

MONDAY, FEBRUARY 24, 2020

2:42 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

The Reverend Elia will offer a prayer.

REVEREND DONNA ELIA: Let us pray.

Wondrous God, You are with us in smooth times and in turbulent ones, and we come before You with fervent hopes and with all of our concerns, our expectations, and we pray for clear sense of Your presence. Help us to be still and to know that You are God. Thank You for each person gathered here and for those who even at this moment are working behind the scenes to help things to move along. As this Assembly gathers for its vital work, fill the Body with an abundance of courage, clarity, wisdom and problem-solving skills. Help them find a way forward when the task seems daunting, and

thank You for each member and each staff person, for their commitment to strengthen the communities from which they come and our entire State. Thank You for constituents who entrust to this Body the honorable calling of public service. Receive our gratitude for families, friends, faith communities, and for all that undergirds each person here. For any who are dealing with health concerns, we ask that You grant well-being. For any who are weary, we ask for strength. For one who anticipates the birth in her family, we pray that baby, parents and grandparents may be blessed. We long for peace and justice here and in all places, and give us the will to work for a better day and help us to discern which part of healing the world is ours to do. In Your Holy Name we pray, Amen.

MEMBERS: Amen.

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

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

A quorum being present, the Clerk will read the Journal of Saturday, February 22nd.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to dispense with the further reading of the Journal of Saturday, February the 22nd and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. Members and friends and colleagues that are in the Chambers, I want to share with you a quote. I somehow feel this young lady must know us well. Her name is Mandy Hale, she is an author, a blogger and a speaker. She's also a *New York Times* best-selling author, by the way, Mr. Speaker. Her words to us today is "Trust the wait. Embrace the uncertainty. Enjoy the beauty of becoming. When nothing is certain, anything is possible." Again, Mr. Speaker, that is from Mandy Hale who, I believe, has somehow been in our Chambers before.

ACTING SPEAKER AUBRY: Sounds like it.

MRS. PEOPLES-STOKES: Mr. Speaker, members should also know that they have on their desks a main Calendar. We're going to continue working from that. There's also a debate list. After there are any introductions and/or housekeeping, we're going to begin working on the main Calendar and consent 15 new bills that are there, starting with Calendar No. 399, it's on page 4, and we're going to go through Calendar No. 413. We will also continue our consent work off the main Calendar where we left off with Calendar No. 317, which is on page 53. And there's also potential to take up some additional debates from our debate list. There is a need for a Majority Conference immediate following the closing of our Session today, and we will obviously check with our colleagues on the other side of the aisle to determine what their intentions are.

That's the general outline, Mr. Speaker. If there are any introductions and/or housekeeping, now would be a great time.

ACTING SPEAKER AUBRY: Certainly. Thank you, Mrs. Peoples-Stokes, and we do have housekeeping first.

On a motion by Ms. Paulin, page 4, Calendar No. 399, Bill No. A00426-A, amendments are received and adopted.

On a motion by Ms. Rosenthal, page 17, Calendar No. 65, Bill No. A01304, amendments are received and adopted.

On a motion by Mr. Zebrowski, page 21, Calendar No. 89, Bill No. A01967, amendments are received and adopted.

On a motion by Mrs. Galef, page 37, Calendar No. 195, Bill No. A05147, amendments are received and adopted.

On a motion by Mr. Gottfried, page 54, Calendar No. 321, Bill No. A08256, amendments are received and adopted.

And at the request of Mr. Zebrowski, the following bill, Calendar No. 89, Bill No. A01973, is committed -- recommitted to the Committee on Judiciary.

For the purposes of a [sic] introduction, Mr. Palmesano.

MR. PALMESANO: Yes, thank you, Mr. Speaker, for allowing me to interrupt the proceedings for a special introduction. Joining us in the Chambers today is a very special guest and good friend. Congressman Tom Reed from the -- from Corning who represents the 23rd Congressional District, representing the Southern Tier and Finger Lakes region, he's here joining us today and I was

wondering on behalf of myself and the entire delegation from the 23rd Congressional District myself, Assemblyman Friend, Assemblyman Goodell, Assemblyman Giglio, Assemblywoman Lifton, Assemblyman -- Assemblywoman Byrnes and Assemblyman Kolb, and also, in addition, our Leader, Assemblyman Will Barclay, if you could welcome Congressman Reed here for the -- and thank him for all his effort and being here and the work he does for us in Washington.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Palmesano, the entire delegation that you represent, sir, the Speaker and all the members, we welcome you here to the New York State Assembly, extend to you the privileges of the floor and thank you for the service that you provide this country. Please continue to do that and do it well. Thank you so very much.

(Applause)

Mr. Fitzpatrick.

