

MONDAY, MAY 13, 2019

2:26 P.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 Friday, May 10th.

Mrs. Peoples-Stokes.

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

dispense with the further reading of the Journal of Friday, May 10th and that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. For just the fact that we just celebrated Mother's Day, I would like to share some words from Jenelle McBride. Jenelle says that, *A Mother comes with many different names. Aunts who love you, worry and play; teachers who help you, guide you and set -- and help you set your aims; sisters who listen, cry and put out your worries; grandmas with warm cookies, hugs and prayers so you'll never stray. Yes, a Mother does come with all kinds of names.* So, thank you to all the women for being mothers of someone's child, including your own.

Mr. Speaker, Happy Mother's -- belated Mother's Day to all mothers of the world, and particularly those in our Chambers.

(Applause)

Members should be aware there is a main Calendar on the desk with 44 new bills beginning with Calendar No. 272. And after any introductions and/or housekeeping, we will begin to consent these bills on page 4. We'll also take up bills on debate from the main Calendar. For our Majority members, there will be a need for a Democratic conference at the conclusion of Session today. And as always, we will check with our colleagues on the other side to see if they have similar needs.

So, with that as a general outline, Mr. Speaker, if there are introductions and/or housekeeping, this would be a great time. Thank you.

ACTING SPEAKER AUBRY: Certainly. We have housekeeping to begin with.

On a motion by Mr. Abinanti, page 5, Calendar No. 281, Bill No. A.1698, amendments are received and adopted.

On a motion by Mr. D'Urso, page 26, Calendar No. 212, Bill No. A.154, amendments are received and adopted.

On a motion by member -- Assembly Mr. Kim, page 28, Calendar No. 227, Bill No. A.2106, amendments are received and adopted.

For the purposes of an introduction, Mr. Smullen.

MR. SMULLEN: Thank you, Mr. Speaker. I really appreciate the opportunity today to introduce my life partner, Megan, who is here today with our beloved son, AJ. I rise today on Military Spouses Appreciation Day to recognize a woman of substance. One who has sacrificed so much in support of our great nation. Megan Elizabeth Madden was born in Washington D.C. to Walter and Judy Madden and has eight brothers and sisters. She's a fine graduate of the University of Maryland, Go Turks! We first met in 1995 with our first official date being to run the United States Army 10 Miler Road Race at the Pentagon. It was love at first sight and I've been trying to keep up with her ever since. We were married at the Old Post Chapel at Arlington National Cemetery in October of 1997, and soon had our

first set of orders to the West Coast in Camp Pendleton, California for duty with the 1st Marine Regiment. Our oldest daughter, Molly, was born there in March of 1999 and, of course, I deployed just three short months later to the Middle East on Navy ships while our growing little family stayed strong at home. Barely nine months after our return, was our beautiful daughter Haley welcomed to the world in October of 2000 as we enjoyed those seemingly last carefree days of sunshine in California. You see, we soon said our goodbyes again at the pier in San Diego in August of 2001 as I sailed again for the Persian Gulf. Our peacetime patrol changed to a war footing after September 11, 2001 as the 15th Marine Expeditionary Unit was the first Marine unit into Afghanistan. Megan and our girls waited patiently, as all military spouses and families have waited throughout the ages with the sweetest joy being of homecoming and reuniting after doing our nation's duty when New York was attacked. Through the intervening years, our family has completed two more combat deployments to Afghanistan while welcoming our third daughter, Lily, and finally our son, Alexander John, AJ, who is with us here today. We are all very proud of them as a military family and love them all dearly as we -- as we raise them with the character and honor that all Americans dream of for their posterity. Along the way we even acquired our beagle, Sparkle, who hopefully will be here soon for Animal Advocacy Day.

Now, as a military spouse, Megan has been honored for her service and leadership with other military spouses and their families who, like her, have kept our military strong over the years.

She has been there and done that, and I can tell you is strong and purposeful and resolute and resilient. She is not a Marine wife; she is the wife of a Marine and a successful business woman to boot. I want to thank her publicly for all she has done for our military families over the years, and ask that we resolve today to recognize our military spouses and appreciate them, whom she is so ably representing here today. She per -- personifies the motto of the United States Marine Corps, *Semper Fidelis*, which means "Always faithful."

Mr. Speaker, if you could please welcome her to our People's Assembly and give her the courtesies of this House, I would gratefully appreciate it very much. Thank you, sir.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Smullen, the Speaker and all the members, Megan, AJ, we welcome you here to the New York State Assembly. We extend to you both the privileges of the floor. Let me say this: I ran into your husband on the elevator this morning and he told me that you were coming here, and he filled the elevator up with the joy that he has. So I know that all these words are sincere and from his heart. Thank you so very much. We are always pleased to have you.

(Applause)

Ms. Dickens.

MS. DICKENS: Thank you, Mr. Speaker, and thank you for allowing me to interrupt today's proceedings. I would like to introduce advocates of Falun Dafa, a Chinese practice that has faced oppression and persecution since the early 1990s. These tireless

supporters continue to serve their communities and stand up for what they believe in. I want to recognize their leader, Mr. Li Hongzhi, for the spiritual practice that he has adhered to and taught his followers of Falun Gong. Please, will you present the privileges and cordialities of the House to this group? Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Dickens, the Speaker and all the members, we welcome you here to the New York State Assembly, to the People's House. We extend to you the privileges of the floor. Thank you for sharing this day with us, sharing your beliefs with us. And some of you I see almost every day in the halls of this House. Happy to have you here. Thank you so very much.

(Applause)

Mr. McDonald.

MR. MCDONALD: Thank you, Mr. Speaker. As you know, as our -- our Leader mentioned earlier, yesterday was Mother's Day. And past tradition has it here in the New York State Assembly, we welcome the Blue Star Families here as we will be passing a resolution shortly, declaring May 13th as Blue Star Families Day here in New York State. I would like to just briefly introduce the individuals who are here today: The President of the organization, Donna Vickery; Vietnam Veteran Roland Abare; Mary Miller, the Recording Secretary; Elizabeth Chauvot; Russell Chauvot, an Army veteran; Laura Rivera; Julio Rivera; Miriam Parmelee; Stephanie Stewart; Anyata Williams; Diana Allen, David Allen; and Allan

Morancie.

Blue Star Mothers of America is a non-profit organization that provides support for families who have sons or daughters in active service in the U.S. Armed Services. Originally formed during World War II, the group's name comes from the custom of families of servicemen hanging a banner called a "service flag" in the window of their homes. The service flag had a star for each member of the family who was serving in the military. Blue Star Families provide both virtual and on-the-ground resources and support to our military families. This support extends to military families of all stripes; caregivers, active duty, Reserve, National Guard and veterans. Blue Star Families also seek to engage civilians in a dialogue among the sacrifices military families make on behalf of their country.

On behalf of my colleagues, Mr. Ashby, Member Fahy, Member Woerner, Mr. Speaker, I would ask that you please extend the cordialities of the House to these fine, fine people. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. McDonald, Mr. Ashby, Ms. Fahy - who else did you mention - Ms. Woerner, the Speaker and all the members, we welcome these Blue Star Families here to the New York State Assembly, extend to you the privileges of the floor. Thank you for the support that you're giving not only your families, but all families who are -- have members serving. Continue that great work. You are always welcome

here. Thank you.

(Applause)

Mr. Sayegh for an introduction.

MR. SAYEGH: Thank you very much, Mr. Speaker.

