

THURSDAY, MAY 28, 2020

1:17 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 Wednesday, May 27th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to dispense with the further reading of the Journal of Wednesday, May

the 27th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I want to take a quick moment to share a quote. This one today is about courage. One isn't necessarily born with courage, but one is born with the potential. *Without courage, we cannot practice any other virtue with consistency. Without courage, we can't be kind, true, merciful, generous or honest.* Mr. Speaker, that quote is from none other than Maya Angelou, and I'm pleased to deliver it today.

And I certainly welcome our colleagues to the Chambers, even those who are remote. And certainly any staff that's in the Chambers, I want to welcome you all as well. I want to begin Mr. Speaker, by just thanking you for the awesome work that was done on yesterday.

Thank you very much for your guidance and direction towards getting that done. It was a successful Session, and I certainly want to thank the members who participated on both sides of the aisle for the collegial manner in which we were able to get through some things, even though some -- some things took a little longer. But I think we had very successful first Session, and I'm honored to be a part of this honorable Body.

I want to remind members that we will be operating under the same rules as we did on yesterday. The same procedures. Everything -- it's pretty much the same except the bills that we'll be

vote -- voting on and the conversations that we'll be having. These are extraordinary times. Extraordinary. No one ever thought we would be living in a day like this, but we are. So once again, I want to ask for your appreciation, for your cooperation, and I want to thank you in advance for your patience as we deal in this new normal, as we deal with the People's business in these Chambers.

Today we will continue to take up a series of bills designed to address the needs of New Yorkers during our ongoing struggle against COVID-19 and its impact on our State and our citizens. To that end, members have on their desks a main Calendar which consists of bills that remain from yesterday's A-Calendar. Rules Report No. 29 through 57. We will be working on a portion of that main Calendar today. In addition, members also have an A-Calendar which we will also take up today.

At this time, Mr. Speaker, I move that we advance the A-Calendar.

ACTING SPEAKER AUBRY: On Mrs. Peoples-Stokes' motion, the A-Calendar is advanced.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I will announce that if there is a further need for any committees a little later, Mr. Speaker, I --I do suspect that there may be. At the conclusion of our work today we will take up two privileged resolutions, the one we did not get to on yesterday night. One is by Mr. Otis honoring first responders, and the other one is by Mr. McDonald memorializing those thousands of lives that we've lost

in this pandemic.

With that, Mr. Speaker, I believe we're ready to begin our proceedings and consider the important business before us.

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

MRS. PEOPLES-STOKES: So, if we could start on page 4 with Rules Report No. 35.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A10348-A, Rules Report No. 35, L. Rosenthal, Stirpe, Abinanti, Gottfried, Barron, Carroll, Glick, Simon, Seawright, Mosley, D'Urso, DenDekker, Perry, Ramos, Lifton, Otis, Bichotte, Ortiz, Colton, Blake, Reyes, Rodriguez, Epstein, Wright, Simotas. An act to amend the Labor Law, in relation to suspending the forfeiture of unemployment benefits during the COVID-19 state of emergency.

ACTING SPEAKER AUBRY: An explanation has been requested, Ms. Rosenthal.

One minute, Ms. Rosenthal.

Let's move the Senate bill.

On a motion by Ms. Rosenthal, the Senate bill is before the House. The Senate bill is advanced.

Ms. Rosenthal, an explanation has been requested.

MS. ROSENTHAL: Okay. Over two million people across New York have applied for unemployment insurance since the COVID-19 pandemic began impacting businesses in early March. A

key way in which the State can continue to help people who have lost their jobs or experienced reduced work hours is by making unemployment benefits more accessible to those in need. On May 14, 2020, the Governor suspended the forfeiture of benefit days by Executive Order to provide claimants with temporary relief from serving forfeit-day penalties through June 13, 2020. So this bill codifies the suspension of the applicability of forfeit-day penalties throughout the duration of the COVID-19 pandemic and State disaster emergency declared by Executive Order No. 202. This will allow claimants who have had such penalties assessed against them due to past claims, be able to collect unemployment benefits during this unprecedented time.

ACTING SPEAKER AUBRY: Mr. Montesano.

MR. MONTESANO: Yes, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MONTESANO: Thank you. You know, in the past day or two and, you know, we've been doing a lot of work to try and make life a little bit easier for the people that are going through this pandemic and have financial issues and problems, loss of employment. And, you know, the one thing I don't understand -- first of all, the Governor took this action, first of all, to forgive forfeiture days for people who made a willful statement on their application for unemployment benefits. Now, he took this upon himself, which I believe -- quite frankly, throughout this pandemic I believe he's really

pushed the envelope on how many Executive Orders he's issued and how many acts he's taken upon himself without ever consulting the Legislature. But here, we're condoning and we're forgiving a willful misconduct to get benefits from the State unemployment system that a claimant may not otherwise be eligible to receive at all or on a reduced amount of money. So while the Governor took it upon himself to issue that Executive Order and it's supposed to expire on June the 13th of the -- of this year, I believe he should live with that decision that he made rather than us codifying what I believe is excessive use of Executive powers. Why should we -- now, we're not talking about a person makes an honest mistake on their application and their claim for unemployment benefits. The statute specifically says "willful." So, you have to intentionally know what you're doing and -- for this willful act. Now, why should we condone it? Why should we reward it with taxpayers' money and give these people a benefit they're not otherwise entitled to?

So for these reasons, I'll be voting in the negative and I would encourage my colleagues to do the same. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Garbarino.

MR. GARBARINO: Thank you, Mr. Speaker. Will the sponsor yield for a couple of questions?

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

MS. ROSENTHAL: Yes.

ACTING SPEAKER AUBRY: Ms. Rosenthal yields.

MR. GARBARINO: Thank you, Linda. Just -- can you go over how someone earns a forfeiture date penalty, how that's determined?

MS. ROSENTHAL: Sure. So I'll explain what a -- what a forfeit-day penalty is. A forfeit day is a day in the future for which a claimant cannot receive unemployment insurance benefits. So under the New York State Labor Law, a forfeit-day penalty is assessed against a claimant when he or she has willfully made a false statement or representation in order to get benefits to which they were not entitled. So, for every forfeit day that is assessed, a claimant loses 25 percent of his or her benefits for the week. There's a maximum of four effective days of benefits a week, so someone could ostensibly get nothing for that week.

MR. GARBARINO: Is there -- does this happen often? Are there a lot of people that get -- that have forfeiture days applied? Do you have those numbers? How many --

MS. ROSENTHAL: I -- I don't have those numbers, but I've heard from plenty of people who have paid back the money that they -- they -- to which they were not entitled, and this is like a further -- it's a punishment based on their original action. The reason for this bill is because people who are unemployed at this time often can't get food, can't pay their rent, can't get medication. So in a compassionate move and in an understanding of people's unique

circumstances these days, this bill gives them their unemployment benefits.

MR. GARBARINO: Well, my question is -- so in the past they've already defrauded the government by willfully -- and this is not an accident. It -- it specifically says in the legislation this is -- this is not for someone who makes an accident, this is for someone who willfully makes a false statement to get unemployment benefits. So my -- my question is if they've already done this in the past and defrauded and -- and they've been caught, how do we -- by suspending this, how do we know that they're not defrauding the system right now?

MS. ROSENTHAL: Well, you know, I think the better question is how will these people eat.

MR. GARBARINO: No, I think the better question is how are they -- how are they not defrauding the government now was my question.

MS. ROSENTHAL: They're not defrauding the government now.

MR. GARBARINO: How do we know?

MS. ROSENTHAL: Excuse me?

MR. GARBARINO: They already have forfeiture days that they're supposed to be paying back from previous -- previous willful false statements that they've made and were caught. So my question is, if we're suspending this, these are people that have already previously defrauded New York State and now we're saying, You

know what? Right now we're not going -- we're not going to pay attention to your past false statements. We're going to let you get what you can get now. You know, do -- does it -- those forfeitures stay?

MS. ROSENTHAL: Okay. I have numerous answers for you.

MR. GARBARINO: Sure.

MS. ROSENTHAL: One -- one time of doing something doesn't mean you're going to do the same thing in the future. Secondly, claimants forfeit days of benefits, but they also pay back the owed money and there might be an administrative penalty put on them in addition to that.

MR. GARBARINO: Okay. But we're not -- we're not making them pay back their previous penalties right now. That's what this bill does, right?

MS. ROSENTHAL: No. They have to pay back the owed money.

MR. GARBARINO: So they -- if -- if -- if they've -- if they've previously had forfeiture days, they need to pay back that money now if they apply for unemployment, before they get unemployment or does this bill suspends that, I think.

MS. ROSENTHAL: That's -- no. Well, what happened was whatever happened in the past, and then now they're unemployed again. All -- all we're waiving is forfeit days. We're not waiving paying back or an administrative penalty that might be levied

against them.

MR. GARBARINO: So -- but they can't collect that money now. We have to wait for them to -- to pay it back at a future date. So they're going to continue -- they're going to earn benefits now, even though they -- they defrauded the government previously, and hope -- and we're going to hope to collect that money later on?

MS. ROSENTHAL: They will have to pay it back later. And at this moment they will be able to collect unemployment since they need that money to eat and pay their rent.

MR. GARBARINO: If someone -- if it's found out that someone lied on their benefits now, during this pandemic or -- or willfully made a false statement, can they earn additional forfeiture days now or are we suspending that as well?

MS. ROSENTHAL: I don't believe we're suspending future forfeit days. Next time, if they're unemployed and they apply, they will have to pay those forfeit-day penalties.

MR. GARBARINO: So if -- if the people that were -- the people that currently have forfeiture days due to previous, you know, willful statements, willful false statements who've earned those forfeiture days, we're now suspending the recapture of that for now. If they again defraud the government with -- with current willful false statements, they can -- and the Department of Labor finds out, they can earn forfeiture days for -- for defrauding the government again? We're not getting rid of that.

MS. ROSENTHAL: No, in the future. If they're

unemployed again they will have to pay forfeit days.

MR. GARBARINO: When they -- when they file for unemployment again in the future.

MS. ROSENTHAL: Yes.

MR. GARBARINO: Okay.

On the bill, Mr. Speaker.

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

MR. GARBARINO: I have helped thousands of people get unemployment benefits during this time through my office. People that deserve it, people that need it. I'm sure all of my colleagues have. It's probably been the -- the thing that we've been called upon the most during this pandemic. And we've paid out, as the sponsor said, there's about two million people have already filed and we've paid out probably billions of dollars in unemployment benefits. I think -- and those are for people that really need it. I don't understand - and I agree with my colleague who spoke before - I don't understand why this was done in an Executive Order. I don't understand why we're codifying it. This bill is allowing people who already defrauded the government previously make willful false statements. It's allowing -- it's giving them the opportunity to -- to do it again and not have to pay back those -- those previous forfeit days, the previous money that they earned that they weren't entitled to. I think every -- you know, most of the cases that I've handled in my office, probably every case, these people -- I spoke to them on the

phone, they needed the money, they deserved it. They needed it to feed their families. This is -- this bill allows someone who previously defrauded the government to go back and do it again and not have to pay -- pay the penalty.

I -- I don't understand it. I can't support it. And I encourage my colleagues to -- to vote no against this bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

On Rules Report No. 35, this is a Party vote. Any vote -- any member wishing to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the number previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. As you mentioned, this is a Party vote. The Republican Conference is generally voting no on extending unemployment benefits to those who previously intentionally defrauded the system. If there are any Republican members who want to provide those benefits, they are urged to promptly call the Minority Leader's office and let them know that their opinion is different.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, this is a Party vote in the affirmative. Folks who understand that people do sometimes do things that they shouldn't doesn't mean that they should be punished for the rest of their life. If you have been working and experienced losing your job as a result of COVID, you still need to pay your rent, lights, utilities, et cetera, just like every other American and every other New Yorker. So I would encourage a Party vote in the affirmative, and ask that members who would choose to vote no to please give us a call and/or come into the Chambers and cast your vote.

ACTING SPEAKER AUBRY: Thank you both.

(The Clerk recorded vote.)

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. I thought it might be helpful to my colleagues to hear from the New York State Department of Labor and some examples of unemployment insurance benefits fraud, what that includes. Providing false information or failing to disclose information on your application for benefits including lying about how you lost your job. Working while collecting unemployment benefits and inaccurately reporting your days and earnings. Working any amount of time in a week while collecting benefits and telling us you did not work. Working off the books while collecting benefits. Using another person's identity - for

example, name, Social Security number - to file fraudulent claims.
Helping another person to file an unemployment insurance claim.
Collaborating with an employer to illegally claim unemployment insurance benefits.

You know, I think that we -- we've heard, and the Governor has talked about this, the -- the record number, really historically unprecedented number of people applying for unemployment benefits, I've got to think that it's very difficult to, in light of all those applicants, to be able to detect fraud. But my position is that once that is detected, I -- I don't think that we should be rewarding people who have made willful false statements.

So I'll be voting in the negative. Thank you.

ACTING SPEAKER AUBRY: Ms. Walsh in the negative.

Ms. Rosenthal to explain her vote.

MS. ROSENTHAL: Okay. Thank you. Thank you, Mr. Speaker, to explain my vote. One bad move in one's life should not sentence one to purgatory and starvation. During this pandemic when we have lost more than 20,000 New Yorkers and over 100,000 people across the United States, now is not the time to say, *You will be punished because you had some extra unemployment to which you were not entitled*. People who -- who got unemployment under false pretenses, whatever, have to pay back the money. And they will pay back the money, and some of them have already paid back the money. Everyone is suffering as it is. To say that forfeit days, which are being

waived on the Federal level for the Federal insurance for gig workers and others, the Federal government is waiving them. New York State can do the same, should do the same and will do the same. There's time for compassion and there's time to be angry and hostile. Now is the time for compassion.

I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Rosenthal in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. As one of my colleagues mentioned, all of our offices have been just overwhelmed with phone calls with people seeking unemployment benefits. Most of whom have never, ever sought unemployment benefits in their entire life. And I'm sure your offices are overwhelmed just like mine with people who are crying on the phone, adults crying on the phone because they cannot get through to the unemployment system. We've had people who have been seeking unemployment benefits for weeks who are facing horrific financial challenges. And every day my staff is on the phone trying to do everything we can to help them. And so when we have a system that is completely overwhelmed by honest, hard-working people who are seeking benefits for the first time in their life, now is not the time to add more people to this overwhelmed system by adding more people who defrauded intentionally, knowingly and deliberately the system in the past. Let's focus on helping the hard-working, honest people

through this crisis first, and not add more people to the system that we know forfeited their benefits for intentional fraud.

Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Ms. Simon.

MS. SIMON: Thank you, Mr. Speaker, to explain my vote. I want to say that, first of all, I will be voting in the affirmative for this, but I would like to clarify for some of my colleagues that the standard that is used in unemployment when it comes to whether something is a willful act is that someone actually answered that question, whether they understood it or not. And we have all learned from talking to the constituents that have been flooding our offices how confusing the process of applying for unemployment insurance is. There are people who make errors because they misunderstood or they believed themselves to be eligible. And under the Unemployment Law that, in fact, is -- is interpreted in the say way as someone who willfully defrauded because they were, in fact, let's say, intending to act in a way that was illegal and -- and deliberately defraud. And they're all lumped in the same category. So there are people who are forced to pay back benefits that they were not entitled to, but the reality is they didn't apply for them seeking to defraud the government. And right now those are people who are unemployed again. It's a new type -- a new unemployment circumstance, and they need to eat and they need to

pay their rent and we need to be there to protect those workers.

And so I am very honored to -- to vote for this bill in the affirmative, and I thank the sponsor for bringing this to the floor.

Thank you so much.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Ms. Woerner.

MS. WOERNER: I, too, have -- I have -- - I, too, have concerns about people who would intentionally defraud the system, particularly in a moment when we are so -- the system is so overwhelmed. But having helped a number of the -- of constituents who found themselves in this position where they were -- they were charged with forfeiture days and that limited their benefits, what I came to learn was that the Department of Labor had not stood up their appeals process during this time. So they had no mechanism for due process to appeal the determination that they had -- they had -- they owed money back, they had forfeiture days. And in -- in light of the fact that there is not, or was not at the time, due process available to them, I have to support the suspension of the forfeiture days as a penalty. They're still obligated to pay the money back. They're still obligated to pay the administrative penalty. But it doesn't impact their ability to seek unemployment benefits during this time when they have now lost their job through no fault of their own.

So with that I'll be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Woerner in the affirmative.

Mr. Barron.

MR. BARRON: Thank you very much, Mr. Speaker. I do want to say that it is interesting how the scrutiny, the morality, the principles, all of this comes when we talking about poor people. And as the -- Simon said, that maybe all of them were not intentionally being fraudulent. But yet in the first round of money given out from the Federal government of the \$2 trillion, \$500 billion went to Wall Street where they had toxic derivatives, where they had insider trading. Where many of them on these companies went to jail for long lengths of time. Where they ripped off people for billions of dollars, but yet the same scrutiny doesn't happen for Wall Street. They can get \$500 billion of our taxpaying dollars. Nobody says anything. All the morality goes out the window. We hear not a peep from those folk. And yes, it's on the Federal level. But even in Wall Street in New York City, a lot of these firms got that money even though their firms were involved. And some of them, their firms were involved in slavery and they still got billions of dollars. But now when it comes to poor people, now when it comes to people that are just trying to pay rent, trying to buy some food, trying to put some clothing on their back - and we don't know the real numbers of who was really fraudulent or who just really made some mistakes. I bet the numbers are very, very small. And the amount of money that we're talking about is peanuts compared to Wall Street.

So to my colleagues that are very strict and very moral on this, when it comes to poor people I want to see you do the same thing for those rich fat cats on Wall Street who are ripping off the economy and almost caused the economy to crash. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Barron in the affirmative.

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker, to explain my vote. Like my colleagues, I believe that many of the individuals who've been caught up in for forfeiture days are individuals who were not intentionally defrauding the public and the government. I also, like my colleagues, am reminded of folks like Countrywide during the mortgage crisis. That bubble that burst, the people who had defrauded people, taken their homes, taken the homes of veterans illegally. And when they were caught they didn't go to jail. They were allowed to keep millions of dollars and they were just told to go out of business. These individuals who may have made a -- a minor mistake, an unintentional mistake, should not be held to a stricter standard than we have held many, many vendors who submit fraudulent bills to the government. The Department of Defense gets tons of those. But they continue to be vendors making a good profit off of the taxpayer. So the little guy gets held to account while corporations walk away.

So I'm -- I'm happy to -- to vote for this today, and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Mr. Burke.

(Pause)

Mr. Burke to explain his vote.

(Pause)

We'll move on. We'll go to Mr. Colton to explain his vote.

MR. COLTON: Yes, thank you, Mr. Speaker, to explain my vote. I have dealt with hundreds and hundreds of unemployment cases where people have been waiting a long time because they lost their job through no fault of their own, they didn't have money to support their families. And this particular law which allows the forfeiture to be overlooked during the period of time of an emergency, I have no problem supporting that. Because many of the people who were subjected to this did not intentionally know what they were doing. I know the statute says "willingly." But there's ways of interpreting that. I know of one constituent who was unemployed, her mother was very, very sick. And she participated in a program where she could take care of the mother and be paid money for doing that. That saved the State money because the mother didn't have to go to a nursing home and could be cared for at home by somebody who was a family member. She didn't consider that to be paid income. She thought it was a stipend for expenses, and she put down the wrong answer. She was wrong. She made a mistake. But now her children

-- she's unemployed again years later. Her children have no food. They have no money coming in to support the family, and they are suffering. So it is in the interest of the public and in the interest of the State that we not subject her family and her children to punishment for a mistake that she made at one time. As people have pointed out, corporations, sometimes willingly -- again, the question is what does "willingly" mean -- have done things that have hurt the public. Have hurt people. Have gotten many millions and billions of dollars of abatements and tax subsidies, and it turns out that they didn't fulfill what they should have done. Yet now we want to penalize somebody in a time of an emergency, and not only penalize her but her children.

So I have no problem supporting this particular law. She still has to pay the money back, she's still going to be subjected --

ACTING SPEAKER AUBRY: Sir, how do you vote?

MR. COLTON: I vote in the affirmative.

ACTING SPEAKER AUBRY: It's an affirmative vote.

Mr. Crespo.

MR. CRESPO: Thank you, Mr. Speaker, to explain my vote. I -- I want to thank the sponsor of this bill and all of my colleagues for supporting it. Let's be very clear, and it's been said. But all of us have seen firsthand the impact of the economy in our communities, how many families have struggled with unemployment insurance. And even those well-intentioned, as has been said, it can

be a daunting task. Even with the improvements to the system that the Department of Labor has made, it has proven to be a daunting task for many just to go through the prompts and reply to everything.

Mistakes are easily made. But let's be clear. Individuals who commit any sort of willful fraud are still paying back any benefits they've received. They're paying administrative penalties on top of that. That's not going away. The forfeiture -- forfeiture days are just an added penalty beyond that to punish those individuals. But you're not just punishing that individual, you're punishing those children, their families. This is not the time to take that extra step. I think this is a commonsense piece of legislation. It's about helping families first and dealing with their needs and the immediacy. And as so many have pointed out, we keep looking the other way when major fraud is committed by corporations, but we somehow want to continue to just hit people over the head with a hammer when it comes to their needs and families in our communities.

This is a commonsense bill. I thank the sponsor and I'm really proud to vote in the affirmative. As the Labor Chair, this is commonsense legislation.

ACTING SPEAKER AUBRY: Mr. Crespo in the affirmative.

Mr. Garbarino.

MR. GARBARINO: Thank you, Mr. Speaker, to explain my vote. A couple of my colleagues have said, you know, people have forfeiture days, you know, they did this willfully. They

didn't know and it wasn't intentional. You know, one even said what does "willful" actually mean? Well, good news. I have an answer. On the Department of Labor's own website it says, *Section 594 of the Unemployment Insurance Law provides that a claimant who has willfully made a false statement or representation to obtain any benefit. Then it says under their standards, Not every false statement subjects a claimant to the penalties provided in this section. Willful means that -- means knowingly, intentionally or deliberating making a false statement.* I don't know -- I don't know how you unintentionally intentionally do something. But what I'm saying here is this is not for people that make an honest mistake. The Department of Labor's own standards say people don't get forfeiture days unless they knowingly, intentionally or deliberately made a false statement. These are for the people that did this knowingly, and now we're helping them out. We should -- we should be helping the people that actually need unemployment insurance. Adding these people to the system allows -- makes it harder for people who actually deserve unemployment to -- to get it right now.

And again, I -- I vote in the negative. Thank you.

ACTING SPEAKER AUBRY: Mr. Garbarino in the negative.

Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker, to explain my vote. This bill would allow people who have, on purpose, lied. And I hear "the government" get tossed around. They lied to all

of us. They've lied to their fellow citizens when they've applied for unemployment. They've lied to the government. They've done it on purpose to bump themselves up, to get themselves in the front of the line before -- there's a very long line, and my office is inundated with phone calls right now from honest New York citizens that need our help, and this bill is absolutely offensive to everyone who needs help right now, who is doing so honestly and who needs our assistance.

So needless to say, Mr. Speaker, I'll be voting no.

ACTING SPEAKER AUBRY: Mr. Walczyk in the negative.

Mr. Otis.

(Pause)

MRS. PEOPLES-STOKES: Mr. Speaker, call back on Mr. Burke. Did he get back in or no?

ACTING SPEAKER AUBRY: We have not heard from Mr. Burke. We're waiting for Mr. Otis.

MRS. PEOPLES-STOKES: Okay.

(Pause)

ACTING SPEAKER AUBRY: Mr. Otis, once again, to explain your vote?

(Pause)

Mr. Reilly to explain his vote.

MR. REILLY: Thank you, Mr. Speaker. During -- I know that we've all been helping our constituents, as many of you have said, with the -- receiving unemployment benefits. I specifically

brought this up, the penalty days, with the Governor's liaisons in our Brooklyn and Staten Island calls. And as a matter of fact it was April 28th that I e-mailed them about this. And their response was they were waiting on counsel to decide a plan that would not significantly impact budget -- budgetary decisions. So it wouldn't have budget implications. Well, they wound up putting out guidance and approving unemployment recipients with those delays of the forfeiture days. They're now allowed to receive -- so the -- the Executive Order already covered this. And I think we should leave it up to the Executive to rescind this. We gave him the power, and let him take it away. I don't think we should be looking to implicate the budget more than it already has been.

And for that reason I am going to be voting in the negative.

ACTING SPEAKER AUBRY: Mr. Reilly in the negative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Yes, Mr. Speaker. I actually have been born and raised in the State of New York. I actually have applied for unemployment before. And it is an arduous process. It's very difficult. So I can only imagine that in a pandemic when literally millions of people are applying at the same time that it's -- it's even worse than it was back then. The second time that I needed to apply, I didn't even apply because I thought the system was way too bureaucratic. But there are some times people are in a position where

they don't have a choice to apply. They have to apply. And so we either are going to decide that we are going to give people who either made an error or intentionally did something wrong that they have paid for, they have paid back, we are either going to allow them the opportunity to have unemployment or we're going to pay for a homeless shelter for them. We're going to pick either one or the other. And so I think it makes sense that people have resources that they need to pay their income, buy their children's food and stay in the house where they are as opposed to becoming homeless.

I wanted to just say that because I'm definitely voting in the affirmative for this bill. But we do have some of my colleagues that would like to vote no, and I would like to have it so duly-noted: Mr. Santabarbara, Mr. Cusick, Mr. Zebrowski, Ms. Pheffer Amato and Mr. Barnwell.

ACTING SPEAKER AUBRY: So noted.

Mr. DiPietro.

MR. DIPIETRO: To explain my vote, Mr. Speaker.

ACTING SPEAKER AUBRY: Yes, sir. Proceed.

MR. DIPIETRO: Okay. Number one, I don't think this is really a matter of whether or not people want to get benefits or need benefits or -- or I think it's more -- and not even entitled. But I do think there's some bad actors out there who will fraud the system whenever they can. So I understand if someone wants to vote against this. I am. I think it could have been a lot better bill, but that's -- that's usually what I'm up against for eight years is -- is usually a lot of

these bills could be a lot better and they would gain bipartisan support. But that -- that's another argument.

What really bothers me, also, is the fact that we're -- and I'm the one that broke that story about the Governor shipping out over 2,000 jobs to South Carolina and paying \$9 an hour to help with our unemployment instead of hiring New York State workers. I think we should have been more focused on that. Also, in getting these people back into the workforce.

But the last point I want to make was I -- I was just listening in my kitchen and I saw the sponsor made a comment which really upset me when she said that anyone who disagrees with this bill is angry and hostile. Those were the two words she used. I'm not angry and I'm not hostile. And I really resent that. So I resent being labeled as angry and hostile if I don't go along with this bill. But I think it -- again, the bill I have to separate New York City, I think that is what really needs to be discussed going forward here because we definitely see -- because that comment is definitely indicative of what the attitude is, and I'm sorry to hear that.

So, I'm going to be voting in the negative. And I'm not angry and hostile. Thank you.

ACTING SPEAKER AUBRY: Mr. DiPietro in the negative.

Mr. Otis one more time. Going once, going twice.

(Pause)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

MRS. PEOPLES-STOKES: Mr. Speaker, could we now go to Rules Report No. 47 - we're still on debate - by Ms. Paulin.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Senate No. S08182-A, Rules Report No. 47, Senator Hoylman (A10508-A, Committee on Rules - Paulin, Dinowitz, L. Rosenthal, Ortiz, DenDekker, Buttenschon, Seawright, Lupardo, Blake, Perry, Jacobson, Simon). An act to amend the Education Law, in relation to authorizing licensed pharmacists to administer an approved vaccine for COVID-19; and providing for the repeal of such provisions upon expiration thereof.

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

MS. PAULIN: Yes. The -- what the bill does is it authorizes licensed pharmacists to administer the COVID-19 vaccine when it's developed.

ACTING SPEAKER AUBRY: Mr. Montesano.

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

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

MS. PAULIN: Yes.

ACTING SPEAKER AUBRY: Ms. Paulin yields.

MS. PAULIN: I can't see you. Wait. Hold on, I

want to see you.

MR. MONTESANO: Here I am. I'm right above you.

MS. PAULIN: There we go. Okay, I see you.

MR. MONTESANO: Ms. Paulin, let me ask you -- I mean, we -- as we sit here today and debate this bill, there actually is no vaccine that has been approved by the FDA or fully developed, correct?

MS. PAULIN: That's correct.

MR. MONTESANO: All right. And -- and when this vaccine comes out, we're not going to know really what the side effects are going to be and what types of patients can take this vaccine, if there's going to be any kind of preexisting medical conditions that would prohibit them from having this vaccine. We don't know any of that yet, correct?

MS. PAULIN: We don't know any of that yet.

MR. MONTESANO: Okay. So right now I know pharmacists are already authorized because of their level of education to administer, you know, the flu vaccine, tetanus, diphtheria, among some of the different vaccinations that they could give. But those have been tested vaccines, and the doctors that are referring the patients for those vaccinations or the pharmacists themselves having the ability to query the patient to find out if this vaccine is good for them. However, my concern is what do we do now that this vaccine hasn't been fully developed yet, it hasn't been fully tested, to allow

pharmacists who are not medical doctors -- you know, they have a doctorate in -- in -- in their pharmacy studies, but they're not medical doctors -- to determine if a person really is eligible to get this vaccination. Do you share that type of concern?

MS. PAULIN: So, that's why if you look at the way we enacted some of the other vaccines such as flu or shingles, we allowed the State Education Department solely to develop rules and regs. We gave them 90 days to do so. For this particular bill we did it a little differently, in that we're doing -- we did the -- in addition to giving time, 90 days, to do rules and regs, we also say that the State Education Department and the Commissioner of Health have to collaborate to determine and to certify before -- before and how they go forward. So we didn't solely leave it with the Education Department. We've engaged the Health Department, which is a different way than we've done it before, and we require them to certify. Now, we don't say how because we're not medical experts. But we appreciate the fact that we don't know several things. We don't know all of the things that you mentioned, which is the effects on different kinds of populations. We also don't know whether this is going to be a series of vaccines, one shot. All of the other types of vaccines are -- are just one. This might be two. Do we want -- do we need or require additional recordkeeping on the part of the pharmacist? You know, I think that we can all agree that when there is a vaccine we want it to be distributed as widely as possible. We also know that if you include physicians and nurse practitioners and

all of those medical professionals that don't need legislation in order to administer a vaccine, that we're talking about less than 1,000 in the entire State of New York. Probably more like 500 I heard the Governor say in one of his press conferences. So by adding pharmacists - which there are probably 5,000 licensed pharmacists across the State - we allow the vaccine to be widely distributed, particularly in areas and -- and for people who might not have a primary care provider and might be more vulnerable. We give enormous access to so many more people. We believe that we are doing it with safeguards much greater than other vaccines than -- that we've also allowed, but -- but we have to balance the two so that we can have access and we keep them safe. And we believe we've done that in this bill.

MR. MONTESANO: Now, currently the Governor already has the authority to designate pharmacists as immunizers, as he originally did with the H1N1 pandemic. So why can't this -- in the beginning at least, until a -- a vaccine is out, we know about dosages and so on and so forth and about people's medical histories that may prevent them from having it, why can't we leave this to the Governor to use his authority to designate the pharmacists later on when everything has settled on this particular vaccine? Why the legislation up-front now?