MR. FITZPATRICK: Thank you, Mr. Speaker. It is indeed a special privilege and honor for me to introduce my guest, Mr. Sal Greco. Sal is 86 years young with four children, nine grandchildren and four great-grandchildren. His lovely wife, Loretta, passed away four short years ago after 60 years of marriage. He is a veteran of the United States Marine Corps, where he achieved the rank of Captain. He served as an Atomic Veteran during the Hydrogen Bomb and Atomic Bomb testing in Bikini Atoll in the 1950's. He recently wrote a book capturing his experiences in the

military, as well as his time at New York Airways as a commercial helicopter pilot.

Over the course of his career, he has flown 18 different aircraft. Sal was among the pilots who landed helicopters on the roof of the old Pan Am building in Manhattan and witnessed the complete construction of the Twin Towers. He will never forget. He flew many charter -- private charter flights of famous people in both politics and entertainment, and has many, many funny stories. Passenger mishaps and helicopter bloopers kept him laughing over the years. Among his experiences was bringing former Senator Robert Kennedy, Robert Moses and Governor Nelson Rockefeller to Robert Moses State Park for the original ribbon cutting ceremony.

A significant impact on his life was his service to our country. Sal was exposed to Radiation, H-Bomb and A-Bomb explosions, and the devastating environmental consequences of that time. His book, titled *Beneath the Blades*, speaks to these experiences and also includes a lot of humor from his commercial flying time.

We thank Sal for his service to our great country and honor him today for his continued accomplishments into the eighth decade of his life. Mr. Speaker, would you be so kind as to welcome Mr. Greco and offer him all the cordialities of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Fitzpatrick, 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. We extend also our gratitude for the service

that you have given this country throughout your life, and also for a great family that obviously you began to sire. Hope that they are as proud of you as we are, and you are always welcome here. Thank you, sir.

(Applause)

Mr. DiPietro.

MR. DIPIETRO: Thank you, Mr. Speaker. I'm honored today -- I have two guests with me, Lori Francisco-McVicar and David Peltan, friends of mine. They're visiting the Capitol for the first time. Okay. Dave is a -- first time here. He's a Vice President of the New York State Collectors and -- but Lori is the first female veteran back in 1978 when the services merged and females were able to go to boot camp with the men, and so she tells a lot of great stories of being able to throw grenades, shoot missiles for the first time when women were able to do that, it's -- when it became coed. It's -- the stories are phenomenal, I love hearing it. There's -- there were no more WACs at the time, but she is a great tribute, a great veterans' advocate for women's veterans, and I would like to -- you to extend them all the courtesies, if you could, for their fine work and honor them for their first time here in the Capitol ever.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. DiPietro, the Speaker and all the members, we welcome this extraordinary couple here to the New York State Assembly, extend to you the privileges of the floor. This is the People's House and you are always welcome here. And to both of you on your accomplishments,

specifically you, my dear, for being the kind of veteran that we all know and love, thank you for the work that you've done for this country and continue to do for veterans around the United States. Thank you so very much and congratulations.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, and my colleagues, if we can go to page 3 and take up resolutions, and immediately following that, we'll go to page 4 and start with Calendar No. 399.

ACTING SPEAKER AUBRY: Certainly, thank you. The Clerk will read.

THE CLERK: Assembly Resolution No. 773, Ms. Rosenthal. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim February 24-March 1, 2020, as Eating Disorders Awareness Week 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.

Page 4, Calendar No. 399, the Clerk will read.

THE CLERK: Assembly No. A00426-A, Calendar No. 399 has been previously amended.

Assembly No. A02093, Calendar No. 400, Lentol. An act to amend the Alcoholic Beverage Control Law, in relation to procedures associated with issuing retail and special retail licenses to

sell liquor for on-premises consumption regarding premises located within five hundred feet of three or more existing premises in cities, towns and villages having a population of twenty thousand or more.

ACTING SPEAKER AUBRY: The bill will be laid aside.

THE CLERK: Assembly No. A03327, Calendar No. 401, Dilan, Jean-Pierre, M. G. Miller, Fernandez, Smullen, DeStefano, Buttenschon, Cook, Ortiz, Hyndman, Dickens, Colton, Gottfried, Morinello, Blake, Seawright, Lawrence, Pichardo, Niou. An act to amend the Public Service Law, in relation to the expiration of minutes purchased with prepaid cellular telephone cards.

ACTING SPEAKER AUBRY: Mrs. Cook to lay the bill aside.

THE CLERK: Assembly No. A07859-A, Calendar No. 402, Jean-Pierre. An act to -- directing the Commissioner of the Office for People with Developmental Disabilities to conduct a study on the feasibility of allowing the use of debit cards for residents' cash accounts; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Ms. Jean-Pierre, the 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.)

