. They're changing the way they are, you know, they're going out of business, so-to-speak, in Westchester County. So, the pilot needs to be renegotiated. That's much more common. It's not as common for it just to cease and desist, although I guess that could happen, as well, if somebody just leaves, but it's much more common for it to be a renegotiated contract.

So, what this would do is in that renegotiation, acknowledge that the assessment would take place, or the change would take place at a later point. And we're talking about a couple of months.

MR. GOODELL: But this would not apply to the Indian Point situation because that's an existing pilot and, as you noted, this only applies to new pilots, correct?

MS. PAULIN: No, right, but what I -- right. Right. That's right.

MR. GOODELL: And new pilots are not given the companies that are going out of business, new pilots are given the

companies that are expanding, correct?

MS. PAULIN: No, but we're talking about it would a pilot going forward that subsequently would have an alteration.

MR. GOODELL: Okay. Thank you for that explanation. On the bill, Mr. Speaker.

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

MR. GOODELL: Pilots are very effective tool used by our economic development specialists who help encourage businesses to grow and expand, that's why they use them. And the pilots almost always require the business to pay a percentage of the full value assessment. A problem occurs when the assessor sets the assessment too high, and it's a fundamental breach of the understanding that the business had because the business said, *Look, we'll pay X percent of the full value.* You put the value at much higher than the full value. And what this bill says is even if it turns out that the business is absolutely correct, even if it turns out the local municipality set your assessment too high, even if it turns out that you got a bill that's much higher than you bargained for, even if you got a bill that was much higher than you bargained for, much larger than you agreed to pay, outside the scope of your contractual agreement, outside the scope of that handshake, you have to pay the extra amount for up to another year.

I think it's important that New York State deals with its businesses on a good faith basis. And if we reach an agreement

with a business that they'll pay a certain percentage of the full market value, that's the amount they should pay and we should honor it and we should not require them to continue to pay too much. For that reason, I will not be supporting this bill. Thank you very much, Mr. Speaker; thank you very much, Ms. Paulin.

ACTING SPEAKER AUBRY: Ms. Paulin on the bill.

MS. PAULIN: On the bill. The -- the fact that school districts are not even part of the negotiated pilot with these IDAs, they're not part of those agreements, they find themselves in the position of being the -- of getting reduced taxes by an agreement that's made mostly with municipal officials. So, that's just as a backdrop. But the grievance process starts after. It starts in late May. It starts after the school district has already put their budget out to a vote.

So, what happens consequently because they haven't yet assessed taxes on the residents, is if the pilot is then reduced right after the vote has taken, those same taxpayers are subjected to a much higher tax rate. It could even affect the tax cap. So, what we find ourselves in the predicament of is that there was a negotiated budget with the community, a school budget, and then consequently the -- it's changed because that pilot takes effect, you know, afterwards. So, we purposely set this out to be future pilots so that when you're doing a pilot with an IDA, you know what the outcome will be if you go into -- to make a change in your assessment, so that school districts and, more important, our residents who have a -- who have an expectation

of what they would pay based on public disclosure and public budget process, you know, have a fair way of making those decisions. So, that's why it's going forward and that's why -- and the purpose of this bill is to -- is to protect our school districts and their budgets.

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 ask members of the Codes Committee to join Mr. Lentol in the Speaker's Conference Room. Members of the Codes Committee.

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

Mr. Morelle.

MR. MORELLE: Thank you, sir. I'd like to take up the following four bills in this order: Calendar No. 879 by Mr. Thiele, which is on page 93 of your programs; and then I'd like to go to Calendar No. 876 by Ms. Solages, page 93; then Calendar No. 875 by Ms. Rosenthal on page 92 and conclude with Calendar No. 799 by Mr. Gottfried, which is on page 88.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Senate No. S07299, Calendar No. 879, LaValle (Thiele--A08935). An act to amend the New York State Urban Development Corporation Act, in relation to the Regional Revolving Loan Program.

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

MR. THIELE: Thank you, Mr. Speaker. This legislation is a Chapter Amendment to a chapter that we passed last year, which was Chapter 474 of the Laws of 2017. This legislation authorized the Empire State Development to administer the revolving -- I'm sorry, the Regional Revolving Loan Trust Fund Program, the Minority- and Women Revolving Loan Trust Fund Program, the Micro-enterprise Revolving Loan Trust Fund Program and the Commercial District Revolving Loan Trust Fund Program in a manner consistent with the Small Business Revolving Loan Fund Program.

The importance of this legislation was these other loan programs that I mentioned were all underutilized, with funding remaining, and it was decided to get the money out the door and to make these programs more effective would be -- would be to have them administered in a way, the same way as the -- the Small Business Loan Fund Program, which has been very successful. The second thing that I should point out with the legislation that we did was all of these trust funds, all of these loan programs had no transparency at all with them. There were no reporting requirements, and the bill that we

passed last year instituted reporting requirements.

Now, the Governor requested a Chapter Amendment and the Chapter Amendment basically is as follows: First, the Governor's Office, the Executive Branch wanted to eliminate all of the reporting requirements for these loan programs and we did not exceed to that, but what we did do with a Chapter Amendment was to, first of all, require that these programs still report the number of program loans made, the amount of program funding used for loans, the use of a loan proceeds by the borrower, the number of jobs created or retained, the status of each outstanding program loan, including fund balance and such other information as the corporation may require.

The thing that was eliminated was -- doesn't have to be reported is excluding borrower identifiable information. The other change with this Chapter Amendment, because it did go into this year is that the reporting requirements, which were supposed to be begin on January 1st of this year would be begin on April 1st of next year.

ACTING SPEAKER AUBRY: Mr. DiPietro.

MR. DIPIETRO: Would the sponsor yield for a few questions?

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

MR. THIELE: Yes.

ACTING SPEAKER AUBRY: Mr. Thiele will yield.

MR. DIPIETRO: Thank you, Mr. Thiele. First off, the bill we -- in our Committee, this bill was stopped earlier in the year

because there were questions about the reporting aspects, and then it was brought back. The bill that we see here today, has that been changed from the original, has anything changed?

MR. THIELE: It has not changed, no.

MR. DIPIETRO: It has not changed. So, the reporting aspects have not changed that we were looking at, the one you said about --

MR. THIELE: This is the same bill as we considered in Committee.

MR. DIPIETRO: Okay. Did you get a call from the Governor to push this? Is there -- was there urgency on this for some reason?

MR. THIELE: Well, I don't know about if there was urgency, but the Governor's Office did -- did -- when this bill had passed both Houses of the Legislature last year and before it was acted upon by the Governor, the Governor's Office requested a Chapter Amendment and as I mentioned in my explanation, originally the Governor's Office wanted to eliminate all the reporting requirements that were in the original bill. We did not exceed to that, and I mentioned the reporting that still needs to be done. The only thing that was taken out was the exclusion of borrower identifiable information.

MR. DIPIETRO: Well, that seems to be a pretty important aspect when we -- with a lot of other loans and financial obligations that we have, we always have the borrower information.

Why was that not -- why is that taken out of this bill, do you know?

MR. THIELE: Well, that would probably be a better question for the Governor. But, again, I would say that information that related to the particulars of the corporation, their -- perhaps information that could be confidential, perhaps that was the rationale of the Governor. From my perspective in looking at this, we had, before we started this legislative process, we had underutilized programs that were not producing what they could in the way of economic development and no reporting requirements at all. And I felt, even with the Chapter Amendment, we would energize these programs to produce more economic activity and retain most of the reporting information that we had originally requested.

MR. DIPIETRO: You mentioned -- you mentioned that this was going to kick-start the programs, but in the bill, can you tell me where it actually does that, where it actually kick-starts and gets the money out, because I didn't --

MR. THIELE: Sure. I think the key to that is you have these different programs which each all had different sets of rules and regulations as to how they were going to operate. They were confusing, they were inconsistent. We had a program in the -- in the Small Business Loan Fund that has worked very well, and in the interest of -- of simplicity, really, we wanted to have those same regulations for all of them. So, I think we're eliminating some of the bureaucracy with -- with this all together. We have the same rules for all of these programs making it easier for those that want to access the

programs and we're using a process that we know works already with regard to the Small Business Loan Fund. So, I -- I think that's it. I think it's really simplifying these programs, eliminating the level of bureaucracy and making it easier for small businesses to access them.

MR. DIPIETRO: Thank you, Mr. Thiele, appreciate it.

MR. THIELE: Thank you.

MR. DIPIETRO: On the bill.

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

MR. DIPIETRO: In Committee, we had a major problem with this, so much so that it was defeated on the vote, it was turned down. And the reason being was that the Governor took out the actual transparency of the bill, took out the reporting aspects. Yes, there are some reporting aspects in there, but purposely left out where the money was going and -- and who is getting the money. So, that if there were, say, 20 entities, you could not ask which one was getting the money. Think about that. This hurts most -- most hurts Minority- and Women-owned Businesses. Those are the ones that are applying for these small loans. Those are the ones that are applying for this money and those are the ones we want to track. Those are the ones we want to ask, *Hey, did -- did this help you? Did you get what you wanted from this? Did you create the jobs? Did you get the business?* Well, you can't ask where the money went under this. It seems strange that we defeated it in Committee, because people wanted the more

transparency, and then the Governor, from what I understand, makes a few phone calls and strong-arms it and we get it back and now we're going to vote on it today.

In a time where, in this State, we're asking every day, and we've done it probably 50 times today, we want more transparency; we want better accounting; we want more accountability, but now mysteriously we're taking that out of this one bill so that this money can't be tracked the way we would normally track it. That the questions we would normally just want to ask when the State lends money, we can't ask certain questions now. Boy, does this reek, this bill. You know, and it's not Mr. Thiele's fault, I don't blame him. This was voted down and then it mysteriously, miraculously came back up and was passed without any changes in it. And when you're talking about money and transparency and the Governor, seems we've got a problem.

And this bill does not address the questions we need to ask and, like I said, the people -- the people that are taking these loans are the Minority-owned Businesses and they're the ones that are going to get hurt the most because people will not know where that money went, how it was spent. While there are some accounting tracks, the normal ones that we have on literally every other loan that we give where we ask for the transparency and the questions to be answered, we ask for those reports, we don't get here and for that reason, this lack of transparency and the groups it hurts, I'm going to vote no. There's not a necessity for this and until he can -- until this

Assembly can change the bill, I don't think we need to be strong-armed by the Governor to pass it. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Murray.

MR. MURRAY: Thank you, Mr. Speaker. On the bill.

Again, I'd like to echo the sentiments of my colleague. I'd also like to thank the sponsor of the bill who originally came up with a very good bill; in fact, we -- we overwhelmingly passed the bill because it was aimed at jump-starting some of these programs, helping some small businesses, getting things going and then, of course, comes the Second Floor and they decide they want to make some changes or, I should say, he decides he wants to make some changes. Unfortunately, the changes are all about accountability. Now, we have a trial that I think is starting this week regarding economic development. We've had quite a few trials, quite a few questionable things happening as far as donations, pay-to-play questions, things like this. I think the last thing we need to do is pass a bill that lessens accountability when we're spending taxpayer dollars.

So, as I said, the sponsor of the bill did a great job, put together a very good bill, one that we were all behind, but the changes that were made in the bill now, I just can't see backing this when there is -- where the accountability aspect has been diminished, especially when we've been begging for more and more accountability and more and more bills to come through to show some sunshine on

some these dealings and activities and now we're going to push a bill where the Second Floor has actually cut out the accountability aspect? I don't think so. I would urge my colleagues to vote in the negative on this as I will be doing so. 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. Thiele to explain his vote.

MR. THIELE: Thank you, Mr. Speaker, to explain my vote. I just wanted to clarify the record on one point. This bill was not defeated in Committee. There was unreadiness among the Committee members because there were questions about the bill that, quite frankly, I was not able to answer at the time. And we tabled the bill and brought it back a second time and I attempted to answer those questions then as I did tonight. I did the best I could and I just want to express my feeling that with this bill that I still think overall, we are better off with working loan programs with more accountability than we started with when we started the legislative process. I withdraw my request and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Thiele in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08788-B, Calendar No. 876, Solages, Norris, Morinello, Pellegrino, Gottfried, Arroyo, Williams, Glick, Dickens, D'Urso, Jaffee, Crespo, Hyndman, Barron, Lavine, L. Rosenthal, Blake, Rivera. An act to amend the Social Services Law, in relation to lactation counseling services.

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. Solages to explain her vote.

