

THURSDAY, FEBRUARY 28, 2019

11:23 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 Wednesday, February 27th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to

dispense with the further reading of the Journal of Wednesday, February 27th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you so much, Mr. Speaker, and good morning to my colleagues and friends and guests that are in the Chambers with us today. We are going to start with our quote for the day. And I want to quote a gentleman who is just so quotable, he gave tremendous amount of speeches during his lifetime. He left us a great legacy and a great path to follow; it's none other than the Reverend Dr. Martin Luther King. So, I want to provide two quotes of his which I think kind of meet each other. I'm not sure at what time in his lifespan he gave these, or which speeches for sure, but they do kind of meet each other and kind of have a similar message. The first one is, Mr. Speaker, *Justice anywhere is a threat --* "Injustice anywhere is a threat to justice everywhere." I'm going to repeat that, Mr. Speaker, because I garbled the first word. "Injustice anywhere is a threat to justice everywhere." The second quote by Dr. King this morning, Mr. Speaker, is, "The time is always right to do what is right." Again, Dr. Martin Luther King.

Mr. Speaker, we have our main Calendar on our desks. After there are any introductions and housekeeping, we should continue with the consent of the bills that we worked on from yesterday. We're going to begin on Calendar No. 62, which is on page

9. We will also take up a Rules Report, No. 34, by Assemblymember Braunstein. Members of the Housing Committee should look forward to being called into a Committee meeting off the floor, and Majority members should look forward to a Conference at the conclusion of today's Session. And of course, Mr. Speaker, as always, we will consult with our colleagues on the other side of the aisle to see if they might have a similar need.

With that as a general outline, Mr. Speaker, if there are any introductions or housekeeping, now would be an appropriate time.

ACTING SPEAKER AUBRY: We will start with some housekeeping.

On a motion by Ms. Paulin, page 4, Rules Report No. 23, Bill No. A02686, amendments are received and adopted.

And we have introductions.

Mr. McDonald.

MR. MCDONALD: Well, thank you, Mr. Speaker, and I appreciate the opportunity to interrupt our proceedings today. Later on this morning we will be declaring today, February 28th, 2019 as Rare Disease Day here in the State of New York. And we have today with us many representatives from many different organizations here for Rare Disease Awareness Day.

While each of these diseases and disorders may affect a small number of people, rare and genetic diseases together affect approximately 30 million people throughout America. Rare Disease

Awareness Day is a campaign to educate the general public and decision-makers about rare diseases and the impact that they have on their patients and their families. The political momentum resulting from this day has also served for advocacy purposes. This campaign has contributed to the advancement of national policies for rare diseases in several countries, and now is the time to join together for better care.

I'd like to introduce our guests who are here today, and I will introduce them by organization. First of all, from NORD, the New York Rare Action Network and the Oley Foundation, we have Mary Wootten and her daughter, Natalie Wootten, who is here, as well as Lisa Metzger, who is with the Oley Foundation.

Representing the Cystic Fibrosis Foundation, we have parent advocates Emilie McHale, Maribel Lape and Brock Lape.

Representing the Leukemia and Lymphoma Society, we have the Executive Director, Maureen O'Brien, and past Board Chair, Brad Wagner. And we also have with us today a two-time blood cancer survivor, Barbara Silver. And representing the Rare Kidney Disease -- the Northeast Kidney Foundation, excuse me, we have its Executive Director Carol LaFleur, and Francesca Caseragola, who is a patient advocate for the Northeast Kidney Foundation. For the Juvenile Arthritis Disease, we have the State Director of the Arthritis Foundation, Mary Barlett, and representing the American Cancer Society, we have Mark Kaplan, who is a Senior Regional Media Advocacy Manager.

Mr. Speaker, if you could please extend our special group the courtesies of the House, it would be appreciated. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. McDonald, 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 commend you on the work that you do to assist and bring awareness of these rare diseases. We hope that you will continue that work and know that we appreciate it greatly. Thank you so very much.

(Applause)

Ms. Malliotakis.