This is the first vote of the day, members. Please, if you are in your seats, please cast your vote now. If you are within the sound of our voice, the Majority Leader would require you to come to Chambers and cast your ballot. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No --

ACTING SPEAKER AUBRY: One minute.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker, for the opportunity to interrupt our -- introduce some guests that we have in the Chambers who are guests of our Member Fernandez. It is with a lot of pleasure, Mr. Speaker, that I introduce these students from LIM College. LIM College was founded with the mission of educating women through practical hands-on curriculum and exposure to the fashion industry. The college establishes a unique connection between real world experience and academic study in order to empower students to become accomplished professionals in a highly competitive, dynamic business environment.

Today, Mr. Speaker, LIM educates about 1,800 students annually through a plethora of programs with over 90 percent graduates finding employment in their fields of study within six months. These students have continued to succeed in their line of

work and excelled in the fashion industry, bringing notoriety to our great State of New York.

So, Mr. Speaker, please join Assemblymember Fernandez in welcoming these students to our Chambers, including Ms. Fernandez's niece, Shayna Cuascut.

ACTING SPEAKER AUBRY: Certainly. On behalf of Assemblymember Fernandez, the Speaker and all the members, we welcome these extraordinary students here to the New York State Assembly, extend to you the privileges of the floor. Our congratulations on the work that you have done and the work that we anticipate you will do in the future, ensuring that we have a well-dressed and coiffured membership. Please continue that. And to your niece, you also are family. You are always a member and always welcome here. Thank you so very much.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A07991-A, Calendar No. 403, Simotas, Quart, Sayegh, Mosley, Morinello, Ashby, L. Rosenthal, Jaffee, Gottfried, Hevesi, Simon. An act to amend the Public Health Law, in relation to posting information on patients' reporting rights regarding professional misconduct involving sexual harassment and assault.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A08954, Calendar No. 404, Fall. An act to amend the General Business Law, in relation to

trampoline park safety.

ACTING SPEAKER AUBRY: On a motion by Mr. Fall, 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 120th 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. A08958, Calendar No. 405, Glick. An act to amend the Alcoholic Beverage Control Law, in relation to required information to be included on certain notices.

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.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you very much, Mr. Speaker. You may recall --

ACTING SPEAKER AUBRY: One minute, Mr. Goodell. Gentlemen, gentlemen; ladies.

Proceed.

MR. GOODELL: Thank you, Mr. Speaker. You may recall that this bill, when it came up for a debate last year, had 41 no votes because there were many people that thought it was overstepping on the part of New York State government, perhaps micromanaging, if you will, to require that an alcoholic beverage control permit notice be printed in fluorescent, luminous or neon pink and posted on a door of an establishment seeking a license renewal. As my wife pointed out to me, if she saw a neon pink sign, she would assume it was nonofficial, that it was announcing, you know, some party or something targeting women and she would not read it.

Even though there were so many no votes last year, I will be voting yes because this is a small technical amendment. It turns out the original bill required that posting to include an alcoholic beverage control number that often is not available at the time the posting would occur. And so, we were asking for a fluorescent pink posting that could not be done under the law. So, this is a small technical amendment and because it's such a small technical amendment, even though I'm not a big fan of the fluorescent, neon or luminescent pink, nor do I have even any pens of that color, I will support this minor amendment. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Pause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I believe we have a guest in our Chambers I was going to ask you to welcome. He is standing right over in that vicinity. If he could begin walking this way.

ACTING SPEAKER AUBRY: Sort of like waiting for Santa Claus.

MRS. PEOPLES-STOKES: You will all recognize him right away -- I guess he is not as imminent as I thought.

(Laughter)

ACTING SPEAKER AUBRY: Nothing new there.

MRS. PEOPLES-STOKES: So, while we're waiting to welcome this gentleman to our Chambers, I do just want to give a voice of gratitude to those colleagues who joined myself and some -- Speaker's staff Isa Puello in Egypt this past week. We just got off a plane this morning and we're here -- Israel. So, Mr. Speaker, I just want to acknowledge these great members that are with us, Simcha Eichenstein -- oh, here's our special guest that I want you to welcome.

(Laughter/Applause)

It's none other than our former Majority Leader Joe Morelle, member of the great City of Rochester in Monroe County.

(Applause)

Joe Morelle.

(Applause)

Sir, we're so happy to see you.

(Applause)

So, you can tell how much we miss you, Mr. Morelle, we're happy to see you. We know you're fixing things for us where you are, and always good to see you.

ACTING SPEAKER AUBRY: On behalf of the Speaker and all the members, I will say this again as I have said many times before, Mr. Morelle --

(Laughter)

-- we welcome you here back to the New York State Assembly, extend to you the privileges of the floor. You are, as a former Member, always extended those privileges and, obviously, to our delight, you've had a time to leave Washington alone and come back to Albany, your true home. Thank you so very much. We're pleased to have you.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A08975, Calendar No. 406, L. Rosenthal. 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: 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.)

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Would you please lay this bill aside?