I stand before my colleagues today. Today is a day when we will adopt a resolution in memory of the late Leonard Spano. Leonard Spano was a pioneer in the City of Yonkers in Westchester County. And it is the sense of Legislative Body that we recognize the character of life and to enrich those that are faithful and caring, and for their efforts and devotion to life and to public service. Leonard Spano was someone who was worthy of this special recognition. Being a Yonkers resident for over 60 years and from my very early days of involvement, I've always known Leonard Spano to be a giant in public service in the community. Leonard was born in Yonkers in the southwest portion, where the immigrants who came from Italy and came from other parts of the world settled down. They worked hard. Leonard Spano many years ago, before refrigeration, dealt with delivering ice and later on developed and implemented the Spano Fuel Industry [sic] in the City of Yonkers and, really, through many parts of the county. Leonard was born in 1930, at a very early age enlisted in the U.S. Marines Corps, fought in Korea, had an honorable discharge. Leonard was married to his wife, Josephine Scott, who is here with us, and they were married 66 years and they had 16 children. When you talk about family values and traditions, Leonard Spano was truly an individual that set the standard. And many families in our community

looked to the Spano family and looked to the ideals of tradition and church and community service and public service. Leonard Spano, as a businessman, recognized the importance of being involved in his community. He was involved for 58 years; 34 years of the 58 were as an elected official, having served in the Westchester County Board of Supervisors, the Westchester County Board of Legislators, and had served as the Westchester County Clerk. During those years, he not only served himself, but motivated and encouraged countless individuals to get involved in the process. More important, his children. His children, consisting of our former colleague in the Assembly and former State Senator, Nick Spano, served for many years in this House along with his son, Michael, who served as Assemblyman in this Chamber for many years with many colleagues; and his son, Vincent, who is the City Clerk, and the many family members that served in law enforcement, served on government agencies, served in education, served in other areas that are instrumental to the development of our economic base. I am proud this morning to state that the Spano family, and Leonard Spano in particular, have really set their mark on Yonkers, on Westchester County, on the State of New York and on the national level through their hard work and their dedication and their respect for civic involvement.

I'd like, Mr. Speaker, to extend a special courtesy and recognize Mrs. Leonard Spano, Josephine, who's here with us this morning, along with Yonkers Mayor Mike Spano, Senator Nick and

Linda Spano, Tony and Eva Spano, Eleanore Spano, Rosemary (sic) Gannon, Victoria Spano, Gerard Spano, and Junia Nicole, Maureen Croni, Denise Disiackle.

Let's give them a round of applause, along with Leonard G. Spano, for their service and for recognition and of outstanding citizen that we will present and adopt a resolution in his honor later this morning.

ACTING SPEAKER AUBRY: Certainly, sir. On behalf of Mr. Sayegh, the Speaker and all the members, we welcome the Spano family here for this particular day for honoring your patriarch. We extend to you the privileges of the floor. You're former members and your family, so they always have the privileges of the floor. And as a family, you do. We wish you well, and commend you on the work that you're doing to preserve and keep Yonkers a strong city. Thank you so very much for being here.

(Applause)

Mr. Ramos for an introduction.

MR. RAMOS: Mr. Speaker, I rise for the purpose of an introduction; an introduction that I'm particularly proud of. I have a group of families from my district - men, women and their children all coming on behalf of two organizations, the New York CLU, Civil Liberties Union, the Suffolk County Chapter; and the -- the Long Island Parent Leadership Institute. This particular group has come up here to engage in the process and to teach their families. They feel that they are part of a bigger calling, and their children should be

raised learning about government, knowing who their elected officials are, and understanding how government affects them and what they have to do to promote positive change for their families and for their community.

So, Mr. Speaker, I ask you to please extend them a warm welcome and please extend them all the courtesies of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Ramos, the Speaker and all the members, we welcome these families here to the New York State Assembly, extend to you the privileges of the floor, hope that you will enjoy your time in Albany. Glad that you have been able to join us on this day. Thank you so very much.

(Applause)

Ms. Fahy for the purposes of an introduction.

MS. FAHY: Thank you, Mr. Speaker. And I ask, again, thank you interrupt the proceedings for an introduction. And today I'm very honored to recognize that May is Huntington's Disease Awareness Month, and to thank Pat Schuler and a number -- Alan Pfeffer and a -- and a host of wonderful, wonderful advocates from the Albany Chapter of Huntington's Disease Society of America for serving as very tireless, tireless advocates. Huntington's Disease, as you know, Mr. Speaker, is a devastating hereditary degenerative brain disorder for which there is presently no effective treatment or cure. Currently, more than a quarter of a million Americans have the diagnosis that is Huntington's Disease and -- or are at risk of inheriting

it from an affected parent. The Albany affiliate of the Huntington's Disease Society of America was formed in 2011 with a mission of bringing awareness to the public, as well as raising funds for research and education. It's imperative that the greater public awareness of Huntington's Disease be -- be raised and that more be done to increase the local, State and national levels to support those afflicted, as well as their families, as well as their caregivers.

Mr. Speaker, again, I ask that you grant this -- these wonderful advocates the cordialities of the House and give them an extended warm welcome. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Fahy, the Speaker and all the members, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Our thanks and congratulations for the work that you're doing to help those afflicted with this particular disease. Continue that great work. We will always appreciate that, and you are always welcome here. Thank you.

(Applause)

Mr. Sayegh.

MR. SAYEGH: Thank you very much, Mr. Speaker. I'd like at this time to recognize and introduce Patricia Bensburg, and Robert Bensburg. Patricia is a Democrat State Leader, 11th Ward Leader in the City of Yonkers for many years. Her son, Robert Bensburg Betterman from Mahopac, Lieutenant Colonel, U.S. Army, served in Bosnia, Iraq and Afghanistan. Patricia Bensburg is a

Yonkers resident, active in her community, and her son, Retired Colonel of Veteran Affairs is here with us, and the grandson, Robert, Jr., is also presently an intern with Assemblyman Byrnes.

So on behalf of Assembly [sic] Byrnes and I, we would like to welcome Patricia and Robert Bensburg to the floor.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Sayegh, Mr. Byrnes, the Speaker and all the members, we welcome this distinguished family here to the New York State Assembly, extend to you the privileges of the floor. Sir, congratulations to you, and thanks for the service that you have provided this country. Continue to do that, continue to hold up this country's standards. Thank you so very much.

(Applause)

Mr. Schmitt for an introduction.

MR. SCHMITT: Happy Monday, Mr. Speaker.

ACTING SPEAKER AUBRY: Happy Monday.

MR. SCHMITT: I rise to introduce one of my predecessors in the 99th Assembly District, a former colleague many will remember, Assemblywoman Nancy Calhoun. She is up here this afternoon, this evening, for the Annual Pilot's Dinner. She served in this Chamber from 1990 - the year I was born - until 2012.

MS. NANCY CALHOUN: That makes me old.

MR. SCHMITT: That makes me young.

(Laughter)

And she's still very distinguished within our

community, involved in numerous community activities. And I know one of her proudest titles is mother and grandmother, where she -- she continually serves, you know, the community through her children, grandchildren and all the other activities with her loving husband. We're so glad to have her here in the Chamber, I hope you welcome her back.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Smith [sic], the Speaker and all the members, Nancy, certainly good to see you. As a former member, you always have privileges of the floor. We're so happy to see you. We're trying not to do so many tax add-ons just because of you, and we think Mr. Smith [sic] will become more a polished ambassador when he realizes he shouldn't expose age when he's introducing. So we hope that you will enjoy your day. We'll see you tonight for the festivities. Thank you so very much.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could now go to resolutions on page 3, followed by the main Calendar on page 4, we're going to start at Calendar No. 272 and continue on, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly. Page 3, resolutions, the Clerk will read.