MS. PAULIN: Well, I think that we just want to be prepared. We've said -- you know, I've heard many people in your Conference, for example, say it's not good to have so much Executive

power. You know -- you know, we're -- we're trying to be in front of the virus and to do what we believe is ultimately the right choice. Pharmacists are, as you pointed out, incredibly educated. They know what to watch for. We think by giving 90 days between the time of the CDC and FDA recommended -- the -- the -- you know, after the time they say it's okay to do this, you know, we believe there will be a lot of practitioners already administering it. There will -- doctors and nurse practitioners and so forth will be able to, so we will see -- we will see those impacts in those 90 days. We will have time in 90 days. And there's going to be a lot of people who are going to want it sooner than 90 days. And I can almost see that the Governor might exercise his Executive power to expedite rather than delay. But he could probably do both with the powers that we've granted him if, God willing, there's a vaccine and we can all be done with this pandemic.

MR. MONTESANO: Thank you, Ms. Paulin.

On the bill, Mr. Speaker.

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

MR. MONTESANO: Thank you. Well, I'm very appreciative for the -- the sponsor's work on this bill and I understand the need for it when we go forward. My big concerns are that everything is in an experimental stage. As a matter of fact there's a story in the paper last night into today of a gentleman who took part in the testing process for the vaccine for a particular company, and he got dreadfully sick from it (unintelligible) period of time. And they're

trying to figure out, you know, was it an underlying condition that he had, was it just an outright reaction to the vaccine. From what I'm reading is I think this vaccine will come in multiple doses, and I'm just concerned that there's going to be people out there that have underlying medical issues that make it -- that would not make it conducive to them receiving this particular vaccine. And then they walk into a drugstore, they ask for it, and are the pharmacists going to have the ability and the time to take the extensive patient history that's necessary to determine should they have this vaccine? Should there be bloodwork before they get this particular type of vaccine? This is new to all of us. The illness is new, the virus, you know, they're still trying to figure out its composition and its future impact on people that have gotten it already. And -- and while I can appreciate the fact that we want to be out in front of this, we already have a mechanism in place to allow the pharmacist to do this if -- if need be, and the Governor could do that with a stroke of a pen. And, yes, I don't agree with all of the Executive powers he's been using recently, but he's always had this other power to do that. So I -- I just have a concern that we're even putting the pharmacists in an awkward position when this first comes out because they're going to have to come up to speed on this particular, you know, vaccine. And this is not as simple as a flu vaccine or a shingles vaccine. I think this vaccine is going to be somewhat complex, and I think because of the nature of the virus it's supposed to treat or help prevent, I think it's going to be, you know, a complicated type of vaccine with the potential for problems.

So while I applaud the sponsor for this bill and I understand it's a necessity, until I see this vaccine come out and what it's capable of and all the other things that I've mentioned, I'm going to be voting no on this particular bill at this time. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Montesano.

Ms. Glick.

MS. GLICK: As many of my colleagues know, the Higher Ed Committee is very cautious in the way in which we move forward on these types of authorizations. Not all pharmacists choose to be certified to provide immunizations. That's number one. There -- they do have to have the certification for it. New pharmacists come out of school having had more training in that arena. The bill actually says no sooner than 90 days. It is possible that -- that there may be (unintelligible) for it to be -- for it to be a longer period of time if both the Commissioner of the Department of Health and the Commissioner of Education feel that early reports are more concerning. So it's no sooner than 90 days, and it is with a certification by both Departments that it is in the public health interest for pharmacists to be able to do this immunization. And you're quite right, Mr. Montesano. We're not sure of even what the administration might be. Everybody is thinking, well, you know, you go in for a shot. We have no idea if that's actually going to be the means for administering this vaccine. So there are a lot of questions. There is a tremendous pressure from

some quarters to rush this through because we're all concerned. But I believe that at least New York State, which has been very careful and deliberative in these areas, will continue to do so. And that the commissioners will not certify something that has not been fully vetted and is appropriate. If they don't think that it's appropriate, that more monitoring needs to be done, if there's a series of administrations, that they're not confident that people will go to the same pharmacist or they do not -- they may not certify it. So there are safeguards. So I just want to assure you that we did not run down this road and put it out of the Committee without having thought through and worked with. And I want to thank the sponsor for accepting the concerns that we had and amending the bill. We think it's appropriate, and we think that if a vaccine is safe and effective and is available, at some point after 90 days it is in our interest to have as many people as possible have access to what could be totally lifesaving for an -- an innumerable number of New Yorkers.

So, I thank you for your concern, but I want to assure you that there are several safeguards along the way.

ACTING SPEAKER AUBRY: Mr. Benedetto.

MR. BENEDETTO: Yes, everybody, I'm going to be voting no on this particular bill. I'm going to be voting no because I'm very uneasy with this particular bill. We don't even have a vaccine. We don't know the dimensions of a -- a vaccine. Why are we authorizing something that might be a year away from -- from being actually able to be used? I would -- I have absolute confidence in the

committees in vetting bills and looking at them very carefully. I know that happens. But we don't know what we're acting on. We don't know what we're going to have in production and giving the authorization for pharmacists to use. I would feel a lot more comfortable if I knew what we were doing and then we were looking at the various pharmacists to do this. We will have time to do it in the future. Or we will have -- the Governor could possibly do it if we're not in Session at that particular time. Until then, until we know what we're dealing with, I will be very uneasy with passing a bill authorizing somebody to give an injection where we really don't know everything about what's going on.

I will be voting no. Thank you.

ACTING SPEAKER AUBRY: Mr. McDonald.

MR. MCDONALD: Thank you, Mr. Speaker. And to the sponsor and to the Chair, thank you for not only the sponsorship but the leadership on this bill. I would like to just clear up a little bit of mis -- misinformation or maybe some confusion. First of all, in recordkeeping, I dare say pharmacies and pharmacists are probably as good as, if not better, today in regards to recordkeeping - particularly in regards to vaccines - than many of the other health care practitioners that are out there. I know that for a fact because many times the physicians are calling us to help give them the records of their patient's vaccine history. In regards to -- and -- and when I first heard about the 90-day minimum, I thought about it for a second and I said, you know, that makes sense. Let's see what this entails. Is it

multiple injections, which a pharmacist will have no problem being able to keep track of. Anybody who has ever gotten a refill on a prescription and gotten a text that the prescription's ready, knows exactly what I'm talking about. The vaccine probably will be similar in administration to what we're currently dealing with with flu. More than likely an IM injection. If it needs more, then that's why the Chair and the Committee wisely chose to make sure DOH and SED converse and provide the proper training or guidance if it's necessary. You know, the -- the interesting conversation about the Executive Orders is also interesting to me. If we can't do it, we -- if the Governor's doing it, we're complaining about it, but on the other hand when the opportunity to actually put our own imprint on this, we're complaining about it. We've got to kind of figure this out, folks. You know, I'll be very honest with you. And the Chair knows this. We've had some very good dialogue over the years that I've been here. The Legislature at times, I think, and it may be because of the dichotomy between the Education Department and the Department of Health, whatever it is -- if we -- we love pharmacists. I hear that all the time. We try to support the pharmacy community. But they are, as Member Paulin had mentioned, a very highly-trained profession. They're PharmDs, as the Chair pointed out. They're doctorates of pharmacy. Six years of education. They're smart folks, too. And quite honestly, I can tell you as one who still practices pharmacy almost daily- except for this afternoon - practitioners reach out to us quite often about the medication, the administration, the side effects. We need to stop

looking at the profession as being a commodity-driven profession and look at them as healthcare practitioners. As a person who represents a very poor Assembly District in Upstate New York, I've seen many providers, physicians, nurse practitioners, PAs leave our urban areas where we have unacceptably high poverty. What's left behind usually is a pharmacy and a pharmacist. And quite honestly, that's what is left in many circumstances because of the reimbursement methodology, which I will not get into. Case in point, the Governor wisely chose to issue an Executive Order to allow pharmacists to do point-of-care testing when it comes to the diagnostic test for -- for COVID-19. Pharmacies -- probably 48 out of 50 states across this country have been allowing pharmacists to do that for several years. One could wonder - it's always good to Monday morning quarterback - if pharmacists had that ability, could we have been doing more testing early on, and what the impact could be? That's not to lament. It's just a point of a more recent example where I think you have a healthcare profession that needs to be more relevant, needs to be very mindful of its current work flow issues, which the Chair has pointed out and I respect those comments. But I think this is an opportunity to be ahead of the curve on something.

And my final point is, and I understand my colleagues' concern about the safety of the vaccine. At the end of the day, every medication, every vaccine, is vetted as much as possible through the FDA. We, just like any other practitioner, give all the side effects, the potential adverse effects, the guidance to take care of the

patient. My point is is that whether it's a pharmacist, whether it's a nurse, whether it's a doctor or a PA, we will all be dealing with a new vaccine. We are all going to be working through this process. Let's hope that the FDA appropriately takes the time to do the review that needs to be done to bring the appropriate product to market.

My final comment is this: In 2009, H1N1 came out of nowhere. The State of New York called on pharmacies to step up the game, issued an Executive Order. And guess what? Pharmacy was there, and I know personally, administered tens, if not hundreds of thousands of vaccines. The profession is ready now. This bill is a very positive step in that direction.

Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Gottfried.

MR. GOTTFRIED: Yes, Mr. Speaker. I think this is a -- a very valuable and very intelligent bill. If and when a vaccine is developed, we're going to want it to get out to 20 million New Yorkers as quickly as possible. And that means having a lot of people on the street level who are ready to administer that vaccination quickly to as many people as possible. Frankly, depending on what the vaccine indicators look like, we may well want to authorize pharmacists to be doing this vaccination even earlier than 90 days. But even with -- you might argue for that change in the bill. It's a very important piece of legislation. Pharmacists in New York are well-experienced with vaccinations. Pharmacists know more about

pharmaceuticals and vaccinations than probably an awful lot of physicians. You know, we seem to assume that if you graduated from medical school no matter how long ago, you must know everything from head to toe. It would be great if that was true, but of course it isn't. Brain surgeons, you know, don't know a lot about what podiatrists know about, and vice versa. And so this bill puts on the job a very important job that we're going to need a lot of hands on. It puts on the job people who are really top-notch on this topic in particular.

I think it's an important step ahead. I -- I certainly plan to vote for it.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report [sic] No. A10508A. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mr. Abinanti to explain his vote.

MR. ABINANTI: Thank you, Mr. Speaker. Science is more important now than ever. We need to follow the science. We hope that science will find the key that will open the door to free us from our self-imposed home detention with treatments and vaccines.

However, for science to work for everyone, the fruits of scientific work must be available widely to all. This legislation is carefully fashioned to allow those pharmacists who are appropriately trained and certified to administer vaccines for COVID-19. While we do not yet have such vaccines, it is really better that we set up a mechanism and talk about that mechanism in advance of really needing it after some thoughtful discussion about how that mechanism should be fashioned. This legislation authorizes pharmacists to administer COVID-19 vaccines, but only after both the Commissioner of Health and the Commissioner of Education jointly certify that the vaccine is ready to be distributed by pharmacists. This is putting in the hands of the people who should make these decisions, decisions about vaccines.

I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Abinanti in the affirmative.

(Pause)

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

Maybe not.

(Pause)

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The following Republicans will be voting no on this particular legislation: Mr. DiPietro, Mr. Friend, Mr. Manktelow, Mr. Mikulin, Mr.

Montesano and Mr. Blankenbush.

Thank you, sir.

ACTING SPEAKER JONES: Thank you, Mr.

Goodell.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. We have three members who would like to be included as a no. It sounds like a firm: Benedetto, Barron and Barrett.

ACTING SPEAKER JONES: Thank you, Mrs.

Peoples-Stokes.

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, we're going to continue our debate with Rules Report No. 49. It's sponsored by Ms. Simotas.

ACTING SPEAKER JONES: The Clerk will read.

THE CLERK: Assembly No. A10516-A, Rules Report No. 49, Committee on Rules (Simotas, Otis, Bichotte, Ortiz, Jacobson, Blake, Lupardo, Seawright, Simon, Stirpe, Griffin, Nolan, Weinstein). An act to amend the Election Law, in relation to absentee voting; and providing for the repeal of such provisions upon the expiration thereof.

ACTING SPEAKER JONES: On a motion by the

Senate -- by Ms. Simotas, the bill is before the House. The Senate bill is advanced. Mr. Goodell is calling for an explanation.

Ms. Simotas.

MS. SIMOTAS: Yes, of course. This bill amends various sections of the Election Law to do several things. First, it eliminates the signature requirement to request absentee ballots. Second, it allows voters to request absentee ballots by e-mail, electronic transmittal system, or a web portal established by the State, City or County Board of Elections. Third, it permits a voter to dispatch an absentee ballot in the mail up to the date of the election and, forth, it makes conforming changes of other areas of the law relating to deadlines for receipt of absentee ballots, including Federal write-in absentee ballots, special Presidential ballots and special Federal ballots. And those changes would be with respect to the signature requirement to request an absentee ballot, and the date that you're able to dispatch it. Thank you.

ACTING SPEAKER JONES: Mr. Norris.

MR. NORRIS: Thank you. Will the sponsor yield for some questions?

MS. SIMOTAS: Of course I yield.

ACTING SPEAKER JONES: Ms. Simotas yields.

MR. NORRIS: Thank you.

Thank you, Assemblywoman Simotas, it's great to see you again.

MS. SIMOTAS: It's good to see you.

MR. NORRIS: As well as everyone else, and I would just like to add that I thank the Speaker, the Majority Leader and the Minority Leader and everyone for their cooperation during this. It's worked out very well, and a shout-out to the staff who put all this together, as well.

Now, moving to the questions. Is there going to be a requirement that the voter actually still signs their absentee ballot application?

MS. SIMOTAS: The application? No, that was --

MR. NORRIS: Yes.

MS. SIMOTAS: No. There's no longer a requirement. The Governor, by Executive Order, had eliminated that requirement for the Primary Election coming up on June 23rd in New York State, and this bill would eliminate it for the upcoming election in November.

MR. NORRIS: Okay. So why are we removing that check? Just to make sure that we know that that voter is the voter who wants that application -- or that absentee?

MS. SIMOTAS: Because what we're allowing is for electronic requests. In the New York City Board of Elections, I can tell you has created an electronic portal that you can go online and request an absentee ballot, and the request goes to them directly. As you can imagine, with mail-in ballots, it's quite difficult right now with the COVID crisis that we're all facing. Plenty of people don't have stamps, they can't imagine going to the post office, they want to

stay in their homes, in the safety of their own homes. So, what we're -- we're allowing is for electronic communications to request the absentee ballots.

MR. NORRIS: Now, isn't it true, though, right now under the Governor's Order that when they mailed out these applications to everyone, that it was a postage paid by the local government to return the application form back to the Board of Elections?

MS. SIMOTAS: Yes.

MR. NORRIS: Why couldn't that be done again for the November election?

MS. SIMOTAS: I'm sure it will be, but sometimes people don't receive those requests for absentee ballots. I can tell you that I know plenty of constituents in my district who did not receive it, either their children threw it away or it was misplaced, or the post office didn't deliver it. All we're doing is making sure that we're providing additional opportunities for voters -- for qualified voters to request an absentee ballot; nothing more, nothing less.

MR. NORRIS: Okay. And I -- I think that's a very good idea, that we actually allow people to request an absentee ballot by the writing -- I just want to make sure -- I think that we should have a check, and the reason why I -- I believe that is because -- I'm not sure when you registered to vote, I registered when I was 18 years old; many people do the same thing. And we signed that form back then, and as decades go on, your signature changes and many people

don't update their signature with the Board of Elections. So, when that absentee application goes back, they will get the signature. And then when they get the ballot back, they can have a comparison of the signatures, a verification. So, that's my point and my concern about why we're removing the requirement for the check for the verification of that application, versus the absentee ballot envelope when it comes back.

MS. SIMOTAS: Well, there is nothing that prevents the Board of Elections from checking a voter's signature against their buff card when they registered to vote when they receive the absentee -- when they receive the absentee ballot back. I know that in New York City, actually in every Board, what the requirement is is that the voter, before the envelope is even opened, that they sign and date the ballot. And, again, that signature can be compared with the one that you used to register -- when you -- when you registered to vote and, of course, I'm sure that many people -- many of my colleagues and many of us can be very sensitive that signatures change and people probably don't remember what their signature looked like when they were 18; I think I'm probably the only one who has the same signature, but, nonetheless, I think that there is plenty of opportunities in place for the Board of Elections to make that check. I've confirmed at least with the New York City Board of Elections that if there's anything un -- anything that looks unconfirming with respect to the signature on the envelope, they're just not going to count those ballots.

MR. NORRIS: Okay. I'd like to move my questions

to a -- a different angle on this. In terms of the ability for someone to request an absentee ballot, they currently still need a reason. Now, I will tell you, the last time that this came up for a vote in this Chamber, I voted for no excuse absentee ballot, but, at this point, we're still not there yet, it hasn't passed the second Legislature, it has not gone to the voters for a Constitutional approval. So, we're under the current situation which requires that an individual has to have an illness in order to obtain an absentee ballot. Now, my question to you is: Is there anything in this legislation that would allow for temporary illness, by statute, to be allowed for the coronavirus situation occurring right now?

MS. SIMOTAS: This -- nothing in this law changes the definition. This bill merely compliments the multiple Executive Orders that were issued that resulted in all registered voters being able to request absentee ballots via electronic means, but this bill does not codify anything into law.

MR. NORRIS: Okay. Now, that's a concern of mine, too, because, you know, we've done a lot of things, some I've agreed with, some I haven't agreed with over the last 20 to 25 bills that we've passed, but we've done things, you know, with mortgages and rents, extending the Childs [sic] Victims Act. I am concerned that this is not being placed in the statute going forward because of the coronavirus, and I just want to point out to you that there's a recent court case - this is right out of Texas from yesterday - that said because of the Legislature not making it in the statute, they were not going to provide

for it because of that. So, that's a big concern of mine. I hope that you will take that under consideration, and your colleagues, to codify this, because I would support that, in statute because if it's not there in statute, that could be a problem when our courts examine this in the Primary or in the General Election going forward.

Now, one more question -- a couple more questions. In terms of the affirmation, how are these voters going to affirm that they are actually requesting an absentee ballot application for a particular reason, such as the temporary illness. How are they going to make that affirmation to make -- actually request one?

MS. SIMOTAS: Well, just to clarify with respect to the definition, yes, it is -- you're requesting under temporary illness/the COVID-19 crisis and that you are -- you have concerns that you don't want to contract the virus and that's why you're requesting electronically this absentee ballot. With respect to how do you affirm it's the person, the voter themselves who is making the request, well, if you're requesting it electronically through this electronic portal, for example, you are affirming when you click on "send" that you are the person, the voter who is requesting the ballot. And, again, you do so under perjury of law -- of the law. I can't imagine that people are going to be committing fraud, but, nonetheless, you know, I don't see evidence of that type of voter fraud -- fraud. What I know is that there's a lot of evidence of voter suppression. And, again, I know my -- my learned colleagues, that you and I agree that we have to make sure that as many people possible have access to the polls, and this is

an opportunity to give our entire State, our voters, the opportunity to do so under these extraordinary circumstances.

MR. NORRIS: Okay. Now, in terms of the -- the purpose of the Legislature prior to now wanting the ballot to be postmarked before the election, I think it has a lot to do with the postmark and making sure individuals won't be able to vote, you know, after the polls close at 9:00 o'clock. So, why is this change taking place right now?

MS. SIMOTAS: I -- again, this is a cleanup from some of the Executive language that went out and, again, I think that if you're voting by absentee, it makes sense that if you can postmark, if you can cancel your ballot on the day of election, that that ballot should be counted and it should count towards the vote, it should count towards that election.

MR. NORRIS: Now, are you aware of any post offices in the State of New York are open past 9:00 p.m. on Election Day?

MS. SIMOTAS: I'm not aware of any post office that's -- well, usual -- no, that's not true. I am familiar with one 24-hour post office in New York City, in Manhattan, but for the most part, a post office, I believe, close at 5:00.

MR. NORRIS: That can be a busy post office on Election Day after 9:00 o'clock. Okay. I just want to ask one more particular question, and -- and that is going just going back to the -- to the affirmation. What type of affirmation appears in that web portocal

[sic] to make sure that they are actually attesting to say, *I am the person who wants that ballot?*

MS. SIMOTAS: When they -- when they click on send/accept, there is a disclaimer.

MR. NORRIS: Okay. Is there any other verification like four -- last four digits of a Social Security number, or a driver's license to verify, in fact, that you are the person requesting that absentee ballot application?

MS. SIMOTAS: No, but if -- I would assume that if a voter receives an absentee ballot and they did not request it that, first, they would probably complain about it to their Board of Elections, and perhaps law enforcement if they think that their identities were stolen and that somebody was making the request and it wasn't them. And, two, again, when they send the ballot back, there is a process that the Board of Elections has to follow, that they have to check the signatures against the buff card when you registered to vote to make sure that they match. And those that don't match can be thrown out.

MR. NORRIS: Okay.

On the bill, Mr. Speaker.

ACTING SPEAKER JONES: On the bill.

MR. NORRIS: Thank you, Ms. Simotas, for your answers, I appreciate them. You know, I just have grave concerns about this legislation, in terms of ensuring that the actual voter is, in fact, the one who is requesting the absentee ballot application. And

when that voter fills out the absentee application, they are affirming under those penalties that, in fact, number one, they need the absentee ballot application, where the ballots are being sent and, thirdly, they will sign that application with the most current signature that they use.

This is a matter of fairness for everybody. You know, when I go into the voting booth and I go to vote, I'm doing it knowing that my ballot is sacred, that it is -- it is -- -- it is free from fraud, and we know that it is myself who is going into that voting booth, and I -- or if I apply by absentee ballot properly in doing that. And I think it's a matter of fairness for everyone, as a fair playing field, that all voters do that in good faith, but, unfortunately, as we know, there are sometimes bad actors out there, and that's why I have concerns that removing the signature requirement, in particular, takes out the verification as a step to verify, to ensure that that voter is actually that person who is sending it back. And I also just want to mention, too, that the cancellation of the postmark is also a concern, knowing that there may be a post office out there that are open past 9:00 p.m. on Election Day. The Legislature before us clearly stated by statute that they were concerned about that, and that's why that provision was put in place in knowing that there are post offices that are open after 9:00 o'clock is also a concern of mine.

So, with -- with that, I think I will be opposed to this legislation. I also want to request that this Body, a coequal branch of government, does examine the issue of defining "temporary illness" to include COVID and coronavirus, because I think we should codify

that in statute and not leave that up to a question of whether or not the Governor's Executive Order will stand up to scrutiny by the Court of Appeals or other courts along the way. So, we should, just like rent and mortgage and all these other things we've taken up, the extension of the Child Victims Act, we should, this coequal branch of government, codify that. I would support that, to be a valid reason to get an application -- or to get an absentee ballot in this upcoming election.

So, again, those are my concerns. Mr. Speaker, thank you for your time today, and I appreciate my colleague answering my -- my questions. Thank you.

ACTING SPEAKER JONES: Thank you, Mr. Norris.

Mr. Ra.

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

ACTING SPEAKER JONES: Will the sponsor yield?

MS. SIMOTAS: Of course.

ACTING SPEAKER JONES: The sponsor yields.

MR. RA: Thank you very much. Good to see you. So, I just have a couple of questions, and -- and Mr. Norris being our expert as our Ranker and -- with his background, knows this area of law well, so he went through a lot of what I -- I was interested in discussing. But I -- I do have a couple of questions, just in terms of

the fact that you mentioned the New York City portal, and we all know, you know, obviously that is a large Board of Elections. We have, you know, varying sizes of Boards of Elections throughout New York State, and so, I'm not familiar with that process, but currently if somebody wanted to do that type of application electronically, are they sent, then, both an application and a ballot? Somebody -- I'm not clear on that. Somebody had described to me a process where depending on the proximity to Election Day, a voter might be sent simultaneously both a ballot as well as an application and then need to return both in order for the ballot to be considered valid.

MS. SIMOTAS: Could you clarify your question with respect to a ballot and an application sent at the same time? I'm not understanding.

MR. RA: So, say somebody asks for a [sic] absentee ballot, but it's getting close to Election Day and now you have to deal with the mail, you know, and -- because they can't do it electronically, they have to get the ballot mailed to them, they're going to have to fill it out, mail it back, the Board of Elections is going to have to get it and then mail them out a ballot and, obviously, this all has to happen before, you know, the day before Election Day so they can get that ballot in the mail. So, what is the current process if somebody does that electronic request through -- through New York City?

MS. SIMOTAS: With respect to New York City, the cut off for requesting absentee ballots I believe is June 16th.

MR. RA: For the primary?

MS. SIMOTAS: For the primary. For the primary.

MR. RA: So it would be a week before --

MS. SIMOTAS: It would be a week. And the Board of Elections is checking to make sure that they are not going to be sending more than one absentee ballot to each voter at a time. So, if they -- if they get the application in the mail, fill it out and -- but they had also -- they had also registered electronically, their unique voter identification number is going to tell the Board of Elections, Don't send this one person two ballots, they get one ballot. They have one unique voter identification number. So, I don't think that there would be any issues.

MR. RA: Okay. And under this, is -- is an individual able, then, to request the ballot electronically for another individual, say, you know, maybe you have a -- a parent who is, you know, elderly who lives in some type of, you know, assisted living or nursing home facility and you want to be able to request them a ballot. Can you request for somebody else?

MS. SIMOTAS: Not electronically, not electronically. You are swearing and affirming when you click that button that you are the person who is making the request. So, I would assume that all or most of our neighbors are honest individuals and not committing fraud. If they did, they'd be committing fraud.

MR. RA: And is there -- I know under, you know, the normal application, you can basically say, *Mail me the ballot*. People obviously that come and hand in a ballot, absentee ballot

application in person can -- can ask for it to be given to them there, and then they also are able to designate an individual to receive the ballot for them and deliver it to them. Would that be allowed under the electronic request?

MS. SIMOTAS: I don't imagine. We haven't changed anything with respect to the forms and, again, with respect to the legal requirement that the Board of Elections make sure that they dispatch one absentee ballot to each voter. Like, people don't get, you know, to do it twice, they get -- they get one ballot, and --

MR. RA: That -- that's not -- that's not what -- what I'm asking is can you -- the physical form that people fill out, says, you know, *I designate Joe Smith to receive my ballot*, and they can deliver it to me, I can fill it out and they may hand-deliver it back to the Board of Elections for me. Would that be permissible?

MS. SIMOTAS: What the electronic portal from the Board of Elections allows you to do, it allows you to say where you want the ballot sent.

MR. RA: Okay.

MS. SIMOTAS: It doesn't say -- it doesn't request -- I don't believe it requests for a designee or somebody to be giving -- handing it to the Board of Elections for you.

MR. RA: Okay. And then lastly, really, what type of recordkeeping is required under the statute in terms of requests that come in? Does it require the Boards of Elections to keep some type of log, because, you know, if they were to have the written application,

they have that on file, my understanding is most of them scan a lot of these documents so they have it and there's a -- there's a paper trail there. Is there some type of log of requests that the Board of Elections will be required to keep so they know, you know, about what's requested electronically on such and such date for this voter?

MS. SIMOTAS: I believe that the State Board of Elections is creating guidelines and in touch with the local Board of Elections to -- to make sure that people have -- that they're able to keep these records and do this -- this whole process properly. With respect to the City Board of Elections, which we've talked about and which I have experience with, I know that they are in -- that their particular portal, online portal is unique. There's no requirement in this bill that requires a county or local Board of Elections to do the same thing. You may, if you'd like, but this does not require it. And, again, the State Board of Election is creating this guideline and in contact regularly with -- with local Board of Elections.

MR. RA: Okay. And then, I apologize; I said that was the last one, but -- but lastly, just along those same lines, I know the Governor's Executive Order with regard to the Primary made reference to, you know, a ballot being valid regardless of whether there is, you know, a [sic] application on file or anything of that nature. Is similar language in this bill?

MS. SIMOTAS: No, there is no similar language in this bill. Like I said, what this bill does, it's four things: It removes the signature requirement; it allows voters to dispatch their absentee

application, ballot application up to the -- I'm sorry, their absentee ballot up to the date of the election; it -- it makes conforming changes for Federal -- for the Federal election coming up in November and it just allows voters to request ballots by electronic means.

MR. RA: All right. Thank you very much.

MS. SIMOTAS: Thank you.

MR. RA: Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: I want to thank the sponsor for answering my -- my questions, and for endeavoring to legislate in -- in this area, because we know this is going to be a very difficult administrative situation for the Boards of Elections, in particular with the upcoming June primary, you know, between trying to figure out how to keep all the voters safe, but also, you know, there's issues with trying to properly staff the polling places. You know, there are a lot of people that are in groups that might be more susceptible to -- to getting sick who ordinarily work the polls, so -- so that is, no doubt, going to be an issue. And cutting down on -- on the people that would go vote in person, you know, can be a positive thing in -- in alleviating some of that.

But, you know, we are aware that the Governor put forth this Executive Order that's going to apply to the June primary. I think, you know, we're going to be kind of doing this, you know, for the first time, in terms of having all these absentee ballots out there where people are automatically getting -- people are automatically

getting the applications, and I think we need to see how it works.

There definitely is a lot that our Boards of Elections have had to deal with over the course of the last year. As everybody knows, you know, there was a [sic] historic pace of legislation in -- in the area of Election Law last year, and our Boards of Elections were dealing with figuring out how to do early voting for the first time. And there was a lot of costs that went with that, both in terms of staffing those -- those sites, but also new technology. They had to get, you know, electronic poll books, they had to get ballot printers, ballot scanners, all that type of stuff.

Now, again, we're hearing with this, they're going to need scanners that can scan these absentee ballots, because they're going to have a much bigger quantity of them coming in. And -- and we're obviously all going to want to see the results of elections tabulated and reported in a timely manner.

The good thing is that there has been some, you know, funding through the Federal government that is, I believe, available for -- for some of that, for -- for things like the scanners, but I think the -- the State has to remember as we put some of these new mandates out last year and we did provide some level of funding for those new mandates, we have to continue to -- to look at that issue. I know the State is not in a -- in great shape financially right now as a result of everything going on, but neither are our local governments and we need to find ways to not put new costs on our local governments during this time. They're experiencing the same things

the State is, cash flow issues, loss of -- loss of tax revenues, particularly our local sales tax with -- with so many businesses shut down and -- and thankfully on Long Island we're -- we're starting Phase 1 and -- and hopefully our -- our colleagues in the City are able to begin that process in the near future, as well.

But we have a really long road ahead of us for recovery, and I would rather see us wait and see, we're a month away from that June primary, and see how this all works out so that we can take appropriate action and -- and give ourselves the best chance of -- of running a successful and fair election in November. So, for those reasons, I'm not going to be supporting this bill at this time. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Tague.

MR. TAGUE: Well, thank you, Mr. Speaker. First of all, I just -- on the bill, sir.

ACTING SPEAKER AUBRY: On the bill.

MR. TAGUE: First of all, I just wanted to give a shout-out to Ms. Weinstein, Mr. Barron, Ms. Seawright and my good friend, Mr. Miller, all survivors of the COVID-19. And if I missed anybody, I -- I apologize, but I just wanted those folks to know that they were all in my thoughts and prayers, as I'm sure they were everybody else's, and I'm so glad to see them in today's proceedings.

On this bill, Mr. Speaker, I find it ironic that after complaining for years about our elections being insecure and

tampered with, that my friends and colleagues on the -- the other side of the aisle are now casting aside (unintelligible) that so obviously invites electoral fraud. This bill brazenly dismantles the most basic safeguards within our electoral system, and generalizes people's level of trust in our Democratic process. You know, last night we heard these words bill after bill after bill that some voted yes, they had reservations, the bill wasn't adequate, flawed, concerned, doesn't address everything, we still have lots of work to do.