ACTING SPEAKER AUBRY: Roll call is withdrawn. The bill is laid aside.

The Clerk will read.

THE CLERK: Assembly No. A08976, Calendar No. 407, Zebrowski. An act to amend the Alcoholic Beverage Control Law, in relation to allowing restaurant-brewers to sell limited quantities of their product without the use of a wholesaler.

ACTING SPEAKER AUBRY: On a motion by Mr. Zebrowski, 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.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we can shift to our debate list and go to Calendar No. 22, it's on page 7 [sic], Assembly Bill No. 446 by Mr. Stirpe, on debate, Mr. Speaker.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A00446, Calendar No. 22, Stirpe, Ryan, Arroyo, D'Urso, Burke, Colton, Carroll, Wallace, Reyes, Crespo, Cook, Nolan, Thiele, Zebrowski, Taylor, Ortiz, Gottfried, Griffin, Blake, Jaffee, DeStefano, Montesano, Ra, Glick, McDonough, Steck, Jacobson, Cruz. An act to amend the Labor Law, in relation to the calculation of weekly employment insurance benefits for workers who are partially unemployed; and repealing certain provisions of such law relating thereto.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Stirpe. We are on debate, ladies and gentlemen. Please, the less conversation, the better as the members will debate.

Please go ahead, Mr. Stirpe.

MR. STIRPE: Unlike nearly every other state, New York's Unemployment Insurance Program calculates partial unemployment benefits on the number of days worked per week, rather than the claimant's actual part-time earnings. Under current law, claimant's benefits are reduced by 25 percent for each day worked per week, regardless of how many hours they worked on any such day. This means that after four days of working part-time, they

receive zero benefits. This often serves as a disincentive for totally unemployed workers to find part-time work, consequently increasing pressure on the Unemployment Insurance Trust Fund.

This bill would revise the calculation of partial unemployment benefits by establishing a partial benefit credit based on the claimant's weekly benefit rate for total unemployment, which then would then be applied against the claimant's actual weekly earnings. This would result in a more reasonable computation of partial unemployment benefits that is proportionate to claimant's wages.

This bill represents the necessary step forward, ensuring that New York's Unemployment Insurance Program provides partially-unemployed workers with the support they need to meet their most basic needs as they work towards full-time employment. In addition, the chances of being hired full-time greatly increase if you are working part-time and proving to your employer that you are both willing and able to do the job, greatly accelerating your reentry to full-time employment and relieving pressure on the Unemployment Insurance Trust Fund.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Will the sponsor yield?

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

MR. STIRPE: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. WALSH: Thank you. Just so we all understand what this bill would do, as I understand it, under this bill, if a person who is on unemployment got a part-time job and his income from the part-time job was less than -- or was equal to or less than 50 percent of his unemployment benefits, he would get to keep all the income that he earned; is that correct?

MR. STIRPE: Well, the current system allows you to keep all the income you earn.

MS. WALSH: Okay, all right. So - wait a minute - if you got a part-time job and your income from the part-time job was equal to or less than 50 percent of your unemployment benefits, you would keep all of the income that you earned.

MR. STIRPE: Right, but in the current system you'd lose 25 percent of your benefit. You wouldn't lose any of your income earned.

MS. WALSH: Okay. So -- but even though you're earning 50 percent of your income on part-time employment, there's no offsetting cost-savings to the employer under this bill, correct?

MR. STIRPE: Correct.

MS. WALSH: Okay. So -- and if the employee then earned more than 50 percent, there would be a dollar-for-dollar reduction in his unemployment benefit, correct?

MR. STIRPE: Right. But let me -- let's go back to your previous question, there's no benefit to the employer. There

actually is a benefit because it's been shown in Pennsylvania, Connecticut, New Jersey, all the states that have implemented a system like this that it has reduced the pressure on the Unemployment Insurance Trust Fund. People who are working part-time enter into the workforce full-time at a much faster rate than people who are just sitting home collecting uninsurance [sic].

MS. WALSH: Um-hum. But what incentive would there be for any -- anyone to ever get part-time employment more than 50 percent?

MR. STIRPE: Because they'd like to make enough money to actually do things, buy a car, et cetera. I mean, let me give you an example. You have someone who is making minimum wage. Their UI benefit is \$170, and they're earning \$120 doing part-time work over a four-day period and they could still be eligible for unemployment insurance benefits. So, their partial credit when you calculate it, would be \$85, but the minimum amount you can get is \$100, so the benefit would be \$100. With the earnings equal to \$120, any such amount above the partial benefit or \$20 would be subtracted from the claimant's maximum benefit rate, making them eligible for \$150 UI benefits. But, I mean, you know and I know \$150 plus \$122.70, how many people can really live a life that they're going to be happy with nowadays? So, I don't think that gives anybody an incentive, you know, just to stay home.