MS. MALLIOTAKIS: Thank you, Mr. Speaker. Today, it's my honor to introduce a very special little advocate from Staten Island, and that is 11-year-old Ava Rose Garnett. She is one of the many people who make me very proud to represent my home borough. As my colleague mentioned, today is Rare Disease Day and she's an advocate because she has a rare disease. Her genetic disorder is known as Nail-patella Syndrome. And Nail-patella Syndrome causes serious abnormalities of the joints and nails and can cause serious health problems. But anyone who knows Ava knows that that has not slowed her down a bit. Ava attends the 6th grade at IS 75 and has grown up playing soccer and other sports, and as a member of Girl Scout Troop 5116, she handcrafted hundreds of ribbons each year to raise awareness for Rare Disease Day and, in fact, I'm wearing one

today. After meeting Ava as she advocated for rare diseases at my Women's History celebration last year, I felt so inspired that my staff and I brought ribbons to our office and we, during Session last year, presented her with a proclamation; in fact, she is the youngest person to receive a [sic] Assembly Proclamation from my office, and I'm very proud of Ava.

Since then, Ava has continued to raise awareness of rare diseases by modeling adaptive clothing for Runway of Dreams. She also attended SheLift in Colorado, where she connects with other differently limbed young women and mentors at outdoor retreats, where she proves that she can do anything. She also recently had her first taste of show business when she had the opportunity to appear on an episode of CBS' series *God Friended Me*. I'm thrilled that Ava is able to join us today to hear firsthand about this resolution and how much New York State cares about her cause. Keep a look out in your mailboxes today, or if you see us later on you may get one of Ava's famous ribbons that she brought to Albany herself. And she is joined today by her parents, John and Heather, who are in the first row, and her brother, John Russell. So please welcome them and I would love if my colleagues can stop by and say hi to Ava before she leaves.

(Applause)

ACTING SPEAKER AUBRY: On behalf of Ms. Malliotakis, the Speaker and all the members, Ava, welcome back to the New York State Assembly. We are always so pleased to have you. Thank you for all that you're doing to help others and help us

understand the issues and concerns around these diseases. Continue that great work. We hope you have a wonderful year and we'll look for you again next year. Thank you so very much.

(Applause)

The Clerk will read, resolution on page 3.

THE CLERK: Assembly Resolution No. 129, Mr. McDonald. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim February 28th, 2019 as Rare Disease Awareness Day in the State of New York.

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

(Applause)

The Clerk will read. Page 9, Calendar No. 62.

THE CLERK: Assembly No. A02640, Calendar No. 62, Lavine. An act to amend the State Administrative Procedure Act, in relation to electronic permit applications and electronic recordkeeping.

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.)

The Majority Leader has asked me to remind you that this is the first vote of the day. If you are in your seats, please vote

now. If you're in the sound of our voice, please come to the Chamber and cast your vote. Thank you very much.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Housing Committee in the Speaker's Conference Room immediately, please. If you're on Housing, proceed there right now. Thank you.

The Clerk will read.

THE CLERK: Assembly No. A02850, Calendar No. 63, Lavine, Otis, Crespo, Fahy, Walker, Bronson, Richardson, Bichotte, M.G. Miller. An act to amend the Public Health Law, in relation to hospital domestic violence policies and procedures.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A03276, Calendar No. 64, Joyner, Gottfried, Jean-Pierre, L. Rosenthal, Thiele, Otis, Bronson, Hunter, Abinanti, Hevesi, Fahy, Englebright, Simon, Bichotte, Seawright, Barron, Taylor, Arroyo, Galef, Peoples-Stokes, Ra, Fernandez, Rivera, Wright, Dickens, D'Urso, Jaffee, Lavine, Solages, Barrett, Epstein, Davila, Lifton, Niou, Rozic, Montesano, Cook, Glick, Mosley, Ortiz, Stern, Lentol, Colton, Byrne, Vanel. An act to amend the Public Health Law, in relation to maternal mortality review boards and the Maternal Mortality and Morbidity Advisory Council.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A04311, Calendar No.

65, Thiele. An act to amend the Public Authorities Law, in relation to public notice before approval 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.

We will now go to page 4, Rules Report No. 34, the Clerk will read.

THE CLERK: Assembly No. A05981, Rules Report No. 34, Braunstein, Gunther, Weprin, Paulin, Otis, Buttenschon, M. L. Miller, Zebrowski. 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: The Clerk will read.

THE CLERK: Assembly No. A05981, Rules Report No. 34, Braunstein, Gunther, Weprin, Paulin, Otis, Buttenschon, M. L. Miller, Zebrowski. 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.)