THE CLERK: Assembly Resolution No. 375, Mrs. Barrett.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 10, 2019, as Military Spouse Appreciation Day in the State of New York.

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

THE CLERK: Assembly Resolution No. 376, Mr. McDonald.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 13, 2019, as Blue Star Families' Day in the State of New York.

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

THE CLERK: Assembly Resolution No. 377, Ms. Jaffee.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 12-18, 2019, as Women's Lung Health Week in the State of New York.

ACTING SPEAKER AUBRY: Ms. Jaffee on the resolution.

MS. JAFFEE: Thank you, Mr. Speaker. Women's Lung Health Week celebrates and honors the power of women who stand united to fight lung cancer, as well as other lung diseases including asthma, chronic pulmonary disease [sic], pulmonary

hypertension and pulmonary fibrosis. Although smoking rates have dropped significantly over the last two decades, the lung cancer death rate in women has more than doubled, doubled over the last 35 years. Lung cancer is the number one cancer killer of women in New York and the United States. Every five minutes a woman in the United States is told she has lung cancer. While smoking increases your risk of developing lung cancer, anyone can be -- have lung cancer. Lung cancer kills almost twice as many women as any other cancer. And yet according to the American Lung Association's inaugural Women's Lung Health Barometer, a survey of over 1,000 American women age 18 that measures women's awareness and knowledge and perceptions of lung cancer, this disease is not even on women's radar. So let's put an end to what the ALA has called a "silent epidemic." Working together through advocacy and education, we can raise awareness. Today we stand together against lung cancer and for lung health.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you ma'am.

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

THE CLERK: Assembly Resolution No. 378, Ms. Fahy.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May, 2019, as Huntington's Disease Awareness Month in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all

those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 379, Ms. Rosenthal.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May, 2019, as Be Kind to Animals 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.

Page 4, the Clerk will read.

THE CLERK: Assembly No. A00029-A, Calendar No. 272, L. Rosenthal. An act to amend the Social Services Law, in relation to requiring the anchoring of furniture and electronics in child day care centers and certain other facilities.

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 record the vote.)

First vote of the day, members. If you are in the Chamber, please vote now. If you're in the sound of our voice, please come in the Chamber and vote. Thank you very much.

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 could just do a little change here. We're going to do a bill that was recalled and amended. It's in Rules -- it's Rules Report No. 40 and it's on page 13. So if we can go to that one now, Mr. Speaker, and then come back to page 4 at 273.

ACTING SPEAKER AUBRY: Certainly.

The Clerk will read. Page 13, Rules Report No. 40.

THE CLERK: Assembly No. A04950-B, Rules Report No. 40, Magnarelli, Lupardo, Thiele, Simon, Galef, Stirpe, Pichardo, D'Urso, McDonald, Paulin, Santabarbara, Englebright, Fall, Sayegh, Gottfried, Glick, Griffin, Jaffee, DenDekker, LiPetri, Pheffer Amato, Taylor, Weprin, Hyndman, Arroyo, Ramos, Fahy, Ortiz, Dinowitz, Fernandez. An act to amend the Vehicle and Traffic Law, in relation to school bus photo violation monitoring systems and owner liability for failure of operator to stop for a school bus displaying a red visual signal; to amend the General Municipal Law, in relation to jurisdiction and procedure; to amend the Public Officers Law, in relation to certain photographs, videotapes or other recorded images; to amend the Education Law, in relation to authorizing school districts to enter into agreements with municipalities for the installation and use of school bus photo violation monitoring systems; and providing for the repeal of such provisions upon expiration

thereof.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Magnarelli. Excuse me, by Mr. Magnarelli's seat, excuse me, staff. You're going to have to get away. Shh. We are on debate, members. Pay respect to your colleagues.

Proceed, Mr. Magnarelli.

MR. MAGNARELLI: The bill before us reflects a final agreement with the Senate on a bill authorizing school bus camera demonstration programs throughout the State. It makes a number of amendments to the original bill, including the sunset was extended for a year to five years. We graduated fines for added or repeat offenders. Municipalities will be directed to share their program annual reports. The effective municipal failure to pay a school district's cost was clarified, language relating to the placement of signs was clarified. And if a municipality decided or a school district decided to withdraw from an agreement, 20 days prior notice to the other signatories of the agreement would be required.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MR. MAGNARELLI: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Mr. Magnarelli. First,

I want to commend you for addressing the issue of school bus safety. It's just astounding to me - and as I'm sure you are, as the sponsor - the number of vehicles that pass by a school bus that's stopped. And when a vehicle passes by a stopped school bus, it creates a real serious issue, a safety issue, for the students. So I understand the thrust and purpose of putting on cameras on school buses is to help document that violation and, hopefully, achieve a much higher level of compliance. So I want to thank you for focusing on this serious issue.

I did have some concerns on the actual language. As they sometimes say, "The devil's in the details."

MR. MAGNARELLI: Absolutely.

MR. GOODELL: So I wanted to ask you a little bit about some of the language. Looking at page -- looking at page 34 of your bill, the bill is very clear that these cameras are to be designed and aimed in a way to, quote, "Protect the privacy of the drivers." Now, these would be the drivers of the cars, presumably, that are violating the stopped school bus requirement. Why is it we want to protect the privacy of the actual driver who is engaging in this very dangerous and illegal activity?

MR. MAGNARELLI: Because -- yes. Because the liability goes to the owner of the vehicle, not necessarily the driver.

MR. GOODELL: Well, one of the amendments to this bill increased the amount of the fine to \$250 for the first violation, but provides that a defense for the owner of the vehicle is that the owner wasn't actually driving the vehicle.

MR. MAGNARELLI: Right.

MR. GOODELL: Wouldn't a picture showing the actual identity of the driver be helpful not only in -- in an action by the innocent owner, but also to pin liability on the person who is actually driving in a dangerous manner?

MR. MAGNARELLI: Well, I think you can -- you'll be able to prove that in other ways, especially if the owner is trying to prove he wasn't the driver.

MR. GOODELL: But either way, having the identity of the driver captured on the -- on the picture, would be helpful to identify who is driving unsafely, as well as providing a defense if it's not the owner.

MR. MAGNARELLI: Yeah. I -- I think we're getting a little off the point of what we're trying to do. We're just trying to take a picture of the license plate. That's what we're going after. We're not looking into the car, we're not looking at the driver, we're not looking at passengers. We're just taking a picture of the license. That's what we're going after.

MR. GOODELL: Now, one of the other interesting provisions in this bill is that it's very clear that you could not use these cameras in any way and any proceeding involving the school bus driver. Is that correct?

MR. MAGNARELLI: That's correct, yes.

MR. GOODELL: But isn't the school bus driver our first level of safety for our young children? And don't we want to be

there, being able to look at these pictures to make sure that the school bus driver properly stopped, may have properly put on those flashing lights, and otherwise complied with the safety procedures that are so important to health of our -- and the lives of our children?