You know, I know these are not normal times, and I understand this pandemic presents unique challenges regarding our elections, but, these inconveniences should not come at the cost of our electoral system. We already have measures in place to allow people to vote absentee and by better educating people as to how they get their absentee ballots under the current process. We can both assure that people vote and that the elections they vote in are fair. And worse yet, while this bill seeks to simplify absentee ballot voting, it makes it a nightmare for our local Boards of Elections. This will likely increase the cost to localities that have to count these ballots, while also creating more room for error, and making it harder to intercept fraudulent ballots.

This just -- this is just another example of reaching thoughtlessly into the pockets of our local governments, and it managed to make -- and it already manages to make this bill even worse than what it already is. The simple fact of the matter is that we have no idea of knowing if the people who request these ballots are

the people who will be sending them back. It's common sense. It doesn't take a lawyer or (unintelligible). This bill is dangerous, unnecessary and, to me, it makes a mockery of our elections. During this crisis, people need leadership they can count on, and that means conducting elections they can trust.

I cannot support this bill. I feel it's a destruction of our electoral system and its most basic checks and balances. I also feel that it's a destruction of our Constitutions. And for those reasons, Mr. Speaker, I will be voting in the negative and I urge all my colleagues - Republican, Democrat, Independent - to stand up for the people and the Constitution of this State and the United States of America and vote no. Thank you.

ACTING SPEAKER AUBRY: Thank you, Mr. Tague. We're glad to have you back, glad you have some energy.

Mr. Burke.

MR. BURKE: Thank you, Mr. Speaker. Is this -- is this working?

ACTING SPEAKER AUBRY: Absolutely.

MR. BURKE: All right, finally.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BURKE: I'd like to commend and thank the sponsor for this bill. And, you know, really, it's -- it's kind of mind-boggling to me. There has been this narrative created in this country that we've had this -- this terrible problem with voter fraud,

but we all know that that's not true. The reality, and the real danger to our Democracy is the long, long, long, long history of voter suppression. We know it, everybody knows it, but there is a considered effort right now in this country to use scare tactics to block people from getting to the polls. I'm sick of hearing about it. I'm sick of it.

You know, I read -- I read a good article the other day and I think it was Reverend Barber who said, you know, *Jim Crowe didn't go away, he went and got a law degree and now he's James Crowe, Esq.* I'm sick of this flawed notion that it is voter fraud, with no evidence of it, but if you keep, you know, perpetuating the lie long enough, people begin to believe it. This voter suppression is the real voter fraud.

So, thank you, I'll be -- I'll be supporting this bill, and that's all I have to say. Thanks a lot.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report [sic] No. A10516-A. This is a Party vote. Any member wishing to be recorded as an exception to the party position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican

Caucus will be voting no on this. If there are members of the Republican Caucus that would vote yes, please contact the Minority Leader's office immediately. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, this will be a Party vote in the affirmative. Colleagues who would desire to vote no should call my office or come down to the Chambers and cast their vote. This will be a Party vote in the affirmative.

ACTING SPEAKER AUBRY: Thank you.

(The Clerk recorded the vote.)

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker, very quickly to explain my vote. The New York State Constitution states in Article II, Section 7 that the Legislature shall provide for identification of voters through their signatures, and in all cases where personal registration is required. The signature has such significance and I -- I agree with much of what my colleagues have said about the need for that double check by having an actual signature on the application for the absentee ballot, as well as on the ballot itself. The buff card is not sufficient because, in many cases, as has been brought out, the buff card signature could be very, very old, and a comparison would be better between the application and the ballot itself.

The -- the rationale that was given that people don't have stamps, people don't want to leave their homes, I don't buy any

of that. I think that that may be true, but let's face it, voting is one of our fundamental rights and responsibilities as a citizen, and I think the bar is set pretty low if what you have to do is request the absentee ballot, sign it, put a stamp on it and mail it back. You're going to need a stamp to mail it back anyway, I don't know why you can't just find a stamp to put in the request to get the absentee ballot itself.

And just very quickly, in terms of the fraud. So, I happen to be married to an election attorney. He's not an election attorney now, he's a judge. When he was an election attorney, he handled a case -- well, I'll just tell you about one. Down in another county, I won't mention it, a lovely old lady went around a nursing home and got absentee ballots for over 200 people and said, *Honey, just sign on the line and I'll vote it the way you'd want me to*, and voted 200 times, this one lady. And that was just one case that he had. Voting fraud exists. It is actual, it's real, and it's our responsibility, I believe, as the Legislature to put and keep restrictions that are in place, not to suppress the vote, just to make sure that the people who are supposed to vote are the ones who are voting. So, I will be in the negative. Thank you.

ACTING SPEAKER AUBRY: Ms. Walsh in the negative.

Ms. Simotas to explain her vote.

MS. SIMOTAS: Thank you, Mr. Speaker. In these challenging times, we cannot -- we cannot allow the COVID crisis to undermine the fundamental right to vote in New York. We need to

make absentee ballots as accessible as possible so everyone can safely vote from home in November. This measure will help prevent a depressed turnout in the fall by allowing for electronic applications, waiving signature requirements and extending return deadlines. These changes will provide more opportunities for voters to cast their ballots while navigating social distancing in health emergencies. As we respond to this ongoing pandemic, it is critical that we put supports in place to enable New Yorkers to continue social distancing and take necessary safety precautions. Making absentee ballots easily accessible really just strengthens our Democracy. It does nothing to do anything except make sure that people have a right to vote.

And I want to also share a story that I've heard of a husband and wife who had signed each other's absentee ballots, because again, we are not eliminating the requirement that you sign your ballots, and that the Board of Elections can check your signature. But in this particular instance, the husband and wife signed each other's ballots and both of those ballots were tossed out, and they were voting for their son.

So, again, there are plenty of measures in place -- in place to make sure that fraud does not occur. And, again, if you are committing fraud, then I'm sorry, you're breaking the law and you'll be prosecuted. But, nonetheless, I believe that it is important that we make sure that as many New Yorkers as possible can vote, and in this crisis and these unprecedented times, we have to make sure that people can get their ballots more accessibly. Thank you.

ACTING SPEAKER AUBRY: Ms. Simotas in the affirmative.

Mr. Fitzpatrick to explain his vote.

MR. FITZPATRICK: Thank you, Mr. Speaker. I'll be voting no on this bill because removing those -- removing those key guardians of integrity is extremely important. I would just like to say to my good friend from Buffalo, just -- just Google "voter fraud." It does exist, it is out there. I might recommend reaching out to Congressman Jerry Nadler who, back in 1994, raised real concerns about voter fraud in New York City and how rampant it was. It's real, it's there.

And this year in this hyper-partisan environment that we are in going into 2020, especially with the Presidential election, there is certainly a motive for those who would like to cheat to cheat. And I'm afraid that the changes we are making today will make it that much easier for those who have a motive to cheat to cheat in this year's election.

With all due respect to the sponsor, I know she means well, but I think this is a very dangerous step we're taking. I vote no. Thank you.

ACTING SPEAKER AUBRY: Mr. Fitzpatrick in the negative.

Ms. Bichotte.

MS. BICHOTTE: Thank you, Mr. Speaker, for allowing me to explain my vote. I want to certainly thank the sponsor

for introducing this bill, which promotes electronic application for absentee ballots, and it removes the requirement that such applicant -- application be signed by the voter.

Today, we face another unprecedented attack on our City and nation, the coronavirus pandemic. As we move ahead with elections, we have a Constitutional obligation to make sure that every voter has an alternative way -- alternative ways to exercising their right to vote. This is not a -- this, in fact, is not a form of voter suppression; in fact, it does the opposite.

As the Leader of the Majority Party in Brooklyn with the largest voter population county-wide, a city that was hit the hardest in New York City, of which a majority of the community is a black and brown community, this bill will help the communities that have been affected, on average, and have been marginalized, on average, by voter suppression are the same communities that need a way to voice -- to voice their Constitutional rights. Across the country, one-in-13 black Americans cannot vote due to disenfranchisement (unintelligible). When voters of all backgrounds have access to their Constitutional right to vote, people regain their faith in the system and in our Democracy. This bill will recognize requests made via electronic means, and extend the date by which a ballot must be post -- postmarked.

Every citizen should be able to exercise their Constitutional right. Three Board of Election workers in the City have died as a result of COVID-19, and we must find new ways to

make sure people have access to these polls without jeopardizing their health. New Yorkers need us to be encouraged, rather than suppressing -- suppressing their rights to vote. I want to thank the New York City Board of Election for their hard work and finding different ways in making sure that Americans, our voters, have a way to vote in November. So, thank you, again, Mr. Speaker, for allowing me to speak, and I want to thank the sponsor. I will be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Bichotte in the affirmative.

Mr. Lavine.

MR. LAVINE: Thank you. I want to -- I want to thank the sponsor for her hard and admirable and honorable work in preparing this bill, and arguing it.

A reference has been made to a statement made by a Congressman nearly 30 years ago about voter fraud in New York City. Now, the world 30 years ago was very different from today's world. Our ability to monitor the voting process 30 years ago does not compare in any way to our ability to do that today. It is a comparison that is utterly and utterly false. Let us remember, the right to vote is a right, it's not a privilege.

And I'll share this with you: A couple of years ago as Chair of the Elections Law Committee, I attended a national conference of State Legislatures meeting in Indianapolis, with a lot of my colleagues from the Midwest, from states that are controlled by a

party in which I am not a member. They prided themselves on purging eligible voters from the voter rolls. Thousands, hundreds of thousands of people denied the right to vote for no reason whatsoever. Anything we can do today in the midst of a pandemic and the midst of a plague to be able to assist our citizens to vote is a step in the right direction.

Again, thank you to the sponsor. I am very pleased to vote in the affirmative on this.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

Ms. Wallace.

MS. WALLACE: Thank you. Thank you for giving me the opportunity to explain my vote, and I want to thank the sponsor for her hard work on this very important bill.

I do want to say that I share some of the comments raised earlier that the Legislature should codify, that the pandemic satisfies the illness justification for an absentee ballot under the New York State Constitution. I do think there's precedent for doing that. For example, we have clarified that illness is not only the illness of the voter, but also includes the illness of -- of someone taking care of an individual who is ill or physically disabled. But, I believe that this is incredibly important legislation to ensure that everyone can exercise their sacred and Constitutional right to vote in a safe manner.

This legislation is absolutely necessary to ensure that we protect both the health of our citizens and their right of suffrage.

This legislation simply makes absentee ballot more accessible. As has been repeatedly said, you still must sign the ballot itself, just like you would sign the poll book if you voted in person -- I'm sorry, in person. And as the sponsor said, you will still be subject to prosecution if you commit mail -- voter fraud, and I also think you probably would likely be guilty of mail fraud.

So, I think there's adequate deterrents against fraud, and I do think there's adequate protections, and I want to thank the sponsor for this bill. Thank you very much, and I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Ms. Wallace 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 can go to the Calendar that we just added on and take up Rules Report No. 58, that one's by Mr. Cymbrowitz, it's Calendar A -- 32-A.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No --

(Pause)

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. 10522, Rules Report No. 58, Committee on Rules (Cymbrowitz, Fahy, Weprin, Ortiz,

Mosley, Lentol, Bichotte, Fall, Bronson, Nolan, Rodriguez, Jacobson).

An act in relation to enacting the "Emergency Rent Relief Act of 2020" to establish an interim residential rent relief program; and to provide for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: There is a [sic] amendment at the desk by Mr. Fitzpatrick to briefly explain the amendment while the Chair examines it. Go ahead, Mr. Fitzpatrick.

MR. FITZPATRICK: Thank you, Mr. Speaker. I offer the following amendment, waive its reading, move for its immediate adoption and ask for an opportunity to explain it.

ACTING SPEAKER AUBRY: Please proceed with your explanation.

MR. FITZPATRICK: Thank you, sir. The bill adds provisions contained in Assembly Bill No. 10396 to Section 210-B and 606 of the Tax Law, authorize an owner of rental real estate, residential or -- and/or small business, to receive a tax credit for the 2020 taxable year in an amount equal to the loss of rental income related to the inability of residential tenants and small business commercial tenants to pay rent as a result of the government-ordered restrictions in response to the COVID-19 pandemic. The credit would be authorized for those taxpayers who file either a corporate franchise tax or a personal income tax.

The amendment further authorizes the Commissioner of Taxation and Finance to establish an application for the credit, which would include the provision of supporting documentation

establishing the loss of the rental income, which would include the lease agreement.

ACTING SPEAKER AUBRY: Mr. Fitzpatrick, the Chair has examined your amendment and found it not germane to the bill before the House. You may appeal the ruling of the Chair --

MR. FITZPATRICK: Yes, I would like to, Mr. Speaker.

ACTING SPEAKER AUBRY: -- and speak to the issue of germaneness.

MR. FITZPATRICK: Well, the -- the bill-in-chief provides that up to \$100 million of money that has been allocated to the State of New York by the Federal Coronavirus Relief and Economic Security Act of 2020, known as CARES, for rent relief. While the bill-in-chief provides language in unconsolidated law, the intent of the bill is clearly to provide rent relief by utilization of the CARES Act money. Thus, the amendment is consistent with the intent of the bill-in-chief, and amends the Tax Law to provide rent relief through the establishment of a rental real estate income relief tax credit. Both the bill-in-chief and the amendment provide rental relief to New York State taxpayers and, therefore, the amendment, I believe, is germane.

ACTING SPEAKER AUBRY: Mr. Fitzpatrick appeals the decision of the Chair. The question before the House is shall the decision of the Chair stand as the judgment of the House? Those voting yes vote to sustain the ruling of the Chair; those voting

no vote to override the decision of the Chair.

The Clerk will record the vote.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. With all due respect, the Republican Caucus thinks the decision of the Chair may be mistaken in this situation and we're voting no to overrule your decision. That is, we are voting no in order to overrule your decision. Thank you, sir.

ACTING SPEAKER AUBRY: You're welcome, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: On the contrary, Mr. Speaker, we certainly do agree with your decision that this is not germane, and being not germane, we support your decision and we will be voting yes.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Any exceptions will be reported to Minority and Majority Leaders and will be therefore announced.

MRS. PEOPLES-STOKES: I apologize, Mr. Speaker, but if there is someone who would not like to vote in agreement with your decision, they can contact my office and let us know.

ACTING SPEAKER AUBRY: Announce the results.

(The Clerk announced the results.)

The ruling of the Chair is sustained.

The Clerk will read.

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

Mr. Johns.

MR. JOHNS: Yeah, thank you, Mr. Speaker. I just wanted to speak on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. JOHNS: I support and I'm going to be voting for this bill. I think it's much better than the bill that we passed yesterday, trying to do the same basic idea. You know, our goal is to make sure that we help the working poor and the people that have lost their jobs to this COVID pandemic, and I believe that this bill is a win-win-win-win situation. So, if I could just explain that, it's a win because the tenants are going to have a direct voucher that goes to the landlord paying their rent; tenants will be happy. The landlords are going to get a direct voucher paying the rent; the landlords are going to be happy. The banks, because the landlords have money, are going to wind up having their mortgage be paid, so the bankers are going to be happy. And, ultimately, our State and local governments, the school boards, the school districts, towns, cities, counties, they're going to get their taxes paid because the landlords have the money to pay the mortgage and also pay the property taxes.

So, if there was any idea that there may be fraud or

abuse, there wouldn't be with this, because the money that's allocated is going to go in a voucher check directly to the landlord, directly to the -- the owner of the apartment building, and that way they'll be able to use the money to pay all the bills they need to pay, and it's also going to help the tenants because they'll have a place to stay. So, I am in support of this bill, Mr. Speaker. Thank you.

ACTING SPEAKER AUBRY: Thank you, Mr. Johns.

Mr. Barron.

MR. BARRON: Thank you very much, Mr. Speaker. This is a sad day. This is a sad day for the Democratic process here in the State Assembly, and it's a sad day for tenants. It is false to believe that this bill is good for tenants, and I'll get to that in a second, but it's a sad day in this Assembly when the Speaker sees that he didn't have to votes in the Committee, the Housing Committee, this bill would have fallen, been voted against in the Housing Committee.

So, what did the Speaker do? He cancelled the Housing meeting, took the bill out of the Housing meeting and then today put it into Ways and Means, a Committee that he has more control over. That is a slap in the face to Democracy, and some of the excuses and reasons for it has got to be a joke. I won't even repeat some of the reasons I heard why it was cancelled. That's the first one.

The second thing, and I'm going to be honest and bluntly honest today, I'm sick and tired of the Governor having control over the Speaker and the President Pro Tem Majority Leader of the

Senate, and the Governor gets his way during budget time, and now he gets his way with this bill. This bill, getting to the bill, number one, the Governor had \$5 billion, Federal stimulation money to deal with COVID, \$5 billion. The Senate originally wanted to do \$1 billion for this bill. They say the Assembly only wanted \$500 million, so they both came to agreement on \$500 million for the bill. The \$500 million I thought was low, but so be it. At least it was \$500 million. How do you get down to now \$100 million? You know why? Because the Governor originally, embarrassingly, insultingly talked about \$39 billion -- million, \$39 million for this bill out of the \$5 billion. And now, we have \$100 million.

Let me tell you why it's bad for tenants. Number one, many of the tenants were paying 30 percent, 40 percent, 50 percent of their salary toward rent. We wanted a bill that would keep everybody at 30 percent and let it be \$500 million, everybody at 30 percent and then let the voucher go to the landlord to deal with the plus 30 percent. No, it goes back to pre-COVID time and now the tenants have to deal with the pre-COVID, not the 30 percent, but anything over 30 percent. So, when a tenant who has lost their job, a tenant whose salary might be lower because of this crises, is now at the end of this four-month period, this tenant is going to owe back rent, is going to owe back rent. The landlord will be fine, that's why people like it. The landlord will be fine, he'll get his or hers, but the tenant is going to owe back rent. And guess what? After the four-month period, there's no protection of this landlord evicting this tenant,

because there's no good cause -- eviction clause in there. So, the tenant can actually be evicted after four months, especially if he can't pay the back rent that he might -- or she might owe.

Also, the landlord could raise rent, because we have no clause in there to say you can't raise the rent, you can't evict the tenant; none of that is in this bill. It's all taken out because the Governor didn't want it, so he got his two partners, the head of the Assembly and the head of the Senate to agree with him on this, so that's not even there to protect the tenants. Then, we're talking about this is for those making 80 percent of the AMI and below. So, you'll say, *Yeah, but it could be below, too.* I've been in this business for 17 years and I've been closely on AMI. They never do anything below the top stated AMI. They're not going below. The AMI of New York City is \$95,000. So, the -- 80 percent of that is about \$70-plus thousand, maybe \$75,000. The AMI of my neighborhood is \$36,000; of other neighborhoods, \$42-, \$38-. The black and brown communities, Harlem, Bed-Stuy, Brownsville, we don't have an AMI of \$75,000. This bill is going to go not to us, not to the most needed; it's going to go to those who have a \$75,000, and even for them it's not going to be good.

Even if we would have gotten the billion dollars for this bill, without the good cause eviction, without not being able to raise the rent, without the AMI lowered to 40 to 60 percent in our range from \$35,000, \$45,000, \$55,000, that would have been a bill I could live with. So, when we told the Speaker that we're not voting

for this bill, and eight to ten of us said no in the Housing Committee, the Speaker took it out. You look, if he does it to this -- us in the morning, he's going to do it to you in the afternoon. So, you go ahead and vote for this, this flawed process. You go ahead and vote for this fake bill that doesn't really protect tenants, it benefits landlords. You go ahead and do that, but this is a sad day in the so-called "People's House" that the Speaker could use that kind of authority.

I called up and tried to see if I could get this bill laid aside. They said I couldn't do it. I thought we were able to lay bills aside. Mr. Speaker, could I lay this bill aside?

ACTING SPEAKER AUBRY: No, sir. We are on debate, which is what you're doing now.

MR. BARRON: Now. So, this bill I hope you could change your mind and vote against this bill, because it's a slap in the face for the Democratic process in the House, and it can happen to anyone of y'all, when the Speaker doesn't like the way the vote goes down in your Committee, he could -- he could cancel the vote and put it in a Committee that he could have influence over, Rules or Ways and Means. Vote no. Vote no because this is bad for Democracy, vote no because this is not good for the tenants. Let's make them do a bill that we can age in three days and come back and vote on a bill that will protect tenants from being evicted after four months. Let's vote on a bill that won't allow the landlords to raise the rent. Let's vote on a bill that will be in the AMI of those who are most needed, 40 to 60 percent of the AMI, and those who are at 80 percent, we can

leave 10 to 20 percent of the bill for that.

This is not a tenant bill, which is why you'll hear some of your colleagues voting for it, because it's going to protect and benefit landlords. I am so disappointed. I don't mind not winning a bill, I don't mind not having all the votes all the time, but to do it like this? And I'm sick and tired of us getting to budget time and passing budgets, and the Speaker comes back and tells us, *Well, that's all we can get. If we don't pass it, they're going to shut down the government.* If we don't pass it, all of these horrible things, the fear tactics, and we wind up voting for a budget that cuts Medicaid by \$2.5 billion, voting for a budget that cuts \$300-, \$400 million from the hospitals during a pandemic. This oh hypocritical Governor with his two partners, the Head of the Assembly and the Head of the Senate, it's hypocrisy for them to have a budget like that then come back to you and convince you that this is the best you can get.

They have a line, *It ain't perfect* - you shouldn't even mention perfect in the same breath as some of these bills in budget - and then all you can get is, *A step in the right direction.* This bill is a step backwards, because they're not going to improve upon it. They said we're getting the Federal money, and, *Oh, we'll take care of it when the Federal money comes in.* You can take care of the tenants right now until it comes in, if it comes in.

So, I am livid today, not because this bill is going to pass and it's not going to be good for tenants; the process. How dare you, Speaker! How dare you deny us our voice in the Committee

meeting because you didn't convince people to vote the way you wanted us to vote. We're grown men and women. We don't represent you, we represent our people. We represent our people.

So, you go ahead and pass this bill with the way this process went down. You will be next. It's our day now, we're having our time now, you will be next if you allow this to go down. And don't let them tell you any nonsensical foolish reason why this happened. If you believed that, since I live in Brooklyn, I'm going to sell you the Brooklyn Bridge, because you'd be foolish enough to buy that from me if you believe what's going to be justified for doing what they did.

Of course I'm voting no. I want to encourage all my colleagues in the name of Democracy and the name for our tenants to vote no on this. Read the bill yourself. Read the bill yourself and see if we didn't have an opportunity to protect tenants four ways: One, it should be \$500 million to \$1 billion; two, no eviction clause; three, don't raise the rent; four, let them only pay 30 percent of their salary, not 40, 50, they could go up to that whatever it was prior to the coronavirus pandemic, and then let the AMI come down. Let's do that for our people. And then whatever comes in from the Feds, we add on that and do better.

This is a disgrace to Democracy. Our two Leaders in these Houses, shame on you. You need to stand up to this Governor and stop kowtowing him and using all of your influence on us to get us to do - or get y'all to do, because I'm not doing it - get y'all to do

what the Governor originally wanted to do, \$39 million out of \$5 billion, and then you compromise with \$100 million. This is a shame, a disgrace. I vote no.

ACTING SPEAKER AUBRY: Mr. --

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, thank you so much. And I really do appreciate the passion of my colleagues. I understand their disappointment and not seeing the legislation that he would like to see or that they would like to see, but I'm just going to ask if we could maintain our conversation -- our conversation on the bills specifically as opposed to one person or something outside of the bill. If we can keep it germane to the bill. We just had a huge vote on some issues that were not germane, so we can't in our comments then start bringing up things that don't necessarily apply to the content of the legislation.

Thank you.

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

Mr. Epstein.

MR. EPSTEIN: Will the sponsor yield?

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

MR. CYMBROWITZ: Yes. Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. EPSTEIN: I appreciate that. Mr. Cymbrowitz,

could you just lay out to me, a family making \$50,000 a year, rent \$1,500, what the benefit could be to them going forward assuming their income's cut by 30 percent?

MR. CYMBROWITZ: It depends how much they were make -- how much they were paying towards their rent, what percentage. If they were paying over 30 percent of their rent, this bill would help bring -- bring them back down to that percent -- percentage. For example, if they were being -- if they were paying 35 percent and after they lost their income they were now going to be paying, for argument's sake, say, 45 percent of their income, this -- this bill would help them and bring them back down to approximately the 35 percent.

MR. EPSTEIN: So a family making \$50,000 and \$1,500 a month rent is basically paying 35 percent of their income. They lose a third of that so they're only making \$30,000 going forward. What's the -- so you're saying the benefit to them will just be \$500 a month for three months?

MR. CYMBROWITZ: Well, that time period it brings them back down to the point where they were paying 35 percent of their income.

MR. EPSTEIN: Right. So assuming at \$1,500 rent at \$50,000, if they were to get reduced by -- you know, to \$35,000 because they lost wages, the difference between that is basically that amount allows them to get, you know, let's say, close to about \$500 a month. That's what would -- that's what this bill offers to them?

MR. CYMBROWITZ: For the four -- for the four months that this bill is being used. It would be from April through the end of July to help them pay the rent.

MR. EPSTEIN: Right. So that's basically \$500 a month. And for the family that is, let's say they're paying -- they're lucky and they're not paying less than 30 percent of their income towards their rent, they're paying 29 percent. So a family making \$40,000 a year and rent's, you know, \$1,000, if they are further rent burdened they -- they are not eligible for this?

MR. CYMBROWITZ: If they were paying -- if -- if they were paying less than 30 percent of their -- of their income, this does not help them.

MR. EPSTEIN: Even though right now they're really rent burdened, they could have zero income now. We're still not providing any support for them?

MR. CYMBROWITZ: We would provide support to bring them back down towards the 29 percent (unintelligible).

MR. EPSTEIN: So someone at 29 percent could be eligible?

MR. CYMBROWITZ: If they are now paying 40 percent of their income because of loss of wages, they would be brought down. They would be -- they would be calculated back to the -- well, the fact that they're now making -- that they're now making less than 29 percent is what your example is. They would have to -- they would have to be spending more than 30 percent before and after.

MR. EPSTEIN: So for those families --

MR. CYMBROWITZ: They would not be eligible.

MR. EPSTEIN: Right. So they would not be eligible. So a family who had an income, they lost their entire income, they're not eligible for assistance and they are now extremely rent burdened, this -- they would not be covered by this.

MR. CYMBROWITZ: If they were paying less than -- less than the 30 percent of their income before, they would not be eligible.

MR. EPSTEIN: And so if a landlord refused to take this revenue, is there anything in this legislation that would require them to take this money?

MR. CYMBROWITZ: There's nothing that would force them to take it, no.

MR. EPSTEIN: Thank you. And is there anything in this legislation that would prohibit a landlord from taking this money and then bringing a holdover proceeding or an eviction proceeding right after receiving this money?

MR. CYMBROWITZ: This is the partial payment made on behalf of the tenant to the landlord. It doesn't guarantee payment of all the rent to the landlord, or is it a negotiated settlement where all the parties have agreed to certain concessions. But, no, there is nothing in the bill that would stop that.

MR. EPSTEIN: Thank you.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. EPSTEIN: Thank you. So, I -- I understand the intent of the sponsor of this bill and I appreciate trying to do something. But an opportunity to have \$100 million spread across this State, we could do so much more for the tenants of New York. We could do so much more. Thinking about people who are rent-burdened. I'm not sure it matters if they were rent-burdened before the crisis. The question is today are they rent-burdened? The question is how are we assisting the most vulnerable people who have lost all income? There are many New Yorkers who have no access to unemployment benefits for a variety of reasons. Many New Yorkers who have lost so much income. Many New Yorkers who are struggling every single day who are rent-burdened, who are struggling. And we're telling them if they weren't rent-burdened before, we're not going to assist them. Or we're telling them, *Even if you were rent-burdened before, we're only going to help you to remain rent-burdened. So you're paying 80 percent of your income towards rent and just struggling.* Or we're going to say to you, *Well, now if you're paying 90 percent we're going to help you with the 10,* instead of saying, *We will help you get out of this crisis we are in.* There's no right to stay for people who are unregulated. Those tenants who are struggling in unregulated units, which are millions across our State. We are not saying, *Hey, landlord, take this money but protect those tenants. Keep them in their home for six months or a year.* We want to stabilize people. This is a crisis. COVID-19's a crisis, and that's --

we -- we did an eviction moratorium. That's why the Governor extended it to August. But now we're saying, *Well, if you take the money, you can now go ahead and evict those families and then put them on the street and put them at greater risk.* Why not do more? Why not help these families? Why not look at deeper affordability, as we just heard from Assemblymember Barron? There are people who had 40 percent of AMI, 60 percent of AMI. And 80 percent. We don't want -- we want this to go to all New Yorkers. All New Yorkers who are struggling. There's an opportunity here to do more. There's an opportunity to help people more. There's an opportunity to make a difference in New York State. I don't believe this bill does that. I just don't believe this is the opportunity.

And I also want to just follow up on the issue of the Housing Committee. I appreciate that when we have a process in place under the rules. But we had a structure that we put into place and it included a committee. Now I understand the rules that allowed to circumvent the Housing Committee and go straight to Ways and Means. But I'm concerned about the precedent. I'm concerned about what that means for our Chamber. I'm concerned what it means for the People's House to not openly have a conversation for people who are committed to housing in a committee to discuss these issues.

This is a bill that can have impact for so many people. If this bill was structured differently, could we say to people, You know what? We're going to make a deal. *We're going to cancel some of the rent and do what's called, you know -- you know, you*

were allowed to cancel rent, as long as we ensure that we supplement that somehow. So we could cancel the rent and say, You know what? 25 percent of this responsibility is to the landlord, 25 of the responsibility is to the tenant, and rest the government will cover.

That's called just compensation. That's what canceled rent does. We could take this \$100 million and help tenants all over our City and State who are at risk of eviction. I hope we consider not doing this bill. I hope those -- that before voting on this people vote -- oppose -- oppose this bill. And I hope we consider a plan that will help the tens of thousands of New Yorkers, the two million who are unemployed who are struggling every day. The food insecurity I see in my district. Giving out people PPE and food. People are struggling. They need more help, and I don't believe this bill does it.

Thank you.

ACTING SPEAKER AUBRY: Ms. Niou.

Again, members, please stay on the subject matter of the bill. Thank you.

MS. NIOU: Thank you, Mr. Speaker. It is on the subject of the bill that we did circumvent a process for the bill, and therefore, did not actually exercise Democracy in my opinion. But somehow, you know, this bill is now on the floor and so we are talking about voting for a bill that is not properly vetted by the Housing Committee itself. And I think that one of the things that really does show is that, you know, we are pass -- we're looking at a bill right now that is going to be maintaining the rent burden on folks

and also will arbitrarily exclude people. And I think that it's really important that we talk about it, right? Because the relief that this bill is going to provide is going to be too little. And we know that there is a -- there is an amount that we've talked about that will help people all across New York State. And of course we know the need is gigantic. It's actually going to be around the \$10 billion mark, right, to really be able to make sure that we are actually helping everyone. But this is not even, like, 1 percent. This is 1 percent of that \$10 billion mark. And -- and even with the initial funding I think that we should be at least doing \$500 million minimum in the initial funding because of how large the need is. And I will say this: I -- I -- I think that one of the things about this bill that is very concerning to me is the fact that, you know, this -- we've seen throughout our process and we've seen throughout our systems for PPPs, for other different allocations of monies that -- you know, big corporations, the big landlords and big companies are -- are sucking up a lot of the funds without actually having the need. And whereas our small landlords, our small, you know, homeowners are actually the ones who are suffering the most and yet they're going to be the ones who are not going to be given these funds, and I think that they're going to have a harder time accessing it. And I think that that's something that I'm really concerned about, especially since my district does represent Lower Manhattan where 85 percent of my constituents are renters and the -- the -- the tenements are there, the original tenements, and a lot of the housing there is owned by small landlords. And then there's, like,

these giant complexes owned by the same landlords that I think are also causing a lot of the abuses of certain programs. Right now I think that, you know, the State is really making certain decisions that are going to be harmful to folks, because the fact of the matter is we should be raising revenue in order to cover a lot of the things that we are needing right now.