MS. SOLAGES: Thank you, Mr. Speaker. I'd like to first thank the Speaker, the staff, as well as Chairman Gottfried for all their help helping and drafting this piece of legislation. We know that there are many challenges when it comes to breastfeeding or pumping, and we should provide New Yorkers -- New York women with every tool that we can. More than four out of five women in New York try to nurse their babies at least once, and many give up right after that. Our breastfeeding rate here in New York State is only 22 percent, which is dismal. And we all know the benefits of human milk. It's -- it's better health outcomes, better bonding for the mother and child, and it just lowers the cost of health care in the long run. So, this bill would expand access to lactation care providers for women on Medicaid. So, this is a great first step to making sure that all women

can try to exclusively breastfeed for the first six months. And so I thank everyone for your support and I urge my colleagues to vote for it, and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Solages in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08684-B, Calendar No. 875, L. Rosenthal, Englebright, Otis. An act to amend the Real Property Actions and Proceedings Law, in relation to the presence of a companion animal when executing a warrant for eviction or dispossession of property.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you very much, Mr. Speaker. On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: Under current law when there's an eviction, the officer serving the warrant, which is normally a police officer or a constable, rarely actually removes anybody or anything, they're really there for safety. And if there's a companion animal, a dog or a cat, the landlord is the one that's actually doing the moving, does everything they can to make arrangements for that animal. Either hopefully to go with the evicted tenant, if not they typically make arrangements to call the pound or the SPCA or the Humane Society to

have the animal taken care of, because the last thing the landlord wants is to have an animal left unattended in the apartment.

So what this bill does is it makes it a statutory liability, or an obligation for the municipal official, a sheriff or police officer or a constable who is serving the warrant to also make arrangements for the care of that pet that was left by the tenant. So, when you look at the process, the tenant gets a three-day notice that they aren't -- that they're in arrears and they haven't paid the rent. They then get a second notice, a notice of petition for the eviction. They then get a third notice, which is the actual warrant which is served on them, and after three notices, if they leave the apartment and leave a pet, right now even though there's no legal obligation, the landlord makes arrangements for that pet's removal from the apartment.

So why do I care about this bill? Because this puts a statutory liability on the part of the municipality. It requires the officer, prior to executing a warrant, we can skip over the Constitutional issues about entering somebody's property prior to executing a warrant, but skipping over that detail, requires now the police officer, the municipal employee to make arrangements and if he doesn't do it properly, the municipality could be liable. It requires the police officer to make reasonable efforts to contact the tenant. Now, think about that for just a minute. How are you going to contact the tenant if they're not there? You know their address has just been eliminated because you're serving the eviction warrant, and the police

department doesn't keep a cell phone record of everybody in the city and there's no landline because they just got evicted. So, we impose an impossible standard on the police officer. And then the police officer is obligated to call the pound or the Humane Society or SPCA and, by the way, when they make that call, a police officer, it's not for free. So, now the municipality gets charged. And if they don't do it properly, guess what happens? They run the risk that the municipality is then sued and that animal that the tenant could never find the time to take care of and make arrangements for all of a sudden becomes a valuable, purebred animal worth thousands of dollars.

So, the current system works fine, it works well; it's not perfect. Once in a while an animal will be left behind, much to the chagrin and disappointment of the landlord who doesn't want an unaccompanied animal in the apartment by any stretch of the imagination. But, by and large, the current system works, but the current system does not impose civil liability on the municipality if the animal's not taken care of, and this bill would. So, once again, it's another unfunded liability placed on the backs of our municipalities in response to a failure of a tenant after multiple notices to make arrangements for their own pet. 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.)

Ms. Rosenthal to explain her vote.

MS. ROSENTHAL: To explain my vote. This is a -- a very reasonable bill presenting a road map for what happens when a person or a family is evicted and their animal is -- is left behind, but only because of the eviction process. This, in fact, happened in Brooklyn where a Marshal, executing an order of eviction locked the family out of the apartment when they were not home and leaving their possessions and a two-year-old pit bull who had been abused left behind. The innocent animal was locked inside a small cage in the apartment for two days until the caregiver won a court order to enter the apartment and rescue the dog, which had been trapped in there with only a small water bowl and no food.

So, this is a road map for what Sheriffs and Marshals should do because even though animals are considered property in the law, you would not treat an animal, or should not, the way you would a property of a couch or a table left behind. So, this ensures that the animal will be taken care of at the local animal shelter and the owner can come and retrieve them. So, I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Rosenthal in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08683-A, Calendar No. 799, Gottfried, Galef. An act to amend the Public Health Law, in

relation to the written summary relating to prostate cancer; and to amend the Insurance Law, in relation to coverage of diagnostic screening for prostate cancer.

ACTING SPEAKER AUBRY: On a motion by Mr. Gottfried, the Senate bill is before the House. The Senate bill is advanced. An explanation is requested, Mr. Gottfried.

MR. GOTTFRIED: Yes, Mr. Speaker. The law -- the Insurance Law requires that insurance companies cover prostate cancer screening, with certain provisions as to age and family history. Similar language exists in the law for Breast Cancer screening. The Breast Cancer legislation prohibits cost-sharing like deductibles for that screening, as it should. This bill simply applies the same provision to prostate cancer screening.

ACTING SPEAKER AUBRY: Mr. Ra.

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

MR. GOTTFRIED: Yes.

ACTING SPEAKER AUBRY: Mr. Gottfried yields.

MR. RA: Okay. So, just quickly, as you mentioned there are, you know, other types of benefits, but we do currently have mandated coverage for this, but this is taking this is a step further in that there would be no cost-sharing involved. So do you know what the cost might be to doing this for the health plans?

MR. GOTTFRIED: Well, first let's bear in mind, it is -- it is applying the same language that now applies to Breast Cancer

screening. And as to what the dollar amount might be, no I do not have that offhand.

MR. RA: Okay. But is it correct that, you know, under the ACA, if when we add benefits, essential health benefits, the State is required to pick up the cost; is that correct?

MR. GOTTFRIED: There is that language except we and other states have been passing legislation that doesn't add a benefit, but may modify the terms under which a benefit is provided and so far, nobody has said we have to pick up the full cost of that. So, this is not an adding of a benefit within the meaning of the ACA.

MR. RA: Okay. And in terms of, you know, the coverage of this, there's been some concerns raised regarding the screening. Now -- now, we know there are -- are kind of, you know, we have the requirement for prostate cancer screening, there's recommendations, you know, in terms of age and family history and things of that nature, but in terms of that -- the rating system of the U.S. Preventative Task Force, they don't seem to rate this at the level that we normally would -- would provide for under the ACA coverage without cost-sharing. Do you have any thought as to why, then, this should be included at the State level?

MR. GOTTFRIED: Well, you know, there are people who argue that because a lot of people who might test positive might never develop serious prostate cancer that, therefore, they might be unjust or unnecessarily worried about the results or might seek treatment that they don't really need. I would submit that the people

who think those thoughts have probably never had a positive test for prostate cancer. People are -- people who are receiving this test are all, by definition, "grown ups". We don't force anyone to take this test. We allow them to and we certainly allow them to make judgments as to what they ought to do if they test positive. But because of that whole line of argument, there are people who don't like the prostate cancer test, or don't like doing it on a -- on a broad screening basis. That may account for what you're reading.

MR. RA: Okay. Thank you, Mr. Gottfried. Mr. Speaker, on the bill.

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

MR. RA: You know, I think this is well-intended, but the concern I have is, you know, we can do this on any number of different type of health tests or other type of coverages and the question becomes, you know, what should be at that level that we require no cost-sharing and what should not be. You know, obviously, with each of those there is a potential for an increase in costs for insurance. There also is, while this may provide coverage to some New Yorkers, you know, the fact that it is going to disproportionately impact small and medium-size businesses who -- who largely are the ones purchasing private insurance. You know, a lot of our State is covered by large companies who self-insure and they're not subjected to these State benefits. It's been estimated that that covers about 50 percent of the commercial market in New York State.

So I think that, you know, this is a test I know, you know, I have run screenings through my office for people, I'm sure many others have, we try to encourage people to get screenings when they reach the ages that are recommended, but, you know, we could do this for any number of health ailments, any number of different types of screenings for cancers and other illnesses. But at some point, you know, we're going to be increasing the amount that businesses and individuals are paying for insurance by -- by making these, you know, completely free services that have to be covered that there could be no co-pay, no cost-sharing. So, I think that is a concern that has been raised to many of us and is a reason that some colleagues may be voting in the negative. 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. Speaker.

MR. MORELLE: Thank you, Mr. Speaker. I'd like to ask members of the Cities Committee to follow Mr. Benedetto into the Speaker's Conference Room, bow-ties not required.

ACTING SPEAKER AUBRY: Cities Committee in

the Speaker's Conference Room follow Mr. Benedetto.

Mr. Morelle.

MR. MORELLE: Yes, sir. I'd like to call up the following four bills in this order: I'd like to take up Calendar No. 550 by Mr. Ryan, which is on page 76; follow that with Calendar No. 504 by Ms. Wallace on page 71; then if we could go to Calendar No. 487 by Ms. Jaffee, which is on page 68; and then conclude this group with Calendar No. 163 by Mr. Bronson, which is on page 41 of the main Calendar.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A07786, Calendar No. 550, Ryan. An act to amend the Insurance Law, in relation to prohibiting the exclusion of coverage for losses or damages caused by exposure to lead-based paint.

ACTING SPEAKER AUBRY: Mr. Hawley.

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

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

Shh.

MR. HAWLEY: This bill would prohibit the actual exclusion on insurance policies of coverage for losses, or damages caused by exposure to lead-based paint which, of course, for years and years and years it was used until we found out that it wasn't a good thing to have in paint and it hasn't been used in years and years and years. The exclusion for lead-based paint has been in place for a

number of years on insurance policies and during that timeframe, the lead-based paint problem in children has been substantially reduced. And a study contained in a March 2009 edition of *Pediatrics*, there was actually an 84 percent drop in the number of children with high lead levels in their blood; in fact, just 1.4 percent, 1.4 percent of young children had elevated lead levels in their blood. That was in 2004, as compared with almost 9 percent of children in 1988.

Given the success, I would respectfully submit that the current public health measures combating lead paint hazards should be continued without the need for eliminating the lead-based paint exclusion from property insurance policies. For that reason, I would urge all of my fellow Assembly people not to support this bill. Thank you.

ACTING SPEAKER BLAKE: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BLAKE: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Ryan to explain his vote.

MR. RYAN: Thank you, Mr. Speaker. This is a very important bill. Throughout the last 20 to 30 years, the Superintendent of the Department of Insurance has had a moratorium against providing homeowners coverage to victims of lead paint poisoning. That moratorium has been on, it's been off, but since 1994, no one who suffered from lead paint poisoning can be covered under a

conventional homeowners insurance policy. That doesn't mean lead poisoning has stopped, it's just made it so insurance companies don't have to pay for the damage anymore, but we as taxpayers do. On average, it costs about \$45,000 to treat a child who has been poisoned by lead. So, what we're doing now is we're spreading the cost of that poisoning across all our taxpayers in New York State instead of putting the cost where it should be under a conventional liability policy. We cover trampoline injuries under those policies, we cover people slipping on stairs, on ice, dog bites, you know, it's all covered except for one thing that's not being covered, and that is victims of lead poisoning. And we also know that the majority of victims of lead poisoning are people who live impoverished environments.

So, I'm very happy that we're putting this bill forward. I thank Chairman Cahill for the help bringing this out of the Insurance Committee, and we hope to have more bills that will protect children from a very preventable illness which is lead poisoning. Thank you, Mr. Speaker, I withdraw my request and I vote in the affirmative.

ACTING SPEAKER BLAKE: Mr. Ryan in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. 71 -- A07191-B,
Calendar No. 504, Wallace, Zebrowski, Rozic, Johns, Steck, Pheffer

Amato, Morinello, McDonough, Otis, Brindisi, Galef, Skoufis, Jaffee, Buchwald, Dickens, Simotas, L. Rosenthal, Lifton, Colton, Hyndman, Gottfried, Simon, Raia, Pichardo, Ryan, Jones, D'Urso, Lupardo, Bronson, Wright, Stirpe, Cahill, Solages, Abinanti, Weprin, Mosley. An act to amend the General Business Law, in relation to prohibiting the disclosure of personally identifiable information by an Internet Service Provider without the express written approval of the consumer.

ACTING SPEAKER BLAKE: An explanation is requested from Ms. Wallace.

MS. WALLACE: This -- this legislation was introduced in response to the Federal government's decision to repeal privacy regulations that were set to take effect in 2017. The legislation requires that Internet Service Providers obtain consent of their customers before disclosing any personally identifiable information about the customer, and prohibits the Internet Service Provider from refusing to provide service to the customer if the customer does not want to give consent.