MR. MAGNARELLI: Again, we're getting off of the -- the -- what this bill is about. This bill is about stopping people from passing a school bus. There are cameras already, many cameras, inside the school buses. As a matter of fact, in a district just outside of the northern part my district this past weekend, if you were in my area you would have seen an video of a bus driver pulling a young boy back into the bus as he was trying to get out, by his hoodie, and seeing a car go by on the right side of the bus. That happened within the last five days. And that bus driver has been commended, obviously, for what she did. But the bottom line is, it was all recorded. There's nothing in here that stops a school district from putting cameras inside of buses to take care of whatever things they want to take a look at, whether it's the bus driver or the children or whatever. There's nothing stopping that from happening.

MR. GOODELL: Well, as you know, a lot of municipalities have been moving forward with body cameras, or body cams for police officers. All part of an effort to be open and transparent with the public, both to make sure that the officers are performing their duties properly, but also to document if they aren't. Shouldn't we use the same principle on all the cameras, not just the ones that are inside the school bus? Shouldn't we allow the cameras to

pick up what's going on with the school bus operator as well?

MR. MAGNARELLI: Well, I don't know -- I don't know you -- well, I guess you could find a camera that does that, but again, the focus of this camera is outside the school bus to take a picture of a license plate of a vehicle going by it. So, it's -- it's a totally different thing we're looking at.

MR. GOODELL: Now, one of the other requirements of this bill is that there will be adequate signage warning motorists that there may be school bus cameras in effect, right?

MR. MAGNARELLI: Correct.

MR. GOODELL: And I'm looking at page 34 again, on line 21 it says, *These signs are -- shall be located, quote, "at each roadway entrance of the jurisdictional boundaries of such county, city, town or village giving the notice."*

MR. MAGNARELLI: Yes.

MR. GOODELL: So in my county, just as an example, we have 17 school districts. Do you envision, then, signage on both the roads -- I mean, let's say all 17 sign in. Are we talking about signage on every single highway in my county-- with the exception of expressways that are excluded-- on every jurisdiction for all 17?

MR. MAGNARELLI: No. What -- what we're talking about is as you enter the county or the town. It's as you're entering, you're going to be -- you're going to notify motorists that there are school bus cameras in play. But it's not --

MR. GOODELL: It does say --

MR. MAGNARELLI: -- it's not --

MR. GOODELL: -- at each roadway entrance of --

MR. MAGNARELLI: Entrance

MR. GOODELL: -- the jurisdictional boundary, so
it's --

MR. MAGNARELLI: Entrance into the boundary of
the municipality that has the jurisdiction over the vehicles that are
being ticketed.

MR. GOODELL: So, if it were countywide, then it
would just be the counties.

MR. MAGNARELLI: It would be the county.

MR. GOODELL: But this also allows it to be done
on a town-by-town basis, correct?

MR. MAGNARELLI: It does.

MR. GOODELL: In which case, then, you would
have a sign at every roadway entering into each town?

MR. MAGNARELLI: Correct.

MR. GOODELL: And who pays for the cost of that
signage?

MR. MAGNARELLI: Well, I would say the cost
would be paid for out of the fines as part of the program that's being
implemented.

MR. GOODELL: I see. And is it a defense to a
motorist that the sign was missing?

MR. MAGNARELLI: Not -- not to my knowledge.

MR. GOODELL: When we get higher compliance, if the motorist wasn't sure whether the school bus had a camera or not -- because keep in mind, if we require by law that a sign warn you when you're going into a jurisdiction where there's cameras, the reverse is also true. The lack of a sign is telling you you don't need to worry about it. Wouldn't we have higher compliance if we didn't require signage at every single road?

MR. MAGNARELLI: I think this is just a -- a way of informing the public of not to pass a school bus. That's the -- the whole focus of this bill. It's not to catch people, it's not to collect fines. It's to protect the children that are on the buses.

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

MR. MAGNARELLI: You're welcome.

MR. GOODELL: I appreciate your comments, sir.
On the bill.

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

MR. GOODELL: As I -- as I mentioned in my opening comments, I -- I think it's a great idea to do everything we reasonably can to encourage higher compliance with the school bus stop signs, because it's so dangerous when cars go flying by a stopped school bus that may be releasing, you know, kindergarteners and small children. And so I absolutely commend my colleague for his

initiative. I am concerned about the language, as I mentioned, because I think we'd get a much higher level of compliance if we didn't tell people where they had to be careful and let everyone think that they ought to be careful everywhere. And in addition to saving literally millions of dollars in signage - because we're talking about hundreds and hundreds of signs per municipality if it's on a town-by-town basis - in addition to saving the money, we get higher compliance. And I also would encourage, if we have an opportunity to amend this if it comes back from the Governor, that we look at allowing the image to show the actual driver, because the person we want to stop from violating this is the actual driver, not the owner of the car who may not be in the car, but the actual driver. And third, as I mentioned, this camera and the images ought to be available for all safety purposes, including reviewing the actions of the driver. Both to -- to help improve the driver's actions, as well as defend the driver in the event that the municipality unfortunately is sued, as sometimes is the case.

So, while I will be supporting this bill today because of its intent, I urge my sponsor and my colleague to consider making some of the amendments to make it more cost-effective and more effective all together. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Reilly.

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

ACTING SPEAKER AUBRY: Will you yield, Mr.

Magnarelli?

MR. MAGNARELLI: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. REILLY: Thank you, Mr. Magnarelli. As in the past with this bill when it came up, I -- I fully -- I support the effort. As I mentioned earlier during debate during earlier in the Session, this is something that I've -- I've been advocating for for the past decade as a member of Community Education Council 31. The only thing that -- question I have is with the new amendments to the bill, is there -- are the funds from the fines being designated for educational purposes?

MR. MAGNARELLI: No, they're not. They're going to the municipality initially, and then the municipality will reimburse the school district for whatever cost the program cost the school district. After that, they're the municipality's funds.

MR. REILLY: Okay. So like -- so like if New York City implements the -- the yellow school bus stop arm camera that -- that -- the money raised from those fines will go into the General Fund; much like our speed camera -- school zone speed cameras, the funds raised by the violations go into that General Fund and it's used to pay for things that can be all sorts of things outside of education, pedestrian and traffic safety issues. Is there -- is there any way that we can consider adding an amendment to designate the funds generated to improve traffic safety and to improve education in our schools? Like adding, maybe, safe routes to schools for walkers, maybe adding crosswalks, things of that nature? Would you be open

to possibly amending that?

MR. MAGNARELLI: Well, I don't think we're going to amend this bill any further. You raise some very good ideas that might be able to be taken up in the future, but as far as right now I don't think so. I don't think we'll be amending this bill again. And you're right. It goes in the General Fund, but that doesn't mean it goes -- doesn't go to the things that you've alluded to as well.

MR. REILLY: Okay. Thank you.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. REILLY: So, I -- I would hope that us, as a Body, and our colleagues in the Senate will support this legislation. I think it's a -- it's a positive thing to prevent motorists from going past stopped school buses with their lights flashing. In my opinion, there's a big yellow bus that actually gives you a warning, and that's a good thing. And you should stop for it. And if you are -- if you do violate that law and you go past that stopped school bus as they're loading and unloading students and you are given this violation and you pay your fine, I believe that schools and traffic agencies in those municipalities should have those funds designated to them. We should not be able to supplant funding. We should be supplementing that funding for our education and our traffic safety efforts. And I think if we have a designated fund to take in those fines, such as school speed zone cameras and the stop arms on school buses, that's a way that we can ensure that the money that's raised from those fines go directly into

improving safety for our students and our schools and our pedestrians in general and other motorists on the road.

So I hope that we can all work together and maybe work on that effort, and I thank the sponsor again for this legislation. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. McDonough.

MR. MCDONOUGH: Thank you, Mr. Speaker.