MS. WALSH: Could you also look at it a different way, though, that couldn't it just make sense to reduce your

unemployment benefit by 50 percent of what you earn, because that way both the employers and the employees would benefit from the part-time employment and there would be no disincentive for the employee to continue to move up that employment ladder.

MR. STIRPE: Well, I mean, my real objective is to reduce pressure on the Unemployment Insurance Trust Fund, and I think this bill does that. I mean, if you want to do something else, you're more than happy to go ahead and put a bill in and maybe you'll accomplish that, but you've got to understand that you also have to get the Governor's Office and the Senate to agree to this, and we weren't able to do that last time. So, I think this is going far enough to actually get a bill that we can actually get passed.

MS. WALSH: Thank you very much for your comments --

MR. STIRPE: You're welcome.

MS. WALSH: -- and the clarification.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, Ms. Walsh.

MS. WALSH: So, I -- I do agree with the sponsor of this bill that there needs to be an amendment to the law to encourage people to take part-time employment, but I think that where we disagree is what that amendment ought to look like. Because under the current law, as my colleague correctly noted, if an individual works at all during the day, that individual loses one quarter of their

weekly unemployment. And so, as a result, many people who are on unemployment cannot afford to take a part-time job.

So, it's a serious issue and I commend my colleague for looking at it. We disagree about just how we should approach it. The way the bill is structured, the employee who is working part-time keeps 100 percent of their income until they get up to half of what they earned, and then they get to keep nothing. It's a 100 percent tax on earnings from 50 to 100 percent, dollar-for-dollar reduction and I know of very few employees who get up enthusiastically in the morning to go to work with a 100 percent tax on income, and that's basically what it would be, it would be a dollar-for-dollar reduction.

So, for those reasons, Mr. Speaker, I will not be supporting this bill and I would encourage my colleagues to also vote in the negative. Thank you.

ACTING SPEAKER AUBRY: Thank you.

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.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we can

now go to Calendar No. 198, it's on page 35, by Mr. DenDekker.

Following that, we're going to go to Calendar No. 397, that one's on page 59 [sic] by Ms. Woerner, under debate in that order, Mr.

Speaker.

ACTING SPEAKER AUBRY: Certainly, thank you.

The Clerk will read, No. 198, Mr. DenDekker.

THE CLERK: Assembly No. A05194, Calendar No. 198, DenDekker, Sayegh, DeStefano, Darling, Buchwald. An act to amend the General Business Law, in relation to requiring motor vehicle dealers to search for recalls and make certain repairs prior to selling a used motor vehicle.

ACTING SPEAKER AUBRY: An explanation is requested.

MR. DENDEKKER: Thank you, Mr. Speaker. This bill is a very simple bill that's just going to require that new car auto dealers in New York State to repair any open recalls, safety recalls on a vehicle before they can sell it to a member of the general public.

ACTING SPEAKER AUBRY: Mr. Ra.

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

ACTING SPEAKER AUBRY: Mr. DenDekker, will you yield, sir?

MR. DENDEKKER: Yes.

ACTING SPEAKER AUBRY: Mr. DenDekker will yield.

MR. RA: Thank you. Thank you, Mr. DenDekker. I know we had a conversation last year on the floor about this bill, so I just want to go through a couple points quick. So I'll start with where you -- you just ended. Does this apply to just new car retailers or, I know there's a definition of "dealer" that references another section of law, would that apply to, you know, larger dealers as well as, you know, small used car lots and those type of sellers?

MR. DENDEKKER: Yes, it would. Under the current law, a "dealer" is defined, I believe, as any entity selling more than three cars in a year. So, a used car lot or a new car lot that's selling used cars would be required to check for safety recalls on the vehicle and fix them before they sell them to a member of the public.

MR. RA: Okay. And what it says is that they have to make a good faith effort to determine whether there's been a manufacturer or a National Highway Traffic Safety Administration recall. So, what do you mean or envision by a "good faith effort?" Is it sufficient to just check the website of the National Highway?

MR. DENDEKKER: Yeah, that -- that would be a good faith effort where you can put in the Vehicle Identification Number directly into the website and it would tell you if that vehicle has any open recalls. Most of the dealers are much more high-tech now. They have handheld scanning devices either on their smartphones or if they have a scanner, they scan the code on the inside of the car and it will tell them if there's any open recalls.

MR. RA: Okay. And what about manufacturer

recalls? Are those also listed on that website?

MR. DENDEKKER: Yes, that's exactly what we're speaking about, a manufacturer's safety recall. A manufacturer has found out about an issue with one of the vehicles that they have, they're going to offer a way to fix that defect that they found. Usually they send out a notice to the registered owner of the vehicle or the person who bought the vehicle directly from the manufacturer. The problem that we have is if you're the original owner of the vehicle and three years later, your lease is up or you sell it to somebody else, and in the fourth year the manufacturer finds out there's a defect in that vehicle, it will only send a written notice to the person who purchased it from them, which is the person who no longer owns the car.