I believe that this is a cruel bill because it requires the people who are already rent-burdened and have lost income to continue their high rent burdens in order to access this program. And it's not -- I don't think that it's -- it's fair. And I believe that it's poorly designed because I think that if we're waiting for the Federal -- Federal government to come back and fund this program, we have made an even larger mistake. I think that it's going to funnel money directly into the real estate industry with very little protections and -- and strings attached to make sure that tenants are protected. It condones and encourages certain kinds of behavior by landlords, and also, it makes it so that the folks who need it the most, our smaller landlords, our family-owned housing, is not going to get the things that they need. We need a program that is truly universal for renters, and I think that the means testing is -- and the burden of proof of, like, the -- the -- of their income, et cetera, is all on the renters. And -- and -- and as other speakers have said, the -- the world has completely changed, has been turned on its head. Everything is different now. And folks who could've paid rent yesterday could not pay rent today. And it is, you know, apparent with the 2 million new people who have

just filed for unemployment. And so we know that we need to make a change, and we need to look at infrastructure, and we need to invest in us, as people. We need to invest in our people in New York and we need to invest in our infrastructure. And our housing -- our housing problem is -- is so large and so huge in New York that this is an issue before COVID, and now COVID has just shined a light on all of the things that are wrong with what we've been doing, and we're just continuing to do it with this bill. We are literally making it worse for our tenants, and we are not doing things that are protecting the folks who need it the most. This bill does nothing for our homeless population, our friends who are living on the streets right now, and -- and folks who desperately need access to permanent housing. This does nothing to make sure that -- that -- that the burden is not entirely on tenants to pay the full amount, and it does nothing to help to alleviate the rent burden later when things might not have changed much for other folks. And I think that -- you know, I think that it's really, really important that we take into consideration all of these things. And also take into consideration the fact that, you know, we -- we really are supposed to be able to make sure that we are vetting a lot of these issues within our committee. And so I hope that we can take it back a notch and be able to make sure that we have a bill that works for everyone.

Thank you so much, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 58. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mr. Cymbrowitz to explain his vote.

MR. CYMBROWITZ: Thank you, Mr. Speaker.

This is the beginning of our work to support New York's tenants and landlords in response to the devastating effects of the COVID-19 pandemic. There's still much more that needs to be done, and a continuing need for leadership and assistance from our counterparts in Washington is essential. We can only work with what we're given, but we will fight for more. This legislation will start the flow of the -- of the limited resources already available to the State until we can secure the funding necessary for a truly comprehensive program. One that ensures that landlords get paid and tenants can stay in their homes. I will continue to work with my colleagues to establish the Coronavirus Emergency Rental Assistance Program, what we call CERAP, to establish a program that can meet that challenge.

Thank you, Mr. Speaker, for your persistence and leadership in providing immediate relief to New York State's renters. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Cymbrowitz in the affirmative.

Ms. Rosenthal.

MS. ROSENTHAL: Hi. To explain my vote. In addition to being a public health emergency of unprecedented proportions, COVID-19 has also been financially devastating to so many families. Millions have lost their jobs and many are still waiting to receive unemployment benefits. Every single day I hear from constituents who are terrified about their future and how they're going to pay rent. Today I got an e-mail from a person who lives in an apartment with rodents and no hot water. He lost his job and he will probably not be able to gain that position back. He applied for unemployment but still hasn't received it. He can't afford the -- his rent. He asked the landlord could he break his lease. The landlord refused unless he could find a new tenant, so he will probably be homeless. This bill would not help him. This bill bails out landlords and does not guarantee that they cannot evict their tenants. The City has something called a "one-shot deal" where if a tenant falls behind and is going to be evicted, the City will pay the rent only if the tenant demonstrates they can pay it in the future. This doesn't have any protections, and the City doesn't throw good money after bad if the tenant will still be evicted. I understand we want to help tenants, and I hope we will in the future with more money. But this bill only helps landlords, and does not guarantee tenants any right to stay. It's also way too high AMI. Housing is a right; being a real estate developer is not. And I can't vote for a bill that bails out landlords without, at the very least, a guarantee that tenants cannot be evicted.

So I vote in the negative. Thank you.

ACTING SPEAKER AUBRY: Ms. Rosenthal in the negative.

Ms. Glick.

MS. GLICK: Mr. Speaker, to explain my vote. I have seen many rent subsidy proposals over the years. I chaired Social Services at one time. None of them, none of them, have been ideal, and all of them have been about balancing the desire to provide a rent subsidy which, by its nature and definition, goes to the landlord. We have all seen large numbers of people coming to us, worried about getting their unemployment and worrying about paying rent. And this is far from ideal. AMIs have always been too high, particularly in New York City. It needs to be more specified for individual areas, and not rope in lower-income areas with higher-income areas. But with all of that being said, this is about trying to continue to stabilize some circumstances for some people. A rent subsidy is not money to the tenant. Never has been. It is always money that goes to the landlord. But we also need property taxes paid, water and sewer taxes paid. So this isn't great, but I'm going to support a bill that provides a rent subsidy, however flawed it may be. Yeah, I'd like it to include, *You better give the money back if you evict somebody*. That would be better. But I don't know any rent subsidy program that has included that.

So with those concerns existing, I still will vote in favor of the bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Glick in the

affirmative.

Mr. Mosley.

MR. MOSLEY: Thank you, Mr. Speaker. You know, I was looking at the calendar, and today -- this week would have been the next-to-last week we would be here in Albany. But I would be remiss not to say that given the state of emergency that we're in, that we'll probably be here intermittently throughout the rest of the calendar year. Now, I was talking to one of my colleagues this morning, and there's a disturbing pattern that we're seeing here. A disturbing pattern where many of us who are advocates for one issue and fervent about it are not as fervent when it comes to other issues that impact those same individuals. So whether we're talking about Campaign for Fiscal Equity and being -- and making good on that, or talking about standing up to the special interests when it talks about rolling back on bail reform. And likewise, what we're talking about here with regards to housing and housing justice and bringing tenants back in the fold. Clearly, I have my reservations about the process. This, I -- I thought it should have been heard in the Housing Committee. But at the same time I understand that this bill is better than no bill, and that the bigger and larger scope of all of this is that we are going to be coming back. We know we have to come back in lieu of what happens with the HEROES Act. We know we have to come back in lieu of what we're going to be doing in addition to this particular bill. So I have my reservations about the process. Almost like watching how sausages are made. It was ugly. But I know that in

the end, we'll have to do better with a far better package to protect tenants, stabilize tenants, reduce their anxiety in an effort for them and their families to move forward.

So I reluctantly vote in the affirmative, understanding that going forward we have to do better by our tenants, without question. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Mosley in the affirmative. Thank you, sir.

Ms. Simotas.

MS. SIMOTAS: Rent is due again. Thank you, Mr. Speaker, for allowing me to explain my vote. Rent is due again in four days, and countless New Yorkers are still waiting for relief. I cannot vote for this bill because it will leave too many people behind. One hundred million dollars for a means-tested voucher system is not nearly enough to help all the renters who are suffering in this crisis. Every day I have constituents who are calling my office who are telling me that they are out of work and they're waiting for unemployment. Some of them have been waiting for months. Other workers are ineligible for unemployment because they work for the informal economy. How can we expect them to pay months of back rent, rent they'll owe when the eviction moratorium ends? You know, when my family immigrated to New York, my parents were fortunate to find a rent-stabilized apartment where they could raise me and my brother. It was the only reason they were able to achieve upward mobility, and I know all too well the story would have been vastly

different today. Thanks to skyrocketing rent in the community, many families were already struggling to get by before this pandemic. Now, with the unprecedented economic disruption we're experiencing, many are at serious risk of losing their homes if we don't provide meaningful relief. They need to be our first priority, and we should be protecting vulnerable tenants before bailing out landlords. If we don't take action now, we'll have an even greater homelessness crisis when this state of emergency ends.

I vote no, and I encourage my colleagues to -- to do the same and to continue working until we actually are able to provide meaningful relief for tenants. Thank you.

ACTING SPEAKER AUBRY: Ms. Simotas in the negative.

Mr. Perry.

(Pause)

Mr. Kim.

MR. KIM: Thank you, Mr. Speaker, for allowing me to explain my vote. During COVID-19 and post-COVID, we are as strong as the most vulnerable. No matter how you slice it, this \$100 million is a gift for the landlords. What's even worse is that it's disguised as a rent support program. How can we possibly think it's okay to bail out landlords and neglect the tenants, the poor, the immigrants. You know, I was just out in Flushing this week at a PPE giveaway thing. And even though I had a mask, I had -- I had my jacket on with my Assembly logo and name. And within 30 minutes

there was a line of people just begging to talk to me. And -- and they're unemployed, just looking for any kind of support. And the number one issue we continue to get is, *What the hell am I going to do about my rent?* It was -- I just got a text from a friend. Thank you. Thank you, colleague, for interrupting my speech with that text. Again, we are as strong as the most vulnerable during this time. And we know investing money into our people is the moral thing to do. It's also the economic thing to do. If we think that by injecting \$100 million to landlords that's going to spur the economy, that's the best return on that money, it's not. Giving the \$100 million directly to our people is how you spur the economy, because we know that that money will be spent locally. That money will be flowing locally. It's going to recirculate locally. And the fact that, you know, we can't wrap our head around why, it's still -- it's not just the moral thing to do, it's the economic thing to do, is very troubling.

And lastly, this is a subsidy program with no accountability and any kind of clawbacks. So again, it's not a -- a subsidy. This is a gift for the landlords. So with that, I can't in good consciousness support this bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Kim in the negative.

Ms. Niou.

MS. NIOU: Thank you, Mr. Speaker, for allowing me to speak shortly again. I just wanted to say, again, that this is -- this is a -- this is a package that -- that wasn't really deliberated. And I

do think that it's really important that we actually have the ability to help as many people as we can. And so as other speakers have said already, we really need to make sure that we are helping the renters. And I know that -- I understand that there is a domino effect. I understand that landlords also need help. And I understand that, you know, we're seeing this -- this trickle -- trickle effect of, like, all of these different things falling to pieces right now in this COVID world. And I just wanted to say that, you know, everybody needs help, and I think that this bill is not the bill that actually provides that.

So, thank you so much and I am voting in the negative.

ACTING SPEAKER AUBRY: Ms. Niou in the negative.

Ms. Simon.

MS. SIMON: Thank you, Mr. Speaker, to explain my vote. I want to say that I agree with many of my colleagues about the shortcomings of this bill. It, indeed, does not provide the relief that so many people need, and so many more people now need relief than ever before. But it is some relief to those people for whom it can help. And for the people it can help, it will make a meaningful difference in their lives. A little bit of rent help can go a long way to somebody who desperately needs that help. It's not -- it's a stop gap. We will be back, and we will be back and able to do more to protect more people. In the meantime, this is something we can do now. It will be an immediate benefit for a group of people who desperately

need it, and I want to be there to say yes. I want to help the people I can help when I can help them, and I will continue to work very hard with all of my colleagues to ensure that we are able to help people in a better, more productive, more comprehensive way once we have the funding and the mechanisms that we can create to do that.

So I will be voting in the affirmative, but I do want to -- to -- to speak in solidarity with so many of my colleagues. This is not anybody's dream bill, but it is a bill that will really make a difference. Thank you.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Mr. Carroll.

MR. CARROLL: Thank you, Mr. Speaker. I rise to speak today because this bill, though far from perfect, will bring some relief to tenants around New York State. But with that being said, this Legislature and Governor need and can do so much more. And though I know we're waiting from Manna from Heaven, from Washington, D.C., and I don't believe that Manna is going to come any time soon. This will provide a little bit of relief for the few tenants that will actually be able to take advantage of this program, or landlords of those tenants will be able to take advantage of this program, and I will vote in the affirmative. That being said, we need to come back soon to make sure that we make our whole New York family whole. And that's got to include our tenants, our homeowners, our small businesses. Because there is so much more to do. And we

can't just keep waiting for the President and the Senate -- the U.S. Senate Majority Leader to do the right thing, because they haven't done the right thing in four years and I don't think they're going to start doing the right thing. And New York needs to help itself. And this Legislature and this Governor, we can do that. These last two days we've done a little bit of help, but we can do so, so much more.

And so I'll vote in the affirmative today because I don't want -- I want to stop the hurt for the few that this will help. But we need and we must come back, because I will not continue to just do partial help any longer. So I will vote in the affirmative, and I hope my other colleagues do the same and I hope we're back here very, very soon to do much, much more. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Carroll in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to explain my vote. We have said this on more than one occasion since we've been back over the last couple of days, that we are in extraordinarily trying times and there are so many people who need so much. And I don't think that we could get to everybody what they need by the end of the year. I think it's going to take some time for us to get everything done that we need to do. Now, I will just be honest. I think that this bill actually will help a lot of people with their rent. Now, it may not help the exact same people that some of the -- my colleagues are talking about, but there are other

New Yorkers in the State who need help and need support. I think they will get it. I believe they will get it. I know that it will make a difference to -- just like New York is hurting, so are local governments. Not just county governments, local governments, village governments, town governments. This is the way they collect resources, just like the way we collect resources, through taxes. And when tenants can pay rent, landlords can pay property tax. So there is a cycle that goes on here that's, if you will, a cycle of life that this belongs to every New Yorker. So I -- I empathize. In fact, my heart is breaking for -- because I hear the pain in people's voices when they're talking about this not being enough, because I know it's not enough. It's -- it's not enough. But it is what we have today, and I believe with all of my heart that we're going to get the rest done that we need to do.

Now, I keep hearing this -- this thought about waiting on the Federal government. Five hundred billion is a lot of money that's spent that we already got for COVID issues. That's a lot of money. But there are a lot of things that need to happen with those dollars as well. That's not to take anything away from a tenant who needs to pay rent, or anything away from anyone else. But that is to say that there's a lot of people who have a lot of needs, and I trust and believe that we're going to get them done.

So, Mr. Speaker, I'm going to vote in favor of this bill. And I'm just going to ask my colleagues to do one thing as they explain their vote and as they take their right to vote no if they choose to: Speak to the bill, not the process. Because sometimes we don't

like the process, but that doesn't -- what we're talking about here and approving here is a bill, not the process. The process is not going to change. There's still going to be a Speaker. There's still going to be those committees.

So, Mr. Speaker, I'm going to be voting in the affirmative and I'm going to encourage everyone to do likewise.

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

Ms. Griffin.

MS. GRIFFIN: Okay. Thank you, Mr. Speaker, for permitting me to explain my vote. I commend the sponsor of the -- of this bill because it is a great start at addressing the rent burden by providing a level of relief to some New York State tenants. This bill makes the tenants and landlords who qualify whole, which will have a positive impact on municipalities. We have a funding source from the Federal CARES Act, so there is no burden to the New York State taxpayer.

In the future I would like to see us expand this program to help more people in fiscal distress, but for now it's a great start and I vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Griffin in the affirmative.

Ms. Bichotte.

MS. BICHOTTE: Thank you, Mr. Speaker, for allowing me to explain my vote. This bill will provide vouchers to

landlords on behalf of tenants who lost income as a result of the pandemic. It is -- to qualify, tenants must earn below 80 percent of the AMI, while paying more than 30 percent of that income in rent prior to March 7th. The bill would provide assistance between April 1 through July 31st, and would be funded by \$100 million allocated to the State from the Federal CARES Act.

Now, Mr. Speaker, many of my colleagues believe this legislation does not go far, and I agree. The number of New Yorkers who can't pay rent is going up and it will only continue to rise. However, Mr. Speaker, more than one in five New Yorkers will lose -- will lose their jobs by the end of June. Nearly 40 percent of New Yorkers have said they won't be able to make rent next month. And more than a quarter of them did not pay rent last month. This bill does not provide enough money. We all know that. And it doesn't cover enough people. We all know that, too. But it is a step towards providing relief to some people in the immediate term. And when we think about this, we can either do nothing or do something. We have debated over a number of relief bills. Mortgage forbearance. People had issues with that. Eviction moratorium. People had issue with that. People are going to have issue with everything. At the end of the day we all need help.

And lastly, I want to say the sponsor of bill in the Assembly and the Senate are tenant advocate members. They would not have sponsored a bill that would be solely bailing out landlords and not helping tenants. We all need help. This is -- this money is not

a loan. This -- the tenant will not have to pay back. And you could think of it as like Section 8, kind of. We need to help everyone. And I agree, we need to go further.

So at this point I will be voting in the affirmative, hoping that we will have other bills to go further to help more New Yorkers. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you. Ms. Bichotte in the affirmative.

Ms. De La Rosa.

MS. DE LA ROSA: Thank you, Mr. Speaker, for the opportunity to explain my vote. The (unintelligible) displacement has been real in many of our communities before the pandemic hit. But now that the pandemic is here, that (unintelligible) displacement means that an eviction becomes -- homelessness becomes death because of COVID-19. While this bill attempts to bring some relief, I believe that it's inadequate. I believe that \$100 million split in the way that this bill does leaves out undocumented and other nontraditional employees like gig workers who do not have the ability to access any other types of financial relief. This bill only puts a bandage on the rent burden problem. When we say that this bill maintains the rent burden, a burden means that something is heavy and it weighs down our people. And so because it is a burden on them, we must do more in order to make sure that they are able to survive and thrive in this time of crisis.

I also believe that the issues that have existed around

AMI are not appropriately addressed in this bill. And while I look forward to coming back into Session to address a bill that will take into consideration the plight of those who are homeless on our streets right now and those who will become homeless, I also know that we must continue to push the Federal government. But we have the authority and the responsibility to act on behalf of the constituents who have sent us to Albany. I also look forward to putting forward a package that also takes account commercial rents for small businesses, and we also believe that more must be done to make sure that there is equity in the way that these formulas are calculated, the way that the legislation has been drafted, and the way that the relief will continue to come into our communities.

I vote no on this bill.

ACTING SPEAKER AUBRY: Ms. De La Rosa in the negative.

Ms. Richardson.

MS. RICHARDSON: Mr. Speaker, I thank you for acknowledging me. I come to you live from the 43rd Assembly District, Ground Zero for COVID-19 right now, whereas two of the top ten zip codes directly impact the constituency that I represent and live amongst. And as we are now here talking about this housing bill, Mr. Speaker, I have been in turmoil for the last few weeks as we have gone through the process of trying to negotiate the different points of this bill. Now, I've heard many of my colleagues speak today, and I want to put it on the record to all my colleagues who know me and the

people in the community who know me, whom my reputation speaks louder than my voice that I've always been to the forefront of the tenant movement. Everyone knows the work that we put in last year and in '15 before some people even spoke today was elected. And, Mr. Speaker, I have to stand firmly for this bill today. Because in the middle of a pandemic while we are -- while everybody has been rocked, you can't tell me that aid to some because we didn't get to all is not good enough. Mr. Speaker, I want to say on the record that this bill is just a first step in several steps that we have to take, because there's different classifications of renters. There's different classifications of what homeownership looks like, whether you're a renter, whether you're a homeowner or even a small business owner. Because as the Majority Leader said it today, this is a domino effect. And so I have communicated to the tenants' movement, and I hope that they're listening here loud and clear. Cancel rent with a failing campaign. You can't just say that when rent is a domino effect of so many things, so many other things.

And so I'll be very fast, Mr. Speaker, because I heard the buzzer going. While millions not -- may not be assisted, thousands will. And I'm committed to coming back, whether it is in 30 days, 60 days, 90 days or 180 days. Whatever it takes to get it done. We've always been committed as the People's House, and I know we remain there. I vote in the affirmative. I'm done.

ACTING SPEAKER AUBRY: Thank you, Ms. Richardson. We appreciate it.

Mr. Taylor.

MR. TAYLOR: Mr. Speaker, thank you. Good afternoon, colleagues. Thank you. A lot has been said, except for I haven't said it. I don't believe that this is the legislation that -- this bill that -- it has everything that I want. It's not the perfect. So while it's not, I want -- let me -- for the record, I will be voting in the affirmative for this bill, but I think there's more that needs to be done and I think everybody on both sides of the aisle know that we need to have relief across the board. I got HDFCs, I've got Mitchell-Lama. There are a lot of folks -- I just want to echo some of my colleagues. We need to do this. It's not everything, but it's a start. And I trust that we will complete what we started by making sure that we meet the needs of everyone, and this is just the start.

So, thank you, Mr. Speaker, for allowing me to speak.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Reyes.

MS. REYES: Thank you, Mr. Speaker. I briefly want to explain my vote. And I think I want to also echo the sentiments of many of my colleagues. I -- I -- as a member of the Housing Committee, I'm very disappointed in the process today. And I believe that there was so much more that could have been done. I represent people who are not just rent-burdened, but who are mortgage-burdened and who are maintenance-burdened. And not everybody who holds a mortgage is a landlord. And unfortunately,

huge swaps of our community will not be affected or benefit from this -- from this bill. And, yes, we should be doing all we can. But I believe that we could be doing more, and unfortunately, this bill is not it.

So I will have to be voting -- vote in the negative.

Thank you.

ACTING SPEAKER AUBRY: Ms. Reyes in the negative.

Ms. Davila.

MS. DAVILA: Thank you, Mr. Speaker, for allowing me to explain my vote. Firstly, I agree with all of my colleagues. I do believe that \$100 million is not enough. I don't think there's an amount of money enough at this point to deal with this pandemic, but nevertheless, we are. This \$100 million may not be enough, but at least it's something. And let me remind people about something. In 1977 in my district when the landlords got desperate because there was a blackout, we lost over 600 buildings, 600 buildings due to fires. Now, you know that could not have been a mistake. Why? Because landlords were not getting their rent. No, we are not doing enough. We're absolutely right. And we -- and I am hoping and looking forward to coming back, working with my colleagues to be able to do more than what we're doing right now. And believe me, I'm not happy with what is happening right now. But it's -- it's the only thing we have at the moment. And as legislators, we must insist and come back and fight the real fight. This \$100 million

is temporary, because that's what we're going to make it. We have to stick together, and we have to fight for more money and more relief for -- for all those tenants. But I would be remiss if I wouldn't mention all of those organizations that are not-for-profits that do run affordable housing. Thousands and thousands of units. Those people also have lost their jobs. Those people are also suffering. This whole City is suffering, and this is why I vote in the affirmative.

ACTING SPEAKER PICHARDO: Ms. Davila in the affirmative.

Mr. Ortiz.

(Pause)

Mr. Ortiz?

MR. ORTIZ: Can you hear me now?

ACTING SPEAKER PICHARDO: Yes, we can.

MR. ORTIZ: Can you hear me now?

ACTING SPEAKER PICHARDO: Yes.

MR. ORTIZ: Mr. Speaker, thank you for allowing me to explain my vote. We didn't ask -- we didn't ask-- we didn't ask for the pandemic, the pandemic came to us. This is a different time. This is very -- a lot of uncertainties happening. But we must continue to put pressure to the Federal government to make sure that we will be able to get the financial resources that we need to continue to have our State moving forward. What we are doing here today is to ensure that we will be able to -- to protect some of the tenants, some of the tenants that need the -- the financial resources in order for them to

continue to move forward.

Mr. Speaker, I leave you with this, and I quote:
"Don't let the perfect be the enemy of the good." And I close quote
and I'm voting in the affirmative.

ACTING SPEAKER PICHARDO: Mr. Ortiz in the
affirmative.

Mr. Colton to explain his vote.

MR. COLTON: Thank you, Mr. Speaker, for giving
me this opportunity to explain my vote. I want to say first of all that,
clearly, this bill does not solve the crisis which exists both for tenants
and small homeowners. The real solution to that critical crisis which
may result in numerous evictions and homelessness as well as loss of
-- foreclosures which will become a result of the lack of the ability to
pay mortgages and taxes, that real solution has to be found. And in
order to do that, we have to take a first step. This first step is far short
of solving the problem, but it is a first step, and therefore, I will vote
in the affirmative for this bill because it is a first step. But we must
come back. We must find a solution that will solve the needs of our
tenants, our small homeowners and so many people who are affected
by this pandemic. And we must do that, and we must find one that
basically helps people to survive in a very serious situation.

So, Mr. Speaker, I do vote in the affirmative on this
bill.

ACTING SPEAKER PICHARDO: Mr. Colton in the
affirmative.

Mr. Epstein to explain his vote.

MR. EPSTEIN: Thank you, Mr. Speaker. I rise to explain my vote. The Constitution says you can't do a taking without just compensation. Just compensation doesn't mean full compensation, it means just compensation. So the question we have here during this global pandemic is we're telling people they need to tighten their belt. Everyone needs to tighten their belt. This bill doesn't tighten the landlords' belt at all. All we're saying to the tenants is, *We're going to give you assistance and you're going to have to pay a share, the government is going to pay a share, landlords are going to be kept whole.* I think there's a better way. I know there's a better way. I know we can do more for our tenants, our small businesses and our community. I don't think this bill does it.

I'm voting -- I'm going to be opposed to this bill, and I encourage my colleagues to vote against it as well. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Epstein in the negative.

Mr. Perry.

MR. PERRY: Thank you, Mr. Speaker, for the opportunity to explain my vote. Mr. Speaker, this problem is a huge fire. It's burning down the house and threatening to destroy the whole block. We can either let it burn -- do we let it burn or try and contain it? This bill pours water on the fire, but not enough to extinguish it. This bill provides some help, even though it's inadequate. It throws

some water on the fire to save us for another day. That's why I'm voting yes, because it's better to contain the fire and give us time to come up with our own remedy. I propose we visit that \$16 billion bag of unclaimed funds that sit in some place in Albany. That money we could use to fashion our own response as New Yorkers. And even provide some -- some help for small property owners while we address the big problem of our tenants.

Thank you, Mr. Speaker, for the opportunity to explain my vote. I withdraw my request and I vote yes.

ACTING SPEAKER AUBRY: Mr. Perry in the affirmative.

Mr. Barron.

MR. BARRON: To my colleagues, those of you who said, "At least this is something," those of you who live in black and brown neighborhoods with an income lower than 80 percent, lower than -- you're not getting anything. You're putting our people in danger. At the end of the four months, you must understand they can evict these tenants. Nobody who's broke is going to take most of their salary to pay their fair share of the rent. They're going to be in debt to the landlord after four months, and the landlord can evict them because there's nothing in this bill to stop that. The landlord could even raise their bill. This is not a first step. It's a step backward. It's not pouring water on the fire. You're pouring gasoline on the fire. They're going to be in worse shape afterwards because they can raise the rent, they can evict them. The AMI is too high. And if the

Governor had \$5 billion -- listen, y'all, he had \$5 billion and he offered you \$39 million. What do you think he's going to do if they get \$10 billion in the end of June from the Feds? He offered you \$39 million out of \$5 billion, and only giving you \$100 million for this. This program is it. We always say we can do better. This is it. We should have done it now, and could have. Your tenants are going to be hurt. You'll see. And, you know, I -- I never wanted to be more wrong on an issue than this. But they're going to be hurt. You're kicking the can down the road. They're going to be hurt down the road, even if it seems to be some immediate relief. Stop saying it's all we can get, but it's a little something. It would have been a little something had we done \$500 million and protect them from being evicted, say don't raise the rent and brought the AMI down. That would have been a little something, and that --

ACTING SPEAKER AUBRY: How do you vote, Mr. Barron?

MR. BARRON: In the negative.

ACTING SPEAKER AUBRY: Mr. Barron in the negative.

Ms. Wright.

MS. WRIGHT: Thank you for allowing me to explain my vote. This -- and I also want to say thank you to my colleague for reminding us what happens in communities when there is divestment from the maintenance and care of the buildings. This is just a start. It's one way that we're providing relief to tenants

throughout the State. It's not perfect. It will assist a number of tenants. Many of them are working-class tenants. It will hold some people over until we get additional revenue. It will meet the needs of some. It will support -- so therefore, I will support this and other initiatives that help us to stabilize our communities. It provides some rent relief. It provides a little bit of mortgage relief. And it provides a little bit of tax, sewer and utility relief, because we know a lot of homes will be lost due to those costs. I acknowledge, and this -- this bill acknowledges that we all need help. This is a first step. And while more remains to be done, I know that I must amplify the voice of my colleagues. We will provide the help to some while we remain committed to finding relief for all.

I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Wright in the affirmative.

Mr. Fall.

MR. FALL: Thank you, Mr. Speaker, for your leadership. And thank you to the sponsor for carrying this very important bill. One of the e-mails I receive every single day from constituents is those that are hurting because they lost their jobs as a result of COVID-19. And what we're doing what this bill is we're helping those very people out. You know, while this is not the crème de la crème of -- of rent packages, but this is a step in the right direction and I'm very optimistic that we will come back and we will do more for those that are still in need.

I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Fall in the affirmative.

Mr. Blake.

MR. BLAKE: Thank you, Mr. Speaker and colleagues. First and foremost, I -- I hope that everyone is doing as well as you can. If you are like me and you're a black man in the country right now, you are not doing well. And so my prayers are with each of you. You know, Mr. Speaker, I -- I represent the second-poorest district in New York State according to median income. A district where we've seen so much pain and challenge. Where many of our residents are looking for us to provide policy solutions. And we -- we've been waiting on the Federal government to provide more help, especially when it comes to housing. Especially when it comes to resources for our small businesses and others, and schools. And while this is not the perfect solution, the level of pain I have seen in my community is something I've never seen before. The amount of tears by people that just want some kind of help when it comes to rent relief has been devastating, and -- and we need to go further. We have to go deeper. This cannot be our only bill. But I can't let (unintelligible) in this moment, and when I'm watching -- you all know I've been able to take courageous, difficult stands before. But our people are waiting for something. And I -- and I don't think in this moment when housing is the most critical concern for so many of our communities who are struggling, having no idea how they're going

to make it day to day, we need to do the work here in the Assembly.

So, I will be voting in the affirmative on this bill, recognizing that there are more changes I want to see happen here. This is a moment for us to do more. And if maybe we could give people some peace in the midst of absolute chaos that is happening in the streets, if we can help you at least have some peace with your home, maybe we should give them that for now. I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Blake in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, in addition to our colleagues who are already on the board as a no, we would like to add Mr. Rodriguez as well.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. In addition to the individuals on the board right now we have Mr. DiPietro and Mr. Ashby who wish to be recorded in the negative.

ACTING SPEAKER AUBRY: So noted.

MS. WALSH: Thank you.

ACTING SPEAKER AUBRY: Thank you both. Are there any other votes? Announce the results. (The Clerk announced the results.)

The bill is passed.

MRS. PEOPLES-STOKES: Mr. Speaker, we're

going to go, continue with our debate list and we're going to go to Rules Report No. 29 by Mr. Stern, followed by Rules Report No. 45 by Mr. Lentol, and then onto page 5, Mr. Speaker, we're going to take up Rules Report No. 50 by Mr. Aubry, and Rules Report No. 54 by Mr. Mosley. In that order, Mr. Speaker.

ACTING SPEAKER AUBRY: Page 5 [sic], Rules Report No. 29, the Clerk will read.