Would the sponsor yield for a question?

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

MR. MAGNARELLI: Yes, Mr. Speaker.

MR. MCDONOUGH: Thank you. I may have -- I may -- or perhaps I should know this, but you made a description of a child getting out of the right side of the bus --

MR. MAGNARELLI: Correct.

MR. MCDONOUGH: -- and I know there are situations where the bus could be in the right lane but there's another service lane or something that keeps going. Is the camera -- are the cameras going to be on the right side of the bus?

MR. MAGNARELLI: Yes. I believe so.

MR. MCDONOUGH: So, there'll be two cameras?

MR. MAGNARELLI: There could be, yes. Again, it's up to the school district to put the cameras in and to start the program.

MR. MCDONOUGH: Okay. And also, I know that when you have a stopped school bus, on the left side they put out that arm saying "Stop."

MR. MAGNARELLI: Yes.

MR. MCDONOUGH: That's not on the right side now, but that may be considered?

MR. MAGNARELLI: Yes.

MR. MCDONOUGH: Okay. So then your bill allows the school districts to implement a two-camera situation if they feel it necessary?

MR. MAGNARELLI: Right. And I'm also told that it can see about eight lanes across, the camera itself.

MR. MCDONOUGH: Eight lanes across what? You mean that's what the camera covers, all eight lanes?

MR. MAGNARELLI: Yes. Yes.

MR. MCDONOUGH: Okay. Well, I was concerned when you made that description of the child getting off the right side --

MR. MAGNARELLI: Yeah.

MR. MCDONOUGH: -- of the bus. Okay. Thank you very much, Mr. Magnarelli.

MR. MAGNARELLI: You're welcome.

MR. MCDONOUGH: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Garbarino.

MR. GARBARINO: Thank you, Mr. Speaker. Will

the sponsor yield?

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

MR. MAGNARELLI: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Magnarelli yields.

MR. GARBARINO: Thank you, Mr. Magnarelli.

Question: Is the camera -- it's -- it's being placed on the arm of the -- the stop sign? Is that what's going on here? It's going to be facing the bus?

MR. MAGNARELLI: It does not have to be placed on the bus arm itself. It could be placed on the front of the bus or the bottom of the bus, but it works once that stop arm comes out.

MR. GARBARINO: Is there any camera on the -- the door where the -- the child is getting on or off the bus? And is there anything filming the child getting on or off the bus?

MR. MAGNARELLI: Right now, no.

MR. GARBARINO: I'm -- my question -- the reason I'm asking that question is currently under VTL 1174, one of the elements of this violation is if any motorist overtakes a school bus that is stopped to receive or discharge passengers. And I discussed this with the head of Suffolk Traffic Violations, the court, Traffic -- Traffic Violations Bureau, and he said to me right now when a police officer issues this ticket, he can go -- and if somebody contests the ticket, he can go and he can testify that the bus was stopped to receive

or discharge passengers. Now there's no longer a police officer involved, and if they're -- the head of the TVB was concerned that if there's a hearing, they're not going to be able to prove that the bus was stopped to receive or discharge passengers and, therefore, they can't prove an element of -- of the crime and they would have to dismiss the ticket. So, is there anything here that shows that the bus was stopped for -- or that can be used in court to say that the bus was stopped for the purposes of receiving or discharging a passenger?

MR. MAGNARELLI: I'm going to ask you to ask that question again because I lost it for a second.

MR. GARBARINO: All right. So, currently under 1174, the person is guilty of the infraction if they overtake a -- a stopped school bus that is stopped for the purpose of receiving or discharging a passenger.

MR. MAGNARELLI: Right.

MR. GARBARINO: Now --

ACTING SPEAKER AUBRY: One minute, Mr. Garbarino. Ladies and gentlemen, shh. We're having debate. It'd be helpful if people around the debaters would -- are you all right?

MR. GARBARINO: So -- so, currently you have a police officer - if somebody gets this ticket, it's usually a police officer who's issuing -- issuing it. So if somebody wanted to contest the ticket, in the -- in the hearing, the prosecutor could bring in the police officer and say -- and the cop can testify, yes, the bus was stopped for -- for the purposes of receiving or discharging a passenger. Now you

got rid of the police officer. There's no camera showing that a student was getting on or getting off the bus. There's a -- I have a concern, and -- and so does the head of the TVB in Suffolk County, that now you can no longer prove that element of the crime, so if anybody contests this ticket it can be dismissed. Because right now all this is -- if you get a ticket this way, it's -- it's not an accusatory instrument, so there's -- there's no proof there. So who's going to be called in as the witness to say this was -- this bus was stopped at the time he passed or overtook this stopped bus, it was stopped for the purpose of receiving or discharging a passenger?

MR. MAGNARELLI: Well, I would think the bus driver would be the obvious person. But the other -- the other things that happen are the lights go on, the red lights go on, and that triggers the camera as well. So -- and when the red lights go on, they're either receiving or depositing children on the road. So that's the only time the red lights are on.

MR. GARBARINO: No, I -- I understand that, but there still has to be some sort of proof that can be offered at trial that the bus was stopped for receiving or discharging a passenger. It's not -- the law doesn't say it was stopped and the -- and the lights were flashing. It says that the bus was stopped and -- because a passenger was being --

MR. MAGNARELLI: Right.

MR. GARBARINO: -- discharged or received. So there's -- there's nothing here -- and I'm in support of this bill, but

there's nothing here - and I feel like it's a big loophole for -- for defense attorneys to take advantage of, so these tickets, you know, won't be affected, but I think it should be looked at.

MR. MAGNARELLI: Well, I was just given a -- a -- a picture, basically, of where these -- they're not just one camera. There could be a number of cameras around the bus with this new technology. The technology would show that the stop arm is out, otherwise it wouldn't be activated. The red lights would be on, and those red lights are due to somebody getting on or off the bus. So I think putting all of that together, along with the bus driver, if somebody wanted to take it to court, so be it. I -- you know, it sounds pretty good to me.

MR. GARBARINO: It doesn't -- I mean, especially in Suffolk and Nassau where we have these traffic violation areas, people fight these tickets all the time. They fight the red light -- right light camera tickets. I'm just concerned that right now the law says the bus has to be stopped for the purpose -- if you overtake a bus that's stopped for the purpose of discharging or receiving a passenger. It doesn't say if you stop -- overtake a bus that's stopped and the arm is out, the lights are flashing. There has to be some sort of proof that the bus was stopped for -- for that purpose, the current purpose under 1174. So we would have to change what 1174 says or do something further here, I think. Because as of right now, the picture alone isn't -- isn't enough to hold these -- these violators if somebody actually contests the ticket. That's my concern. So I think maybe if we can

look into that, maybe changing 1174, that would probably close this -- this big loophole. Thank you.

MR. MAGNARELLI: All right. Thank you.

MR. GARBARINO: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect on the 30th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Weprin to explain his vote.

MR. WEPRIN: Thank you, Mr. Speaker. In the past, I've hesitated to support speed cameras when they're not immediately around a school, when they're on major thoroughfares, you know, that are not -- that are a few blocks from a school and -- and are not necessarily a -- a dangerous situation. But I strongly support this legislation, and I'm -- and I'm also a proud co-sponsor, because when students are being discharged from a school bus and that stop sign is so visible, it's really a dangerous situation for a car to speed by and potentially cause a tragic accident. And I know they have -- have occurred. I know there have been a number of experiments, studies before this legislation. There was one in particular on Long Island, and they had the cameras in effect even though tickets were not being issued and they were routinely violated and pedes -- I mean, drivers

ignored the stop signs. So, clearly, this is a problem. I want to thank the sponsor for bringing this to the floor.