Mr. Braunstein to explain his vote.

MR. BRAUNSTEIN: Thank you, Mr. Speaker.

Today, the State of New York is taking a strong stand that revenge porn will no longer be tolerated in our State. Victims of revenge porn are frequently harassed, stalked. They have a hard time sometimes finding a job, sometimes entering into new relationships. They suffer extreme emotional distress and even sometimes commit suicide. So today, we're sending a message to anybody who is thinking about disseminating revenge porn that if they choose to do so, they could potentially spend up to a year in prison. This will have a deterrent effect on that type of activity. It will prevent many people from becoming victims of revenge porn.

Also, I appreciate the Speaker's assistance and the Codes Committee's assistance in including a provision in this bill that would allow victims to petition a court to issue an injunction to require websites to take revenge porn down. Very often victims aren't necessarily interested in seeing someone go to jail, sometimes they're

not looking for money damages. A lot of times what they simply want is for the pictures to be removed from the Internet so they can move on with their lives. And today, we're providing them a tool to use to have a court issue an injunction so those pictures can be taken down. So, I'm proud to have sponsored this bill and I think it will protect many New Yorkers once it's passed and signed into law. Thank you very much.

ACTING SPEAKER AUBRY: Mr. Braunstein in the affirmative.

Ms. Fernandez.

MS. FERNANDEZ: Thank you, Mr. Speaker, for allowing me to explain my vote. I thank the sponsor for taking up this legislation and his years of work on it. This piece of legislation is so needed and extremely timely for this day and age. We're in a time that technology has a piece of nearly every aspect of our lives. No one can deny the influence of social media and the Internet. Plain and simple, revenge porn is abuse, a form of abuse exposing the most private parts of a person's life using their own body against them. It is violating, it is life-threatening and it is abuse done with the direct intention of harming someone. The State has made huge strides in protecting those most vulnerable and, in this case, women, and has given new opportunity for justice. This piece of legislation is no different from that and, again, I thank the sponsor and the activists, the victims and anyone else in fear of being wrongfully exposed. So with that, I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Fernandez in the affirmative.

Ms. Glick.

MS. GLICK: Thank you very much, Mr. Speaker. Briefly let me just congratulate my colleague. This has been a long overdue action. He's worked very hard for a long time. Many of my friends are grateful that we were -- our lives preceded social media and that the sort of thing that has happened to young people and continues to negatively impact their lives after a relationship breaks up is outrageous and tragic. And I just want to congratulate him again for the work that he has done to bring this to fruition today. Thank you so much and I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Now we'll go to page 10, Calendar No. 66.

THE CLERK: Assembly No. A04508, Calendar No. 66, Crespo, Bichotte, De La Rosa, Epstein, Simon, Ortiz, Pichardo, Hyndman, Williams, Rivera, Arroyo. An act to amend the Penal Law, in relation to crimes involving the death or injury of a worker.

ACTING SPEAKER AUBRY: The bill is laid aside.

Now page 5, Calendar No. 20.

The Clerk will read.

THE CLERK: Assembly No. A01034-A, Calendar No. 20, Gottfried, Lupardo. An act to amend the Public Health Law and the Education Law, in relation to exceptions to requirements for electronic prescriptions; and providing for the repeal of such provisions upon the expiration thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect March 24th, 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.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, can you please have Mr. Otis make an announcement?

ACTING SPEAKER AUBRY: Mr. Otis for the purposes of a [sic] announcement.

MR. OTIS: Thank you. On this beautiful sunny Thursday, we will still have a Democratic Conference immediately following the conclusion of Session. Thank you.

ACTING SPEAKER AUBRY: Democratic Conference immediately following Session.

MRS. PEOPLES-STOKES: Mr. Speaker, do you

have any further housekeeping or resolutions?

ACTING SPEAKER AUBRY: We have remarkably neither, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Okay. Then I now move that the Assembly stand adjourned until Friday, March the 1st, tomorrow being a legislative day. We will reconvene at 2 p.m. on March the 4th, Monday being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 12:05 p.m., the Assembly stood adjourned until Friday, March 1st, Friday being a legislative day, and to reconvene on Monday, March 4th at 2:00 p.m., Monday being a Session day.)