THE CLERK: Assembly No. A10252-A, Rules Report No. 29, Stern, Bichotte, DenDekker, Blake, Colton, Lupardo, Zebrowski, Malliotakis, Seawright, Epstein, Griffin, Ortiz. An act to amend the Real Property Tax Law, in relation to special deferments and installment payments during the COVID-19 state of emergency.

ACTING SPEAKER AUBRY: An explanation is requested. Oh, I'm sorry there is a sub. On a motion by Mr. Stern, the Senate bill is before the House. The Senate bill is advanced.

Mr. Goodell.

An explanation has been requested, Mr. Stern.

MR. STERN: Yes, Mr. Speaker. This amends Article 19-A of the Real Property Tax Law, creating a new Section 1910, COVID-19 State of Emergency Initiative that would provide much needed relief for homeowners and property owners during this very challenging time. It would allow local governments the option of deferring the due date for property taxes. And they have the option to do it in one of two ways: They can pushback the date, the date of their choosing, within an allowable time period. They can also create

an installment plan, also within an allowable time period. That would be at the option of the local governments. And important to note, Mr. Speaker, that this would be an authority granted to the local municipality to opt in within their own discretion based on the facts and circumstances as they are dealing with on their own, in their own locality.

ACTING SPEAKER AUBRY: Mr. Ra.

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

ACTING SPEAKER AUBRY: Sir, will you yield?

MR. STERN: I do.

MR. RA: Thank you, Mr. Stern. Good to see you.

MR. STERN: You too.

MR. RA: Hope you and your whole family are healthy and well. I just had a few questions about this, and I'm sure you're well aware, you know, being in -- in neighboring counties, this has been an issue that I know had started getting talked about on -- on Long Island in March, and I -- and I actually learned a lot about some of the procedures in Suffolk, speaking to some of my colleagues, because we were coming up on our deadline sooner for -- for a tax payment, and then I started to learn about how, you know, different counties have tax acts and all that other stuff. So -- so, I have no doubt that there was a lot of effort required to try to come up with something here that would work, you know, across the board in New York State.

But I do have a few questions, just in terms of -- of how this will work. As you're aware, you know, there will be a municipality that is receiving taxes and then they disperse the tax payments to the -- the other entities, you know, and everything from the school districts, to towns, villages, fire districts, you name it. So, if, you know, one component municipality were to opt in to this, I mean, I guess starting from the higher level to the lower level, how would that work if there were other, you know, you're taking in a tax payment, say, that includes a number of those different smaller municipalities, and maybe one or two have opted in and others haven't; how would that work and how do we deal with making sure the taxpayer understands how that works?

MR. STERN: Well, I think you make the important point at the beginning of your remarks that there -- there can't be a one-size-fits-all here. There might be, you know, various levels of taxing districts in one area that chooses to opt in, while there only might be a few in another part of the State. So, there will be, in certain circumstances, an awful lot of coordination between the various levels of government.

Look, if a level of government, a local municipality chooses to opt in, then they are going to have that ongoing communication with tax receivers at the town level, other taxing jurisdictions maybe at a higher level of government, or a lower level of government, an awful lot of coordination and discussion. And I think it's also going to be very important where, because there needs

to be that coordination between the various levels that, sure, ongoing communication with property taxpayers is going to be critical.

So, if there are levels that opt in, but others don't, that's going to have to be discussed and then communicated to -- to taxpayers, whether they be homeowners or property owners where businesses are being carried on. But, it would really depend on the facts and circumstances of the particular locality.

MR. RA: Okay, but -- so there could be, say, you know, a -- a tax payment due by -- by an individual taxpayer, you know, and if they're going to pay their town receiver of taxes and, you know, maybe part of that, you know, when you get your tax bill and you have that breakdown that shows where the different amounts are going. So, there could be on that same tax bill, though, some entities that have -- have opted in to this and others that have not, correct?

MR. STERN: That's right.

MR. RA: Okay. And one of the issues that I know has come up, then, is how that works kind of in the hierarchy of -- of paying. So, suppose, you know, a county, you know, takes in their money or whoever, or a town, and they have to pay these other governmental entities, is it, I mean, are they able to break it out in that way, just say, okay, the fire district opted in so we just don't pay them, but they paid us the rest so we're going -- we're going to pay out to the school district, we're going to pay out to the county, we're going to pay out to the village.

MR. STERN: That is possible to do. And so, again,

it's the various taxing districts need to come together to -- to work out what procedure is going to work best for them, but that could certainly be done.

MR. RA: Okay. And one of the issues that I know came up early on when we were discussing with, you know, local government entities and really was -- spurred the need for State action. I know some was done by Executive Order; for instance, the -- there was an Executive Order that allowed our county executive to extend a date. And -- and one of the questions that came up initially was that there was, perhaps, an ability to extend the date, but not to waive penalties. So, does this address that and allow penalties, and, you know, anything of that nature to also be waived in addition to forgoing or delaying repayment?

MR. STERN: If a locality chooses to opt in and they push the date out, then it pushes the date out. And so, come the due date, the due date is ultimately the due date. And so, thereafter, penalties and interest would certainly still run, but up until that time during this period where we are relieving some of the pressure on our property tax taxpayers, there would be no penalties, no interest accruing, and that's the key here. And, as you know, you know, in our area not only is the tax bill significant, but the penalties and interest are quite substantial, as well. And, again, that's the -- the important key here.

MR. RA: Okay. And then just in terms of -- now I just want to move on to, you know, so the entity decides, whatever tax

entity decides to opt -- opt in to this. Now, my understanding is they can do -- it can be up to 120 days. Is there -- I mean, is there any minimum timeframe or is it -- can they do anything within that range?

MR. STERN: There is no minimum. The maximum is out to 120 days and, again, that can be just pushed out to a maximum of 120 days, or, or a locality can come up with an installment plan during that time period that might work for them. Maybe it works for them, maybe it doesn't work for others. But that is a maximum, not a minimum. So, a -- a locality might think that 45 days is most appropriate. Another might take it out to 100 days. Some might use the maximum of 120. Again, the purpose here wasn't just to offer the option, but to also make sure that that decision-making authority is in the hands of the local government so that they can base their decision on what's best for them.

MR. RA: Yeah, and I -- I certainly can imagine given that, you know, we already know we have different areas of the State that are on a different schedule with the reopening phases and all of that, so -- so perhaps, you know, some area that's closer to being truly open for business, you know, might want to take advantage of a shorter timeframe whereas, you know, Downstate, you know, where we're -- where we're a few weeks behind, you know, the time period might be a little longer.

You mentioned the installment piece of this. So, I -- the -- the concern that, you know, I have heard with regard to that, in particular, so we -- we talked a few minutes ago about, you know,

what happens if a certain entity within that tax bill says they want to defer, and then it's kind of obvious, okay, they're going to -- they're going to wait to get their money. If they do a, you know, defer all that, or installment at -- at, you know, at the higher level, is there any obligations that are triggered in terms of paying out to the lower municipalities?

MR. STERN: I don't know if there is a -- an obligation to then pay out immediately, but, again, that would be something that would be worked among all of the various levels, which level is taking it in and what kind of process they are going to be able to come up with then to get it back out. And, obviously, the goal here is to take it in as quickly as they can if they choose to opt in, and to get it out to the appropriate level of government as quickly as they can. And I'm sure that that's going to be an important point of conversation to make sure that whatever plan they come up with that is appropriate for that particular locality is going to make sure that there's a plan to take it in and a plan to get it out where it needs to go.

MR. RA: Thank you very much, Mr. Stern.

Mr. Speaker, on the bill.

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

MR. RA: Thank you. Thank you, again, to my -- my colleague, and best to you and your family for continued good health and safety. This really is a very tricky issue. You know, first and foremost, one of the themes we've had here the last two days is -- is how do we provide relief to the people of this State, and we've tried to

endeavor to do that in many different ways, and we -- we all know that, you know, whether it was the previous bill to try to help people with rent payments, we did one yesterday regarding mortgage, you know, we're trying to find ways to assist the people of the State during a very difficult and trying time, and at a time when a lot of people have -- have suffered severe economic loss as a result of all this, in addition to the absolutely devastating loss of life that we've seen in this State. And, you know, it -- it's hard to even put into words what it means to a family when they compound one of those with the other, you know, have a -- have a loved one - or, in many cases, multiple loved ones who they've lost and on top of that, they're -- they're out of work, they're having trouble paying their bills.

So, I -- I think that trying to find ways to help is an important thing. But, we also have to be aware with regard to our local governments, they are having the same troubles that we are at the State level, and I talked about this in one of the earlier bills, with the businesses closed, they're losing sales tax revenue, which is one of the other, you know, major areas they get income in. They're dealing with those same cash flow issues that we're dealing with at the State level. And I know one of the topics of discussion has been, you know, some bonding authority from New York City that may or may not come together, and we need to think about, you know, how we can provide flexibility, not just in this way, but in other ways for our local governments, because that is going to be a real challenge for them is -- is that tax flow issue. We are -- we're experiencing it as a State, we --

we, like the Federal government, put off our income tax, personal income tax filing deadline, which would have been in April, and we put it off into July. Now, that was the -- the right thing to do, to -- to give people, you know, some flexibility so that they can, if -- if they were suffering an economic hardship they could -- they could put off paying those taxes and they could -- they could, you know, not have penalties for coming in late and all of that.

But the result is the State has to deal with short-term cash flow issues. And in the State Budget we authorized the Division of Budget to take care of that by going out with some -- with some short-term bonding. And I think perhaps, you know, we need to continue our conversations with the local governments on how we can best help them, whether what the impacts are going to be of this pandemic in -- in general. You know, it becomes kind of a multi-front issue from them, you know, they're dealing with the declining revenue that comes with this. Many are dealing with, obviously, the higher costs associated with responding to this, you know, in their communities, doing everything that it takes to keep the services that we all count on in our communities going, while trying to keep those workers safe.

And -- and on top of it, they're worried right now about what's going to be next. There's -- there's talk depending on what comes from the Federal government of -- of major cuts to -- to revenue by -- of our municipalities, that State aid that they've counted on for years, and we've, unfortunately, in the past two years,

particularly in the State Budget, passed on costs that were previously borne to the State to our counties. There were the AIM payments for our towns and villages that got passed along to -- to many of our counties last year. There's the new hospital assessment that is going to be passed on to -- to those local governments, \$50 million that's going to be apportioned around -- around the State. You know, you compound that with -- with everything else that's going on in our communities, it really makes it tough for local governments.

So, I hope that we can continue to work with our -- our local governments to find solutions, certainly give them the tools that they need. I think that's one thing that I hope we've all learned through all of this is that we can do a lot of good for the people we represent when we work together. You know, I've -- whether it's -- whether it's, you know, the phone calls and communications knowing that we're -- we're all in this together, we're dealing with the same things. You know, I've had instances where somebody raises an issue where they see you said something in your local press and a colleague calls you up and says, *Hey, we were looking at this, here's what's going on*, and -- and it's incredibly helpful.

But -- but I want to, again, thank the sponsor. I know this is a complex issue to try to deal with in a -- in a state like New York State, but I also do share many of the concerns that have been raised by some of the organizations representing our -- our local governments. And I think going forward, it's that partnership that'll -- that'll help us not just have our local governments pull through this

and be able to provide for their residents, but also, you know, one day in hopefully the near future be able to -- to thrive again with our -- our families, our -- our communities, our -- our small businesses. So, I -- I thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

ACTING SPEAKER AUBRY: Sir, will you yield?

MR. STERN: Sure.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Mr. Stern. First and foremost, I appreciate the fact that you were very clear that this is a local option, that it is an option by each individual taxing jurisdiction and that decision by one taxing jurisdiction does not bind any other taxing jurisdictions. And as a fan of local government, I appreciate that approach. And so, thank you for that.

I had a couple of specific situations where I was hoping you could give me some guidance on how this would work in practice. For example, normally we get our school tax bill in September. We pay it without penalty through the end of September. Let's say the school tax -- or the school district decides to give you up to 120 days. That would mean that it wouldn't be due until the end of December, right? You get all of October, all of November. Now, normally if you don't pay your school tax on time, the county will relevy it, it'll include it in its tax bill. Of course, the county needs

advance time in order to relevel, and typically they take, as I understand, four to six weeks to prepare their tax bill.

So, if the school opted in to this, would you envision then that they would not be included in the county relevel because there wouldn't be time for the county to put it on the county bill? And, if so, what happens?

MR. STERN: First of all, in the example, with -- with a due date originally scheduled for the fall, the hope then is that with passage of this bill, that will begin the conversation between the levels of government, you know, to be able to print up tax bills and get them out appropriately. I think important here because you bring up the -- the example of a county being involved, there is specific language that would hold counties harmless. So I know in my area that is a big issue, that the county makes all the other municipalities whole and then they deal with it going forward. Here, particularly for those jurisdictions where there aren't due dates until back to school time and in the fall, certainly there should be time to be able to do the paperwork necessary to coordinate between various levels of government and make sure that the -- the levies are reflected accurately.

MR. GOODELL: And I did see the language that specifically exempted the counties from any obligation to cover unpaid municipal bills. You referenced 936, 976 and 1330 of the Real Property Law as it related to those accruals. But -- so, you know, I'm anticipating the call from my real property tax director. What happens

if the school district gives 120 days, which means that the bill, school district bill wouldn't be due until December 28th or thereabouts, does that mean the county has no obligation to relevy? In other words, it's a -- just a very simple question: If the school district grants 120 day extension, does that then relieve the county of any duty to relevy any unpaid school taxes?

MR. STERN: The -- the -- the purpose of the language here is to relieve the county of that obligation. That being the case, counties can certainly opt in at their option. May -- maybe based on their facts and circumstances they choose not to, but the specific language here is intended to relieve the counties of that obligation of making the other levels of government whole.

MR. GOODELL: So then presumably the county would do -- I have two follow-up questions on that. Presumably a county could say to school districts, *If you want to give an extension, we certainly respect your authority as a school board, that's why you were elected; however, if you give an extension beyond, you know, whenever, November 15th, we will not be able to relevy.* So, presumably there could be that dialogue between the county and the school district, correct? So then the follow-up question is, let's say the county says, *If you don't get it to us by a certain date, we simply are physically unable to even relevy*, what happens then? Does the school district send out a follow-up bill?

MR. STERN: I would suggest that if you're asking that question, then that same exact question is going to be asked

during this conversation between the county and the school district. They're going share those same concerns, is there going to be adequate time to be able to print up tax bills appropriately and -- and reflect that on the assessment rolls, or not? Yeah, the -- the answer to that question could be very different than the same exact conversation going on with other levels of government in another part of the State. So, my answer to your question is I think it really depends, it's going to depend on the conversation that takes place for those leaders in those various levels of government to be able to come to an agreement on how that process is -- is going to work. And that's what this is really meant to do, is to bring those levels together to have that conversation and know how that's going to go.

MR. GOODELL: And if for some reason they don't come to agreement and this bill is enacted, what happens to the school tax bill that's not due until late December? Does this bill authorize the school tax -- the school board to issue a new tax bill, or does it just roll over into the next school fiscal year?

MR. STERN: If I understood the question, the -- the due date that is selected by resolution, say, of the school board if we're talking about the school, the school board is going to enact a resolution that's going to have a due date, and that due date is then going to be the due date. The taxes need to be paid by that date and, if not, then going forward it is as if the resolution was not enacted and then taxes are going to be due and they would be then overdue with penalties and interest thereafter. So, that's ultimately how it is

intended to work at the end of day.

MR. GOODELL: And if we're lacking statutory authority for the school district to issue a new bill or something, then we'd presumably come back and address that in the future, I presume?

MR. STERN: I didn't -- I did not understand the question.

MR. GOODELL: Well, I mean right now, normally, you know, it's relieved in January, unpaid school taxes, and then it falls under the county's foreclosure process, right, automatically, but this would only -- this would divorce it from the county foreclosure process, but we don't have a statutory process for school taxes. I mean, the process only envisions the county foreclosure.

MR. STERN: Right.

MR. GOODELL: So, what I assume that absent further legislation, that unpaid school tax bill would then roll over into the subsequent school tax budget year and wouldn't be relieved until two years down the road.

MR. STERN: It would remind due in (unintelligible), sure.

MR. GOODELL: One other question - and I appreciate these are practical challenges in a complex area - when the county tax bill comes out, typically the towns are included, sometimes the city, as well. Oftentimes, a local tax collector collects the county and the county bill at the same time.

MR. STERN: Yeah.

MR. GOODELL: If a town says you can make installment payments and the county does not, when a partial payment comes in, does it go 100 percent first to the county and then to the town, or how would that be addressed? In other words, would the taxpayer be notified that your first payment must be 100 percent of the county and 20 percent of the town, and then 20 percent, you know, whatever, or I guess it would be 33 percent if it's three months.

MR. STERN: Yeah, yeah.

MR. GOODELL: So -- and then what happens? So, if someone sends in an amount sufficient to cover the one-third town bill, does that mean the town submit payments in full and the county is in arrears? Can you give me some guidance on that?

MR. STERN: The vision here is that it would full pro rata. So, if I am going to make an -- if I receive my tax bill from the town receiver of taxes, then I'm going to -- there's going to be -- if they choose to do installment, then there's going to be a set dollar amount and then the -- depending on how many levels of government need to be -- depending on how many levels then receive their payment from the -- from the receiver of taxes, they would then receive that payment pro rata during the course of these, say, 120 days; let's say they choose to do the maximum. If they choose to do the maximum, then they do it installments and then there is going to be one payment to the receiver of the taxes, and then the receiver of taxes, in turn, then, to the other levels of government that usually then receive payment, will receive payment pro rata.

MR. GOODELL: Thank you very much, Mr. Stern. I appreciate it, and I appreciate your courtesy even as I'm seeking counsel from others, as well. Thank you so much for your responses. It's a very interesting situation when you have multiple tax bills on one billing, where some of them might be payable in installments, some of them might be due within 30 days, or before interest kicks in. Some might be due in 120 days before they kick in and we have relevy provisions, it can get pretty interesting pretty quickly. Thank you so much for your efforts in this area. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell.

(Pause)

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 29. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mr. Stern to explain his vote.

MR. STERN: Thank you, Mr. Speaker. First before I explain my vote, let me say thank you to my friend Mr. Ra for -- for his kind wishes and, of course, to -- to you and your family, and to all of you and your families, very best wishes for good health, it's good to see everyone.

Yesterday and -- and today, Mr. Speaker, we had productive days, productive days in trying to be of assistance to those that we have the privilege of representing during this very challenging time. We had an agenda of COVID-19 initiatives all targeted across a very broad spectrum of attempting to those in need. And there was discussion throughout much of the day about specific initiatives that only went to specific concerns, and we heard over and over again, *We'll we have to come back and we have to consider other initiatives because what about this, and what about that, and we need to do more here.*

This initiative today that we are discussing is one of those other bills that we were looking forward to discussing that focuses on some of those issues that were not yet covered during the agenda yesterday. This is an initiative that applies to all property owners across New York State. And across New York State, we all know what those conversations look like. At the kitchen table, there is a very worried family discussing what their priorities are and what checks need to be written and which ones they're going to have to put off. That conversation is going on with every small business all across New York State, what are some of the big expenses that we're going to be able to meet now, and what are some of those that we are just going to have to push off if we have any chance of making it.

And so, with all of these conversations going on all across the State, this becomes a very critical issue and initiative. It allows local municipalities at their option to determine whether or not

to opt in and, if so, what plan is going to be most appropriate for them.

So, Mr. Speaker, with two million-plus of our New York neighbors out of work and fearful for the future, I'm asking of all my colleagues to support this initiative today because it will provide much needed assistance to our neighbors during this very challenging time. Thank you.

ACTING SPEAKER AUBRY: Mr. Stern in the affirmative.

Ms. Malliotakis to explain her vote.

MS. MALLIOTAKIS: Thank you, Mr. Speaker. I want to commend the sponsor and say that I'm very proud to cosponsor this bill. As you can see, there are regions throughout the State that are affected by this and, as was mentioned earlier, it's not just the renters that are affected, it's the homeowners that are also affected. Property owners are also struggling to pay their mortgage, to pay their water bills, to pay their property taxes.

A couple of months ago, I wrote, alongside my local City Councilman, Steve Matteo, to the Mayor of the City of New York asking for him to postpone collection of property taxes and water bills until people can get things together. And, certainly, that time is still where we need relief. And the response I received from the Department of Finance was that it was up to the State to allow us to do so. And now there is no excuses, we've passed this legislation, hopefully the Governor will swiftly sign it, and we expect Mayor de Blasio to provide some form of relief by freezing collection of

property taxes. But, also, we need to reassess these properties, because people don't believe that the values are what they are, particularly after this crisis. With that said, I hope the Mayor will look at freezing the property tax levy, as every other municipality in the State does. That is within his jurisdiction and his jurisdiction only with the New York City Council.

So, we need a combination of both things. Let's freeze collection, let's freeze the levy and let's also reassess the values, and that will bring some serious relief to the property taxpayers that I represent, and across the entire City of New York.

Thank you. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Malliotakis in the affirmative.

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. So, on the face of it, I thought I knew what I wanted to do with this bill. You know, as we dug into it a little bit, I think the debate was very helpful. I think that if there's one thing we've learned through the last few months is how intertwined things are, you know, how one thing affects another thing. And when the Governor shut down our State economy, we all knew that our revenues would be interrupted, they'd be reduced, it'd be tenuous.

And while I appreciate in this piece of legislation that it is optional, and I think that that was leading me towards a yes vote, I do want to point out that county and local governments are under such

extreme stress right now. The -- the 2020-2021 Budget passed was already austere, and now with sales tax revenues very low, we think maybe into the 3rd Quarter or beyond, and cash flow being an issue, revenue projections, we're waiting to see what further cuts the Governor will do. There -- one time, he had made a suggestion that he was going to do a 20 percent across the board cut to schools, counties, towns, et cetera, which is breathtaking and devastating to these local budgets. What's going to happen to AIM funding, what's going to happen to CHIPS funding? Complicating this is the fact that there are some essential services that county and local governments must provide, they're mandated to provide it.

So, the New York State Association of Counties opposes this bill and they say that, "In the face of revenue losses, we are required under State law to fully fund and administer all State and Federal programs, which comprise the bulk of our budgets. Our caseloads are increasing as if there had been no change in our revenue forecast. Any further cuts or deferrals direct or indirect to county revenues at this time will put county finances at severe risk and potentially derail us from our mission of providing essential services in this time of crisis."

So, respecting what NYSAC has to say, I'm going to be negative on this bill, even though it's optional, I do appreciate what the sponsor has tried to put forward.

ACTING SPEAKER AUBRY: Ms. Walsh in the negative.

Ms. Griffin.

MS. GRIFFIN: Hi. Happy to have the opportunity to explain my vote, Mr. Speaker. I wanted to say I commend the sponsor, Assemblymember Stern of introducing this bill, and I'm proud to be a cosponsor.

There are so many families struggling across New York State, and may -- as is many homeowners, in addition to many renters, all different families, all different types of struggles, but we all have that in common. And this a wonderful way that if a municipality decides, they have the option if they can formulate a plan to help relieve the homeowner of their property taxes to make it into installments, or push back a date. They have the option to do that and I think it's a -- it's a wonderful option that our municipalities can have. And if they choose to -- to make -- to make a change, they now have the option to do it. And nor are they obligated, because we realize that counties are under pressure, villages are under pressure, all of our local municipalities are under pressure, but if they can formulate it in a way to make a change, they do have the opportunity to help and provide relief to our homeowners. So, in -- for that, I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Salka.

MR. SALKA: Thank you, Mr. Speaker, for the opportunity to make a position on my vote, and I want to commend the sponsor. Your intentions are -- are admirable, but I'm going to talk from a little perspective of having been a Town and County

Supervisor in Madison County and the Town of Brookfield, which was about a population of 2,400.

My concerns regarding this is, number one, that local municipalities might feel unduly pressured by the people in their communities to go ahead and pass this without really realizing what the long-term consequences are going to be. I am concerned services are going to be cut. I know in my Town of Brookfield, we had more roads than any town in Madison County and, yet, we were the poorest and lowest tax base, and we were always struggling to try to maintain even the minimum amount of services.

Also, I have the experience of trying to write a budget and trying to balance our -- our budget on a town level, and it was very, very difficult, even with a steady stream of money coming in. And now with the threat of having lower than ever sales tax revenue, with our AIM payment being threatened, I'm afraid that there's going to have to be decisions that are made kind of shooting from the hip in respect to what these towns are going to feel the pressure to do, and we're -- you know, we're going to run into real problems with that. And not to mention the fact that the counties are committed to making the schools and the towns whole, and so it's up to the counties to be able to make up for the revenue that was not brought in on taxes that were paid in time -- on time. So, I'm very concerned about what that will do to county budgets and, again, and the services that they have to deliver.

So, I'll be voting in the negative on this. I think the

intent of the bill is wonderful. No one wants to see more properties on the auction block, that's just not good for any municipality, any county, or any quality of life. But, we also have to make sure that we're prudent and make sure that, you know, money streams are coming in so that these towns can survive and these towns can provide those -- those valuable services. But, again, I want to commend the sponsor on this and thank you very much.

ACTING SPEAKER AUBRY: Mr. Salka in the negative, I believe.

Mr. Manktelow.

MR. MANKTELOW: Can you hear me all right, Mr. Speaker?

ACTING SPEAKER AUBRY: Yes, sir. Please, go right ahead.

MR. MANKTELOW: Thank you. I want to, again, also commend the sponsor for his work on this and the thoughtfulness of the bill and what it could do, but as a former town supervisor, county legislator, and also having -- had a village dissolved in my community, doing this and knowing what the county is up against as far as making payments back to -- back to New York State every -- every few weeks beginning in January, I just feel that we're going to kick the can down the road right now. It may help for a short time, but this is going to snowball, because if you don't have to pay your taxes for, you know, up to three, four months, you've got to start saving for the next year. And I know with the escrow accounts that

are involved with the banks and mortgages, I just think it's going to be a lot for our local municipalities to handle, whether you're at the county, town or village level, along with your fire districts and lighting districts and all of the other districts that fall in place.

I think it's a -- a great chance to do something, but unless the State's going to do the same thing by cutting back the Medicaid payments that are obligated from the counties to the State, we're just kicking the can down the road. And I want to support this, but right now I cannot support this bill, just because I think it's going to hurt our local communities long-term, and just working together and trying to -- to bring this altogether, along with the COVID issues that we have back home and how much money is going to be taken and the sales tax revenue, I just think it's going to be too much for our local governments to -- to handle right now. So, I'm going to vote negative on this and ask my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Mr. Manktelow in the negative.

Mr. Abinanti.

MR. ABINANTI: Thank you, Mr. Speaker. Each county has a different structure, different needs, different resources. For example, Westchester County does not collect the taxes, our municipalities collect the taxes. And in these trying times, we are trying in the State to maneuver through all of the challenges. We should give our local governments the same support and options to maneuver through the challenges as they see them. I'm in favor of

giving them more options, more flexibility. I'm in favor of as much Home Rule as possible in this environment. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Abinanti in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The following Republicans members will be voting no on this bill: Ms. Byrnes, Mr. Salka, Mr. Tague, Mr. Kolb, Mr. Miller, Mr. McDonough, Mr. Friend, Mr. Ashby, Mr. DiPietro, Ms. Miller and Mr. Lawrence.

ACTING SPEAKER AUBRY: So noted.

MR. GOODELL: Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Rules Report No. 45, the Clerk will read.

THE CLERK: Senate No. S08414, Rules Report No. 45, Senator Bailey (Committee on Rules--Lentol, Otis, Bichotte, Ortiz, Perry, Blake, Mosley, Seawright, Griffin--A10493). An act to amend the Criminal Procedure Law, in relation to conducting hearings on a felony complaint during a State disaster emergency; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: A [sic] explanation is requested, Mr. Lentol.

MR. LENTOL: Yes, thank you, Mr. Speaker. This is a bill about audio/visual preliminary hearing, a preliminary hearing that is authorized by the Criminal Procedure Law in every felony case unless and until a grand jury -- well, I should say this, just to give you a little background as to what we're talking about. If someone is arrested on a felony complaint, that person is entitled to have a grand jury either indict or not indict in six days, or have a preliminary hearing within six days. And right now, we have neither because of the COVID-19 virus, because there are no grand juries and there are no preliminary hearings because the courthouses remained not locked down, but they're not conducting many of these hearings.

So, this would require in a case involving a felony complaint for an audio/visual hearing, and a video appearance would be authorized where the court finds that due to the disaster and emergency, it would be an unreasonable hardship for persons to personally appear. And that the judge must be able to see and hear any testifying witness, and that documents needed for the hearing may be exchanged in advance of the hearing by electronic means. And the stenographic record or appropriate audio recording of the hearing would be maintained, and that live testimony received by electronic appearance would be done. Though this does not mean a new hearing process, this is the same hearing process that we have that we want to do under the disaster emergency. And they have long been in the law, as I suggested. And that's basically what the bill does.

ACTING SPEAKER AUBRY: Mr. Palumbo.

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

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

MR. LENTOL: I will, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Lentol yields.

MR. PALUMBO: Thank you, Chairman. And we've discussed this, of course, we had some discussion yesterday in the -- or the other day in the Codes Committee, and I think we're in agreement on a lot of -- on a lot of this, and I just had one concern, because clearly the idea is, as you said, we can -- that there is no day in court, so to speak, for someone in custody.

MR. LENTOL: Correct.

MR. PALUMBO: Correct? And just to clarify for our colleagues, under that section for action on any felony complaint, you have six days to indict someone or they must be released, correct?

MR. LENTOL: That's right.

MR. PALUMBO: Right, and I think we're going to obviously, just to give them the landscape, I'm sure you -- you know all of this quite well, so it's going to be probably, if you would just indulge me with a few of these yes questions, but really, the options are you either have this preliminary hearing, you indict them or the only other circumstance where you can go beyond that six-day window is if the prosecutor shows good cause; is that correct?

MR. LENTOL: That's right.

MR. PALUMBO: So, in light of the pandemic now, of course, there are no grand juries because of social distancing, which is a 23 per -- 23 people in a room, plus a witness, a prosecutor and a court reporter, and the courts were closed. And under our law, this is necessary because it's -- there is no authorization to conduct a hearing or trial by electronic means; is that accurate, right? That was the reason for this?

MR. LENTOL: Well, that's correct, but there is an Executive Order by the Governor that would -- but the ground rules are set forth in this bill.

MR. PALUMBO: Got it. And that Executive Order, I guess the bottom line is that people were being held indefinitely in -- in custody without having the opportunity for either requiring the people to indict, or even to have their hearing and get their day in court. So, this was certainly necessary, and I think we'd all agree instead of just holding people in -- in custody indefinitely without having due process, right, there's no objection to that.

Okay, so my question is -- I just have one question then I'm going to go on the bill, really, but in this second -- Section 2, the judge has to see the witness and there will be a recorded hearing or video -- videographed, taped proceeding. Under the Governor's Executive Order and under our -- our Criminal Procedure Law, under Section 245.70, you can seek a protective order, and the Governor recognizes in Executive Order, and there's no such language in this bill. Is this intended at all to supercede the ability for the prosecution

to seek a protective order if maybe it's, say, a child witness, like if it's -- if it's an 8-year-old or someone who the identity they don't want to reveal, would they be able to seek those protections?

MR. LENTOL: Yes, they would.

MR. PALUMBO: Okay, great. And that was really one major concern, because the Executive Order expires June 6th, and I know that once that expires, this law will take effect and will be in effect until April 30th, for about a year, and then it will sunset, correct?

MR. LENTOL: Yes, that's correct.

MR. PALUMBO: Okay. Thank you, Chairman.