So, you get this recall notice in the mail on a car you don't own anymore, you usually throw it in the garbage. The actual registered owner of the vehicle or if that vehicle's on a used car lot now, or a new car lot to be sold as a used car, has an open recall. Nobody will ever find out about it unless we were to check for it. In this case, we want the dealers to check the cars on their lots. When they come across a car that has a recall, to bring it to the appropriate manufacturer where it will be repaired for free at no cost to that dealer and then they'll be able to sell the car to a member of the public and there'll be no safety recalls on it.

MR. RA: Okay. And lastly -- so that -- that duty that's on that dealer is they check for the recall and then they -- the repair has to be effected before they can then transfer that vehicle to

another purchaser, correct?

MR. DENDEKKER: That's correct, and again, the main purpose of this is we don't want unsafe vehicles bring driven off brand new or used car lots. Most members of the public are under the assumption that when they purchase a car from a new car dealer or a used car dealer that the car is going to be safe and it has no open recalls. And we just don't want any accidents to happen that shouldn't happen.

MR. RA: Okay. Thank you very much.

Mr. Speaker, on the bill.

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

MR. RA: Thank you, Mr. Speaker. Just briefly. So, the concern that has been raised by -- by some of the folks in this industry who -- who sell used vehicles is that, you know, sometimes as we know, if any of us have ever traded in a car, sometimes you may be trading in a car to that same car manufacturer and getting a new one, but sometimes you may be trading in a car that's of another make to a manufacturer and maybe it's a make of vehicle that they don't normally deal with. And we would assume that, you know, an auto manufacturer who regularly deals cars of a certain make are going to be aware of recalls for -- for those types of vehicles, but they may not be as aware when it's something that comes from another make.

And the concern that I have is then there may be less of a likelihood that a -- that a dealer takes a car as a trade-in from another manufacturer because they may -- they may be fearful that

they're going to learn of a recall and some recalls, you know, we know can get fixed quickly, but I think many of us have heard of situations where there's a recall and -- especially when there's a major one, a major national recall of something that it takes some time. And sometimes the problem is identified before the fix is identified and those cars are, you know, certainly we want to get those cars off the road while -- while a fix is being had, but you also are now creating a situation where the manufacturer has to sit on that vehicle until a fix is made and that fix now may have to be made by another auto manufacturer. They're going to have to deal with getting it to them, getting it repaired. Certainly it will, in most cases be at their cost, but it's -- but it's another thing that those auto dealers are going to have to deal with and it may make them less likely to take cars as trade-ins, particularly ones that come from other manufacturers.

So, that -- that is certainly a concern that I continue to have with this -- this piece of legislation. I think it's very well-intended. I think keeping cars that have safety recalls off -- off of our roads is a good thing and a good consumer protection measure, but I think a provision where perhaps there is some ability for some informed consent by a purchaser that, you know, they're aware there's a certain recall on a car, they're going to get it fixed, but that they still might have the -- the option to purchase it once they've been informed of that fact might be a better way to go on this. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

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.

Page 39 -- Calendar No. 397, page 58, Ms. Woerner, Senate already advanced.

THE CLERK: Senate No. S07307, Calendar No. 397, Senator Savino (Woerner--A09000). An act to amend the Labor Law, in relation to additional information provided to employees on public work contracts.

MS. WALSH: Explanation, please.

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

MS. WOERNER: Thank you, Mr. Speaker. So, this bill amends Chapter 744 of the Laws of 2019 to require that employers provide notification to their employees regarding any prevailing wage supplements that are claimed as part of the prevailing wage on a public works project.

MS. WALSH: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER AUBRY: Will you yield, Ms.

Woerner?

MS. WOERNER: Absolutely.

ACTING SPEAKER AUBRY: Ms. Woerner yields.

MS. WALSH: Thank you so much. So last year on debate, there was a conversation about the -- the languages that would need to be used, an infinite number, I guess, of providing notices to the -- to the employees. Has that changed at all? I know that the Governor, when he signed this bill, signed it with the understanding that there would be some changes made; is this -- is that one of the changes?

MS. WOERNER: It's -- it's not one of the changes.

MS. WALSH: Okay.

MS. WOERNER: The Department of Labor will provide templates that are in the most common languages and then, of course, in addition we all know that there's the Google machine that'll provide further translations if there's a -- a less prevalent language that is required.

MS. WALSH: So -- but as far as the language of the bill itself, does it still -- does it limit it to the most common languages, or is it still -- is the language still that it -- it is not so limited to the most common languages?

MS. WOERNER: It's consistent with existing law and it is the most common languages.

MS. WALSH: Okay. Were there any other changes that were made as a result of the Governor's approval message?