ACTING SPEAKER BLAKE: Mr. Palmesano.

MR. PALMESANO: Yes, Mr. Speaker, will the sponsor yield for a few questions?

ACTING SPEAKER BLAKE: Will the sponsor yield?

MS. WALLACE: Yes; yes, I'll yield.

ACTING SPEAKER BLAKE: The sponsor yields.

MR. PALMESANO: Thank you, Monica. I understand the intent. What you're trying to do with this bill is certainly to protect consumers' privacy, and I think we all want to have that happen with our regulatory policy. I think one of the questions I have relative to this is if the State's doing one thing and the Federal government has some plans in place right now -- it's my understanding the Federal government does still have authority when it comes to this regulation, and they've also issued a directive that basically made it clear that the obligations of ISPs under Section 222 of the Federal Communication -- you know, for non-compliance in making sure that there's protecting customers' privacy; is that not the case as it is right now?

MS. WALLACE: My understanding of the law right now is that Section 222 does not apply to Internet Service Providers.

MR. PALMESANO: Okay. That's, I guess, maybe a little different interpretation from what I understand.

MS. WALLACE: Well, if I can -- if I can just explain my understanding of the law --

MR. PALMESANO: Sure, please.

MS. WALLACE: -- is that back in 1996, the Telecommunications Act regulated telecommunications companies. And that is the section -- that imposed Section 222 that you're talking about, which includes the privacy protections for telecommunications customers. However, it has never been the case that Internet Service Providers were classified as telecommunication companies, they have,

instead, been classified as information services which are regulated by the FTC and not the FCC and, in fact, the Supreme Court confirmed -- affirmed that back in 2005 in a case where they held that Internet Service Providers were information services, not telecommunication services and, therefore, they were not subject to FCC regulations.

Back in 2015, the -- the FCC sought to reclassify Internet Service Providers as -- as common carriers, not information services and that would be the Open Internet Order that we were talking about earlier that included net neutrality provisions.

MR. PALMESANO: Sure.

MS. WALLACE: So, if that order had taken effect, it would have reclassified them and subjected Internet Service Providers to Section 222. Unfortunately, that order was repealed before it ever took effect, meaning we go back to where we were back in 1996 where Internet Service Providers are not subject to Section 222.

MR. PALMESANO: Okay. Just from the notes I have it said that prior to the FCC's decision to adopt a broadband policy rules, it issued a wide range and enforcement advisory opinion, making it clear that the Communications Act applies to ISPs in the guise -- and continues to apply today and that the recent action by Congress and the President does not change the obligations of ISP under broadband policy rules, as far as creating new rates and powers for ISPs, because it never went into effect. And I think also the point you mentioned about the FTC, I think the FCC said that they were going to try to continue to restore power to the FTC to -- to over

authorize these practices, so...

MS. WALLACE: Yeah, well, that's part of the problem.

MR. MORELLE: Mr. Speaker. Mr. Speaker.

Excuse me, Ms. Wallace --

ACTING SPEAKER BLAKE: Mr. Morelle.

MR. MORELLE: -- before you answer. Could I ask for a little quiet in the Chamber? The gentleman and the gentlelady are debating; I'd like to be able to hear them.

ACTING SPEAKER BLAKE: Colleagues, if we can quiet down for debate, please.

MS. WALLACE: So, part of the problem is that the FTC just regulates deceptive practices, and I believe they do so on a case-by-case basis. So, they don't have the kind of blanket privacy protection that does exist in Section 222 which, like I said, I don't believe applies to Internet Service Providers right now.

MR. PALMESANO: Okay. And I just -- my understanding from what I've been reading is that it was made clear in the order that it still does apply to the ISPs, that this does apply to them. So, obviously it's a difference in opinion on that. I do want to thank you for your time, Monica, for your time. And, Mr. Speaker, on the bill.

ACTING SPEAKER BLAKE: On the bill.

MR. PALMESANO: Yes, Mr. Speaker. I certainly understand the intent of the sponsor and I think we all want to make

sure we're protecting consumer privacy when it comes to the Internet. And I certainly understand with some of the regulations and changes going on in Congress, people want to make sure we're doing things to protect the citizens of this State. I -- the concern I have I think is that when we're talking about the Internet as something that doesn't know State boundary lines, it's across State lines, it has an impact from that perspective and I think we need to look from that perspective on a regulatory policy. I think that the Federal government has made clear that they do have this jurisdiction over these areas, whether it's through the Federal Trade Communication or the FCC, that these laws still do apply.

I think I'm concerned about when we adopting laws like this or like we did earlier with net neutrality, you know, trying to go on a state-by-state case is -- I think that's something that can have a hindrance on economic investment in these industries, as far as a job creation. You know, we talked earlier about 2,900 -- over 29,000 -- 200,000 jobs in the wireless industry right now, over 2,400 companies, the economic impact that our wireless industry has in our -- in our economy and we saw from with it -- when we were talking about the net neutrality issue earlier how just that provision went into place, that stymied and kind of stifled economic investment in broadband and expansion and I just concerned with these piecemeal like patchwork of legislation. If New York does something, if another state does something that's going to hinder that kind of economic investment in the private sector in these industries, that we need to

grow and build out and cover in our rural areas so more people have access to Internet.

But I think the Federal government is capable of monitoring this, I think they have the jurisdiction to do that. I think that's the intent they're trying to show, but I do respect what the sponsor's trying to do with this legislation is paramount that we're protecting our consumers and our citizens and I think the framework we have in place with the Federal government will be the best way to do that because the Internet knows no state boundaries. It's across State lines and it's something we need to make sure we're looking to protect, that economic investment, so this industry grows, continues to grow jobs and continues to build out to provide that type of Internet access for our citizens. So for that reason, Mr. Speaker, I'll be voting no on this legislation and would urge my colleagues to do the same.

ACTING SPEAKER BLAKE: Mr. Palmesano in the negative.

Mr. Murray.

MR. MURRAY: Thank you, Mr. Speaker, would the sponsor yield?

ACTING SPEAKER BLAKE: Will the sponsor yield?

MS. WALLACE: Yes, I'll yield.

ACTING SPEAKER BLAKE: The sponsor yields.

MR. MURRAY: Monica, just a quick question. So we have situations with cyberbullying or people getting "Internet

muscles" behind the keyboard and saying things that maybe are inappropriate or -- or slandering businesses. Would this prohibit the service providers from working with authorities in cases like this where it's gone too far.

MS. WALLACE: No, it does not; in fact, there are exceptions to the disclosure. The exceptions are laid out in Section 3, which include the ability to disclose pursuant to a grand jury subpoena, pursuant to a warrant issued in accordance with Criminal Procedure Law, pursuant to a court order in a civil case and pursuant to enforcement collection proceedings.

MR. MURRAY: Okay. Very good. Thank you.

ACTING SPEAKER BLAKE: Read the last section.

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

ACTING SPEAKER BLAKE: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Wallace to explain her vote.

MS. WALLACE: Yes, thank you for giving me the opportunity to explain the vote. I want to thank my colleagues for their questions and, in fact, I want to note that I do agree with the comments by Member Palmesano that I think the best case scenario would be for Federal government to regulate in this area, and I don't disagree the Federal government has the authority to regulate in this area. Unfortunately, I don't believe that they are doing that and I think

in the absence of the Federal government's decision to do that right now, we, the states, need to step up and protect this information.

Internet Service Providers have really access to an unprecedented breadth of electronic personal information, including your name, your address, your financial information, websites you visited, searches that you've conducted, your geolocational information - where you're located at any point during the day - and I don't believe that an Internet service company that you are paying for that service should be able to disclose that deeply personally information for commercial gain without your permission. So, this legislation places control over disclosure in the hands of the customer where it belongs. Thank you very much. I'll be voting in the affirmative.

ACTING SPEAKER BLAKE: Ms. Wallace in the affirmative.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06974, Calendar No. 487, Jaffee, Lupardo, D'Urso, Galef, Seawright, Gottfried, Abinanti, Cook, Hevesi, Jean-Pierre, Steck, Taylor, Colton, Wallace, Dickens, Williams, Rivera, Pellegrino, Barron, Lavine. An act to amend the Social Services Law, in relation to reimbursement for child care absences.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Jaffee.

MS. JAFFEE: Thank you, Mr. Speaker. This bill would increase stability for our child care providers by ensuring reimbursement for the minimum number of child absences in a six-month period. The current regulation states that districts may reimburse for a maximum of 24 absences in a six-month period, but in order to strike a balance between supporting providers and keeping costs low for districts, this bill would require half of what is authorized, which is 12 absences in a six-month period. But it also codifies the regulation to allow the Office of Children and Family Services to continue the current maximum and allow for some extenuating circumstances. And the funding that is provided is -- is -- comes from a block grant, a Federal block grant that provides allocation for our social service districts.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. JAFFEE: Certainly, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: We've heard a lot during the course of the year about the shortages that many counties are facing in terms of providing full funding for child care, and that's without

paying when a child is absent, correct?

MS. JAFFEE: Well, for the funding, yes. Well, but it's -- but what you're suggesting is that they aren't funding this. They're already quite a number, about 49 of our districts, that are actually providing --

MR. GOODELL: I apologize, Mr. Speaker. I simply cannot hear.

MS. JAFFEE: I'm sorry.

ACTING SPEAKER AUBRY: And you're absolutely right, wait one minute, please. So...shh.

MS. JAFFEE: There are about 49 local social service districts who are already in compliance and providing the requirements that -- for reimbursement for the absences. But there are -- there are too many others -- there are others that are -- that are not responding appropriately. Some are not providing the market rate, some are only providing the -- the reimbursement for those who have contracts with the -- with the districts, but so they're not -- not all of the districts are providing the reimbursements as indicated within the law.

MR. GOODELL: But the purpose of this particular bill, as I understand it, is to require all the social services departments to pay child care expenses whether or not the child is actually receiving child care services, correct, and that's the purpose of this bill is to require them to pay?

MS. JAFFEE: Well, this is only if they are absent.

MR. GOODELL: Right, so this bill would require --

MS. JAFFEE: And so, but -- but don't forget, even if a child is absent, the child care provider has to continue to pay the rent, the -- the -- provide the workers who are there, you know, the electricity, all -- all the other things that they have to pay for so providing -- requiring the social service districts to assist financially when -- when children are ill and they are absent, that that would help maintain and assure stability for our child care providers.

MR. GOODELL: But isn't that true for every business? I mean, for example, a restaurant has a certain amount of overhead, but you don't pay the restaurant when you don't go there. You know, you go to an entertainment event, they have overhead, but you don't pay for tickets if you don't go to the event. Why should social services departments pay for child care if the child doesn't attend?

MS. JAFFEE: Well, as I noted before, there's a grant that's provided that goes through the social services district. And like our schools, our public schools, when there are students who are absent, the schools are still getting, you know, funding for the students and for the schools.

MR. GOODELL: Well actually, student aid is also based on attendance, correct?

MS. JAFFEE: Yes.

MR. GOODELL: I know a component of that is also based on attendance. So, the State doesn't reimburse schools when

students go to schools, but we want the State, or actually our social services departments to reimburse child care providers even when the child's not there. My question -- but let me move on, if I can. Are you aware of the number of counties that are facing a shortage in child care funding that precludes them from providing child care coverage up to 200 percent of the poverty level?

MS. JAFFEE: Well, we've -- we've worked on increasing the opportunity for child care funding at the -- at the State and Federal level and we have -- there has been funding through the Child Care Block Grant from the Federal level going through the social services districts.

MR. GOODELL: And are you aware of how many --

MS. JAFFEE: And they are charging, you know, parents are being charged for the child care even though their children are absent.

MR. GOODELL: My question is are you aware of how many counties still have a shortfall in child care funding?

MS. JAFFEE: I would say that -- that in New York State, we have limited the amount of funding that is needed with the child care, and there is no question we have to increase, and we have in last year's budget, we did a little better in terms of providing additional subsidies, but we do have to continue to expand opportunities for our child care providers to be able to assure that more of our children will have opportunities for child care and parents will be able to maintain their jobs.

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

MR. HEVESI: If the gentleman would suffer one interruption and yield for a question?

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

MR. GOODELL: How much am I going to suffer?

(Laughter)

No, go ahead.

MR. HEVESI: We'll see how you respond, sir.

(Laughter)

ACTING SPEAKER AUBRY: Is that a -- Mr. Goodell yields to you, Mr. Hevesi.

MR. HEVESI: Mr. Goodell, are you aware of how many child services providers are on the margins and are about to go out of business?