On the bill, please, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALUMBO: Well, thank you, and I appreciate that. And -- and the reason why I think this little bit of a lesson is necessary is because these proceedings are very, very different, strictly under these times, but the two options that a prosecutor has are very, very different. And although this is clearly an idea that needs to be addressed statutorily that during the pandemic we have an opportunity to certainly have people see -- get their day in court, and it's a very simple adjustment that we can just allow these hearings to be done by video, because it was previously prohibited. And you could do arraignments and other just general conferences and waiving the defendant's appearance, but in light of the defendant's absolute right to be in court, we couldn't do so for an actual hearing.

Now, here's the rub, and this is my concern with this, and I know there was a moderate chapter amendment that we just received a little while ago, but this is dangerous to victims, and let me tell you why. This is something that does not balance the way it tipped -- our -- our previous law does, because the option to proceed with either a grand jury or an indictment has been at the prosecutor's discretion. And, as those of you know, well pretty much, and I'll reiterate it, of course, that an indictment is done -- a grand jury is done by 23 individuals, citizens from the community, in a room with a stenographer, the prosecutor and a witness; there is no cross-examination. And I know a lot of our colleagues certainly would object to that, because they feel that this is, you know, you can indict a ham sandwich, and we've heard that many times in this Chamber, that people were very upset with that process. But it is what it is and that's how we do it, and that's our system of jurisprudence currently.

The problem is, and I had these questions and concerns in the Codes meeting, and I've been since contacted by some very senior prosecutors who have the same concern where they do not have that option when we don't have grand juries empaneled, like we do as we sit here today. So, now every single case that is 144 hours old or less -- or, as you get to that point, you must have a preliminary hearing.

Now, a preliminary hearing is really like a mini-trial, and I'll read you the controlling statute, it's Criminal Procedure Law,

Section 180.60, where, *The District Attorney must conduct it, each witness must be -- must be under oath, the people must, not may, must call and examine witnesses and offer evidence in support of the charge.* Now, that means non-hearsay evidence, so you need a live witness. So, if we have a child sex abuse victim that would otherwise be brought into a grand jury, which is a secret proceeding, they are now subject within six days of, say, a rape to sit in the same room as the defendant and be cross-examined by his lawyer. This is a very significant disadvantage that you are now giving the ability to prosecute victim-sensitive cases, or even an undercover police officer, for example, in a drug case. They must be produced now under this legislation.

And let me go to page 2 --

MR. LENTOL: Well, let me correct you.

MR. PALUMBO: I'm sorry -- certainly, certainly.

MR. LENTOL: As we discussed yesterday, this is all subject to protective orders. And even though you've called it a mini-trial, a hearing is far less than a mini-trial. There's no jury. There are very few witnesses that are usually called because of what you suggested, as well as not wanting to give up all the witnesses at one time at a preliminary hearing. So, folks who come to testify, the judge can order that their voices be garbled, that their appearance be changed by virtue of the protective order that's not only going to be authorized in statute when we get the chapter amendment -- excuse me, the chapter amendment will authorize that. But it seems to me

that it's already authorized by the Executive Order in order to protect witnesses. And furthermore, there always isn't a necessity to bring the main witnesses forward in order to get an indictment in a grand jury case, as there is not a necessity at a preliminary hearing to get a probable cause determined by a judge. Because all you may need is a police officer to testify or a technician or somebody from the government to establish that there's a reasonable cause that this person committed the crime, and that a crime was committed, which is really the standard. It's not guilt beyond a reasonable doubt like in a trial. It's just reasonable cause to believe that a crime was committed, and this defendant committed it.

MR. PALUMBO: Certainly. And I would -- I would agree to disagree with you in some respects, Chairman, just because in that example of, say, a rape. You can't prove lack of consent without a live witness. So the rape victim must be produced at a preliminary hearing and the grand jury, but they're not subject to cross-examination. And this is my only wrinkle. And of course this is -- this is not intended, and I -- I just don't think --

MR. LENTOL: That witness can be disguised. It's not that they're going to be able to see that witness in -- in the preliminary hearing because -- and that will be part of the chapter amendment. Or if he testifies and his face is not shown and just his voice is expressed, that voice can be garbled.

MR. PALUMBO: Sure. And I -- I think that and -- and I couple that with the Section 3 of the bill that says, if I can, on

page 2, line 1, *The authority for an electronic appearance pursuant to this section shall be considered sufficient means to enable the court to conduct a hearing on a felony complaint within the meaning of Section 180.80 of this article*, which is what I read before. Now that -- I have the Governor's Order here. This is Executive Order 202.28, signed May 7th. That he actually addresses that in the opposite direction where the Governor said -- and the Governor, of course, being a smart lawyer, former Attorney General, says that, *Under Section 180.80 of the Criminal Procedure Law to the extent the court must satisfy itself that good cause has been shown within 144 hours from the date -- from the date right after this order. That a defendant should continue to be held on a felony complaint due to inability to impanel a grand jury due to COVID-19, which may constitute good cause pursuant to subdivision 3 of such section.* So this actually goes over that and says that it's not good cause to not have a grand jury, and contrary to what the Executive Order says. And so that -- that really is my biggest concern, because the good cause is a discretionary call by the judge. The judge gets to hear both sides and can say, *You know what? I don't agree with you*, and ROR and cut the defendant loose. But not in this current bill. When this takes effect -- and this is what I really hope that you would consider and discussing possibly a chapter -- another chapter amendment with the Governor -- that it would be consistent with his Executive Order because in those very rare circumstances there would be a compelling reason and good cause, because you would not want to subject, for example, a child sex abuse

victim, to cross-examination that we would need to hold a defendant in that particular issue. Or otherwise, pursuant to the protective order, the totality of the circumstances would be taken into account and that they could garble them or hide them. But to that extent, they would still need to have some further protections from being required to be confronted by the defense -- defense counsel, and for that matter, knowing the defendant is in the courtroom, I would say the defendant. And that's -- it's really nuancing, it was clearly unintended, obviously. I don't -- and -- and you may not read it that way, but I do. And I would suggest -- and the person -- and these prosecutors will remain unnamed, but they're very experienced and they had the same concerns that the shielding ability in the early stages of a victim-sensitive case are not available because we wouldn't just otherwise hold -- because even after that hearing -- this is the wrinkle, Chairman -- that -- or Mr. Speaker, that these proceedings, the preliminary hearing just allows you -- to --

(Laughter)

Yeah, I gave you a raise. But these proceedings are only if -- if you provide probable cause at the preliminary hearing, then you're only holding for up to 45 days for the action of the grand jury. You still have to indict. So that victim gets to testify at the preliminary hearing, a grand jury eventually, and I don't believe we've even addressed the 45-day issue that if we get to the point where now the defendant's still in custody and we still haven't opened up grand juries or courthouses, we may run up against another wall that would

create another problem.

MR. LENTOL: Remember --

MR. PALUMBO: It's a really nuanced thing. I'm sorry? Please -- yes, I'll yield.

MR. LENTOL: You can't hold someone forever without some limited review of the evidence. And that's all we're doing here because the law requires it. Due process requires it. If a reasonable cause is shown, then the defendant will either be released or he'll be held in custody after you've had your preliminary hearing. And you have to have either a preliminary hearing because that's what the law says you have to do. And we're trying to find a means of getting it done so as not to interrupt people's lives, so that they catch the virus. And we're all concerned about catching the virus. We don't want to have people coming into grand juries and doing this. And we have to find a remedy, a short-term remedy, and that's why this bill expires within the period of the -- when the -- when the period of emergency is over. And -- but we have to do something because people can't be held forever. That would be unreasonable. We just passed bail reform last year. There is no bail reform if people are held forever because they don't get a hearing or a grand jury proceeding.

MR. PALUMBO: I certainly -- I don't disagree with that. I -- I -- I do disagree, of course, with the bail reform, as I have for quite some time. But I don't disagree with the fact that people deserve their day in court, and I think that that could be accomplished by being clear, which I think you now have been, for -- for the

legislative intent regarding the fact the protective orders are still available. But I really would like us to see us strike Section 3 because the fact that -- the fact that the court can conduct these electronic appearances and hearings is not good cause. And that is -- it eliminates good cause in those situations. So that's really my concern. The first part completely makes sense, and I think that's just in the interest of fairness. We need to certainly have an available means for these people to get their day in court, 100 percent. I don't think anyone disagrees with that. I just feel that this does expose the victims to some really difficult situations. So there's always that balance between victim's rights and defendant's rights. I think this just goes a little bit too far, and we need to keep those --

ACTING SPEAKER AUBRY: Sir, your time has passed.

MR. PALUMBO: -- victims' rights always at the forefront.

Thank you, Mr. Speaker. Thank you, Joe.

MR. LENTOL: Thank you, Mr. Palumbo.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

ACTING SPEAKER AUBRY: Mr. Lentol yields.

MR. GOODELL: Thank you, Mr. Lentol. I was hoping you could clarify a comment that was made earlier. In looking

at the language of this bill, it seems to me on lines 17 through 19 it says, *The judge must be able to hear and see the image of each witness clearly through the independent audio-visual system, and such the sound and visual image shall be similar to the sound and image the judge would hear and see if he were hearing the testimony live.*

Doesn't that language preclude anything that would --

(Dog barking)

MR. LENTOL: My dog says no.

(Laughter)

MR. GOODELL: Thank God your -- your dog went to a high-quality law school, right?

(Laughter)

But that doesn't preclude hiding the image of the victim or disguising their voice? It seems that language is pretty clear that the voice and the appearance had to be not disguised, if you will, but very clear as it was.

MR. LENTOL: I understand your question, and I think that you should recognize that a protective order can trump that -- that statutory language in order to protect the witness.

MR. GOODELL: And can you point out to me where that protective order language is? It's certainly not in this bill text itself, correct?

MR. LENTOL: No, it's not. It's just the power of the judiciary to issue protective orders in order to protect witnesses.

MR. GOODELL: Wouldn't it make sense, then, to

have that reference in this language, *subject to a protective order*? Because normally -- the normal (unintelligible) that a specific provision of the statute, though absent something else, overrides general rules. I mean, if you have a specific provision that says you must provide the image and the sound, that normally overrules any other general rule. So shouldn't we at least have a cross-reference?

MR. LENTOL: (Unintelligible) the discretion -- and the Executive Order covers that situation that you've described, if you look at the Executive Order. I don't have it in front of me. 245.70.

MR. GOODELL: I -- I apologize. That was 245 --

MR. LENTOL: .70.

MR. GOODELL: .70. Thank you, Mr. Lentol. I appreciate your comments.

MR. LENTOL: Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 45. This is a Party vote. Any member wishing to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the number previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The Republican Conference will be voting no. If any member would prefer to vote yes, please contact the Minority Leader's office

forthwith.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: (Unintelligible) voting in favor. (Unintelligible) and we would hope that our colleagues, if they would like to vote no, that they would contact the respective office and we will so duly note. Thank you.

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

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you very much, Mr. Speaker, to explain my vote. I appreciate the -- the sponsor's desire to provide an electronic means to proceed with preliminary hearings, and if the protections to the witness in particularly serious cases that might directly impact the witness' identity or safety -- a child sexual abuse victim, for example, or a rape victim or in a mob situation where the witness' identity is extraordinarily sensitive -- if those protections were in place in this bill, then I think it would be a very different bill. I appreciate the sponsor's reference to Section 245.70 of the Criminal Procedure Law, but I -- I believe that Section 275.70 of the Criminal Procedure Law relates to protective orders in the context of discovery rather than in the context of a preliminary hearing. Because of the very serious potential unintended ramifications on the identity of witnesses at the early proceedings where the witness would otherwise

be protected in a secret grand jury proceeding, I think it's inappropriate for us to proceed at this time until that issue has been adequately addressed.

For that reason, I'll be voting no and I encourage my colleagues to do the same. Thank you, Mr. Speaker. And again, thank you to my colleagues for their thoughtful discussion.

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

MRS. PEOPLES-STOKES: Mr. Speaker, we do actually have one of our colleagues that has called in to request a no vote, Mr. Barnwell.

ACTING SPEAKER AUBRY: So noted.
Mr. Goodell.

MR. GOODELL: Thank you, sir. The following Republicans would like to vote in favor of this legislation: Mr. Reilly, Mr. Morinello, Mr. Montesano, Ms. Malliotakis, Mr. Manktelow and Mr. Walczyk.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted, sir. Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I have one additional colleague that would like to vote no on this bill.

ACTING SPEAKER AUBRY: Certainly.

MRS. PEOPLES-STOKES: Mr. Santabarbara.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes?

MR. GOODELL: Sir, there are.

ACTING SPEAKER AUBRY: There are?

MR. GOODELL: Yes. Mr. Byrnes [sic] and Mr. Norris.

ACTING SPEAKER AUBRY: Are voting for the bill?

MR. GOODELL: That is correct, sir.

ACTING SPEAKER AUBRY: All right.

MR. GOODELL: Thank you.

ACTING SPEAKER AUBRY: Let me try that again.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Rules Report No. 50, the Clerk will read.

THE CLERK: Assembly No. A10517, Rules Report No. 50, Committee on Rules (Aubry, Otis, Bichotte, L. Rosenthal, Glick, Dinowitz, DenDekker). An act to require the Department of Health to conduct a study on the health impacts of COVID-19 on minorities in New York State.

ACTING SPEAKER AUBRY: There is an amendment at the desk. Ms. -- Mr. Byrne to briefly explain the amendment while the Chair examines it.

MR. BYRNE: Thank you, Mr. Speaker. I offer the

following amendment, waive its reading, move for its immediate adoption and ask for an opportunity to explain it, as you just so eloquently offered. First, Mr. Speaker, let me commend the sponsor of the bill-in-chief and express my support for the legislation, which requires the Department of Health to conduct a study on the health impacts of COVID-19 on minority communities in New York State. While this is a very laudable and important proposal, one which I believe may have been a product from legislative hearings that were discussed in debate yesterday and held earlier this month, it is my position and the position of many of our colleagues that we can still improve upon it. This amendment does not diminish the bill-in-chief in any way. Rather, it adds to the bill-in-chief a requirement that the study also look into the differential health impacts of COVID-19 on a residential healthcare facility's staff and residents of which also includes many members of our minority communities.

Thank you.

ACTING SPEAKER AUBRY: We have examined the amendment, Mr. Byrne, and found it germane to the bill before the House.

On the amendment.

MR. BYRNE: Thank -- thank you, Mr. Speaker.

Through Executive Orders, directives and other mandated policies, the Governor and State agencies such as the Department of Health, among other things, have required hospitals to increase their capacities and directed nursing homes to take back patients positive with COVID-19

who had initially been previously hospitalized when it was determined they no longer needed such extensive care. In part, due to these policies, COVID-19 has sadly gone through some nursing homes like wildfire. This amendment would help us to discover if the most vulnerable communities were efficiently protected from this tragic pandemic. Since we have already seen unimaginable numbers of death in residential healthcare facilities, looking into disparities and not including staff and residents in such nursing facilities seems like a missed opportunity. Furthermore, since there is considerable overlap between residential healthcare facility staff and racial and ethnic -- ethnic minorities, it would seem as though this subsection of the population should also be taken into serious consideration. This amendment does not replace the need for additional public hearings or an outside investigation of the State's handling of our nursing facilities during the pandemic. It is worth noting that the Governor has already announced that both the Attorney General and the Department of Health are investigating our nursing homes. But this amendment would ensure that DOH is required by law, by this Body, to conduct a study that reviews both the differential health impacts of COVID-19 on minority communities as well as residents and staff at nursing facilities, and then share its findings with all of our legislative leaders. From there, we, as a coequal branch of government, can consider all of the facts, further evaluate the merits for calls for additional outside investigations, and introduce policies that better protect our communities -- our minority communities as well as residents and

staff at nursing facilities.

I thank you for your thoughtful consideration of this amendment, and in the interest of openness and transparency, I urge all of my colleagues to vote in favor of this amendment. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

The Clerk -- Mrs. Peoples-Stokes. Excuse me.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I am going to be urging a Party vote on -- on this item. I do want to appreciate my colleague. First, I want to thank you for sponsoring the legislation. I think it's critically important. And I appreciate my colleague on the other side of the aisle for wanting to add an amendment, but quite honestly, a couple things: One, I don't think the Department of Health is expansive enough to do a multi-tiered study, and I do think that there needs to be some specific focus on the minority community. If you look across the demographics of who has died the most, who has contacted the disease the most it, I think it warrants that. Now, that doesn't mean that none of those communities don't need to have some look at those as well or any kind of health facility or the rural community or the suburban community. Or quite honestly, the K-12 community. Everybody's community deserves a look. But what you're asking for and what I would ask members to concur with, is that this is a special look that just looks at the minority community. And let's figure out how do we add everybody else in at some other point.

So with that, I'm encouraging a Party vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you very much, Mr. Speaker. Although we certainly disagree with the Health Department's initial evaluation to send COVID-active patients back into the nursing homes, resulting in thousands of deaths, we do want to, as a courtesy, give them the opportunity to review that decision on their own as part of a broader review. And we're particularly concerned over the hundreds, if not thousands, of minority members that were killed in the nursing homes as a result of that decision. And, therefore, we want to make sure that the review that's being conducted by the Health Department be thorough and capable and comprehensive. And, therefore, the Republican Conference will be supporting this effort for a broader review. There will be a Party line vote by the Republicans in favor, unless one of our colleagues feels differently, in which case they should certainly contact the Minority office immediately.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

The Clerk will record the vote. This is a Party vote.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, we're calling for a Party vote in the negative on this amendment.

Of course, our colleagues who wish to vote with the Minority they could always do so. That -- you can call my office. We have a couple names already, but we'll hold off until there's more, should there be more.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

MRS. PEOPLES-STOKES: Mr. Speaker, we do have one. Mr. Phil Steck will be a yes vote on this one.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The amendment is defeated.

On the bill -- on a motion by Mr. Aubry, 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 on Rules Report No. 50. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

ACTING SPEAKER DENDEKKER: Mr. Aubry to explain his vote.

MR. AUBRY: Certainly. Thank you, Mr. Speaker, for the opportunity to explain the vote. This bill which will require

the Department of Health to conduct a study on the racial and ethnic disparities in relation to the impact of COVID-19. Many of you know that I come from a community called Corona-East Elmhurst. And when the pandemic started in the late winter, I was at a hospital, Elmhurst Hospital, which many of you may have known was the center of the overcrowding of the COVID patients in the Borough of Queens. I remarked to the Community Council how I was upset that somebody had stolen my community's name and threw it into the middle of a pandemic, and we all laughed. But we didn't know what was to follow. Those doctors, those nurses, those community activists that were in that room all did understand, however, that the world had become so much smaller and that we couldn't build walls and -- and hold things out that are internationally-borne. That community has been devastated by the virus. My personal friends now count somewhere up to 20 who have fallen victim to this disease. It has been very difficult. We haven't been able to say goodbye. We haven't been able to mourn. My community in many ways is in shock. And so, when a part of this process, all of a sudden it was announced by the leaders - both the Governor, the Mayor, and ultimately the gentleman in the White House - that remark, *Oh my goodness. How come it hit these minority communities, black and brown, so hard?* I, in one way, was recoiled, because I know in this Body and around the country we have often talked about what it is to be in minority and poor communities and the lack of services that are provided there. And it's a been a battle that we have fought for years, that goes back

undoubtedly to slavery when the disparity treatment of who you were as an African-American and then ultimately other minorities was born. So here's a time -- this is what we call the "opportunity of crisis" -- to bring to bear the forces of this State, the health forces of this State, to look at why these communities are so and were so impacted, are continuing to be so impacted. And we just look at the health aspects, but those health aspects will be determined by socio -- other socioeconomics that we have often in this country struggled with. How do we solve the problem? How do we get rid of the original sin. And many people have caused (unintelligible) slavery to be the original sin. And that it strings out over time and changes and mores. And then all of a sudden here we have a germ from some other part of the world who descends on us and exposes it for its reality.

You know, in America we kind of -- we have a short memory. We do. We like -- they say we have about six weeks and we forget everything. And so oftentimes we have forgotten the struggles of the past. Oftentimes in our busy lives across this State, different human beings, we get concerned about what is our local issue, and forget about larger issues. So I bring you this study in hopes that it will bring us to a place where we will recognize that human beings are all subject to the same things. *War of the Worlds*. Remember? *War of the Worlds*. It was the littlest of germs that defeated the invaders from Mars. The littlest of germs brought down the enemies that were in front of us. We say we're in a war. I believe that's true. In my

community, which has suffered so greatly, as many of others, have been the heart of the war zone. That's where we fought it. Now, I do know that other places have not suffered as we have. But we are your brothers. We are the members of this State. We are citizens. We are human beings. Whether we are from far or near, that's who we are. And what happens to us will happen to you. And we see that happening in the country, where other places weren't affected. And now those death rates are going up. Do we not understand that we are unable to be separated? We cannot be separated. We are bonded together by this mortal court.

So I ask you to support this. I ask us to stay vigilant on the Health Department, on the Governor, on the resources of this State. I hope that we will accept the fact that our humanity cannot be separated by race or economics or color or language or any of those distinguishing factors. Because when you walk by me and you sit by me and you talk to me, when we move in the world together we are subject to the same frailties.

I withdraw my request and I vote in the affirmative.

(Applause)

ACTING SPEAKER DENDEKKER: Mr. Aubry in the affirmative.

Mr. Byrne to explain his vote.

MR. BYRNE: Thank you, Mr. Speaker. I just want to -- to reiterate my support for this legislation. While I regret that the amendment did not pass, I still will be supporting this bill. I know the

sponsor put a lot of work into it. A lot of our colleagues on both sides of the aisle participated in a public hearing. Unfortunately, I could not participate because I was in a -- in a hospital for the birth of my -- my child. But I spoke with colleagues from both Conferences, and I got to tell you that this issue has touched a lot of us, regardless of party. We hear the Governor speak in his daily press briefings, and he talks about "New York Tough" and he talks about how we have to be smart and we have to be all these great things and how we have to be loving. And I think that's -- that's the truth. New Yorkers do have to be loving, and we have to be caring for all New Yorkers, and certainly that applies with -- with this bill, and we need to make sure that we look after everybody. I -- you know, I -- I represent a more suburban area north of New York City, just about an hour north. A little bit less than an hour north of the Bronx. So it's no surprise that a lot of my constituents actually work in the Bronx. I have family and friends that work down there, and I got a lot of stories that came back to me about the hospitals down there, how they were overwhelmed, and this --- this -- the pain and the fear and the sadness that people were living.

So this is certainly a -- a -- a great bill and I will be voting in favor of it. And the sponsor, I -- I fully expect that you're going to have broad bipartisan support when this bill passes today. Thank you.

ACTING SPEAKER DENDEKKER: Mr. Byrne in the affirmative.

Mr. Barron to explain his vote.

MR. BARRON: Thank you very much. At the very beginning of this crises, the Mayor came out with statistics that said 34 percent of the deaths in New York City were in the Latino-Latina community, and they were 26 percent of the population. Twenty-eight percent of the deaths were in the black community, and we were 22 percent of the population. After getting those statistics, you would have thought that all of the resources would come to those areas, including our nursing homes and other places. But those areas that were hardest hit. But no. A ship came to the white community and had 1,000 beds on it. They only used 200 and sent the ship away with 800 beds unused. They set up a hospital in the Javitz Center, underutilized in the white community. They also set up Central Park in the white community as a medical facility, and Roosevelt Island in the white community. They prioritized all of that even though it was said that over 62 percent of the deaths - and we thought that was an undercount - was in the black and brown communities.

So I support this bill 1,000 percent. And after the study, which will show clearly that there's preexisting conditions, political, economic conditions in our community called poverty, unemployment, homelessness, that leads to the preexisting health conditions from stress of high blood pressure, hypertension, asthma, diabetes, heart disease. The preexisting condition of poverty is created by a racist, parasitic, capitalist system.

I vote in the affirmative for this bill.

ACTING SPEAKER DENDEKKER: Mr. Barron in

the affirmative.

Mr. Ortiz to explain his vote.

MR. ORTIZ: Thank you -- thank you, Mr. Speaker, for allowing me to explain my vote. Like the prior speaker, you know, that we -- we -- you know, we suffering the most under this pandemic epidemic as a Hispanic African-American in the City of New York being if you combined the numbers together will be the majority. One other thing that happened was the inequality and the racial disparity continued to be seen. When my granddaughter, who is five years old, Penelope, said to me, *Papa, why -- why the Hispanic community is dying so quick? Why do this happen?* And I have to explain to her about what's really is happening and what is really -- really -- why this is really happening in our City who is -- who -- who -- we have the (unintelligible). We have so much money in this State, in this City, and our people continue to be the economic inequality and disadvantaged.

So, Mr. Speaker, I really thank you so much, because we have 232 people who has die in the Sunset Park-Red Hook area in my district. And we happened to be the last in the last two weeks fighting too hard to get testing sites in our community. And I applaud you for making this bill to become to be a reality. Hopefully this Administration will take this -- this particular piece of legislation seriously, not only to come out with the study, but to come out with the financial economic strength. The financial and economic strength to help our community and to lift our community that has been

impacted the most. And we talking about economic security, financial security and resources that our community will continue to have to make sure that they have the health coverage that they need. That is the reason why I do believe we have to make sure that we have everybody covered, and we start in the earlier stage of our children's life by tackling healthcare, mental health issues in our school system. We need to start from the bottom up, rather than think from the top to the bottom.

So, Mr. Speaker, thank you very much for bringing this bill to the forefront. Thank you for giving it to us, and I will be voting in the affirmative. God bless.

ACTING SPEAKER DENDEKKER: Mr. Ortiz in the affirmative.

Mr. Kim to explain his vote.

MR. KIM: Thank you, Mr. Speaker, for allowing me to explain my vote. I want to first and foremost thank the sponsor for sponsoring and pushing this bill forward. I want to also thank the Speaker and the staff for putting together the -- one of the first Statewide COVID-related oversight hearings on the impact of COVID-19 in minority communities. It was a long hearing, and I want to thank everyone for participating. (Unintelligible) One of the issues I do want to raise is the importance of also including the impact of COVID-19 on Asian-American communities. There's a category in the City of New York, and when you -- when -- when they count the races of "other," and many of our Asian-American brothers and sisters

fell into that category because we're not properly counted when they're counting the -- the fatalities. So we should definitely look into making sure that we count properly, that the data is kept properly, and -- and every Asian-American who passed away from COVID is included in the final count. And also, the impact that it had on us -- of Asian-American communities being scapegoated throughout this process. And we've seen it on social media over and over, us -- you know, an older Asian-American woman being kicked in the face and being told to go back to their country and why are you spreading this illness in this country. And all that should be included in this study and -- and make sure that, you know, we don't pit communities against each other. You know, we've been hosting weekly meetings to build solidarity with the black and Hispanic community to -- to push back and make sure that we can come out stronger to fight COVID-19. And again, I look forward to -- to learning more about how this commission or how this study -- study moves forward.

And I -- again, thank you so much to the Speaker and the sponsor for putting this bill forward. And I'm in the affirmative.

ACTING SPEAKER DENDEKKER: Mr. Kim in the affirmative.

Ms. Fernandez to explain her vote.

MS. FERNANDEZ: Thank you, Mr. Speaker, for allowing me to explain my vote. I, too, want to commend the sponsor for this very important, very needed piece of legislation. Like many of my colleagues, I've seen my community suffer. I have the zip code of

the highest death rates in the Bronx right now, and we are scared. We want to know answers. And this bill will provide guidance, will provide facts, and hopefully solutions to finding out why our communities are hurting. As much as we know why, we need better details and I really hope this bill does that.

And again, I want to thank the sponsor and I vote in the affirmative.

ACTING SPEAKER DENDEKKER: Ms. Fernandez in the affirmative.

Mr. Rodriguez to explain his vote.

MR. RODRIGUEZ: I want to thank the -- the Speaker and the sponsor for moving ahead with this very important piece of legislation. East Harlem was one of those communities that were severely impacted and had the most cases in -- on the island of Manhattan. And it's no mistake that as the pandemic has unfolded, you know, we saw a -- a real correlation between, you know, poverty, socioeconomic conditions and the link to minority communities. You know, I have the -- the -- the other characteristic of having the most public housing in any Assembly District, and again, that is an important correlation that has to be recognized as part of this study. You know, we have poverty, we have close conditions, we have inadequate housing conditions. Challenges with access to housing. All of the issues that we have fought, you know, to champion and -- and improve upon. But it comes to -- to little regard when -- when there is a pandemic.

So, how do we deal with this in the future is going to be critical of this study, and as a result I vote in the affirmative and encourage my colleagues to do the same.

ACTING SPEAKER DENDEKKER: Mr. Rodriguez in the affirmative.

Mr. Otis to explain his vote.

MR. OTIS: Thank you, Mr. Speaker. The -- the important point of this bill - and this is an important bill - is that we are going to be facing other health challenges in the future, and so it's not just to obtain statistics. It's to give us a roadmap so that we can provide the support systems to make this a healthier state for everybody in this State. We have a lot of work to do. This is a challenging time. And the goal here (unintelligible) is what are we going to have to do something in all of our communities going forward.

I vote aye.

ACTING SPEAKER DENDEKKER: Mr. Ortiz -- Mr. Otis in the affirmative. I'm sorry.

Mr. Lavine to explain his vote.

MR. LAVINE: Thank you. I live in the City of Glen Cove, and as of this morning we had 858 cases of COVID-19 infections, that in a city of approximately 27,000 people. This study will help us to understand the dynamic and the demographic that is so adversely affected by this pandemic. Secondly, I want to say that over the years I've heard a lot of extraordinary speeches on the floor of the

State Assembly. I want to thank the sponsor. His remarks were profoundly moving.

I vote in the affirmative.

ACTING SPEAKER DENDEKKER: Mr. Lavine in the affirmative.

Ms. Hyndman to explain her vote.

MS. HYNDMAN: Thank you for allowing me to explain my vote, Mr. Speaker. And I want to thank the sponsor of the bill, my colleague, for being so steadfast in making sure that this bill has come to the floor and that today we're voting on it. As we know, Queens was hit particularly hard. All communities in Queens, in particular, Elmhurst and also Southeast Queens. And I want to thank my colleague for making sure that we're -- the representation is heard today. Although this bill doesn't have the fiscal implications of "to be determined," I think it's important to point out to colleagues that we have to make sure that the funding is there for the Department of Health to do the necessary work to make sure that this does not fall by the wayside as we come back from this pandemic. To make sure that we are steadfast in making sure the funds are there to make sure communities of color do not go through this again. That the disparities that were recognized, we will act upon it and move forward.

So, thank you for allowing me to explain my vote, and I vote in the affirmative.

ACTING SPEAKER DENDEKKER: Ms. Hyndman

in the affirmative.

Mr. Sayegh.

MR. SAYEGH: Thank you very much for the opportunity. This -- this bill is crucial because although we're met with so many uncertainties with this pandemic, one thing we know for sure is that with all the policies with distancing, it became extremely difficult in many communities in urban settings that impacted people of color, to realize that in those communities there was a lack of testing. Today we're looking at doing many other various testing and follow-up, and we're looking to expect potentially an up -- an upgrowth in potential infections as we move on. So I hope with all the uncertainty that we are learning how to deal with pandemics and to learn the reality of the impact these type of pandemics have on neighborhoods and communities.

So I vote in the affirmative, and I believe that -- that it is crucial for government to understand and learn from this experience, and deal with issues - hopefully we don't have to - but if we have to, to potentially be more knowledgeable and understand where the funding and the services and the testing need to be implemented. Thank you very much, and I therefore vote in the affirmative.