I withdraw my request and I proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Weprin in the affirmative.

Mr. Ortiz.

MR. ORTIZ: Thank you, Mr. Speaker. I do also would like to commend the sponsor of this particular legislation. And as he himself stated, was a bus driver who pulled a child out, inside back to the -- to the bus -- to the school bus as a result that a driver who was passing by through the right and didn't pay attention to the stop sign. I also would like to commend the Speaker because this piece of legislation is one of them that my community in Sunset Park and Red Hook and Park Slope has been advocating for. As a result, I have 27 schools between 60th Street and 4th Avenue to 9th Street in the area between Bay Ridge, Sunset Park and Park Slope. This legislation will put a stop and I hope a stop to this driver that are reckless drivers that will listen and pay attention to the public safety of our children. And this legislation is about public safety, and it's about saving our children.

Thank you, Mr. Speaker, and I will vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Ortiz in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

We will return to page 4, Calendar No. 273.

The Clerk will read.

THE CLERK: Assembly No. A00215, Calendar No. 273, Braunstein, Barron, Galef. An act to amend the Real Property Law, in relation to ground leases.

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. A00629, Calendar No. 274, Rozic, Wallace, Mosley, Magnarelli, Ortiz, Simon, Jean-Pierre, Walker, Benedetto, Crespo, Glick, De La Rosa, D'Urso, Pheffer Amato, Hyndman, Gottfried, Blake, Rivera, Dickens, Seawright, Weprin, L. Rosenthal, Colton, Solages, Montesano, Griffin, Stirpe, Williams. An act to amend the General Business Law, in relation to prohibiting businesses from charging a price for goods on the basis of gender.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00876, Calendar No. 275, Quart, D'Urso, Epstein, Gottfried, Reyes. An act to amend the General Business Law and the Executive Law, in relation to debt collection notices.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01026, Calendar No. 276, L. Rosenthal, Perry, Weprin, Seawright. An act to amend the Civil Practice Law and Rules, in relation to increasing penalties for failure to execute and file satisfied judgments of \$5,000 or more with the court clerk.

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. A01364, Calendar No. 277, Quart, D'Urso, Epstein, Gottfried, Reyes. An act to amend the Criminal Procedure Law, in relation to orders of adjournment in contemplation of dismissal and sealing of defendant records.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01615, Calendar No. 278, Wright. An act to amend a chapter of the Laws of 2018 amending the Social Services Law relating to requiring residential health care facilities and adult homes to advise current and prospective residents of the financial condition of the facility, as proposed in legislative bills numbers S.766 and A.8159, in relation to requiring

notification of the appointment of a temporary operator in certain adult care facilities.

ACTING SPEAKER AUBRY: On a motion by Ms. Wright, 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. A01634, Calendar No. 279, Gottfried, L. Rosenthal, Walker, Weprin, Dinowitz, Bronson, Abinanti, Joyner, Steck, Blake, Mosley, Ortiz, Simon, Glick, Aubry. An act to amend the Penal Law, in relation to criminal possession of a controlled substance in the 7th degree; to amend the General Business Law, in relation to drug-related paraphernalia; to amend the Public Health Law, in relation to the sale and possession of hypodermic syringes and needles; and to repeal Section 220.45 of the Penal Law relating to criminally possessing a hypodermic instrument.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01646, Calendar No. 280, Hunter, Barron. An act to amend the Multiple Residence Law, in

relation to unlawful occupation.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will
record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01698, Calendar No.
281 has been amended on Third Reading.

Assembly No. A01881, Calendar No. 282,
Zebrowski. An act to amend the Penal Law, in relation to the
unlawful use or operation of an unmanned aircraft.

ACTING SPEAKER PICHARDO: The bill is laid
aside.

THE CLERK: Assembly No. A01940, Calendar No.
283, Zebrowski, Glick, Ortiz, Abinanti, Wright, Richardson, Weprin,
Seawright, Bichotte, Blake. An act to amend the Banking Law, in
relation to the number of withdrawal transactions from a basic banking
account.

ACTING SPEAKER PICHARDO: Read the last
section.

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

day.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, thank you. We're going to interrupt the proceedings for a moment to introduce our former colleague and the current Surrogate Court Judge from Richmond County. He was elected last November. He was with us, as you know, Mr. Speaker, for 11 years. But once a member, always a member. So, would you please join us in welcoming him back to the floor of the Legislature.

ACTING SPEAKER PICHARDO: Absolutely. On behalf of Majority Leader Peoples-Stokes, the Staten Island delegation, the Speaker and all the members, Matt, welcome home. Once a member, always a member. It's nice seeing your face around the Chamber and cracking a joke and cracking a smile and lighting up the day. You're always extended the privileges of the floor, and like I said, welcome home and thank you for your service in 11 years here in the New York State Assembly.

(Applause)

Mr. Ra.

MR. RA: Thank you very much, Mr. Speaker. I'd also like to interrupt the proceedings to welcome back two of our former colleagues. It's appropriate that they walked into the Chamber together a few minutes ago, because I know they're close friends and worked closely together for many years in this Chamber. Two -- two dear colleagues who -- who left us to -- to go do other things and spend some great time with their family, and it's great to see them back in the Chamber. Teresa Sayward and Janet Duprey are joining us today. If you can extend to them our welcome back. Thank you.

ACTING SPEAKER PICHARDO: Certainly. On behalf of Mr. Ra, the Speaker and all the members, welcome back, welcome home. Thank you for your service to the State. Once a member, always a member. We extend to you the privileges of the floor. And that's pretty much it. Thank you so much for everything, and God bless.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A02554, Calendar No. 284, Otis, Colton, D'Urso, Glick, Gottfried, Lavine, Wright. An act to amend the Real Property Law, in relation to prohibiting leases from including a waiver of the right to a declaratory judgment action.

ACTING SPEAKER PICHARDO: The bill is laid aside.

THE CLERK: Assembly No. A02832, Calendar No. 285, Cymbrowitz, Abbate, Bronson, Malliotakis, Peoples-Stokes,

Weprin, Abinanti, Seawright, Bichotte, Hevesi. An act to amend the Insurance Law, in relation to allowing victims of domestic violence the opportunity to designate an alternate address for health insurance claims or billing purposes.

ACTING SPEAKER PICHARDO: The bill is laid aside.

THE CLERK: Assembly No. A02983, Calendar No. 286, Gottfried, Dinowitz, Englebright, Galef, Paulin, Cusick, L. Rosenthal, D'Urso, Sayegh. An act to amend the Public Health Law and the Insurance Law, in relation to certain contracts or agreements by health maintenance organizations.

ACTING SPEAKER PICHARDO: The bill is laid aside.

THE CLERK: Assembly No. A03190, Calendar No. 287, Hunter, Mosley, Barron. An act to amend the Real Property Law, in relation to allowing tenants to deduct water payments they make for deficient landlords from their rent.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

Mr. Ra.