MR. GOODELL: I do not, do you?

MR. HEVESI: Yes.

MR. GOODELL: How many?

MR. HEVESI: An overwhelming majority of them, overwhelming majority, so while your question --

MR. GOODELL: Now, what is the basis of that? Do you have a survey, or is there a response?

MR. HEVESI: Yes, as a matter of fact, constant contact based on roundtables the Assembly has done with child care

providers over the last several years, and most of these child care providers are operating on such a small margin that a lot of them are going out of business. Now, also take into consideration --

MR. GOODELL: By the way, is that because the State also restricts the amount that we reimburse them?

MR. HEVESI: No, no; that's because --

MR. GOODELL: And so, the State -- you're saying the State, even though the State is reimbursing them for their full costs, they're still going out of business?

MR. HEVESI: That's exactly right. And considering --

MR. GOODELL: And is there any State restriction --

MR. HEVESI: No, no; I'm the one who is asking the questions here, my friend.

MR. GOODELL: Well -- wait, you said you only wanted to ask me one and I know we've gone a little bit beyond that...

(Laughter)

MR. HEVESI: You're right, sir. Please, go ahead.

MR. GOODELL: Are you aware of how many thousands of children are not getting child care because of a lack of funding on the county level to provide full funding?

MR. HEVESI: Yes, the system is completely under --

MR. GOODELL: How many thousands would that be?

ACTING SPEAKER AUBRY: So, gentlemen, gentlemen, gentlemen. So, are you now asking Mr. Hevesi to yield? Let's adhere to some proper procedure, here.

MR. GOODELL: It would seem that I'm seeking some clarification on his question, but you are right, Mr. Speaker.

ACTING SPEAKER AUBRY: And you have the perfect right to ask him to yield.

MR. GOODELL: Mr. Hevesi, would you like to yield for a question?

MR. HEVESI: I thought you were yielding; I'm so confused.

(Laughter)

Sure.

MR. GOODELL: I'll try not to be too painful --

MR. HEVESI: Good.

MR. GOODELL: -- but how many thousand children do you estimate are not receiving any child care support because of a lack of child care funding that's available to our departments of social services?

MR. HEVESI: Mr. Goodell, I'll make you a deal. I'll answer that question if you tell me how many child care providers are going out of business because of this problem that we're attempting to solve with this bill, which is that child care providers are being forced to pay for something that they can't control, which is kids not coming and, therefore, they're being stripped of subsidies that come from the

State through the social services districts, and then they're going out of business. And the overall problem is in the State of New York, we are able to provide child care services for so few children out of the population that we could, why would we punish the child care providers who are hanging on by a thread?

MR. GOODELL: Fair enough. I'll answer that question. On the bill.

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

MR. GOODELL: Both my colleagues have highlighted problems that we have with child care in New York State, and my thanks to both colleagues for highlighting different components of it. The fundamental problem we have in New York State is a lack of adequate child care funding. And so, we have a number of counties that actually restrict the number of children that are even eligible for child care funding because they don't have the funds to provide even the amount that they're authorized to provide, which is on a sliding scale up to 200 percent of poverty. For those who have funding available, I'm not aware that they are unable to find child care providers, but for those who don't have funding available, it is a crisis because those individuals don't have the personal resources to pay for child care.

So, what this bill says is even if you qualify for child care funding, we're going to ask the Department of Social Services to take some of that very restricted funding and use it to pay even when a

child is not going. And when they do that, when they take their limited money and they pay for children who are not attending child care, they don't have those dollars available for other children who are no longer eligible because they simply don't have enough money to go around.

And so, while I appreciate that the child care providers will come out ahead if we're paying them whether or not the children go, the flip side of that same coin is there are now thousands of children that will no longer get any eligibility because there are insufficient funds. The solution I would suggest is to encourage those who are eligible to make sure that their children attend as much as possible as long as they're well, and that we operate the system as efficiently as possible. And my follow-up suggestion is that just like with our hospitals and all of our other facilities that deal with so much government funding, that they focus on having a case mix that includes private pay so that they can make sure that they can make ends meet while maximizing the availability of child care for the most number of children.

So, I think all three of us agree: We want to maximize the availability of child care, we don't want child care providers to go out of business, but we also need to recognize that if we're paying them when the children aren't there, other children won't get any funding. Thank you very much, Mr. Speaker, and thank you to my colleagues for highlighting the dilemma of this legislation.

ACTING SPEAKER AUBRY: Read the last section.

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

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. A02164-C, Calendar No. 163, Bronson. An act to amend the Labor Law, in relation to the establishment of a wage data clearinghouse.

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

Mr. Bronson, an explanation has been requested.

MR. BRONSON: Thank you, Mr. Speaker. This bill would authorize and require the Department of Labor to submit a request for proposal to enter into a contract to have a wage database clearinghouse established, and would have a higher education institution administer and manage that clearinghouse. This bill, by having a clearinghouse and authorizing DOL to enter such a contract, is really about trying to address the inefficient way that we're investing in workforce development here in New York State. We have many expanding workforces in New York State. We have new, emerging workforces in New York State, some of which are tied to our economic development investment, we have a middle-skills gap that

many of us have heard from businesses about, and we also have aging workforces in a number of industries.

The intent of this bill is to allow us, as a State, through the Department of Labor, to gather data, have that data analyzed by professionals and have reports issued that will allow us to match up work opportunities with our job training programs so that we can get people in those jobs that will benefit the workers, as well as benefit the employers. This bill is a direct result of the work that we're doing in the Assembly's Commission on Skills Development and Career Education.

ACTING SPEAKER AUBRY: Excuse me, Mr. Bronson. We advanced this bill faster than it already had. It will be removed as a sub, we'll do a standalone, and...

(Pause)

Mr. Ra.

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

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

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RA: I'm hoping to make this shorter than your explanation plus that little delay here.

(Laughter)

I -- I know that we've passed this in the past, in the B-print, and this C-print I believe the main difference is there were three clearinghouses or three institutions that would be involved and

this would now just be one academic institution; is that correct?

MR. BRONSON: That is the major change, yes.

MR. RA: Okay. And there had been an estimation in terms of cost with the three institutions of about \$600,000. Now, I know that this is subject to an appropriation, but do you know what the cost would be of this version of the bill?

MR. BRONSON: The cost would be the same. We opted instead of going with three regional approaches across the State, to have one Statewide approach. We're covering the same geographical area, that would be the entire State. The cost would be the same.

MR. RA: Okay. And then, lastly, is that -- is the requirement of the evaluation of the program to be submitted every four years after the first year? Is that still in effect in this version?

MR. BRONSON: Yes, the same as it was when we passed the bill previously.

MR. RA: And any particular reason for the four years?

MR. BRONSON: Yeah, that was through consultation with experts in the area of job training and skills development.

MR. RA: Okay. Thank you very much, Mr. Bronson.

MR. BRONSON: Thank you, sir.

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. If I could give the next several bills that I would like to take up in this order: Beginning with Rules Report No. 244 by Mr. Titone on page 14; followed by Rules Report No. 304 by Ms. Solages on page 26; follow that with Rules Report No. 307 by Mr. Pretlow which is on page 27. Once that's concluded, I would like to do Rules Report No. 188 by Mr. Englebright, which can be found on page 11, and then conclude this group with Rules Report No. 299 by Ms. Jean-Pierre on page 25.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A08884-B, Rules Report No. 244, Titone, Thiele. An act to amend the General Business Law and the State Technology Law, in relation to notification of a security breach.

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. Titone to explain his vote.

MR. TITONE: Thank you, Mr. Speaker. You know, this bill is a long time coming. I hope we can move it in the Senate at some point, but really, I just want to thank the Attorney General Barbara Underwood, this is her first program bill with us. So, I want to thank her and her staff for working so hard for this. But, more importantly, I want to thank the staff of the Consumer Affairs and Protection team, that would be Aaron, Kendall, Teri and Dan. So, thank you so much for your hard work on this bill. And with that, Mr. Speaker, I will be voting in the -- the affirmative.

ACTING SPEAKER AUBRY: Mr. Titone in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11213, Rules Report No. 304, Committee on Rules (Solages). An act to amend the Public Authorities Law, in relation to the New York Racing Association, Inc.

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. A11218, Rules Report No. 307, Committee on Rules (Pretlow). An act to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to the disposition of off-track pools.

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. 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: An explanation is requested, Mr. Englebright.

MR. ENGLEBRIGHT: Yes, thank you, Mr. Speaker. This is a bill that addresses the concerns that have been raised by Public Service Commission's effort to implement a value of distributed energy resources, or VDER, way to compensate for the use of solar energy and other distributed energy, but particularly solar energy projects. The result has been confusion within the field that has created thousands of jobs, and the loss, the impending loss that we're looking at now of momentum toward the State moving towards increased reliability through renewable energy. The result is that we are looking at a potential loss of billions of dollars worth of investment into New York's renewable economy and the loss, also, of thousands of jobs. This bill calls for a three-year moratorium so that we can, in a more orderly way, proceed toward the value type of compensation.

ACTING SPEAKER AUBRY: Mr. Palmesano.

MR. PALMESANO: Yes, Mr. Speaker, will the sponsor yield for some questions?

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

MR. ENGLEBRIGHT: I yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. PALMESANO: Thank you, Mr. Englebright. I know we're here at a late hour talking about one of our favorite topics

of discussion over the past years again. I -- again, I know what your intention with the legislation is. Is it not correct that there was a study that was done in 2000 -- that was completed in 2015 by -- by the State that kind of addressed some of the issues and problems with net metering to try to change course in how the value of distributed energy would be -- be funded in as far as a formula; isn't that true?

MR. ENGLEBRIGHT: There was, in fact, a study that served as a basis for moving in this direction. That study, however, did not anticipate the kind of disruption to our investments into renewable solar and community-based solar that we are now seeing. The marketplace is reacting very negatively. Many of our installers are closing their businesses. We've lost half of the projects that were in line for Long Island with -- just within this last year, just in the knowledge that this new value methodology is about to be implemented, and many of the installers are leaving New York State and going to other states. It's a catastrophe.

MR. PALMESANO: Isn't one of the -- this formula that was developed, wasn't it based on conversations with both utilities and solar producers as far as developing this VDER pro -- this VDER formula?

MR. ENGLEBRIGHT: It's my understanding that there were conversations involving people from those various sectors, but that it was dominated by the utilities.

MR. PALMESANO: And at one of the goal -- one of the things --

MR. ENGLEBRIGHT: I know for a fact, in talking to the solar installers in my part of the State, that they felt that they did not really have a place at the table during those discussions, and they were surprised at the way in which the report basically created such a huge problem for them in their marketplace.

MR. PALMESANO: One of the -- one of the big differences like with -- with this -- with net metering, it would provide a reimbursement at the retail rate versus with the VDER, it's looking more to go towards the wholesale rate, which would reduce the cost to ratepayers because, ultimately, that money -- as net metering works, the individual sells it back to the grid and they get it at the retail rate, which is subsidized and made out by the ratepayers who don't participate in net metering; is that not correct?

MR. ENGLEBRIGHT: Well, this bill does not render judgment on whether we should ultimately adopt some or all of the recommendations. What we're trying to do is transition so that we do not have disruption. What drives the market is predictability. When we lose predictability, we lose the momentum and we lose the jobs and we lose our ability to know that we're going to hit our 50-by-30 goals, which if we do not hit those goals, we're going to see the kinds of problems compounded that are associated with storms, invasion of -- of pests from southerly latitudes, and all of the other things that are associated with climate change that are negative.

MR. PALMESANO: One of the -- one of the criticisms of net metering, something that I brought up and I think the

study showed that is that when they did the study in New York, they did a similar study in California that showed primarily the -- the people that are benefitting from these installations, the median income is about \$80,000 and more, those are primarily -- the people making that investment to put solar on their roofs; is that not correct?

MR. ENGLEBRIGHT: If you say so. I believe that I have seen figures that -- that suggest that you may be right.

MR. PALMESANO: And the problem with that, one of the things we want to try to bring up from this side of the aisle is that a lot of times we talk about wealthier paying their fair share, but unfortunately, when it comes to net metering, that's -- they're selling that back to the grid so that's -- if you don't have it, it comes with -- it comes at additional tax on your energy bill. So, if you are making \$20,000 a year and living in an apartment complex, you're not benefiting from solars on your roof, but you're paying for -- you're paying for increased utility costs to help subsidize making a lot more money who can afford the solar on their roof.

MR. ENGLEBRIGHT: We believe that this issue has been addressed in the bill. First, there's a three-year lead time. We have also expressed interest in seeing environmental justice be a part of the ultimate decision that doesn't have to be made for three years. What this does is buy us time to help address some of the issues that you rightly have put forward.