ACTING SPEAKER DENDEKKER: Mr. Sayegh in the affirmative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I did want to rise again just to really re-thank the sponsor of this legislation, and also really re-thank Mr. Byrnes [sic] for his really kind remarks, and -- and to congratulate him on the new life in his family. I do also want to say that the hearing that the Speaker and his staff put together on this topic was really kind of eye-opening for a lot of people. Because people often think that, you know, somehow, individual behavior ends up being the reason why these things tend to impact people of color more than others. But, in fact, that's not really the truth. It's mostly economics. It's the largest social determinate of what happens to people as it relates to their health. Individual behavior is way on the bottom of the list. Access to healthcare is way up there, as is the environments that we live in. A huge impact on -- on our health. And so I think that the -- the sponsor has the wherewithal to send this to the Health Department and ask them to look at all these specific social determinants of health and figure out how to make recommendations on how it can be better. I think our conversations in these Chambers will be better once we understand the connectedness between many of the issues that we discuss and debate on a regular basis, and how that not only just improved the lives of people of color. But when that happens, everybody's life is improved. Society is improved. Our economy is better. And so I'm excited about this legislation because I know where it can go. And I just want put on the table the Racial Equity Roundtable which is operated by the Community Foundation of Buffalo and funded by the Kellogg Foundation of America that is really looking deep dives into

this kind of research. And I hope that the Health Department will reach out to them when they begin to do their work. And I hope that this time frame is kind of immediate. We don't have a lot of time to wait on looking at this. I think we have to begin this sort of study right now.

So again, congratulations and thank you very much, Mr. Sponsor. I will vote in the affirmative.

ACTING SPEAKER DENDEKKER: Mrs.

Peoples-Stokes in the affirmative.

Ms. Wright to explain her vote.

MS. WRIGHT: Good evening. Thank you for this opportunity to explain my vote. I am extremely happy that we have passed this piece of legislation today. After sitting through approximately 12 hours of testimony where we heard about the various impacts that were demonstrated and illustrated, I should say, throughout communities of color in our State of -- of over a week ago during our hearing. This is really important for us to move upon those testimonies and -- that we heard. This is a first step. It helps us to identify some of the things that we needed to do, and this was one of them. So I'm very happy that we're going to empower the Department of Health to look forward -- to move forward with this to do the work that's necessary. This COVID virus, this pandemic, has exposed all of the shortcomings, all of the disparities, all of the inequities that exist within our system. This exposed us, and then it exacerbated all of those weaknesses.

So I believe that this is a step in the right direction so that we can identify, begin to address, and hopefully make whole communities that have unfortunately been left with less than what they needed to survive, less than what they needed to live full, healthy lives, and that we're going to have a full public health program that invests in the wellness of all of the people of New York State.

I vote in the affirmative.

ACTING SPEAKER DENDEKKER: Ms. Wright in the affirmative.

Mr. Crespo to explain his vote.

MR. CRESPO: Thank you, Mr. Speaker, to explain my vote. I -- I, too, like Tremaine was proud to take part in the hearings with -- alongside so many of our colleagues to discuss these issues. But I mentioned something that I want to share now. That for us -- for many of us, this pandemic has exposed in what I believe this study and -- and the work that will be done will -- will come back with is a big "I told you so" for many of us. You know, we have been fighting for so many years in communities like mine in the Bronx and the South Bronx for environmental justice, for health justice. We've been talking about disparities. That's the reason why the Puerto Rican and Hispanic Task Force members in the 90's pushed for the creation of the Office of Minority Health within the Department of Health. What -- you know, many of us have the seen that this could be a reality for us, and unfortunately it took this pandemic and the lives lost and the impact to our communities for many others to now realize

that we weren't just -- these weren't just narratives. This was the real -- the reality of our neighborhoods and the susceptibility that many of our communities have had to live with for too long. And so I think that this is an incredibly important bill in the package of everything we have done this week, and I look forward to the work that lies ahead to make sure that we prioritize the many ways in which the infrastructure in our communities, the activities, all the things that make us whole as -- as -- as people in our neighborhoods. From our homes to our neighborhoods to our -- the programs that are available to us, to the healthcare system that's available to us. There -- there has to be improvements and there have to be real investments to bring us up to par to what should have always been the standard, and I believe this bill is a -- is the first step in getting us there.

So I'll be proud to vote in the affirmative.

ACTING SPEAKER DENDEKKER: Mr. Crespo in the affirmative.

Ms. Simon to explain her vote.

MS. SIMON: Yes, thank you very much. I also want to commend the sponsor for this very important legislation. I also attended and participated in that hearing for 12 hours, and we're just beginning to scratch the surface of the inequities that many of us know have been faced and that we know we need to plumb the depths of to make our society more equitable. And we can start here with this very, very important study, and I'm just very -- feel very privileged to be able to vote for this legislation.

Thank you.

ACTING SPEAKER DENDEKKER: Ms. Simon in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Congratulations, Mr. Aubry.

The Clerk will read. Rules Report No. 54.

THE CLERK: Senate No. S08113-A, Rules Report No. 54, Senator Parker (A10521, Committee on Rules - Mosley, Glick, Otis, Bichotte, L. Rosenthal, DenDekker, Simon, Blake, Ortiz, Stern, Lupardo, Barron, Zebrowski, Perry, Griffin, Lentol, Seawright, Reyes, Colton, Frontus, Simotas, Weinstein.) An act to amend the Public Service Law, in relation to issuing a moratorium on utility termination of services during periods of pandemics and/or state of emergencies.

ACTING SPEAKER DENDEKKER: An explanation has been requested.

Mr. Mosley, an explanation has been requested.

MR. MOSLEY: Thank you, Mr. Speaker. This act would prescribe utilities, water work corporations and municipalities and telephone corporations from disconnecting or terminating services to residential customers during and for a period of time after the COVID state of emergency, and to allow customers whose financial circumstances have been affected by the state of emergency to enter

into or re -- restructure a deferred payment agreement on said services. Due to the ongoing COVID pandemic and resulting state of emergency, there are a number of New Yorkers who are either unable to work or not earning a sufficient wage as a result, or are facing hard decisions on which bills they are able to pay in a given month. During this time when health and safety -- safety are of the utmost concern, maintaining the bare necessities of water, phone services, gas and electricity are of paramount importance to ensure that the continued health and safety of the people of this State. This bill would give vital relief to the people most negatively impacted by the economic ramifications of this state of emergency and further our State policy of prioritizing the health, safety and welfare of the people of our great State.

ACTING SPEAKER JONES: Thank you, Mr. Mosley.

Mr. Montesano.

No. No, sorry. Sorry. We're going to Zoom first.

MR. MONTESANO: I didn't request to speak. I'm good.

ACTING SPEAKER JONES: Mr. Palmesano.

MR. PALMESANO: Yes. Will Mr. Mosley yield for a few questions?

MR. MOSLEY: Yes.

MR. PALMESANO: Thank you, Mr. Mosley.

ACTING SPEAKER JONES: The sponsor yields.

MR. PALMESANO: Thank you. And I certainly appreciate the intent behind this legislation. I do have some questions that came up as we had -- went through committee, some concerns maybe some possible unintended consequences. But I think we all agree we want to provide relief. Real relief to people who need it. So I just had a couple of questions that came up here, and the first couple of ones are more technical in nature. If I could first -- and I know in the -- the bill we have before us that there were some questions, that there was some language -- like, the 180-day language was left out in one section. It's my understanding that's being changed?

MR. MOSLEY: Correct. It has been changed to March 31st as the hard deadline of next year. And if we need to continue this we'll revisit it next year when we're in Session.

MR. PALMESANO: So it's not 180 days?

MR. MOSLEY: No, that's been removed.

MR. PALMESANO: It's just -- okay. So it could be up to whenever the emergency ends versus that period of time. Okay. Relative to determining the financial need, who -- how is that determined? Is that determined by the utility, is that determined by the Public Service Commission? Because there's nothing in the bill that kind of -- highlighting other (unintelligible) financial conditions. How's that going to work?

MR. MOSLEY: Yeah. Those rates are determined by the Public Service Commission. They are the ones who'll determine the rates. Obviously, it's an arduous task. It's a -- it's a

pretty long, you know, determination over -- over several weeks. So we don't believe that in overlapping this provision it will interfere with their ability to make these rules -- these changes or determinations. But given the fact that it takes usually several months, we don't believe that it'll interfere with their ability to do their job.

MR. PALMESANO: Okay. And regarding moving the date to March 31st, so that's a fixed date. That's -- it ends at that point -- point in time? The program would end unless you have to revisit it, correct?

MR. MOSLEY: Correct.

MR. PALMESANO: Okay. I think another concern and question that came up regarding this issue is the possible impact this could have to ratepayers as far as the -- the process, because -- and this came up and I think it was acknowledged that, you know, if individuals for whatever reason aren't able to, you know, pay their bill and they're getting a service, their bill's going to increase, the amount they owe is going to increase. Their arrears are going to increase. But also if they're getting a service that they're not paying for, that cost will increase along with that. And if that's the case, if a utility is not getting -- if they're having cost increases, their -- because their profit is not monitored and regulated by the PSC, correct?

MR. MOSLEY: Correct.

MR. PALMESANO: So if -- if a utility is obviously not making a profit, if they're losing a considerable amount of dollars because if for whatever reason people aren't able to pay their bill, so

what they would have -- the only opportunity they would really have to recoup losses - which could be millions upon millions of dollars, given what we're facing and how this has impacted - the only opportunity they would have at that point in time would be really to go to the PSC and try get a rate increase, which at that point in time, that would impact all ratepayers, correct?

MR. MOSLEY: Well, they could -- so long as -- you know, the determination of the PSC would be based upon reasonable provisions or reasonable standards. So there won't be any justifiable rate increase so long as -- because there's a significant loss. It'll still be the PSC standards that there'll be applied. Those will not be interfered by this piece of public policy. Clearly, we want to make sure that the service providers are -- are given the same standards, the same provisions in an effort to collect bills that are outstanding. But we don't believe that this will have any significant impact given the fact that we have capped off the program for March 31st of next year. They still have the ability to collect as they would do in the normal course of business. So we're just talking about just a few months. We're not talking about a couple years. But I understand your point.

MR. PALMESANO: And I think when -- with that issue because if, again, if -- if someone's facing a loss of revenue and they have losses and then that's their only alternative is to go to petition. And then if -- if they do get approval because of those losses and they're significant -- those losses are significant and a -- a rate increase is granted that that would be something that would be borne

-- if it were approved, be borne by all the ratepayers, correct, though? I know you're thinking it's not going to happen, but it would be borne by the ratepayer, correct?

MR. MOSLEY: Yeah, eventually. But I think worst-case scenario, you know, obviously we don't want to think worst-case scenario. I think that's why we're here passing a number of these bills to make people as whole as possible, in an effort to ensure that, you know, people who provide services are paid for those services, whether they be service providers like electric, gas, water or telephone.

MR. PALMESANO: One other point I wanted to bring up an issue to. I have a question for you. If we had the way right now that could provide direct immediate relief to the ratepayer, and -- would you think getting direct immediate relief to the ratepayer would be more of a priority than whether it may be putting up a few solar panel -- solar farms or wind farms? If we could provide direct immediate meaningful relief now, would that be more of a priority than maybe -- and maybe delay developing some wind farms or solar panels that we could provide that right now to our ratepayers?

MR. MOSLEY: Well, right now I think we are in the midst of a pandemic and we're in the midst of a state of emergency. So right now I really can't -- I don't think we -- we're afforded the -- the luxury of dealing with what we would like to be the case. What is happening now in your district and my district and in so many of our districts is that we have people who need immediate relief. They need

a lessening of their anxiety that's building up each and every day as bills start to pile up from -- from people who are from all walks of life. So I understand your point. We do need to switch to alternative ways of providing clean energy so that we can reduce our carbon footprint, but at the same time, we have to deal with a pressing situation that's going on in real time right now as people watch and as people, you know, sit at their kitchen tables trying to balance their budgets based upon income that was -- that -- that's no longer there that was there just a few days ago.

MR. PALMESANO: And -- and I agree with you.

And thank you, Mr. Mosley.

On the bill.

ACTING SPEAKER JONES: On the bill.

MR. PALMESANO: I certainly understand the intention behind this legislation and I applaud the sponsor's effort for wanting to help those in need and impacted by COVID and the hardships it's created. But the question I asked about wanting to provide real relief, and I think you would agree that we want -- like you mentioned, you would want to provide real relief but didn't think we could do that in the -- in the situation we were in. I think we have a way we can do it now, and I'll share that with you a little later. I do want to provide real relief and not just avert money that's owed, which I think is concerning -- what I'm concerned about and some others are concerned about this is just going to kind of continue a process and a problem that could be harder to outcome. I think it's almost -- in some

ways will help set up a failure for those we're trying to help because they're going to have a bigger hole. If they're more in arrears, sometimes it's going to take longer for them to pay back. And this is a cost that -- if there's losses, these are costs that have to be made up, and as a result of it they could end up in higher utility rates for all of our ratepayers and our customers, because obviously, the PSC does regulate. And if -- if -- if there are losses, proven losses and we know the financial impact this is having, if individuals aren't paying their bills because of whatever reason. I understand that. There is a significant loss. We've seen on local governments and we're seeing it in our business community. Those costs would have to be addressed, and what happen is, and I think the concern we're having is when those -- those increases happen, it's going to be borne on all the ratepayers. It's going to be borne on our essential workers. It's going to be borne on our senior citizens who might not be qualified for a hardship because they're working and have an income coming in at a time when it might not be necessary and helpful. And I think also on -- on top of that is that it will also create a hardship for individuals who we're trying to help. Because as those bills compound and after the rates increase, now their -- their rates are going to increase overall on top of the arrears that they're going to be forced to make up. I think we really have to look at this and monitor this closely and the impact. And I know a lot of times when you hear -- everyone hears the word "utility," they think of a big corporation. But I -- I want to tell you, when you hear the word "utility," you have to think about the

ratepayer, too. Because when the costs for a utility go up, hence, the cost for the ratepayer is going to go up as well. We really need to look to provide real relief to reduce the burden that's placed on our ratepayers and on individuals. Not increase the burden. And I think what we're looking at is this could lead to increased costs, higher bills, more money owed for all. And I think we need to look at programs that can work and reduce it, and not just defer it. And I know when I brought up an idea that could work and I -- you know, we talked about the clean energy. Do we -- Mr. Speaker and my colleagues, do we realize right now we collect probably over \$2 billion a year in taxes, fees and assessments that are placed on our ratepayer's utility bills? Right now, sitting in a -- with our utilities is about \$1.1 billion in money, off the books, that they're waiting to transfer to NYSERDA to pay for renewable and clean energy projects. Now, renewable energy is a worthwhile goal. But as the sponsor indicated today, we're in a pandemic. People need relief. Wouldn't that money be better utilized to provide relief to our people who are suffering right now? We're collecting about -- it's my understanding that through these taxes and fees that are for clean energy, the SPC, RPS, the EPS funds, \$40 million a month. I -- I contend that money would be better served to provide relief to our ratepayers now and provide them the help they need. That's what New Yorkers need. This will help and provide them the -- the assistance they need. I think we have to look to continue to provide help and relief and see where it's most impactful.

So let's -- I urge my colleagues, we could do this right

now. We could get the Governor to pass one of his Executive Orders again. But what this Body can do is say, *Hey, let's use these funds. We can delay the clean energy projects. Let's get this funding relief back to -- to the ratepayer and provide them the relief they need.* Because I think the more we delay and defer, it's going to become more problematic and -- and not help the people we're trying to help and I think it's just going to cost more and more challenge and hardship for the individuals out there that are suffering. And again, these clean energy projects, the NYSEERDA, the C -- CLCPA we passed last year. These are all things -- the so-called Green -- Green New Deal are all things that input more costs and fees and -- and taxes on our utility bills for our ratepayers. So all these things add more to the utility. We can provide them with some real relief right now instead of just pushing off the cost later down the road. And I think that's the concern I have, Mr. Speaker.

I know -- again, I appreciate the sponsor's intent. I -- I applaud him for that. And I think there will be some no votes on this, and let me just be very clear: The no votes aren't an indication of not wanting to help provide assistance at all. I think it's just trying to highlight the concerns and potential that are out there. You know, relative to costs -- higher rate increases for all of our citizens with higher costs, higher rates, higher utility bills. And we need to do efforts and take efforts that's going to help reduce that burden. So -- and I'm -- and I'm really hopeful that this legislation will not push that burden more and more on those we're trying to help. But I'm kind of

afraid that that's what's going to happen in the end run. But again, I applaud the sponsor for his intention. I understand where he's coming from. I just think there are some concerns about the unintended consequences of this that can actually lead to increased rates for all of our residents, all of our -- our customers, all of our ratepayers around the State, and that's not what we need right now. So let's -- let's try to work together and make some differences that can provide immediate relief. We have the ability right now. Again, \$1.1 billion is sitting in -- in our accounts with our utilities. Just sitting there. That could be put -- put out to the community to provide immediate relief right now, instead of transferring that money to NYSERDA for green energy and -- and renewable energy products. I'm not saying those aren't valuable, but that's not the priority right now. The priority should be our ratepayers and our -- our residents at home. They need that assistance right now, more than putting up a solar farm or a wind farm. I think if we could that -- I know the sponsor said he would like to do that. Let's do that right now. We could provide immediate direct relief to our people back at home who need that type of assistance because I think where we're headed with this is down a road that I think is just going to cause more and more challenge. And that's why I'm not -- I don't want to see happen. I'm hopeful that doesn't happen with this legislation.

But, again, I want to applaud the sponsor for his intention. I know how hard he's working for that. We need to help the people out there that are hurting, and that's what we're trying to do

here. So I just wanted to point out some of those concerns and cautions as we move forward with this, and I hope we can monitor this closely as we go forward.

Thank you, Mr. Speaker, I appreciate it.

ACTING SPEAKER JONES: Mr. Mosley, why do you rise?

MR. MOSLEY: (Unintelligible).

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Before Mr. Mosley explains his vote, would he yield for some questions?

ACTING SPEAKER JONES: Mr. Mosley?

MR. MOSLEY: Yes, I yield.

ACTING SPEAKER JONES: The sponsor yields.

MR. GOODELL: Thank you very much, Mr.

Mosley. Right now, as you know, we have a number of programs in State government that we funded through the budget to assist people with utility charges. Certainly in the winter we have a great program, the Home Energy Assistance Program. We also have a lot of programs that we fund through our Department of Social Services to help those who are in poverty pay utility bills. Why -- why shouldn't we take money from the CARES Act or from the funding sources that were identified by Mr. Palmesano and expand those programs to provide direct relief to tenants and landlords and people who own their own house, but everybody, in terms of helping their utility bills? Why don't we expand those existing programs to help those who are in

financial distress pay for their utility bills?

MR. MOSLEY: Well, I -- I -- I applaud the spirit of the question. I think repurposing any amount of money from one agency to another, we know how long that would take. But I believe that this bill is a cost-neutral bill in the sense that what we're doing is it's delaying payments. We're not absolving people from their payments, we're not telling people that -- that, *Whatever you owed before, what -- whatever you're going to accrue is going to be zeroed out*. This is just delaying that process. The service utility companies will get this -- their payments. I applaud everything that my colleague said before you. But again, we are talking about people -- and I don't want to objectify them too much through the debate of this legislation because these are human beings. These are families, these are children, these are elderly people who need these critical services that sometimes we just often take for granted. But this is just a cost-neutral provision. It has no necessarily negative fiscal impact on the service providers because they will ultimately get paid one way or the other.

MR. GOODELL: In terms of talking about the length of this delay, this bill specifically mentions 180 days after the end of all the Executive Orders. Is that the measured period?

MR. MOSLEY: Yes.

MR. GOODELL: And so if any portion of any Executive Order is still applicable, then that 180 days hasn't started to run. Is that correct?

MR. MOSLEY: Correct.

MR. GOODELL: And so we made all of the restrictions Statewide and still have a restriction in one area, perhaps a restriction in mass gatherings in New York City, and those on the other end of the State would still be exempt from any termination of service. Would that be correct?

MR. MOSLEY: See -- so it's -- it's related to the State disaster declaration that's under the Executive Order. So, as -- as we move from one region to the next, it will be applicable from one region to the next.

MR. GOODELL: I know that some of the other legislation we discussed specifically made reference to specific counties as it related to the period. That language is not included in this bill, though, is it?

MR. MOSLEY: As long as the emergency is in place throughout the State of New York.

MR. GOODELL: I see. So we could be talking -- well, already it's been, what, three months roughly.

MR. MOSLEY: Correct.

MR. GOODELL: So we could be talking a year, a year-and-a-half, depending on when the last Order is lifted, and depending, presumably, on whether there's a second wave or some other manifestation, right?

MR. MOSLEY: Well, we can't presume that because we do have that hard cap, the sunset cap --

MR. GOODELL: But we -- we can't know --

MR. MOSLEY: -- of (unintelligible) 31st.

MR. GOODELL: But we know for sure it's at least 180 plus the three months we've already had, right?

MR. MOSLEY: Correct.

MR. GOODELL: And the reason the utility companies terminate service when somebody doesn't pay is they don't give up their charge for the past due, right?

MR. MOSLEY: Correct.

MR. GOODELL: So under the current system they terminate the service because they operate from the assumption that if you aren't paying it now, you probably won't pay it in the future. And even if they get a judgment for what's past due, if you're not paying your utility bill now, you're probably not going to pay that past due judgment either, right? I assume that's the rationale for this termination of service.

MR. MOSLEY: Not until the end of the crisis. But I -- I understand what you're saying.

MR. GOODELL: So, if somebody goes for a year, year-and-a-half without paying their utility bill, that could be quite a substantial amount due to the utility company, correct?

MR. MOSLEY: It depends on what the -- the bill is, and depending on how -- how the rate applies to a month-to-month basis. So it could be -- it can fluctuate.

MR. GOODELL: Now this bill says that you're

immune from any termination of service even if you're not paying for any of the service you're getting if there was a change in financial circumstances. That's the triggering criteria, right?

MR. MOSLEY: Correct.

MR. GOODELL: Does this bill require that that change puts you below poverty or within 200 percent of poverty, or just simply a change?

MR. MOSLEY: I -- I think it's up to the Public Service Commission to determine that. It's -- it's --

MR. GOODELL: But it's not included in this bill.

MR. MOSLEY: Correct.

MR. GOODELL: So you could change -- I mean, your income could drop by a substantial amount by my terms. I mean, a \$10- or \$20,000 drop would be pretty substantial for me, and you could still be earning \$100,000, right?

MR. MOSLEY: Given your example, yes.

MR. GOODELL: Would that -- in this -- but this bill doesn't talk about income thresholds or -- or anything like that. Just a change in financial circumstances.

MR. MOSLEY: It would -- it would be up to the Public Service Commission, correct.

MR. GOODELL: Are there other situations where we expect a private corporation to continue to provide a product to customers that won't pay for it?

MR. MOSLEY: Well, that's the difference between a

utility that we all rely upon and depend upon, and any other private company that's out there providing another service. This is a service that is -- is uniform. It's Statewide. It is something that everyone depends upon to have just to survive and just to operate, whether you're a private resident or a -- or a company.

MR. GOODELL: But I mean, certainly, we all agree food is essential. We are not considering, I hope, legislation that would say if you're a grocery store you have to provide free food to somebody if they're facing a change in financial circumstances based on an IOU? In 18 months or 12 months they'll pay you back?

MR. MOSLEY: We also don't give grocery stores a monopoly to determine who eats and who doesn't eat. Yeah, we prevent that from happening because you don't want people to be in those predicaments where they're at the beck and call of one particular grocery provider. So, I understand where you're coming from, but I think it's just apples and oranges in terms of comparing grocery stores to utility -- utility services.

MR. GOODELL: And this also applies to non-utility services, doesn't it? Does it apply to cell phone companies, for example?

MR. MOSLEY: No, it does not.

MR. GOODELL: Only hard lines.

MR. MOSLEY: Correct.

MR. GOODELL: Of course you only get the benefit of this non-foreclosure, if you will, or that continued service, right?

Non-disconnect if you have a change in financial circumstance. Is there any requirement that the change in financial circumstance be related to COVID? In other words, would you be eligible for a continued provision of utility service if you lost your job because you were fired for not showing up and you were an essential worker or you're -- or you lost your job because, you know, you were embezzling and your employer frowned on that activity? Or perhaps, you know, any other unrelated -- it's just a change in financial circumstances. There's no requirement that it be actually connected to COVID?

MR. MOSLEY: It has to be connected to COVID.

MR. GOODELL: And where is that connection in this -- the proposed language?

MR. MOSLEY: It should be on page 1, line 17.

MR. GOODELL: Okay. Thank you. That's very helpful. What is the estimated cost of this program in terms of the amount of utility service we anticipate these companies will provide during that time period where they would have otherwise terminated service until the customers are expected to begin paying? Do we have an idea what the magnitude is of the accounts receivable, if you will, of these utility companies, the amount of unpaid bills?

MR. MOSLEY: That's something that we would have to determine, but we can get you that number.

MR. GOODELL: But we don't know at this point.

MR. MOSLEY: No, that's something that we would

have to tabulate.

MR. GOODELL: Okay. And I'm correct, am I not, that if there was no change in your financial condition you wouldn't be eligible, right?

MR. MOSLEY: Correct.

MR. GOODELL: Which means that senior citizens who are on a fixed income, they wouldn't be eligible for this non-termination for nonpayment, right?

MR. MOSLEY: Correct.

MR. GOODELL: And all of our frontline workers, the police, fire, healthcare workers, they wouldn't be eligible in any way for this program, correct?

MR. MOSLEY: So long as they're still working.

MR. GOODELL: As long as they're not fired or lose their job.

MR. MOSLEY: Correct.

MR. GOODELL: So the only ones that would be eligible for this would be those who are presumably laid off, collecting State and Federal unemployment, or not, as the case may be, right?

MR. MOSLEY: We wouldn't know that. So long as they can prove that they have been fiscal -- you know, suffered some impact financially based upon this state of emergency and the pandemic.

MR. GOODELL: And -- and I appreciate the fact

that you're concerned about expanding other existing State programs and the timing. But just earlier today we passed a bill allocating \$100 million, right, to help tenants and landlords, and that bill went through fairly quickly. Couldn't we do the same thing for whatever the estimated cost might be to cover this and use the same funding, the CARES Act funding for that?

MR. MOSLEY: Well, I don't know how -- that -- that money that comes from the CARES Act obviously was earmarked directly for particular programs of this nature that we debated earlier and passed out of this House. I would have to say that given the immediacy of the circumstances that people are facing now, immediate relief and timing is of the utmost importance. I have no problem looking at other alternative ways in which to supplement and to -- and to -- and to give more relief to people. But at the same time, we believe that this is probably the most efficient and more sustainable way of doing it going forward.

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

MR. MOSLEY: You're welcome.

MR. GOODELL: I appreciate your comments and your thoughtfulness on this bill.

Mr. Speaker, on the bill.

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

MR. GOODELL: You know, I would be remiss if I

didn't remind our colleagues that there are constitutional provisions that preclude the State Legislature from simply ordering a private company to provide a service to customers who aren't paying. Even if the customer has promised to pay in 120 days or --or a year. We don't have the legal authority, in my opinion, for a private company to extend a line of credit to someone and simply say, *You can keep using all the service and product you want, and by order of the State Legislature we must give you an unlimited unsecured line of credit.* It's beyond our authority. It's beyond our authority because when you require a private or public company or another municipal entity to give an unsecured line of credit, knowing that it won't always be paid back, you violate the Fifth Amendment Taking Clause. Because we'd just be taking their product, knowing that some of that product will never be paid for. And it violates the Contract Clause, which if you check Supreme Court rulings realize applies to private contracts between private companies and private utility customers. My greatest concern, though, is the unanticipated consequence. We know that the Public Service Commission carefully regulates all utility rates, and they do that to make sure that utilities aren't earning too much profit, that the rates are not too high. So we know because the Public Service Commission is closely regulating these utility companies that do not have excessive profit. So what's this mean? It means if we order these utility companies to continue to provide utilities to people who aren't paying for them, and we know by definition the people who are taking all these products are facing a financial change in circumstance,

we know that, we know at the end of the day those companies are going to have higher accounts receivable. They're going to be having a much higher amount of unpaid bills and they're going to go back to the Public Service Commission and say, *We must raise our rates*. And who's going to pay the higher rates? The senior citizens on fixed income, our frontline healthcare workers, our police and fire, and everyone else who's paying because they're not eligible. And that would be a very unfortunate situation to force a higher rate increase on those individuals rather than allow the system to work or expand our own direct support.

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

ACTING SPEAKER JONES: Thank you, Mr. Goodell.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER JONES: The Clerk will record the vote on Rules Report No. 54. This is a Party vote. Any member wishing to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the number previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The Republican Conference will be negative on this. If there are members of the Republican Conference that want to vote in favor of this

legislation, please contact the Minority Leader's office as quickly as possible.

Thank you, sir.

ACTING SPEAKER JONES: Duly noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The -- this will be a Party vote in the affirmative.

Colleagues who would like to vote no should feel free to contact the respective offices and give us a call. We'll so duly note. Party vote in the affirmative.

(The Clerk recorded the vote.)

ACTING SPEAKER JONES: Thank you.

Mr. Mosley to explain his vote.

MR. MOSLEY: I'd like to thank my colleague, Senator Parker, for being the prime sponsor in the upper House. I understand my colleagues' reservations about putting service providers and utility companies in the position that they're being put in. But I would hate to see the alternative if we did not pass this bill. The alternative of people not being able to keep their lights on. Not having warm, hot water, which is imperative if we're talking about making sure we wash our hands and being as clean as possible. I cannot imagine if we did not have electricity to have lights on. I could not imagine not having landlines for people who now -- who use the -- who are accustomed to having cell phones as their primary line. Unfortunately, we're seeing more people reverting back to landlines

and reducing the cost of cell phones just to bring down the cost of their bottom line in their own family. So, we are living in some very peculiar times. There are going to be some peculiar measures that we're going to have to take. But they're all at the behest of what is best for New Yorkers. What is best for families. What is best for seniors. What's best for our children. Children, seniors, families that need these amenities just to stay above float. Just to keep themselves from sinking below water. Because once you start sinking, it's hard to get back to the surface. It's hard to get back to what is, quote, unquote, "normal." It is hard to be a part of society.

So, I acknowledge that we're doing some things that we are unaccustomed to doing from a fundamentally constitutional perspective. But at the same time, just giving just a little bit more reprieve as it relates to public utilities and just offsetting their costs. Not absolving people. Not zeroing out. But just pushing them back just a few months late will hopefully lead to a level of -- of relief for families throughout our State. I can recall a woman who came up to me just this past weekend, Miss Jefferson, who lives in my mother's building and had lost her job, lost her husband a year ago, and said, *Walter, I -- bills are just piling up left and right and I have to maintain my maintenance. What do I do?* I'm thankful that we have the foresight and I'm thankful for the Speaker having the foresight for allowing us to push this bill through. And the Majority Leader. Because, ultimately, it will give people like Miss Jefferson a relief that is over -- is well overdue.

So I proudly support my colleagues and thanking them for being supportive of this legislation, and I proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Mosley in the affirmative.

Mr. Epstein to explain his vote.

MR. EPSTEIN: Thank you, Mr. Speaker. I rise to explain my vote. I just want to applaud the sponsor of this bill and our leadership for pushing this thing forward. I was talking to a constituent earlier today, and her fear about her getting utilities shut off were severe. What was her son going to do about school? What were they going to do about charging their phone? She's out of work. She's unemployed, trying to get unemployment benefits. How are they going to hear from the unemployment agency? Issue after issue after issue, they are connected to utilities. Talk with families who are getting educational neglect cases because children are not logging on to school. People are struggling, and utilities are important. When we talk about everyone tightening their belts a little, what we're saying is we're tightening belts for people who are the have-nots. This allows some balance to ensure that large corporations have to tighten their belts a little, and that means allowing people to have their utilities on during this pandemic.