MS. WOERNER: The changes had to do with the form that the -- the information could be provided and it didn't necessarily need to be on the wage statement itself, it could be blown in as a -- as a separate piece of paper in, say, the -- the envelope.

MS. WALSH: Okay. Okay, very good. Thank you very much.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: (Inaudible/mic not on)
-- Calendar No. 48, it's on page 11 [sic] by Mr. Gottfried. Again, Mr. Speaker, on debate.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A01033, Calendar No. 48, Gottfried, Sayegh. An act to amend the Public Health Law, in relation to the use of psychotropic medications in nursing homes and adult care facilities.

ACTING SPEAKER AUBRY: An explanation is

requested.

MR. GOTTFRIED: Yes, Mr. Speaker. This bill provides that administering of psychotropic drugs to a resident of a nursing home shall require a medical order with informed written consent.

ACTING SPEAKER AUBRY: Mr. Byrne.

MR. BYRNE: Yes. Thank you, Mr. Chairman. I just want to make some clarifications. I know our Chamber has debated this bill in the past. This legislation is specific for an enhanced re-consent for psychotropic medications within the nursing home and adult care facilities; is that okay? So, this is not -- is that correct?

MR. GOTTFRIED: Yes.

MR. BYRNE: Now, the types of psychotropic medications, I think that's actually outlined in the bill itself, not -- not by the medication itself, but by what it would do; it seems to be a pretty broad group of medications. And the window for the enhanced written consent, for lack of a better word, "window," is every 14 days. Now are there -- there are circumstances in health care where someone might require psychotropic medication for more than 14 days?

MR. GOTTFRIED: It certainly might be used for longer than 14 days, but under this bill, and I think it's good medical practice, you would essentially be renewing that every 14 days. The point here is we don't want nursing homes and adult homes, as they

have often done, all too often done, essentially having patients who are, you know, essentially zonked out permanently because it's easier and cheaper to keep them quiet with drugs than actually taking care of them.

MR. BYRNE: And thank you, Mr. Chairman, I -- I appreciate that -- that response and I can understand that's the intent. Another question regarding the 14 days, how it's triggered, whether it's 14 days of that prescription or if there's been a change in the dosage. Now, that change is only triggered another 14 days if it's increased, correct? If a physician or someone that's going to prescribe the medication says, *Hey, this dosage is too high* and they want to lower it, that doesn't trigger another 14 days, correct? Only if they want to increase the dosage.

MR. GOTTFRIED: Correct. If you're asking if on day ten the dosage is lowered --

MR. BYRNE: It makes no change.

MR. GOTTFRIED: -- does that change the 14 days?
No.

MR. BYRNE: That's my question. Yes, thank you.

MR. GOTTFRIED: No.

MR. BYRNE: Now, if they increased it, they would need to get another enhanced written consent. So, for example, a physician said, *This isn't working. We need to, because of this person's various health issues, we need to increase the dosage*, they would have to go through the procedure of getting another written

consent.

MR. GOTTFRIED: Yes, that would -- that would require a new order and informed written consent, yes.

MR. BYRNE: Thank you, Mr. Chairman. And then just another question that's more about where we're at in New York State as far as this is an issue, and I certainly would not argue that the point you made earlier that perhaps there are those that are using these drugs as an easier path for themselves, and that is certainly a problem, but it seems to me, I'm reading just something we got on this piece of legislation and I'm wondering how big of this -- is an issue in New York compared to other states? And maybe you have some more recent information, but I'm reading that between 2014 and '18, the percentage of long-stay residents -- stay residents who received an anti-psychotic medication declined by 25.5 percent nationally and by 35.2 percent in New York. So, it seems to me that we've actually have -- are going away from this, being less reliant on this as a State; would that be accurate or do you -- or is -- or you have some other information?

MR. GOTTFRIED: I think it may not be -- it may not -- it may not tell the whole story. We have started out in New York in recent years in -- in a much worse place on the use of psychotropic drugs in nursing homes. We started out with a -- with a much higher and inappropriate level than a lot of other states. So the fact that we've come down is a good thing, but it doesn't mean we're necessarily doing well. We've got a long way to go and this bill will

help to make sure that patients are -- are truly consenting to these very powerful and very damaging drugs rather than somebody just saying, *Oh, yeah, sure, they consented.*

MR. BYRNE: And what happens if we're not -- the physician or the prescriber is unable to contact the surrogate for that enhanced written consent? What happens then if they're in a situation where they need to increase the dosage for this medication?

MR. GOTTFRIED: Well, first of all, I would think a responsible nursing home would make sure that -- I mean, under our law there can be more than one person with authority to consent to health care for someone who has lost capacity. I would think any responsible nursing -- nursing home operator would make sure that they had at least one contact person, one surrogate or health care agent and an alternative person, as well, and our law provides for that. And you could ask that question about requiring consent for a whole host of medical procedures, as our law does. And that's a good thing.