MR. PALMESANO: Thank you again, Mr. Englebright, for your time on this issue. I always appreciate the

conversation, it's always cordial and informative. So, Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Yes, Mr. Speaker, my colleagues, I certainly understand the intent of the sponsor and -- and appreciate his interest in trying to protect our growth in our solar and, certainly, that's not something we want to see stop; in fact, I was looking through the *Power Trends* report that came out and it's showing more investments, showing more of our power being produced by solar. That's not looking for something we're trying to stop, but we want to make as we expand, solar is done in a fair and equitable manner that benefits everyone. There have been discussions, you know, the PSC was trying to get away from this retail rate of reimbursement because when you're reimbursing, it's done at the retail rate, it's costs the ratepayer that much more money versus doing it at the wholesale rate. Looking at, you know, how the formula they're looking at is to help avoid carbon emissions and we're, at best, would serve the overall capacity of the grid.

The problem is when we do this, the concern I have is, and a lot of people have is, when we look at these investments that are made, the people that are making investments in solar are people who have disposable income of thousands of dollars. They're making \$80,000-a-year or more who can afford to put these thousand dollar systems on the roof. You know, if you're making \$20,000-a-year, you know, that little extra money, you're not going to put a solar panel on

your roof, you're going to pay for your kid for school or you're going to pay for programs or whatever -- food on your table. And the problem is with net metering is, it's the residential, is the customer that's paying for that. So, if you're -- if you have constituents that are making \$20- or \$30,000-a-year living in an apartment complex, they're not benefiting from net metering or a solar roof, but they are paying for it for the individual who is making \$80- or \$100,000-a-year. It's the lower income person subsidizing the high-income earner. That's the problem with this.

The PSC is looking -- they recognized this with the study that we needed to try to change the evaluation of the formula, still reimburse for investments in solar. That's why at the wholesale rate, it costs the ratepayer less. Looking at avoiding carbon emissions, looking at the location of where solar is placed, not just -- because if you want to put solar on your roof, putting it in areas of distributed energy resources where it's needed, near -- like when Sandy and all those things happened, it had it at nearby locations where it could be beneficial.

But the problem with this, I see it over and over again is this is something that is going to continue to drive up our energy costs. We have some of the highest energy taxes, fees and assessments in the country. And net metering, the concept behind it, I understand it, to try to encourage more investment. I don't think you know, the formula that we're looking at is going to discourage that, because we're looking at ways -- there's enough resources, certainly

with the racks and with the REV process, there's no lack of public funds and -- ratepayer funds going in to develop more solar within our industry. I don't think that's what we're trying to do. But we just want to make sure as we expand it, it's done in a fair and equitable way so everyone can benefit, because ladies and gentlemen, your residents who are making \$20- or \$30,000-a-year living in an apartment complex or living in an area are not going to have that extra money to put the solar on the roof like someone making \$80,000 or \$100,000-a-year. We always talk about equitability and the fair -- people paying their fair share. Why should someone \$20,000 -- making \$20,000 a year subsidize someone making \$100,000-a-year to put solar panels on their roof?

We can look at a formula that's fair, look through the wholesale rate, look to make sure it's avoiding carbon emissions; that's what the PSC is trying to do, that's what the process that we're trying to do right now to help stabilize our energy costs. We continue to support alternative energy, but we want to make sure that it can be done in a fair and equitable way. I think the process where the PSC is trying to do right now through REV process is the right way to do it, and if there are changes that need to be made, we can look to make changes, but I think wholesale going back and forth, trying to go back to the net metering process I think is the wrong step to go and all it's going to end up doing is increase energy costs for your ratepayers, for your constituents, for your lower income individuals living in your districts. Because the people making these investments, ladies and

gentlemen, I don't have a lot of people making \$80,000 in my district, I have a very medium income area; I don't know what your areas are like, so -- they don't have a lot of disposable income to put solar panels on their roof. Like I said, they're using that money to save for their college -- kids' education or to put food on the table or take a family vacation if they can.

We have to look at this in a fair and equitable manner that balances off for everybody and that's why I think we have to continue to look at where the changes can be made, but to open up net metering I think is the wrong approach. I think the PSC recognizes it was the wrong approach, it wasn't working, it's passed its day. We need to continue our investment in solar, and we're going to continue to have that happen, but hopefully we do it under a fair and equitable formula that works and protects the local -- the ratepayer so that everyone can benefit from this rather than just a few select individuals who make \$80- to \$100,000-a-year. So for that reason, Mr. Speaker, and my colleagues, I'll be voting in the negative and I urge my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Mr. Carroll.

MR. CARROLL: Thank you, Mr. Speaker. First, I would like to commend the sponsor of this bill. Over the last week, we have passed two bills to incentivize the adoption of solar panels on individuals' roofs and to incentivize consumers to purchase solar energy storage systems. If we do not also make sure that there is a moratorium on this VDER methodology, there will have a chilling

effect throughout the State of adoption of small, individual solar use. We must make sure that there is a way for the individual who wants to purchase a solar panel system and place it on his or her roof understands the value that will be returned from those solar panels. If we allow VDER to be implemented without a (sic) easily decipherable methodology, we will have a chilling effect for solar consumption throughout the State, and that will effect all of us for years and years to come.

We have a dynamic small independent solar industry in this State. We need to protect that dynamic industry that provides thousands of jobs in places like Brooklyn, New York and provides resiliency for our grid and allows for independent -- allows for the creation of green energy. And for those reasons, I will be supporting the bill and I hope my colleagues will as well.

ACTING SPEAKER AUBRY: Mr. Smith.

MR. SMITH: Thank you, Mr. Speaker. Will the sponsor yield for a question?

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

MR. ENGLEBRIGHT: I yield.

ACTING SPEAKER AUBRY: Mr. Englebright yields.

MR. SMITH: Thank you, Mr. Englebright. So, my question is with this new VDER system, do we have any idea how they plan on calculating the return on investment if I have solar panels

and it's going -- the -- the grid is taking the electric that I'm sending it. Do we have any idea at this point how they would reimburse that?

MR. ENGLEBRIGHT: I wish that there was an easy yes or no answer, it's mostly no. We really have a -- a mysterious calculation process and that's the problem. And you've really pointed toward it with your very insightful question. The problem is that the marketplace is looking at the ensuing uncertainty and they're saying, *We can't sell this*. They're discovering that they can't sell uncertainty to potential customers. That's why in our part of the State, there's been a 50 percent drop-off in people who are willing to make the investment into uncertainty.

MR. SMITH: Now, uh --

MR. ENGLEBRIGHT: Upstate, by the way, this is, let me just be clear, even though the word "Long Island" appears on the big board, this isn't just for Long Island. This is a bill that will affect all of the State. And let me just also point out that the lost investment on Long Island is more than matched with the anticipated loss of new installations and economic vitality Upstate. In fact, the total losses Upstate amount to almost \$1 billion projected for the next year due to that very uncertainty that your question pointed out.

MR. SMITH: Okay. Now, would you agree that under the VDER system on a sunny day or different parts of the year, they can actually reimburse an owner or operator of the solar panels at different rates? So, on a sunny day they might pay fewer dollars. Is it possible that...

MR. ENGLEBRIGHT: No, not necessarily. We're -- we're looking at the present time at a predictable rate based not upon the sun, but upon how much energy is absorbed by the device on the rooftop. So, how much power is produced is the measure.

MR. SMITH: Okay. Now, in our section of the State, we have a very thriving solar jobs program. We have numerous independent companies. Would you agree that this could actually put our companies out of business with hundreds of jobs?

MR. ENGLEBRIGHT: It is not only theoretically possible, it has already begun to happen. I am aware of a number of installing companies that have already decided that with the PSC order coming at them, that they can't make a living and they can't sell the idea to potential customers because the benefits are impossible to explain. It's just a quagmire of spaghetti logic.

MR. SMITH: Okay. Thank you, Mr. Englebright.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SMITH: I have to urge my colleagues to please support this bill. On Long Island we are being killed with some of the highest electric costs in the nation and I can tell you, my wife and I just purchased our home last year and we're trying to figure out what we can do to get our costs down. And we have debated the idea of solar. There's a number of great solar companies in my district, hundreds of people that live in my district also work there.

But I have to agree with Mr. Englebright on this end.

If we're trying to figure out -- my average electric bill is \$150 a month. If I'm trying to make that calculation, if I want to put these panels on my house and essentially mortgage them for 15 years, I have to see a savings. So, they can tell me that the cost of the panels will be \$130 a month, that's a savings every month. But now under the VDER plan, if I'm paying that \$130 a month for those solar panels on my home, but now I also get hit with an electric bill for \$70 or \$80 because the power going back into the grid isn't being reimbursed at a certain rate, that's really going to put our, especially young people and our senior citizens on Long Island really in a bad position. It's -- solar energy is good for the environment, but it's also -- can be good for our economy and good to save our ratepayers money. So, in that vein, I'd ask that my colleagues support this bill. Thank you, Mr. Englebright.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Palmesano to explain his vote.

MR. PALMESANO: Yes, Mr. Speaker, briefly. I just want to -- I want to say thank you to the sponsor of this legislation for our -- our -- our cordial dialog on this issue, as we have in the past. There's certainly no greater champion for solar and I know his heart's in the right place on this legislation. I support solar and want to see

that grow, it's just the way we do it and hopefully it's done in a fair and equitable way that benefits all of our -- all our residents, all the ratepayers. I do continue to stress my concerns relative to, you know, who is generally benefitting this -- benefitting from this, the higher income earners being subsidized by the lower income earners. I just want to make sure that we're looking at a process that takes that into account and looks more at the wholesale rate of energy as a reimbursement versus the retail rate. I think that's something that would be a better formula to look at and would ultimately save ratepayers and help continue to expand our growing solar field. So, again, I just want to thank the sponsor, again, for the dialog. I appreciate his interest and discussion, but I'll continue be voting in the negative, despite my like for the sponsor.

(Laughter)

ACTING SPEAKER AUBRY: Mr. Palmesano in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09806-A, Rules Report No. 299, Jean-Pierre, M. G. Miller, Ortiz, Seawright, Pellegrino, D'Urso, McDonough, Raia, Montesano, Giglio, Ramos, Titone, Rivera, Titus, Quart, Galef, Jaffee, Woerner, Lawrence, Ra, Errigo, Cook, Dickens, Lavine, Niou, Barron, Bichotte, Dinowitz, Benedetto, Arroyo, L. Rosenthal, Byrne, Carroll, M. L. Miller,

Garbarino, Pretlow, DiPietro, Johns, Barrett, Abinanti, Weprin, Brindisi, Castorina, Walsh, Santabarbara, Cusick, Williams, Hevesi, McDonald, Aubry, B. Miller, Mosley, Buchwald, Brabenec, Colton, Perry, Stern, Stirpe, Steck, De La Rosa, Hyndman, Taylor, Smith, Solages, Fahy, Walker, Lifton, Hunter, D. Rosenthal, Fernandez, Vanel, Hooper, Malliotakis, Tague, Palumbo, Rodriguez, Butler, Finch, Pichardo, Hawley, Dilan. An act to amend the Navigation Law, in relation to enacting Brianna's Law.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Jean-Pierre.

MS. JEAN-PIERRE: This bill would amend the Navigation Law by requiring individuals to take a boating safety course in order to operate a mechanical propelled vessel on the navigable waters in New York State. Removing the current exemption for those born before May 1st, 1996, it also authorizes the Commissioner of New York State Parks to develop a method for approving Internet-based boating safety course as an appropriate and effective method for the administration and completion and training in the safe operation of vessels, and mandates -- and mandates that approved Internet-based boating safety courses verify the identity of each individual taking the course.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

MS. JEAN-PIERRE: Yes.

ACTING SPEAKER AUBRY: Ms. Jean-Pierre yields, Mr. Goodell.

MR. GOODELL: Thank you very much, Ms. Jean-Pierre. Right now, there are a number of provisions that govern the operation of a power boat in the State of New York. They're all contained in the Navigation Law, correct?

MS. JEAN-PIERRE: Mr. Speaker, I can't hear him.

MR. GOODELL: I apologize.

ACTING SPEAKER AUBRY: Gentlemen in the corners, you're making noise. If you would sit down -- yes, that's right; you, sir. We're at the end, let's not make it longer.

Proceed, Mr. Goodell.