I applaud the sponsor, I vote in the affirmative and I encourage my colleagues to do the same.

Thank you for all your leadership, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Epstein in the affirmative.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. I -- I appreciate the desire every one of us has to help those who are struggling during this difficult time. But I think the appropriate way to help those who are struggling in this difficult time is for us to help them directly. Those who have special financial needs, we should be there, as the State Legislature, to support them with our resources. Not ordering other companies or other people to pay other's bills. If -- and I believe we do. If we have an obligation, as we do, to help people with utilities, we should expand our programs that provide financial assistance. Not every utility company in New York State is a Con Edison. I have several very small utilities serving my district; Steuben Electric Cooperative. I have Westfield Village Electric System. The Village of Westfield is very small. And Brocton and Mayville. I have Jamestown. They all have their own utility systems. They only have a few thousand customers. They don't have huge corporate deep pockets. This will directly impact their customers. And we should be aware that some utility companies, municipal utility companies, the unpaid utility bill is a tax lien. So if you're in the City of Jamestown and you don't pay your water or your electric, it's a lien on your property and they can foreclose on your house. Or if you're a landlord they can foreclose on the building. And when we say we're helping people by allowing them to accrue a year's worth of electric charges or

water charges or utility charges, they may never be able to pay that off. And so let's stand up to the plate ourselves and put our money where our mouth is and help our residents using the Federal CARES [sic] funds, using the money we've set aside for other lower priorities, and let's step up to the plate ourselves rather than creating financial issues all across the State for these small utilities.

Thank you, sir.

(Pause)

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The Republican members that are voting in favor of this legislation include Mr. Reilly, Ms. Malliotakis, Mr. Schmitt, Mr. Salka, Ms. Miller, Mr. Palumbo, Mr. Smith and Mr. Ra. Also, Mr. Garbarino.

ACTING SPEAKER AUBRY: So noted.

MR. GOODELL: Thank you, sir.

ACTING SPEAKER AUBRY: You're welcome.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. We are just going to change gears a little bit. So I want to give you the schedule for the rest of the night. I hope members will pay -- pay very close attention. We have four bills remaining to consider this evening, so we will now need to stand at ease while the

final bill is being printed. The Minority needs to take a short briefing, and that will be followed by a Ways and Means Committee meeting, as well as a Rules Committee meeting. And then we will return to Session to take up those bills. So I am asking members who are not on Ways and Means or Rules to please stay or remain in your Zoom sessions. Ways and Means and Rules will receive new Zoom invitations. So if you're on Ways and Means or Rules you will receive a brand-new Zoom invitation for the committee meetings that we anticipated you to participate in. And then we will reenter Session on Zoom afterwards.

Let me repeat, all members should keep your Zoom sessions open. And we will continue to communicate with members as committees meet and when we return to Session.

Mr. Speaker, if you could have us stand at ease.

ACTING SPEAKER AUBRY: The House will stand at ease.

Mr. Goodell. I'm sorry.

MR. GOODELL: Thank you, sir. As mentioned by the Majority Leader, the Republican Conference will be briefed. It may be in writing or it may be by Zoom. But I would urge all my colleagues in the Minority Conference to, number one, stay on Zoom call, the conference call that we're on right now. And number two, please watch carefully your e-mail for exciting updates.

ACTING SPEAKER AUBRY: The House will stand at ease.

(Whereupon, the House stood at ease.)

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ACTING SPEAKER AUBRY: The House will come to order.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, we will need to advance the B-Calendar, please.

ACTING SPEAKER AUBRY: On Mrs. Peoples-Stokes' motion -- on Mrs. Peoples-Stokes' motion, the B-Calendar is advanced.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. We'll take up Rules Report No. 59 from Member Abbate; following that, we'll do Rules Report No. 60 from Member Mosley.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A10528, Rules Report No. 59, Abbate, Heastie, Peoples-Stokes, Weinstein, Abinanti, Arroyo, Aubry, Barnwell, Barrett, Barron, Benedetto, Bichotte, Blake, Braunstein, Bronson, Buchwald, Burke, Buttenschon, Cahill, Carroll, Colton, Cook, Crespo, Cruz, Cusick, Cymbrowitz, Darling, Davila, De La Rosa, DenDekker, Dickens, Dilan, Dinowitz, D'Urso, Eichenstein, Englebright, Epstein, Fahy, Fall, Fernandez, Frontus, Galef, Gantt, Glick, Gottfried, Griffin, Gunther, Hevesi, Hunter, Hyndman, Jacobson, Jaffee, Jean-Pierre, Jones, Joyner, Kim, Lavine, Lentol, Lifton, Lupardo, Magnarelli, McDonald, McMahan, M. G. Miller, Mosley, Niou, Nolan, O'Donnell, Ortiz, Otis, Paulin, Perry, Pheffer

Amato, Pichardo, Pretlow, Quart, Ramos, Reyes, Richardson, Rivera, Rodriguez, D. Rosenthal, L. Rosenthal, Rozic, Ryan, Santabarbara, Sayegh, Schimminger, Seawright, Simon, Simotas, Solages, Steck, Stern, Stirpe, Taylor, Thiele, Vanel, Walker, Wallace, Weprin, Williams, Woerner, Wright, Zebrowski. An act to amend the Retirement and Social Security Law, the Education Law, the Public Authorities Law and the Administrative Code of the City of New York, in relation to establishing a Coronavirus Disease 2019 (COVID-19) benefit for public employee death benefits; and providing for the repeal of such provisions up on the expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Abbate, the Senate bill is before the House. The Senate bill is advanced. Governor's Message is at the desk. The Clerk will read.

THE CLERK: I hereby certify to an immediate vote, Andrew M. Cuomo, Governor.

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

(Pause)

MR. ABBATE: I don't know if you can hear me.

ACTING SPEAKER AUBRY: We can hear you, Mr. Abbate.

MR. ABBATE: Did you hear the explanation?

ACTING SPEAKER AUBRY: Yes, we can.

MR. ABBATE: Okay, you did. You heard it

already? Or should I do it again?

Okay, I'll do it again.

Again, I want to thank everyone for staying up at this late hour. This bill would establish an accidental death benefit for members of the New York State/New York City Public Retirement Systems or pension systems who died of COVID-19 between March 1st of 2020 and December 31st of 2020.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Will the sponsor yield for just a couple of questions, please?

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

MR. ABBATE: Yes, I will.

ACTING SPEAKER AUBRY: There we go.

MS. WALSH: Thank you so much. So, thank you for your explanation about the bill, and it is pretty straightforward. The question I had is in other sections of the law, of the Retirement and Social Security Law, the -- there is a presumption of eligibility -- a line of duty presumption. For example, like in the heart bills that we have that can be rebutted by the employer. Is that the case with this particular bill or not? Is there a rebuttable presumption or not?

MR. ABBATE: Well, our original bill had a presumption in it. The Second Floor decided to call it a "special accidental death benefit." They're contending that that's better than a presumption; I don't necessarily agree with that, but this is the bill we

have before us.

MS. WALSH: Okay, so the -- okay. Because I was looking through this version of the bill and I didn't see it, so that's why I wanted to ask you about that. So, there is no rebuttable presumption so as long as the -- it can be made out that the individual, the employee reported to work during the relevant time period, tested positive for COVID and passed away during -- by a certain time, that individual's family would be eligible for this benefit then; is that -- is that correct, Mr. Abbate?

MR. ABBATE: You're correct. It's a COVID or COVID-related death.

MS. WALSH: Okay --

MR. ABBATE: You know, we wanted to --

MS. WALSH: Okay. So, now you're making me think about what a COVID-related death would be. So, it would have to be a contributing factor in the individual's death, is that -- would that be correct?

MR. ABBATE: What's happened -- what's happened in New York City in the very beginning, and we're trying to work that out, is that some death certificates, the doctors put heart failure or pneumonia. So, now we have to make sure that, you know, it was COVID, but at that time, they were just putting that on there. So, we've asked some of the participating representatives of the families to make sure that those death certificates have that, and if you look in the bill, it does say it can be certified by a physician, nurse practitioner, a

number of people that were called in. So, that's why that's in there.

MS. WALSH: Very good. Yes, I did see that.

Thank you so much.

MR. ABBATE: My pleasure, thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 59. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mr. Ra to explain his vote.

MR. RA: Thank you, Mr. Speaker. I want to thank the sponsor for bringing this forward and -- and continuing, you know, to push to -- to help protect the families of -- of so many who have already lost their lives and may in the future as a result of this -- of this virus who are out serving our communities each and every day. I know there are a lot of ideas out there to help compensate those who have been on the front lines of this pandemic, whether it's nationally or at the State level. You know, ideas like different types of hazard pay and things of that nature, but -- but certainly, I think it's important that we -- we recognize those individuals that are lost to this who are in public service by -- by ensuring that their families have the benefits they are going to need.

It's no, you know, secret to anybody here that when

we've had issues in the past like 9/11 in New York State, the fight that took place at the Federal level to make sure those who got sick years and years later, and their families, were taken care of was something that basically continued until just recently to make those benefits essentially permanent for people. So, it's -- it's important that we -- we take action now to protect these families. Our hearts certainly go out to them and we thank each and every one of those frontline workers who has [sic] been out there in our communities at their own risk to try to keep us safe during this time.

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

ACTING SPEAKER AUBRY: Mr. Ra in the affirmative.

ACTING SPEAKER ABINANTI: Mr. Aubry to explain his vote.

MR. AUBRY: Thank you, Mr. Speaker, for allowing me the opportunity to explain my vote. I could not pass the opportunity to tell you that this vote for me is for Ms. Priscilla Carrow. Ms. Priscilla Carrow I met when she was a 16-year-old. She worked for me in summer youth employment. She died the day we came back up here to pass the bill. She worked at Elmhurst Hospital, the hospital that is in my district that was so egregiously affected. She was a superstar in our community. She served everyone. She was -- no good deed would ever go undone as long as she was around. And so, I just wanted to take this opportunity to say that and to dedicate

this -- my vote on this bill to her and her family. Thank you so very much.

ACTING SPEAKER ABINANTI: Mr. Aubry in the affirmative.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir. On this particular bill, Assemblymember Mr. DiPietro will be in the negative. Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

The Clerk will read.

THE CLERK: Assembly No. A10530, Rules Report No. 60, Committee on Rules (Mosley, Lentol, Thiele, Rozic). An act to amend a chapter of the Laws of 2020 amending the Local Finance Law relating to bond anticipation notes issued in Calendar Years 2015 through 2021, as proposed in legislative bills numbers S. 8417 and A. 10492, in relation to expenditures and temporary transfer of reserve funds for expenses related to State disaster emergency declared pursuant to Executive Order 202 of 2020 and authorizing the extension of repayment of inter-fund advances made for expenses related to State disaster emergency declared pursuant to Executive Order 202 of 2020 (Part A); to amend the Public Service Law, in

relation to issuing a moratorium on utility termination of services during periods of pandemics and/or state of emergencies; and to amend a chapter of the Laws of 2020 amending the Public Service Law, relating to issuing a moratorium on utility termination of services during periods of pandemics and/or state of emergencies, as proposed in legislative bills numbers S.8113-A and A.10521, in relation to the effectiveness thereof (Part B); to amend the Banking Law, in relation to the forbearance of residential mortgage payments (Part C); and to amend the Criminal Procedure Law, in relation to hearings conducted on a felony complaint during a State disaster emergency (Part D).

ACTING SPEAKER AUBRY: On a motion by Mr. Mosley, the Senate bill is before the House. The Senate bill is advanced. Governor's Message is at the desk. The Clerk will read.

THE CLERK: I hereby certify to an immediate vote, Andrew M. Cuomo, Governor.

ACTING SPEAKER AUBRY: There is a -- an amendment at the desk by Mr. Goodell, who will briefly explain the amendment while the Chair examines it.

Please proceed, Mr. Goodell.

MR. GOODELL: Thank you very much. Mr. Speaker, I offer the following amendment, waive its reading, move for its immediate adoption and ask for an opportunity to explain it.

ACTING SPEAKER AUBRY: Please proceed.

MR. GOODELL: The amendment that we're

proposing would apply to the bill-in-chief. The bill-in-chief states in Section 1 that, quote, "This enacts into law legislation providing for important provisions relating to a State disaster emergency." And the proposed amendment focuses exactly on the same issue on what is a State disaster emergency, how it should be determined and how long it should last and, in particular, it emphasizes the legitimate role of the State Legislature in exercising its legislative function as part of a checks and balances. It recognizes and acknowledges the incredibly important role played by our local officials, and it ensures due process protections on fundamental rights.

In particular, the proposed amendment would require that a declaration of a state of emergency be done on a county-by-county basis, with specific reasons why each county is included in that state of emergency. This is important because as we have seen, sometimes there's a state of emergency that applies Statewide without recognizing the tremendous differences that apply in a State of our size. So, in my county, as an example, our county was shut down before we had a single confirmed case. And when they shut down my county, they closed SUNY Fredonia and sent all the children, all the students from SUNY Fredonia in a county with no confirmed cases back home. Many of them, then, returning to New York City, Long Island and other counties where the infection was rampant.

So, this would require that instead of one broad sweep all across New York State regardless of the level of danger or

the imminent danger, it would require a more thoughtful, careful, balanced nuance approach that looks at the unique characteristics of the counties that are being affected, particularly on a disaster emergency that has such horrific implications to each county's health care system and budget.

The second part ensures that we maintain checks and balances and the proper role for the State Legislature, and it does this by saying that the Governor has the authority on his own to issue a state of emergency for 30 days. At the end of that 30 days, he has the authority to renew the emergency declaration for 15 days, but that's all he has without further legislative authorization. And the concept is quite straightforward, after the first 30 days if the Governor needs more time, he can renew it for 15 days, and that gives us 15 days for us, as a Legislature, to meet and decide whether it should be renewed and, if so, at what level and with which counties. And having demonstrated over the last two days that we can meet in a remote manner, that gives us two weeks to set up a remote meeting if that would be necessary.

The third part of this proposal recognizes that no one knows a local community better than the local elected officials. They're not making wide-ranging huge decisions on jurisdictions that might be hundreds of miles away; they are there on the ground. And so, the third portion of this provides that local elected officials, the chief elected officials, that'd be your County Executive, or the Mayor of New York City, or your Chairman of the Legislature, as the case

may be as defined in the Executive Law already, could request the Governor to terminate or modify an emergency declaration as it relates to their county or city.

Amazingly, I've just mentioned the last one, since I am currently out of time. The last one reinstates due process protections for everyone.

So, that's a brief summary, and I look forward to your analysis, sir.

ACTING SPEAKER AUBRY: Certainly. Mr. Goodell, we have examined your amendment and found it not germane to the bill before the House. You may appeal the ruling of the Chair and speak to the issue of germaneness.

MR. GOODELL: With all due respect, Mr. Speaker, I would like to appeal the decision of the Chair and have an opportunity to explain why I believe this is germane.

ACTING SPEAKER AUBRY: As is your right, sir.

MR. GOODELL: Well, thank you, sir. And the bill-in-chief starts out in Section 1 and says, quote, "This act enacts into legislation" a law -- "legislation providing for important provisions relating to a State disaster emergency." The proposed amendment does exactly the same thing. The proposed amendment would enact into law legislation providing for important provisions relating to a State disaster emergency.

So, the very purpose of this law as set forth in Section 1 is exactly the same purpose as the amendment, but I would point out

that on Part B, which is on page 3, lines 28 through 29, Part B applies, quote, "For a period of 180 days after the COVID-19 state of emergency is lifted or expires." And the amendment provides the very process for legislative checks and balances, and for local involvement in determining whether it should be lifted or expires. It directly relates to Part B. It also relates to Part C. Part C refers to a covered period which is defined as, "Further extended by any future Executive Orders and continued to apply in the county of a qualified mortgagor's residence." Well, the irony is under current Executive Law, it's no requirement that the Order be on a county-by-county basis and, indeed, the Governor has made it clear in the current pandemic that he will not issue Executive Orders based on a county-by-county analysis. So, the only way that Part C in the bill-in-chief makes sense, when it refers to how it applies in a county, is if that declaration actually is by a county-by-county basis, which is exactly what the proposed amendment does.

And I would point out in Part D, Part D only applies during the period of a COVID State disaster emergency and the extensions thereof, and the amendment talks precisely over what amendments can be done and how they are to be accomplished.

And so, whether we're looking at Section 1, Section B, Section C -- or Part B, Part C, Part D, every part of the bill-in-chief is affected and defined and modified and clarified by the proposed amendment. So, the proposed amendment is intricately related and, therefore, is germane to the bill-in-chief. And with that, I would urge

my colleagues, with great respect to the Speaker, to suggest that perhaps his decision might have been mistaken in this particular situation. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you. Mr. Goodell appeals the decision of the Chair. The question before the House is shall the decision of the Chair stand as the judgment of the House. Those voting yes vote to sustain the ruling of the Chair; those voting no vote to override the decision of the Chair.

The Clerk will record the vote.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The Republican Conference will vote as a Party to override the decision of the Chair and, therefore, we will be voting no. If there's any member who disagrees with that, I would encourage them to promptly call the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. With all due respect to my colleague who I think eloquently laid out his argument for why his amendment should be germane, the Majority will respectfully honor your decision that it is not germane and we will be taking a Party vote. Those who wish to vote different from that have the opportunity to contact me and I will make sure they are recorded appropriately.

I would also like to remind us all that when we

originally passed the legislation under the heat of a pandemic, which had many of us nervous and scared, and I think many of us still are; we've lost so much. We've lost so many people, people who were here last week are not. But the fact of the matter is we already have a sunset on this. This is supposed to be over, this is Executive Order, by the -- April, I want to say the 21st, or unless the pandemic ends before then. But if you listen to most of the renowned scientists, not just in America, but in the world, it's not going to be over by then. And so, it is going to take time for us to work through this.

While we're doing that, though, here's one thing that I know that's a fact, every day at 3:30 the reason that I live in is on a phone call with the Executive going through and suggesting changes that he should make as it relates to the region that we live in. I would hope that Mr. Goodell and every other person has that same opportunity. I would suggest that if they don't have that, I would be one of the first people who would want to help them get access to it, because I do think that a regional approach makes sense; however, I will say, again, and I will repeat this, I believe that the Executive Order has -- allows for a daily briefing for people in regions about whatever Executive Orders are coming out, and based on that, some things have changed and I think that we can use that same process well into the future. So, again, this is a Party vote with the Speaker.

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

The Clerk will record the vote.

(The Clerk recorded the vote.)

MRS. PEOPLES-STOKES: Mr. Speaker, I do have a couple of exceptions. Would you please note Member Buttenschon, Member Jones and Member Santabarbara.

ACTING SPEAKER AUBRY: So noted.

Announce the results.

(The Clerk announce the results.)

The ruling of the Chair is sustained.

On the bill.

(Pause)

Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: The bill-in-chief collects a number of chapter amendments to legislation that we've been considering over the last two-and-a-half days. I say two-and-a-half because as is typical of this Legislature, it seems we do some of our heaviest lifting after midnight, and it's about two in the morning. And so, over the last two days, despite not having been in Session for several weeks, we have reviewed multiple bills, and many of them have passed with very strong bipartisan support, and some had considerable opposition. And so, it's somewhat ironic that at two in the morning we are now doing a cleanup bill on the legislation that we've passed within the last 48 hours, and that's what this does.

Most of the legislation in the cleanup is relatively modest. Part A deals with the flexibility of local governments to utilize capital reserve funds for other designated purposes, including operating expenses, with certain limitations in response to the COVID-19 pandemic. That bill passed unanimously earlier in its original form. The amendments are very modest.

The second part, Part B, expands the moratorium on utility termination to those who are claiming to have a change in their financial condition. This provision had substantial opposition on multiple grounds, including the fact that we are forcing private companies, as well as public utilities, public entities, to continue to provide service and products like water or other products, to people who are not paying for them. And to simply say to the other people, *You have an unlimited line of credit and you don't have to make any payments, but you are entitled to continue to receive service*, and the problem with that is it's a violation of the Contract Clause of the U.S. Constitution, which prohibits State Legislatures from impairing the validity of a contract. It constitutes a violation of the Fifth Amendment which prohibits government from taking property or anything of property without compensation, and here we're forcing by government edict that companies give a product to people who are not paying for it and we're forcing the companies to extend a line of credit to the very people who have probably the lowest credit with that company because they aren't even paying their current bills with that company. And it's complete fraud for us to suggest that the people

who aren't paying now, because they have financial problems, will at some point in the future be able to pay up all the arrears. That kind of defies experience over decades and decades.

So, there was considerable opposition both on the concept and -- and, by the way, there is great support to the concept of helping people pay utilities through government programs that we fund, that the State funds, government programs such as HEAP or other utility assistance that are provided. We support that, but just ordering a private company to continue to provide services or goods or products to customers who aren't paying and will not likely ever pay is inappropriate and unfair. And for a lot of the smaller companies, it may actually result in their fiscal insolvency.

The third section, Part C, dealt in the same manner with the forbearance of residential mortgages, and what it basically said is if you have someone that doesn't want to pay their mortgage and they're suffering a financial hardship, then they would have a right to take up to a year of their mortgage and put it at the very end, interest free. Think about that. You're asking banks to make a 20, 25, 30 year interest free loan. And, once again, we're taking money from a private company and we're appropriating it without paying for it. And as we noted, there were Constitutional issues, there is separation of powers issues, because this bill eliminated the authority of the Judiciary to even enforce contracts. It only applied to State-chartered banks, which was a real problem because these are the smaller banks, they're our community banks; they're not the Bank of Americas or the

Wells Fargo's or the huge, multi-national corporations. These were the small community banks that are chartered just in New York State and we are targeting them and putting them at a severe financial risk.

So, the amendment is slightly better, because the amendment says if our legislation actually would put the bank out of business, if it would cause the bank to go into bankruptcy, why then they can get a break. I think that's an appropriate initial response, but I think it's inappropriate on all the Constitutional levels, on the breach of contracts, on the Judiciary being excluded. And, ironically, there was a U.S. Supreme Court case almost identical to this back in the 1930's at the height of the Great Depression, and that Supreme Court decision talked very clearly about what might be allowed and what might not be allowed in terms of mortgage forbearance and it -- and it mentioned -- in that case, it upheld the mortgage forbearance because it was for a short time period. The mortgagor, that would be the borrower, was required to pay all the income to the property to the bank during dependency. There was no waiver of interest or penalties - I'm sure we waived all the interest and penalties - and it was such an extraordinary time that there weren't any banks open. You couldn't refinance, you couldn't even purchase -- a third-party couldn't even purchase it because there were no banks open. That's not our case today. While our case may be serious, it certainly pales to both the situation that occurred in that case and the remedy that was allowed in that case.

The last part deals with the Criminal Procedure Law,

and it was aptly explained by my colleague, Mr. Palumbo. This change would not only allow, but would probably require that preliminary hearings be conducted with electronic medium, like Zoom or similar programs, and the statutory language itself, as we pointed out earlier, requires that the picture and the sound of the witness be at the same quality as if they were in front of the court. And that's a special problem because under the current situation -- current law, we know that sometimes witnesses are under incredible danger if their identity is disclosed too soon, which is why we have grand jury proceedings that are secret.

And so, if you were a witness to a mob hit, or a brutal gang murder, or a drug transaction, or if you were the victim of a child abuse case, or you are a rape victim, there are many situations where we want to protect the identity of the witness as long as possible, because we don't want that witness to disappear permanently or show up dead, or go through horrific additional trauma, which is exactly why we have a grand jury proceeding.

Although that concern was carefully articulated by Assemblymember Palumbo, unfortunately this amendment does not address it at all. And what we were told that in theory, there could be a protective order, the statutory reference that we were given only talks about protective orders in discovery cases and, by its terms, would not apply in a preliminary hearing.

So, while we recognize the need to ensure that there's a timely preliminary hearing, or a secret grand jury, or some other

compelling purpose, we also recognize the importance of making it clear that a protective order can cover the witness' identity in these unique circumstances. The fourth component had extensive opposition, and none of the concerns that led to that opposition were addressed.

So, for my colleagues who unanimously voted for what was in Part A and is continued in Part A, they can rest assured that their affirmative vote gave all the authority that was needed and that the amendments to Part A are insignificant. And for those who voted against Part B which was the utility requirement that utility companies provide free service for those who didn't pay, or Part C that dealt with mortgage foreclosure forbearance in violation of the Constitution, or against Part D, which required witness identity to be disclosed, for those people who voted against those, they probably will continue to oppose these modest amendments.

Thank you very much, sir, and I appreciate the opportunity to discuss this bill.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 60. This is a Party vote. Any member wishing to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The Republican Conference will be in the negative on these amendments. If any member of the Republican Conference would prefer to vote in the affirmative, please contact the Minority Leader Office forthwith. Thank you, sir.

MRS. PEOPLES-STOKES: Mr. Speaker, there are folks all over the State of New York. They're probably not still watching us, but they are anticipating our work. It's to give them some semblance that they can make it through the next few weeks while we experience this pandemic. It's not necessarily pleasing to everybody's ears to hear that we're all going to have to put in in order for all of us to get through this in any kind of whole way, but, it may feel like it's not going to be the greatest thing, but I really do believe when we all are contributing to help each other, we will all end up being better off.

And so, I am, you know, very pleased to ask this Majority to take a Party vote in favor of this legislation so that we might move forward. There are people depending on us. And so, I think we need to take this final step and go home and share with them what we've done to try to help move their lives forward. This is not going to be the last thing we have to do, mind you. There's going to be more. We have no idea yet how much more we're going to have to offer for the citizens of this State, but I think we've got a good start on it.

So, Party vote in the affirmative, Mr. Speaker.

Obviously, I will -- I'm happy to take colleagues who would not like to vote for this, and we'll be happy to put their names on the record as such.

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

(The Clerk recorded the vote.)

Mr. Abinanti to explain his vote.

MR. ABINANTI: Thank you, Mr. Speaker. I'd like to address my comments to Section C, which amends a bill that we dealt with the other day dealing with forbearance of mortgage obligations for one to four family-owned and occupied residential properties. In a time of crisis, it's the most important role of the Legislature to protect the entire community. And that is what we've tried to do over the last 48 hours. This particular section is an attempt to help those homeowners who could lose their homes because of a loss of income during this COVID pandemic through no fault of their own. It's a short-term solution. It encourages New York State regulated lending institutions to be reasonable, to negotiate with the borrowers, and it puts a little push in there that if they can't reach their own agreement, if they -- if this is not a reasonable enough inducement, then the borrower can fall back to a remedy set forth in the statute of being able to pay back the missed payments over a period of time, or to pay them as a balloon payment at the end of the mortgage period.

Now, some question has been raised about the validity of this, the constitutionality of this. Let me note that this amendment changes something very important from the bill that we passed the other day. This continues the obligation of the borrower to pay interest. Secondly, it defers obligations; it doesn't impair obligations. And, lastly, the enforcement mechanism here is something that is totally within the control of this State Legislature, the foreclosure process.

This is a very reasonable bill. It is necessary to help our homeowners and I urge all of my colleagues to vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Abinanti in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The following Republican members will be voting in favor of these amendments: Mr. Norris, Mr. Morinello, Mr. Schmitt, Mr. Fitzpatrick and Ms. Miller. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Mr. Lentol to explain his vote.

MR. LENTOL: Thank you, Mr. Speaker. I just wanted to clear up the record, because Mr. Goodell cited something that I think was my fault, because in our discussion of the preliminary hearing bill earlier today, I had cited the wrong section to him, and I'd like to note for the record that the -- it wasn't the section that I gave --

I gave him the wrong section. It was Executive Order 202.28 that supplies the means for a court, when necessary, to shield the image of a witness, or to garble the witness' voice. It wasn't the section that I gave him. So, be sure that in that preliminary hearing, the virtual preliminary hearing that we want to set up, all witnesses will be protected by virtue of that Executive Order. And if that Executive Order is not enough, judges have the authority, by their own power, to do whatever is necessary to protect the witness. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Lentol in the affirmative. Thank you for the clarification, and we are reminded not to use members' names in explaining our votes. Thank you.

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, as we conclude today's -- this morning's Session, we will take up two privileged resolutions that we discussed on yesterday, actually, one by Mr. Otis honoring first responders, and the other by Mr. McDonald, memorializing the many lives that have perished as a result of this pandemic. So, Mr. Speaker, if you would please take up these resolutions, but before you take up these resolutions, I would note that when we adjourn, we will adjourn until Friday, May the 29th, tomorrow being a legislative day, and that we will reconvene at the

call of the Speaker. Thank you, Mr. Speaker.

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

The Clerk will read.

THE CLERK: Assembly Resolution No. 856, Mr. Otis.

Legislative Resolution honoring the first responders from the State of New York who have battled on the front lines, for their heroism during the unprecedented time of crisis created by the COVID [sic] Virus Disease 2019.

ACTING SPEAKER AUBRY: Mr. Otis on the resolution.

MR. OTIS: On behalf of all of our colleagues here in the State Assembly, even at this late hour, we make special note of -- of the first responders and frontline workers who have so sacrificed. You know, we all know that the deadly virus could be anywhere, and we have an ability to avoid exposure to it and be careful. But the first responders and the frontline workers face a different challenge. While the virus could be anywhere, first responders know when they report to work they will encounter the virus. They all have made a decision that their responsibilities to all of us, their responsibilities to care for the ill, respond to emergency, to keep the fabric of our society together, is more important than any guarantee of personal safety. Ordinary acts become extraordinary heroism.

So today we honor their service. We honor their

sacrifice. We honor those who have become ill. Those who continue to put their lives at risk, and the many of those who are lost to us today. We honor the first responders for their commitment to humanity.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: On the resolution - again, for the first time I believe since we've gone this way - all those in favor from all over the State, wherever you may be, in your homes or otherwise, signify by saying aye.

The resolution is adopted.

THE CLERK: Assembly Resolution No. 855, Mr. McDonald.

Legislative Resolution expressing sincere heartfelt condolences to those New Yorkers and those around the United States and the world who have lost their lives to COVID-19.

ACTING SPEAKER AUBRY: Mr. McDonald on the resolution.

MR. MCDONALD: Thank you, Mr. Speaker, for the opportunity for us to offer our heartfelt condolences of this Body to those New Yorkers, to those around the United States and the world who have lost their lives to COVID-19. This global pandemic has created an unprecedented health crisis that has caused significant economic risk and harm to the well-being of the businesses, organizations, communities and citizens throughout our great State of New York. More than 5.3 million cases of COVID-19 have been

reported worldwide, with at least 342,000 deaths. Almost -- over 100,000 deaths throughout the United States. And today here in New York State, 23,722 individuals have lost their lives.

Each and every New Yorker throughout this State has been affected in one way or another by knowing somebody who has suffered under the guise of this horrific pandemic. The New York State Assembly recognizes the devastating loss of life from this life-threatening virus, and shares the grief and heartache with the family members and loved ones of those who have lost their lives.

Mr. Speaker, the memory of those who have died will be forever imprinted in the hearts of all the citizens of the great Empire State.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye.

The resolution is adopted.

Let us all rise in the memory of the ones lost to this disease.

(Whereupon, a moment of silence was held.)

The Assembly stands adjourned.

(Whereupon, at 2:29 a.m., the House stood adjourned until Friday, May 29th, that being a Legislative day, and to reconvene at the call of the Speaker.)