MR. RA: Thank you, Mr. Speaker. On behalf of our colleague, Mr. Manktelow, we're happy to welcome back to the Chamber our old friend, Bob Oaks. Mr. Oaks served in this Chamber for many years, most recently as our Ranking Member on the Ways and Means Committee. He left us with a little bit of a peanut gallery that sits behind me and Mr. Goodell now. But it's good to see his face in the Chamber, and if you could welcome him back, we'd appreciate it. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Ra, the Speaker, all the members, Bob, welcome back. You are a former member, you always have privileges to the floor. We're always happy to see you. And we regret the fact that you have left us, given what we're in now. But thank you so very much. We're happy to have you.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If we could go on debate, we're going to go to Calendar No. 257. It's on page 30, Bill No. 6277 by Ms. Walker.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A06277, Calendar No. 257, Walker, Aubry, Dickens, Perry, Barron, Williams, Simotas,

Colton, Ortiz, Arroyo, Wright, DenDekker, Niou, De La Rosa, Simon, Cook, Englebright, Jean-Pierre, Taylor, Blake. An act to amend the Private Housing Finance Law, in relation to affordable housing corporation grants.

MR. RA: An explanation, please.

ACTING SPEAKER AUBRY: Certainly. We are on debate. Ladies and gentlemen in the back, we need to settle down. Sergeant-of-Arms [sic], would you clear all those folks out if there's no particular business here?

(Pause)

Staff, please go to the rear. If you need to speak to your member, your member will come to you. Shh, please.

An explanation has been requested, Ms. Walker.

MS. WALKER: Thank you, Mr. Speaker. This bill relates to the Affordable Housing Corporation Grants. It increases the amount of the grant from \$40,000 to \$75,000. The purpose of the program is to promote homeownership by persons of low or moderate income, which in turn fosters development, stabilization and preservation of neighborhoods and communities.

ACTING SPEAKER AUBRY: Mr. Ra.

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

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

MS. WALKER: Yes.

ACTING SPEAKER AUBRY: Ms. Walker yields.

MR. RA: Thank you very much. So, I just wanted to go through the provisions of this quickly. Certainly, you know, with -- with many different things in our laws, we have -- we have to change amounts from time to time to make sure that they're -- they're updated and reflect our current financial times. But I -- I guess my initial question, though, is, this would seem to, you know, allow more -- more opportunities on -- on the higher rents, we're raising this threshold. But a concern has been raised in terms of whether this might cause less funding to be available in rural areas of the State because there's not a [sic] increase in the overall appropriation for this program. Is that correct?

MS. WALKER: I don't believe so. I understand that particularly this bill basically is more expansive as opposed to being regressive. It identifies that there are particular market increases in terms of building out of affordable homes. The amount has been increased in the year 2004 to \$40,000, and in order to keep pace with the rising costs of construction and acquisition, we believe it necessary that this Statewide bill that all -- all communities throughout the State of New York has access to, will be able to gain a right-sized investment from the Federal government as well as from the State.

MR. RA: Okay. So -- so further, the other thing that this does is it, you know, puts forth these restrictions on -- on resale that are lengthy. And that's one of the issues that was raised by some -- by different groups that although they support having an increase in

-- in this amount, in particular the resale restrictions that would be on grantees under this program. What are -- what are those in line with as opposed to where they are under current law?

MS. WALKER: I'm sorry, I didn't -- can you repeat your question again?

MR. RA: There are -- are we increasing the resale restrictions from what we have in current law in terms of duration?

MS. WALKER: So, for individual corporations or companies who are applying for the grant under the original bill and the original income limitation, the original amount limitation is \$40,000. If you are applying for that \$40,000 grant, then there are no restrictions on your usage or resale. However, if you are availing yourself of the benefit of this additional -- additional amount, \$75,000, there are some restrictions. One, you have a resale restriction which will last between 60 years and 99 years, and particularly what it does is it limits the ability for someone to take advantage of this additional increase and investment by selling it on a windfall. Instead, there's a deep restriction that community land trust restrictions and limited equity cooperative ownership structures that are -- are put in place.

MR. RA: Okay. So -- so that -- the minimum of 60 years applies to anything above that \$40,000. Below that, there are no resale restrictions?

MS. WALKER: That's correct.

MR. RA: Okay. Just, you know, in terms of that, so, you know, that threshold, I mean, while you're talking about a little bit

of a higher grant amount, is there -- is there a reason it goes straight from no restrictions to 60 years, as opposed to maybe, you know, considering market conditions in a specific, you know, jurisdiction or something to that effect, to make sure that, you know, we don't really hamper any opportunity for somebody to transfer property?

MS. WALKER: Well, particularly, one of the things that the bill identifies is that there are people who have the potential to say, *Well, hey, you can get this additional amount of money from the State in order to help us build our homes*, and then once they do that, they decide to put their homes on the market at market rate at astronomical costs, which butts up against the original intent of the legislation in order to provide an avenue for homeownership for low- and moderate-income individuals. We want to make sure that this does not become a gentrification model. We want to make sure that we are preserving the integrity and the affordability of our communities. And that is the reason why we believe that these deed restrictions are important, we believe that community land trusts are important, and we believe that cooperative equity homeownership is important as well.

MR. RA: Thank you very much.

Mr. Speaker, on the bill.

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

MR. RA: Just -- just quickly. One of the issues that, you know, many of our -- our members on our side of the aisle have raised and came up in committee is, you know, this idea of -- of the

increase -- while things always have to increase over time, thresholds for different programs, there is a concern that without an increase in the appropriation that there could be a reduction in the availability of these funds in certain rural -- rural areas of the State. But the other -- the other concern is with this 60- to 99-year resale restriction. There may be, you know, areas in the State where that's certainly appropriate and -- and it will make that the program and what the program designed -- is designed to do is effective. But, you know, there's a concern that such extended restrictions might compromise a project. So we think that, you know, the evaluation of these proposals should -- should be able to, you know, consider those conditions in that -- in that particular jurisdiction so that we make sure that it doesn't, you know, compromise the -- the projects themselves and doesn't become a, you know, really, a detriment to -- to allowing this type of development, and -- and that is a reason that some of our members may be voting in the negative.

Thank you.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect on the 240th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. I appreciate the sponsor's desire to increase the amount. I certainly support that desire. However, if we put a 60- to 99-year deed restriction which prevents or restricts the resale of the property, the problem is that it's going to have unintended consequences that would be very, very detrimental to the owner. Those detrimental restrictions include the fact that if the owner wants to borrow money on a home equity line of credit, for example, to replace a furnace or the roof or make other improvements, they're going to find it almost impossible to borrow any money because the bank takes subject to that deed restriction, which means that if the property ever goes into foreclosure, the only ones that could bid at the foreclosure were those that would qualify under this provision. And I -- and I just sold a house I owned for 30-some years. I had to go back and try to calculate how many times I replaced the roof or the furnace or the hot water tank. If you have a deed restriction that goes anywhere from 60 to 99 years, those properties are going to be unbankable, and the very people that we want to help will be unable to tap into their equity to improve their homes. It's an unintended consequence, I'm sure. But it's very serious and would have long-term ramifications. I would like to challenge everyone in this room to think about which administrative agency are we tasking to track this property for the next six to ten decades. I will not be doing that, by the way, even after I retire. So having a -- a reasonable resale restriction - 10 years, for example, is typical - works because it ensures that the money is used for a proper purpose. But a resale restriction

that exceeds any useful life of the property or the improvements, unfortunately means that property is going to go into disrepair and the owner won't be able to fix it.

Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Ms. Walker to explain her vote.