MR. GOODELL: Thank you very much. As you know, New York State has the Navigation Law, which has been in place for decades, that requires all boat operators to operate a boat in a safe and reasonable manner. I think it's Section 44 or 45 of the Navigation Law. In addition, New York State already prohibits drunk driving of a boat, the same way we prohibit drunk driving of a car and, of course, any accident that occurs on the waterways of New York State that results in an injury in violation of the Navigation Law or as a result of the DWI or negligence, subjects the individual to penalties. Is it your view that people don't understand that they have to operate in a safe and reasonable manner, they cannot operate drunk; what is -- what is the background on this bill that you believe a safe boating course would prevent or address?

MS. JEAN-PIERRE: This is about making our waterways safe and to ensure that people are educated and know what to look out for in operating a boat. And I believe that New York State can do more to ensure that our waterways are safe.

MR. GOODELL: As I mentioned to you before, I grew up on a lake. My first boating safety course I think was several years before you were born and I have been a licensed pilot engineer, Marine Pilot Engineer for, I don't know, 20 or 30 years now; I keep track - I don't keep track - and I spend thousands of hours on the water. Ninety-nine percent of what I see on the water is common sense. I never found that safety courses were very good at teaching that. What did you envision would be in the course material for the safety course?

MS. JEAN-PIERRE: The course -- the course hasn't changed, it's just about getting more people to be educated and to take the test. I mean, I'm sure you're educated and you know the waterways and you are well-experienced, but this is about making more people experienced on the water.

MR. GOODELL: And I certainly appreciate the desire to improve safety, I mean, that's something that's important to all of us --

MS. JEAN-PIERRE: Right.

MR. GOODELL: -- undoubtedly. So, let me ask you about how this law would apply in the field. If I -- I shouldn't say in the field, on the water. About half of the boats that are on the lake in

Chautauqua County or along Lake Erie, the shoreline in my county, are from out-of-state boaters. Does this bill provide for an exception for out-of-state boaters that are temporarily in New York State waters?

MS. JEAN-PIERRE: No, it does not. And I just want to point out that I know your district, surrounding your district we have Ohio and Pennsylvania and they actually have stricter boating laws than we do.

MR. GOODELL: Does this bill provide that if you have taken a boating safety course in Pennsylvania or Ohio that it will be recognized in New York?

MS. JEAN-PIERRE: Yes.

MR. GOODELL: As you know, of course, we also have the St. Lawrence Seaway, between United States and Canada, and the Erie Canal System. And the Erie Canal System is part of the Great Loop which is traveled by literally thousands of boaters. Would a boater that is coming up the coast and up the Hudson and into the Great Lakes through the Erie Canal be required to take a New York State boating safety course in order to travel on the Erie Canal.

Ms. JEAN-PIERRE: Correct, yes.

MR. GOODELL: A lot of municipalities and whether along the Great Lakes or even on Long Island, Nassau, Suffolk, often have fishing tournaments and thousands -- I shouldn't say thousands at any given time, but typically hundreds of people would come in for a fishing tournament, typically they're highly experienced fishermen, that's why they're in the fishing tournament,

typically with hundreds if not thousands of hours of boating experience. Would this law require all of those participants to have taken a New York State boating safety course in order to participate in a New York fishing tournament, a fishing tournament in New York?

MS. JEAN-PIERRE: As long as they have the course from their state, it's valid here, but if they don't, they would have to take it. And I don't see that this being a deterrent for -- for participants to participate in this tournament and it would be an opportunity to educate boaters on the safety of the waterways.

MR. GOODELL: We have boating safety --

MS. JEAN-PIERRE: And we could do a lot of marketing as far as putting it on the website and educating boaters on the rules and regulations of New York State.

MR. GOODELL: Now we have boating safety requirements that actually pre-date our current ones for boats that apply to jet skis, but those boating safety requirements have an exception for companies that rent jet skis to tourists. Is there any exception under this or marinas or boat liveries that rent on a temporary basis?

MS. JEAN-PIERRE: And this bill actually carves that out in Section 71D.

MR. GOODELL: Where is that in the bill?

MS. JEAN-PIERRE: It's in the existing law that --

MR. GOODELL: Right, but the existing law only applies to jet skis. This applies to all of the boats.

MS. JEAN-PIERRE: This would apply to both.

Seventy-one D is boats and water crafts.

MR. GOODELL: I see. Thank you very much.

On the bill.

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

MR. GOODELL: I certainly appreciate the desire of Ms. Jean-Pierre and the other sponsors to improve the safety of boating in New York State. It's something that's very important to me and, obviously, I have taken a lot of training and licensing in order to do what I do on the lake. The problem that we wrestle with is that we have a multi-billion tourism business, much of it focused on water and recreation in the Great Lakes, Erie Canal, Lake Champlain, along Long Island, certainly the Finger Lakes and other lakes, and we need to be careful that we balance the need to improve safety with the fact that not everyone who comes here from out-of-state will, A, have taken a safety course or have their documentation with them. So, we don't want to be in a situation where we say, *Come to New York State with all your money and as soon as you arrive, we're arresting you. Come to Chautauqua Lake with your boat, you're under arrest. Come to Lake Erie, you're under arrest. Come to our fishing tournament, hope you enjoyed yourself, you're under arrest.* So, we need to recognize that there's a lot of boaters out there that have an awful lot of experience and we want them to come with their boat. We want them to leave with great memories, but not a summons, not an arrest.

And so, I would recommend that we consider providing an affirmative defense, if you will, or an exception -- we ought to have an exception for fishing tournaments. Why? Because the people that go are highly experienced boaters, they already know how to boat. We ought to provide an exception for the international waterways that go through New York State, at a minimum, like the Erie Canal and the St. Lawrence Seaway and the Great Lakes. I mean, think about this. You're going up the Great Lakes, you started in Ohio, you're heading up to Toronto, you pass by New York, you want to get some fuel, come on in, fuel up, you're under arrest. So, it's a balancing act. So, again, I appreciate the desire for more safety, but we also need to be reflective that if we want to continue to foster and encourage a multi-billion industry that includes water recreation, we need some flexibility, as well. Thank you very much, Mr. Speaker, and thank you very much, Mr. (Sic) sponsor.

ACTING SPEAKER AUBRY: Mr. Raia.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RAIA: First, I'd like everybody to say hello to Gina Lieneck in the back. Say hello, Gina. We all remember me introducing her and talking about the tragic death of her daughter. Gina has come up here every single week since that time four months ago and has personally lobbied everybody not only in this House, but in the other House; in fact, if I'm not mistaken, there's over 110 sponsors on this bill. In my 16 years -- actually, in all my years dating

back to 1991, I've never seen over 100 sponsors on any given bill.

Why, you might ask. Because if somebody could explain to me why everybody who buys a jet ski that weighs 300 pounds, everybody regardless of age has to get -- take a boating safety course, everybody.

Doesn't matter the age. So the rationale that in this case, a 23-year-old, because right now it's 22 and under that have to take the course, that a 23-year-old can go and buy a 50-foot speedboat capable of speeds of 120 miles-an-hour, get behind the wheel and not know the difference between a red can and a green can should scare the snot out of everybody. I think I can use that word. Good, okay.

Now, I understand there's differences between Upstate and Downstate. Upstate you might have a little lake, but Downstate, just like the congestion on the LIE, you have congestion on our waterways. And not a day goes by that I'm not out on the water that I don't see someone doing something really stupid that not only puts my life in jeopardy, but puts everybody else's life in jeopardy, also.

The previous speaker mentioned BWI, Boating While Intoxicated. Well, I'd like to point out that the laws for Boating While Intoxicated are very different than Driving While Intoxicated. If you get a DWI, you lose your license to drive a car. If you get a BWI, you get to go back out the next day and drive your boat, which is why there's also good legislation out there that says if you get a BWI, it means you get a DWI and you lose your car license. How's that for incentive?

So, is this bill perfect? No. Is it a step in the right direction? The sponsor has already yielded a great deal. Initially -- the initial bill eliminated the Internet boating safety courses. Well, I'll tell you why it should have eliminated the boating safety courses, because did you know you could go on - did you know -

(Laughter)

Did you know you could go online and take the boating safety course, skip the five-hour, six-hour class and go right to the final and take the final. Well, I've been boating my whole life; in fact, I got my boating safety certificate when I was 10-years-old. If I could find it, it would still be good. But I had to take it again. I thought I knew a lot. I jumped to the end just to see if I could do it. I failed. And I have been boating my whole life. Because there's things you forget no matter how many hours you spend on the water and, believe me, I have four boats. I spend a lot of time when I'm not doing the People's business.

(Laughter)

And I still forgot things. There is no substitute for experience, but I'm still waiting for somebody to jump up and give me a rationale as to why everyone must take a safety boating -- a safety course to have a jet ski, but why everybody doesn't have to take a safety course to drive a boat. Anybody? Any takers? I'll yield. I didn't think so. Because there is no rationale. So, the sponsor already made a big, big improvement on the bill as far as the opposition goes. We're still going to allow those Internet safety courses. But, we have

charged the Parks Department to come up with a way to verify that the person actually taking the course and taking the test is the person who is going to have the license issued to them.

Now, I support my marine industry because they're a major backbone on Long Island, but when I hear stories of boat sales people telling somebody who just purchased the boat, *Hey, you want your boating safety certificate, too? Give me a minute.* Jumps to the end of the test, takes the test, *Congratulations, you're a New York State certified boater.* That should scare everybody in this room. If somebody's taking an online test and having their brother, maybe a learned individual like the person who spoke before - not saying that would ever happen - but you ought to be concerned that somebody's walking around with credentials that mean nothing.

I have seen way too many boating accidents and the death of children. It breaks my heart. A 4th of July not too long ago, I was coming back from an 4th of July show and saw a boat capsized in which numerous children died in the boat. That person actually had a boating safety certificate. The problem was he didn't know putting 15 people on top of a fly bridge was a really stupid thing to do.

So, yes, there is no substitute for experience, but we don't pass laws in this House to protect the people with experience. We pass laws in this House to protect us from the people with no experience. That's what this bill does. It's a good compromise. Now, some people may have gotten a memo from BoatUS. Virtually every single point that they raise is defective, starting with the fact that

BoatUS also is TowBoatUS. That's a company that when you break down or run your boat up on the ground, they come and rescue you. Obviously, not to their benefit to have educated boaters out there, just sayin'.

So, are there problems with this bill that could be adjusted? Absolutely. Given the Governor's fondness for Chapter Amendments, I'm sure when we passed this and if the Senate can do the right thing and pass it, we can make those corrections and we can take into consideration all of the things that -- that Mr. Goodell brought up, because those are all valid points. No bill is seldom perfect that we pass here. Sometimes they're never perfect. But you have to deal with the cards that you're dealt. Right now, this is a bill that potentially can save lives. Not potentially, this bill will save lives. You know, these people that think there's not enough classes, the time frame is too short, well, you got to a year to take the course. A year. If you're a parent and you're allowing your child to use the boat - and I said child, okay, a 23-year-old, because everybody under that has to take the law -- pass the test, you should have your head examined. I certainly wouldn't let anybody touch any of my boats without a boating safety certificate. Sorry for my colleagues that may be coming out over the summer on the boat. I'll let you drive under my supervision, which also would probably not legit here.

That being said, do it for Gina's daughter. We can get this bill right. We will get it right. I'd like to thank the sponsor, because she's worked very, very hard. I'm going to let her drive my

boat.

(Laughter)

And we'll get this right, but this is a step in the right direction. So, I'm urging the 100-plus people that signed on as a co-sponsor to obviously vote for it, but I'm asking everybody else, we'll sit down and figure out the differences. We'll get it right. It's the right thing to do. I'll say it again. If somebody can give me the rationale as to why everybody has to take a boating safety course to drive a 300 pound jet ski, but, yet, everybody over the age of 23 has to -- could just jump in a speed boat right now and not know the difference between a red can and a green can, I'm waiting.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 365th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Jean-Pierre to explain her vote.

MS. JEAN-PIERRE: Current New York State law only requires boating classes by those born or -- on or after May 1st, 1996, which means if you're older than 22 years old, you'll never need to take a boating safety course before operating these large motor-powered vessels. Meanwhile, everyone in New York State, regardless of age, is required to complete a course to take a jet ski, as

my colleague mentioned earlier, whose sizes and power pale in comparison to -- to most motor boats. In order to drive a car, you need to complete a driving course, but in order to operate a boat, all you need to do -- all you need to do is be older than 22 years old. That needs to change.