Now, if the drug is needed in order -- essentially in an emergency to prevent or to contain a violent outburst or something like that, the bill spells out that the psychotropic drug can be administered -- can be ordered and administered without the full consent process in that kind of emergency.

MR. BYRNE: Okay. Thank you. Thank you, Mr. Chairman. Just going back a little bit more. I know that this is really highlighting, we're honing in on nursing homes and adult care facilities, but why -- why are we stopping there if this is an issue and

these drugs can have a powerful effect on patients, why are we doing this for 14 days just there, not for other patients, for other patients that may be having a prescription that's longer than 14 days, why would we just be honing in on these individuals?

MR. GOTTFRIED: Good question. Because nursing home patients quite commonly, all too commonly, are essentially out of sight, out of mind with their families and are at the mercy of -- of the nursing home. And that is why we have had such very high rates of psychotropic drug use in nursing homes. Many, many nursing home residents have no family member or anyone really who cares about them and pays any attention to them, and they are much more vulnerable than the general population to this kind of abuse.

MR. BYRNE: Now, if there is a situation where a prescriber thinks that there is an emergency or something that is -- is going on with a patient where they need to give additional prescriptions or extend it past the 14 days, they're unable to contact the surrogate, whether it's the nursing home's issue or, I mean, someone's on vacation or there's just a problem, what contingencies does the prescriber or the -- the physician have to -- to give those medications to the patient?

MR. GOTTFRIED: Well, if you look starting on line 43 of the bill, it talks about circumstances where it is necessary, you know, to -- to prevent -- an emergency, *To protect life, health or safety of the patient or another person.* And that sort of provision would apply, you know, in a whole host of settings and it would

apply, as well, in a -- in a nursing home. And it would -- it would apply today, we're just protecting the authority in that kind of contingency.

MR. BYRNE: Okay. Thank you, Mr. Chairman.

On the bill, Mr. Speaker.

Thank you. I rise today and I want to thank the sponsor for answering my questions about the legislation. There's been some concerns that have been raised about the bill, this creating additional barriers for physicians and those that prescribe these medications for their patients, and concerns about, you know, accessing the surrogate, those -- that they need to get these enhanced written consent documents from. That 's why I rise to ask these questions. I will be supporting the bill. I have some -- some reservations about it, maybe it can be improved in the future, but I do thank the sponsor for his time and for your indulgence, Mr. Speaker.

ACTING SPEAKER JACOBSON: Ms. Miller, please.

MS. MILLER: Will the sponsor yield?

MR. GOTTFRIED: Certainly.

MS. MILLER: So, I just have one question.

ACTING SPEAKER JACOBSON: The sponsor yields.

MS. MILLER: There's a population of patients, I'm sure you know, that need or are maintained on an appropriate dosage of psychotropic medications. For those patients, would they have to

be re-prescribed every 14 days?

MR. GOTTFRIED: If they are in a nursing home, yes; an order for a psychotropic drug would be good for 14 days.

MS. MILLER: So even if they're maintained on this as their, you know, one of their medications that helps to control an issue, they would have to -- their physician would have to re-prescribe this, go through that whole process every 14 days?

MR. GOTTFRIED: Well, the whole process meaning writing an order and getting the consent either of the patient or if the patient lacks capacity, getting the consent of someone who has capacity to consent for the patient. Considering how powerful these drugs can be and how damaging they can be to somebody, I think treating them with the seriousness they require and making sure that one act of consent does not basically condemn someone to, you know, months or years of being completely zonked out, I think is important.

MS. MILLER: Okay. Thank you.

ACTING SPEAKER JACOBSON: Read the last section.

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

ACTING SPEAKER JACOBSON: 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.

Mrs. Peoples-Stokes.

(Pause)

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, do you have any further housekeeping or resolutions?

ACTING SPEAKER AUBRY: We have both.

On a motion by Ms. Simotas, page 13, Calendar No. 40, Bill No. A00794-C, the amendments are received and adopted.

On a motion by Mr. Zebrowski, page 54, Calendar No. 324, Bill No. A08308, amendments are received and adopted.

Numerous fine resolutions which we can take up with one vote. On the resolutions, all those in favor signify by saying aye; opposed, no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 774-780 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you call on Mr. Otis for the purposes of an announcement?

ACTING SPEAKER AUBRY: Mr. Otis for the purpose of an announcement.

MR. OTIS: Good afternoon. There will be an immediate meeting of the Democratic Conference in the Speaker's Conference Room immediately upon conclusion of Session. Thank

you very much.

ACTING SPEAKER AUBRY: You're welcome, Mr. Otis.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I now move that the Assembly stand adjourned until 2:30 p.m., Tuesday February the 25th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 4:49 p.m., the Assembly stood adjourned until Tuesday, February 25th at 2:30 p.m., Tuesday being a Session day.)