MS. WALKER: Thank you, Mr. Speaker. I would like to thank the New York legal Assistance group, the Center for New York City Neighborhoods, Rebuilding Together, and particularly, Habitat for Humanity. We all understand that Habitat for Humanity is a program that utilizes this particular initiative in order for low- and moderate-income individuals to purchase a home. And we recognize that it stabilizes our communities, it preserves our neighborhoods, and to achieve these goals it relies upon the financial assistance of State resources as well as private and other investment opportunities for the construction, the acquisition, the rehabilitation and the improvement of owner-occupied housing. We believe it is necessary for a deed restriction, community land trust or a limited equity cooperative homeownership structure to be in place between 60 years to 99 years in order to ensure that the intent of this legislation actually realizes its goals. Where we are understanding that we are building homeowner -- homeowner -- homes for individuals without programs such as this would not have access to be able to become homeowners.

So, I thank all of my colleagues for their support on this particular piece of legislation, and it is a proud moment for me to vote in the affirmative. We are having a number of conversations regarding affordable housing, and I believe that this really raises the need as well as a conversation around affordable homeownership.

Thank you, Mr. Speaker. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Walker in the affirmative.

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 could continue on our debate list, we are going to Calendar No. 184. It's on page 23, a bill by Mr. Otis.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A02333, Calendar No. 184, Otis, Brabenec, Thiele. An act to amend the Criminal Procedure Law, in relation to the definition of an accusatory instrument.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: Under current law, if you get a traffic ticket, that traffic ticket is not self-enforcing because it doesn't

have all the elements needed to -- to complete the enforcement action. It doesn't identify where you were parked or how long you were parked and some of the other details. This bill would expand the information that is required on a parking ticket, and make the parking tickets enforceable on their own without any supporting deposition or any other further judicial involvement. The problem with this is that if there's a parking ticket and you don't get it, if it blows off your windshield or maybe your son or daughter forgot to tell you that they got a parking ticket, you could end up with a parking violation that you're not even aware of that goes into effect without any further notice. And the problem with a parking violation that goes into effect without any further notice is that some municipalities then enforce it under the scofflaw, and you'll get stopped and discover to your surprise and amazement that your license was suspended or subject to suspension.

So, while the bill on its face seems like a great way to enforce parking tickets and it is, it has other unintended consequences. And for that reason, some my colleagues and myself will have problems with this bill. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Otis.

MR. OTIS: Thank you. I appreciate the description of the bill for most of the discussion that we heard, but let me give a little background. The reason why this bill is here is there have been, over a series of years, different court decisions about whether or not a parking ticket - in at least some of the Appellate Division territories in

this State - is a ticket that a court actually has jurisdiction over the person that got the parking ticket. And so for big parts of the State, if someone says they don't want to pay their parking ticket, the courts have held that the court doesn't actually have jurisdiction over that person because it is not -- it's only an appearance ticket. It is not an accusatory instrument. And for that reason, municipalities are going without the revenues for parking tickets. Businesses in downtowns that need parking tickets to be paid and enforced to keep traffic flowing and business flowing are having problems with the enforcement of -- of these tickets. And the description we heard at the beginning was actually very accurate, and I thank -- through the Chair, I thank Mr. Goodell for that description. Where we disagree is what are the implications if someone doesn't show up to pay their parking ticket with a change of this law. And I'll also add, the change in the law provides much more detail about what has to be in a parking ticket, which is good in terms of notice and whatnot. But we have an example now because New York City-- which is not covered by these court decisions because they have a parking violations bureau - issues tickets in the same way, and when someone doesn't show up, they are not treated with the kinds of enforcement concerns and fears that we've heard on the floor, properly raised, but we think not accurate in this circumstance. So my recommendation is that everybody, especially folks on Long Island and in the Hudson Valley, vote for this bill because it's good for their local governments. It is good for the judges that have to enforce these laws. It's good for parking, and this

will also provide clarity Statewide on the significance and duty to comply with a parking ticket.

I thank you for the opportunity to speak. Thank you, Mr. Goodell.

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.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could now go to page 27 and take up Calendar No. 217 by Ms. Paulin.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A00458, Calendar No. 217, Paulin, Arroyo, Cook, Gottfried, Galef, Steck, Otis. An act to amend the Executive Law, in relation to direct dialing to public service answering points.

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

Ms. Paulin, an explanation is requested.

MS. PAULIN: Thank you, Mr. Speaker. The bill

requires that all public buildings (mic not on) - oh, thank you --that all public buildings operating an on a multi- purpose line telephone system configure their system to allow users to directly dial 911.

ACTING SPEAKER AUBRY: Mr. Barclay.

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

MS. PAULIN: I would be happy to.

ACTING SPEAKER AUBRY: The sponsor yields. I think your mic might be off. Try to fix your -- there we go. Thank you.

MR. BARCLAY: Can you hear me? Thanks, Amy. I think the concern that some of us had in Ways and Means, rightfully so I think, is how much is a mandate on localities or any municipality that has, you know, a line that they have to change and make sure that they can dial directly on 911. Do you know how much this is going to cost?

MS. PAULIN: Well, two things: One, if it requires an upgrade on their hardware then we don't -- we exempt them, which is what would be the expense. If -- if it's essentially easy, which is what the telecommunications companies are telling us, then -- and not expensive, then that's the difference. But if it's a real hardware, that would be an expensive upgrade, so we're not -- we're not requiring that.

MR. BARCLAY: So just so I understand. So say internally you can just tap somebody in the computer, no longer have

to dial a 9 to get out. That's -- this would mandate it. Otherwise, you would have to -- it wouldn't -- it wouldn't be mandated.

MS. PAULIN: If you have to replace your system, no.

MR. BARCLAY: Okay.

MS. PAULIN: Then it wouldn't require it. But what we do require instead is for you to post so that people realize in order to get 911 what they have to do. Because this came out of a real incident where the -- there was a woman whose husband stalked her in her workplace, and she was in a -- locked in her bathroom or locked in the bathroom of the facility which had a phone. She's trying to dial 911 and didn't realize that she had to dial 9 first and he stabbed her to death. So that's where it came out of.

MR. BARCLAY: I appreciate that. The only comment I may have on this bill - and I don't know if you can address it or not - but, you know, we get so used to dialing 9 - or in this situation in our House, 2 - to get an outside line. Sometimes you may - I don't want to overthink this - you may be dialing that 9 before 911 or that 2 before 911 to get out. Have you given any consideration to that?

MS. PAULIN: Well, that's already requiring the posting.

MR. BARCLAY: All right.

MS. PAULIN: So, you know, if they change the system, presumably they don't -- they wouldn't just really change it for

just 911.

MR. BARCLAY: And the posting has got to be where?

MS. PAULIN: The posting --

MR. BARCLAY: On every phone?

MS. PAULIN: -- would be on the phone. So there would be a posting that says this is how you get to 911 if it isn't direct.

MR. BARCLAY: All right. Thank you very much, Amy. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

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.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, could you please call on Mr. Otis for an announcement?

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

MR. OTIS: Good evening. Immediately following the conclusion of Session, there will be a Democratic conference in

the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: We certainly have both.

On behalf of Ms. Linda Rosenthal, Bill No. 1024, Assembly bill recalled from the Senate. The Clerk will read the title of the bill.

THE CLERK: An act to amend the Public Health Law.

ACTING SPEAKER AUBRY: Motion to reconsider the vote by which the bill passed the House.

The Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

The bill is before the House and the amendments are received and adopted.

We have numerous fine resolutions which we will 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. 380-388 were unanimously adopted.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move that (mic not working) until 2:00 p.m., Tuesday, May 14th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 4:44 p.m., the House stood adjourned until Tuesday, May 14th at 2:00 p.m., that being a Session day.)