Brianna's Law, named in honor of late Brianna Lieneck, who was tragically killed in a boating accident at the age of 11, would require everyone, regardless of age, to complete a basic boating safety course in order to operate a motor boat. Surrounding states like New Jersey and Connecticut have mandatory education for all power boaters, and it's time for us to follow suit. With over 450,000 registered power boats in New York State, it is essential that we do all we can do to make sure that our boaters are aware of the responsibilities that come with operating a boat on our waterways. And our previous -- one of our previous speaker mentioned about, you know, people coming to New York State and not wanting to come because, you know, they're going to get fined or they'll get arrested. New York State, we're the Big Apple, we're dynamic, everyone comes here and we have to set the precedence of protecting our waterways and, more importantly, protecting our families.

And I really wanted to thank Gina Lieneck, who's here today, for using her experience to help other families so we don't have to worry about another fatality. So, I really want to thank Gina for really educating a lot of my colleagues who have sponsored the bill. Again, I will be voting in the affirmative and I ask my colleagues

to do the same.

ACTING SPEAKER AUBRY: Ms. Jean-Pierre in the affirmative.

Mr. O'Donnell.

MR. O'DONNELL: Yes. I rise to commend the sponsor for her fine work on this issue. I also want to commend the family who have the unspeakable tragedy of losing their child, who came here to learn how this process worked and conducted themselves with grace and dignity and class in interacting with so many of us. I would also like to point out that one of the previous speakers referred to the loss of tourism because someone from Ohio left their boating license behind. And it seemed odd to me to suggest that someone from Ohio who leaves their driver's license behind would be allowed to rent a car. So, obviously this is something that needs to be done. Sadly, it took a tragedy to do it. I commend the sponsor and recommend a vote in the affirmative. I'm voting yes.

ACTING SPEAKER AUBRY: Mr. O'Donnell in the affirmative.

Mr. Abinanti.

MR. ABINANTI: Thank you, Mr. Speaker. First, my condolences to Gina, and I thank her for turning that tragedy into a cause. Just last weekend, I was with Legislator Sandy Galef and we were with the family of Bryan Johnson, who also died in a boating accident. And they, too, have been fighting for years to try to accomplish this same thing. And I recall back in 1995 when I was a

county legislator, I led the Westchester Board of Legislators to a Home rule message asking for this very bill. And Legislator Galef has been fighting all of that time to accomplish what we're accomplishing tonight. You will recall in 2013 she did accomplish a half step. We passed a law that is being amended tonight. Tonight, we're going all the way, which is very important.

I've spent a lot of time, like my colleague, on the water, and crazy actions are not restricted to just young people. There are a lot of senior citizens out there, a lot of middle-age people who do an awful lot of foolish things because they don't know better, and it's time that we protected everybody on the waterway by requiring that anyone who operates a boat, no matter what type of a boat it is, that they have a course and that they get a license so that we know the waterways are safe.

So, I commend the sponsor of this and those who moved this bill forward, and I'm very proud, after waiting 25 years to see this happen, I'm very proud to be part of the Legislature that actually votes for this and makes it the law of the State of New York. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Stern.

MR. STERN: Thank you, Mr. Speaker. Like my friend, the senior member of the Assembly from Huntington, I, too, grew up boating on the waters of Long Island. And like him, I know from experience that far too many families, not just around Long Island, but throughout New York State have suffered the tragic loss of

loved ones as a result of reckless, negligent or intoxicated boating, but also because far too many boaters just don't know how to safely operate their vessels in our waterways.

And so that's why, Mr. Speaker, when I had the privilege of serving as Suffolk County legislator, I had the pleasure of working with Gina Lieneck to author and pass the Suffolk Safer Waterways Act to require boating safety education and to raise awareness of the role that we all need to play when we are out enjoying our waterways to make sure that it's safe for us, for our families and for those that we share the beautiful natural resource with.

So, today, I proudly stand with Gina Lieneck and -- and Captain Rich, also, in support of Brianna's Law, named in loving memory of Brianna "Breezy" Lieneck who lost her life at 11 years old. Thank you, Gina, for your passion, for your unwavering commitment to make sure that Breezy's legacy is one of safer waterways for all of us, and to help ensure that days on the water with family and friends are enjoyable and memorable, and not one that ends in tragedy.

Mr. Speaker, I'll be voting in the affirmative because Brianna's Law will save lives. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I'd like to call up Rules Report No. 222 by Mr. Abbate, which is on page 13 of the main Calendar.

ACTING SPEAKER AUBRY: The Clerk will read.

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 AUBRY: On a -- 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.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you very much, Mr. Speaker. You may recall that a few years ago we enacted a number of reforms to try to bring the cost of our pension program more in line with what our municipalities could afford. And one of the abuses that was addressed by those pension reforms was a practice that we saw that people who were working on an hourly wage would run up a huge amount of overtime shortly before they retired, and the pension amount that they received was based on a percentage of their last three

annual salaries, including overtime. And so, we saw situations where we had individuals who ran up their overtime so high that when they retired, their pension exceeded their actual annual income.

And so, to address that abuse, in subsequent tiers, Tier V, VI and so on, we capped the amount of overtime that would count toward your pension, it was capped at 10 percent. What this bill does is remove that cap and reopens the door for the very abuse that this Legislature, with the cooperation of the Governor, closed several years ago. Now, I'm aware that there's a quirk in the current law, and the quirk in the current law is that those who earn above that 10 percent in overtime continue to make employee contributions based on the total amount they pay. The solution to that quirk is to make their subsequent income above the 10 percent no longer subject to the contribution. The solution is not to reopen the door to that practice that was so abusive and so expensive. And for that reason, I will not be supporting this amendment. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

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.

Members have on their desks both an A- and B-Calendar. I now move to advance the A- and B-Calendars.

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

Mr. Morelle.

MR. MORELLE: Yes, sir. I'd like to go immediately to the A-Calendar, begin on page 3 with Rules Report No. 308 by Ms. Rosenthal, and begin consenting the Calendar.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A00320-A, Rules Report No. 303, L. Rosenthal, Dinowitz, Gunther, Weprin, Buchwald, Jaffee, Fahy, D'Urso. An act to amend -- an act in relation to establishing Brendan's Law; and to amend the Social Services Law, in relation to requiring cordless window coverings in child day care center, public institutions for children and certain other facilities.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 730th 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.

THE CLERK: Assembly No. A04903-A, Rules Report No. 309, L. Rosenthal, Glick, Jaffee, DenDekker, Hooper, Cook, M. G. Miller, Abinanti, Weprin, Gottfried. An act to amend the

General Business Law, in relation to disclosure by principal creditors and debt collection agencies of the legal obligations of a deceased debtor's family and household members.

ACTING SPEAKER AUBRY: On a motion by Ms. Rosenthal, the Senate bill is before the House. The Senate bill is advanced. The bill is laid aside.

THE CLERK: Assembly No. A06576-B, Rules Report No. 310, L. Rosenthal, Paulin, Ortiz, Mosley, Blake. An act to amend the General Business Law, in relation to requiring domestic violence and sexual assault awareness education for persons engaged in the practice of nail specialty, waxing, natural hair styling, esthetics and cosmetology.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06759, Rules Report No. 311, Woerner, O'Donnell, Stec. An act to amend the Real Property Tax Law, in relation to certain State lands in the County of Washington which shall be subject to taxation.

ACTING SPEAKER AUBRY: 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 January 1st.

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. A07402-A, Rules Report No. 312, Pretlow. An act to direct the Department of Taxation and Finance to conduct a study of State-owned land within the Counties of Westchester, Putnam and Dutchess, and the real property tax impact of such lands upon such counties and the localities therein.

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. A07812-B, Rules Report No. 313, L. Rosenthal, Lupardo. An act to amend the Public Health Law and the Education Law, in relation to authorizing emergency medical service personnel to provide basic first aid to cats and dogs under certain circumstances.

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. A07952-A, Rules Report No. 314, Skoufis. An act to amend Real Property Tax Law, in relation to subjecting certain State lands in Orange County to real property taxation.

ACTING SPEAKER AUBRY: On a motion by Mr. Skoufis, 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. A08059-C, Rules Report No. 315, Jenne. An act to authorize the Village of Massena in the County of St. Lawrence, to alienate certain parklands and to dedicate other lands as parklands.

ACTING SPEAKER AUBRY: On a motion by Ms. Jenne, the Senate bill is before the House. The Senate bill is advanced. Read the last -- Home rule message is at the desk. 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. A08176-A, Rules
Report No. 316, Woerner. An act to amend Chapter 440 of the Laws
of 2012 amending the Insurance Law relating to a Health Savings
Account Pilot Program, in relation to extending the provisions thereof.

ACTING SPEAKER AUBRY: 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 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. A08448-A, Rules
Report No. 317, McDonough. An act to authorize North Bellmore
Fire District to receive retroactive real property tax exempt status.

ACTING SPEAKER AUBRY: On a motion by Mr.

McDonough, 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. A08609-A, Rules Report No. 318, Thiele, Murray. An act to amend the Public Authorities Law, in relation to requiring the Long Island Power Authority to provide public notice for the construction of utility transmission facilities.

ACTING SPEAKER AUBRY: On a motion by Mr. Thiele, 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. A08775-B, Rules

Report No. 319, Galef. An act to amend the Executive Law, in relation to designating certain lakes as inland waterways.

ACTING SPEAKER AUBRY: On a motion by Ms. Galef, 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. A08897-A, Rules Report No. 320, Lentol. An act to amend the Alcoholic Beverage Control Law, in relation to authorizing the issuance of a license to certain motion picture theatres.

ACTING SPEAKER AUBRY: On a motion by Mr. Lentol, 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. A09021, Rules Report No. 321, Crouch, Montesano, Errigo, Lawrence, Finch. An act to amend the Public Officer's Law in relation to providing that a Deputy Sheriff of the County of Chenango need not be a resident of such county.

ACTING SPEAKER AUBRY: On a motion by Mr. Crouch, 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. A09069-A, Rules Report No. 322, Palmesano. An act to amend the Correction Law, in relation to the Steuben County Correctional Facility.

ACTING SPEAKER AUBRY: On a motion by Ms. (sic) Palmesano, 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. A09544-A, Rules Report No. 323, Montesano. An act authorizing the Village of Farmingdale to receive retroactive real property tax exempt status.

ACTING SPEAKER AUBRY: On a motion by Mr. Montesano, 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. A09569-A, Rules Report No. 324, Curran. An act authorizing the New York Kali Mandir, Inc. to receive retroactive real property tax exempt status.

ACTING SPEAKER AUBRY: On a motion by Mr. Curran, 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. A09570-A, Rules Report No. 325, Stec. An act to authorize certain health care professionals license to practice in other jurisdictions to practice in this State in connection with an event sanctioned by the World Triathlon Corporation; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Stec, 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. A09573-A, Rules Report No. 326, Montesano. An act authorizing the Village of Farmingdale to receive retroactive real property tax exempt status.

ACTING SPEAKER AUBRY: On a motion by Mr.

Montesano, 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.

Mr. -- Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I'd like to ask members of the Ways and Means Committee to join Ms. Weinstein in the Speaker's Conference Room. Ways and Means in the Speaker's Conference Room.

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

The Clerk will read.

THE CLERK: Assembly No. A09574-C, Rules Report No. 327, Montesano. An act to amend authorizing the Village of Farmingdale to receive retroactive real property tax exempt status.

ACTING SPEAKER AUBRY: On a motion by Mr. Montesano, 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. A09617-A, Rules Report No. 328, Woerner, Walsh, Wright, Niou, Hyndman, Mosley, Wallace, Pichardo, Jean-Pierre, Hunter, Dickens, Gottfried, Pellegrino, Magee, Giglio, McDonough, Brabenec, Morinello, Raia, Castorina, Oaks, Barron. An act to amend the Vehicle and Traffic Law, in relation to repossession of motor vehicle or motorcycle.

ACTING SPEAKER DENDEKKER: 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 30th day.

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. A09640-A, Rules Report No. 329, Galef. An act to amend the Executive Law, in

relation to designating Dickiebusch Lake and Meahagh Lake as inland waterways for the purposes of waterfront revitalization.

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. A09652, Rules Report No. 330, Dinowitz. An act to amend the Executive Law, in relation to State disaster preparedness plans.

ACTING SPEAKER DENDEKKER: Read the last section.

THE CLERK: This act shall take effect on the 30th day.

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. A09730, Rules Report

No. 331, Goodell. An act to legalize, validate, ratify and confirm the actions of the Panama Central School District notwithstanding the failure to timely file final building cost reports with the Education Department.

ACTING SPEAKER DENDEKKER: On a motion by Mr. Goodell, 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.

THE CLERK: Assembly No. A09821-A, Rules Report No. 332, Buchwald. An act to amend the General Municipal Law, in relation to authorizing the lease of space on certain sports field fences in the Town of New Castle, in the County of Westchester.

ACTING SPEAKER DENDEKKER: On a motion by Mr. Buchwald, the Senate bill is before the House. The Senate bill advanced. Home rule message is at the desk. 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. A09856, Rules Report No. 333, Errigo. An act to amend the Highway Law, designating a portion of the State Highway System as the "Conesus Veterans Memorial Highway".

ACTING SPEAKER AUBRY: On a motion by Mr. Errigo, 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. A09859, Rules Report No. 334, Friend. An act to amend the Correction Law, in relation to authorizing the Tioga Correctional Facility to also be used for the detention of persons under arrest being held for arraignment in any court located in the County of Tioga.

ACTING SPEAKER AUBRY: On a motion by Mr. Friend, 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. A09886, Rules Report
No. 335, Bichotte. An act to amend Executive Law, in relation to
authorizing the Division of Minority and Women's Business
Development to accept the DD Form 214 issued by the United States
Department of Defense upon retirement, separation, or discharge from
active duty in the Armed Forces of the United States as proof of the
race or ethnicity and certain personal information of an applicant for
purposes of certification of the applicant's business as a
minority-owned business.

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.)

Ms. Bichotte to explain her vote.

MS. BICHOTTE: Thank you, Mr. Speaker, for

allowing me to explain my vote. The purpose of this bill is to create a process for minority veteran who -- who become recognized as certified as Minority- and Women-Business Owned (sic) Enterprise, MWBEs. This bill intends to enable veterans to utilize the discharge form, also known as the DD 214, for the purposes of providing municipal corporations and State agencies a form of identification of enrollment in MWBE programs. In certain cases, veteran minority-owned business enterprises or owned businesses have been denied access to enrollment as they -- as their classified race or ethnicity. Even with proof present on the DD Form 214, a Federal document which was not listed as a valid source of verification.

I want to thank a member of the Hispanic Chamber of Commerce, also a member of the Veterans Chamber of Commerce by the name of Giovanni Taveras, who's a Dominican-American who was denied MWBE status because he had to prove that he was Dominican, a minority. When he showed his mother's death certificate, he had to prove that his mother was his mother. And so, when he had used the DD 214, it was able to match with his current address, the address on the death certificate. So now, although DD 214s no longer have race listed, many of our Vietnam veterans who were discharged to the '70s have their -- have race listed.

And so, as the Chair of the Subcommittee of the Oversight of the Minority- and Women-Business Enterprise, I am very proud to present this bill in the name of all veterans, and I will vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Bichotte in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09895, Rules Report No. 336, Schimminger, Peoples-Stokes. An act to amend the Local Finance Law, in relation to the sale of bonds and notes of the City of Buffalo.

ACTING SPEAKER AUBRY: On a motion by Mr. Schimminger, the Senate bill is before the House. The Senate bill is advanced. Home rule message is at the desk. 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. A09905, Rules Report No. 337, Thiele. An act to amend General Municipal Law, in relation to creating the Town of Southampton Community Development Agency.

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

advanced. Home rule message is at the desk. 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. A09916, Rules Report
No. 338, Cahill. An act to amend the Highway Law, in relation to
designating a portion of the State Highway System as the "Kathy
Cairo Davis Memorial Bridge".

ACTING SPEAKER AUBRY: On a motion by Mr.
Cahill, the Senate bill is before the House. The Senate bill is
advanced. Home rule message is at the desk. 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. A09979-A, Rules
Report No. 339, Thiele. An act to amend the Town Law, in relation to
the definition of a "water quality improvement project".

ACTING SPEAKER AUBRY: On a motion by Mr. Thiele, 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. A09988-A, Rules Report No. 340, Stec. An act to incorporate the Volunteer Exempt Firefighter's Benevolent Association of Whitehall, New York and providing for its powers and duties.

ACTING SPEAKER AUBRY: On a motion by Mr. Stec, 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. A10070-A, Rules

Report No. 341, McDonald, Stec, Woerner, Walsh, D'Urso, Rivera, Lawrence, Williams, Blake. An act to amend the Environmental Conservation Law, in relation to requiring the Hudson River Black River Regulation District to undertake a comprehensive study regarding the beneficiaries of the district and real property tax apportionments to establish a standard methodology for the determination of any future apportionment.

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. A10124, Rules Report No. 342, Palmesano. An act to authorize the County of Yates to offer an optional 20-year retirement plan to Megan Morehouse, a Deputy Sheriff employed by such county.

ACTING SPEAKER AUBRY: On a motion by Mr. Palmesano, the Senate bill is before the House. The Senate bill is advanced. Home rule message is at the desk. 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. A10144, Rules Report No. 343, Garbarino. An act in relation to permitting the Unitarian Universalist Congregation of the Great South Bay Sayville to file an application for a real property tax exemption.

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. A10148, Rules Report No. 344, Garbarino. An act in relation to permitting Patchogue Fire District to file an application for a retroactive real property tax exemption.

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. A10175-A, Rules Report No. 345, Murray. An act in relation to permitting The Advocare Foundation, Ltd. to file an application for a real property tax exemption.

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. A10248, Rules Report No. 346, Oaks. An act to amend the Correction Law, in relation to authorizing the Wayne County Correctional Facility to also be used for the detention of persons under arrest being held for arraignment in any court located in the County of Wayne.

ACTING SPEAKER AUBRY: On a motion by Mr. Oaks, 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.)

Mr. Palmesano to explain his vote.

MR. PALMESANO: Yes, Mr. Speaker. I rise to support this legislation for the gentleman sitting next to me, I believe this is his last bill that will be passed in this House to end his career here in the State Assembly. He's been a good friend, a good mentor, a great leader, working in a bipartisan way all along, but he's always been an advocate for his area. Just known as a good guy and a good representative and he's a good friend to all of us, and I just wanted to take this time to really just say congratulations to Bob Oaks on your incredible years of public service and -- and what you meant to this Chamber and this institution. You certainly -- when you talk about the "People's House," you certainly represent it well and have demonstrated what public service is all about. You do it the right way, Bob, and we just want to all wish you congratulations on your retirement. So, thank you.

(Applause)

ACTING SPEAKER AUBRY: Mr. Palmesano, that's the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10298-A, Rules Report No. 347, Peoples-Stokes. An act to amend Chapter 108 of the

Laws of 2016, amending the Vehicle and Traffic Law relating to authorizing a pilot residential parking permit system in the City of Buffalo, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: Home rule message is at the desk. 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. A10301-B, Rules Report No. 348, Barrett, Cook, Sepulveda, Magee, Montesano, Lupardo, Thiele, Lavine, Arroyo, D'Urso, Jaffee, Simon, Blake, Mosley, Giglio, Crouch, Gottfried, Fernandez, Glick, Barron, Blankenbush, DiPietro, Rivera, Errigo, Abinanti, Steck, Taylor, Weprin, Solages, Carroll, Pellegrino. An act to amend the Agriculture and Markets Law, in relation to the acquisition of agricultural preservation restrictions.

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.

THE CLERK: Assembly No. A10304-B, Rules Report No. 349, Paulin, Galef, Raia, Abinanti, Buchwald. An act to amend the Not-for-Profit Corporation Law, in relation to voting requirements of the board of certain corporations.

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.

THE CLERK: Assembly No. A10316-A, Rules Report No. 350, McDonough. An act authorizing the Jaam'e Masjid Bellmore LI Inc. to receive retroactive real property tax exempt status.

ACTING SPEAKER AUBRY: On a motion by Mr. McDonough, 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. A10318, Rules Report No. 351, McDonough. An act authorizing the Korean Presbyterian Church of Bayside to receive retroactive real property tax exempt status.

ACTING SPEAKER AUBRY: On a motion by Mr. McDonough, 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. A10337, Rules Report No. 352, Abinanti. An act to amend the General Municipal Law, in relation to providing notice of health insurance contracts for retired officers, employees, and their families.

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

advanced. The bill is laid aside.

THE CLERK: Assembly No. A10374-B, Rules Report No. 353, M. L. Miller. An act authorizing Yeshiva Nishmas HaTorah, Inc. to receive retroactive real property tax exempt status.

ACTING SPEAKER AUBRY: On a motion by Ms. Miller, 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.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I'd like to ask Mr. Crouch -- if you'd go to Mr. Crouch for the purposes of an announcement.

ACTING SPEAKER AUBRY: Mr. Crouch for the purposes of a (sic) announcement.

MR. CROUCH: Thank you, Mr. -- thank you, Mr. Speaker. There will be an immediate Republican Conference in the Parlor.

ACTING SPEAKER AUBRY: Republican Conference in the Parlor.

Mr. Morelle.

MR. MORELLE: Yes, sir. If you would call on Mr. Otis for purposes of an announcement.

ACTING SPEAKER AUBRY: Mr. Otis.

MR. OTIS: There will be an immediate meeting of the Democratic Conference in our Conference Room.

ACTING SPEAKER AUBRY: Democratic Conference, Speaker's Conference Room.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I move that the House stand at ease until the conclusion of Party Conferences.

ACTING SPEAKER AUBRY: The House will stand ease.

(Whereupon, the House stood at ease.)

* * * * *

ACTING SPEAKER LAVINE: The House is going to come to order.

MR. MORELLE: Thank you, Mr. Speaker. I'd like to continue consenting where we left off, beginning with Rules Report No. 354 by Ms. Hooper on page 11.

ACTING SPEAKER LAVINE: The Clerk will read.

THE CLERK: Assembly No. A10405, Rules Report No. 354, Hooper. An act to authorize Maranatha Grace Church to file an application, with the County of Nassau, for a retroactive real property tax exemption.

ACTING SPEAKER LAVINE: Ms. Hooper -- no.

On a motion by Ms. Hooper, 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 LAVINE: 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. A10443-A, Rules Report No. 355, Buchwald. An act to amend the Executive Law, in relation to designating Katonah Lake, Kitchawan Lake, Oscaleta Lake, Rippowam Lake, Truesdale Lake and Waccabuc Lake as inland waterways for the purposes of waterfront revitalization.

ACTING SPEAKER LAVINE: On a motion by Mr. Buchwald, the Senate bill is before the House. The Senate bill is advanced. The Clerk will read -- oh -- read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER LAVINE: 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. A10445-A, Rules Report No. 356, Thiele, Stern. An act to amend the Town Law, in relation to authorizing towns in the Peconic Bay region to establish septic system replacement loan programs.

ACTING SPEAKER AUBRY: On a motion by Mr. Thiele, 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. A10453-A, Rules Report No. 357, Byrne. An act to authorize the Town of Yorktown, in the County of Westchester to alienate certain parklands.

ACTING SPEAKER AUBRY: On a motion by Mr. Byrne, the Senate bill is before the House. The Senate bill is advanced. Home rule message is at the desk. 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. A10454, Rules Report No. 358, Gunther. An act relating to validating certain acts by the Roscoe Central School District relating to final building cost reports required to be filed with the Education Department.

ACTING SPEAKER AUBRY: 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 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. A10492, Rules Report No. 359, Stec. An act to authorize Jaime Laczko to elect to participate in the optional twenty-five year retirement plan for forest rangers in the service of the Department of Environmental Conservation.

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. A10508-A, Rules Report No. 360, Palumbo. An act to authorize the Town of Brookhaven, County of Suffolk, to alienate certain parklands and to dedicate other lands as parklands.

ACTING SPEAKER AUBRY: On a motion by Mr. Palumbo, the Senate bill is before the House. The Senate bill is advanced. Home rule message is at the desk. 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. A10509-A, Rules Report No. 361, Thiele. An act to authorize the Town of Brookhaven, County of Suffolk, to alienate certain parklands and to dedicate other lands as parklands.

ACTING SPEAKER AUBRY: On a motion by Mr. Thiele, the Senate bill is before the House. The Senate bill is advanced. Home rule message is at the desk. 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. Do you have any resolutions to take up at this time?

ACTING SPEAKER AUBRY: Certainly do, Mr. Morelle. We have numerous fine resolutions. We will take them up on a voice vote.

On the resolutions, all those in favor signify by saying aye; opposed, no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 1405-1413 were unanimously approved.)

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker. Just momentarily, I'll be moving to adjourn the Session and then we will, in just a few moments following that, we will reconvene. So with that, I will move that the Assembly stand adjourned until 12:01 a.m., Wednesday, June 20th, tomorrow is a Session day.

ACTING SPEAKER AUBRY: The House stands adjourned.

(Whereupon, at 12:00 a.m., the Assembly stood adjourned until Wednesday, June 20th at 12:01 a.m., Wednesday being a Session day.)