

**THURSDAY, JUNE 20, 2019**

**10:17 A.M.**

ACTING SPEAKER AUBRY: The House will come to order.

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

(Whereupon, a moment of silence was observed.)

Visitors are invited to join the members in the Pledge of Allegiance.

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

A quorum being present, the Clerk will read the Journal of Wednesday, June 19th.

Mrs. Cook.

MRS. COOK: Yes, sir. Mr. Speaker, I move to

dispense with the further reading of the Journal of Wednesday, June 19th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Cook.

MRS. COOK: Thank you. "Yesterday is history. Tomorrow is a mystery. Today is a gift of God which is why we will call it the present." That was from Bill Keane who was an American cartoonist most known for his work on the newspaper comic *The Family Circus*.

The Majority Leader is not present today because of a family emergency, someone passed away in her family. Okay.

Mr. Speaker, may I have the members' attention so that we can announce the schedule for the day?

Members have on their desks a main Calendar and a debate list. After any introductions and housekeeping, we will continue to consent bills where we left off, beginning with Rules Report No. 519 on page 17, through Rules Report No. 633 ending on page 39. We will also be taking up bills on debate. Ways and Means and Rules Committee will meet. Their work will produce an A- and B-Calendar. There will likely be the need for Party Conferences, on which further announcements will be made.

So with that as a general outline, Mr. Speaker, if there are any other introductions and housekeeping, now would be the appropriate time to do that.

ACTING SPEAKER AUBRY: Mrs. Cook, first, welcome to the new role, thank you. We will try and behave ourselves, make it easy for you.

(Applause)

But we are gifted again today because it is the present with no introduction and no housekeeping.

(Applause)

MRS. COOK: Thank you.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A07902-A, Rules Report No. 519, Hawley. An act to amend the Public Officers Law and the Town Law, in relation to the residence of the person holding the office of Town Superintendent of Highways or Town Engineer of the Town of Pavilion, Genesee County.

ACTING SPEAKER AUBRY: On a motion by Mr. Hawley, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Members, this is the first vote of the day. If you are in your seat at the moment, please vote. If you are in the sound of our voice outside the Chamber, come to the Chamber and cast your vote. We have a lot of work to do today, ladies and gentlemen, let's do it

efficiently. Thank you.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, members should be reminded that this is the first vote. Please come to your chairs and -- and vote, please.

ACTING SPEAKER AUBRY: Thank you, sir and welcome to you, sir.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07917-B, Rules Report No. 520, Solages. An act authorizing The New Horizon Counseling Center, Inc. to receive retroactive real property tax exempt status.

ACTING SPEAKER AUBRY: On a motion by Ms. Solages, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07950-A, Rules

Report No. 521, Ramos. An act in relation to authorizing Christian Worship Center Church of God to file an application for exemption from real property taxes for a certain assessment roll.

ACTING SPEAKER AUBRY: Read the last section.

We will take that back.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07983, Rules Report No. 522, Palumbo. An act to authorize the Town of Brookhaven to extend the boundaries of the Rocky Point Fire District to include the Village of Shoreham.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08021, Rules Report No. 523, Jaffee. An act to amend the Family Court Act, in relation to sealing and expungement of records in Persons In Need of Supervision cases in the family court.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A08061, Rules Report No. 524, Williams. An act to amend the State Finance Law, in relation to requiring State contractors submit a statement on human trafficking.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08100, Rules Report No. 525, Thiele. An act authorizing the alienation of certain parklands in the Town of East Hampton, County of Suffolk.

ACTING SPEAKER AUBRY: On a motion by Mr.

Thiele, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08123-A, Rules Report No. 526, Englebright, D'Urso, L. Rosenthal, Ortiz, Thiele, Reyes, Gottfried, Griffin, Otis. An act to amend the Executive Law, in relation to preserving ecological integrity, wildlife and open space in the Adirondack Park.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A08155, Rules Report No. 527, Barclay, Manktelow. An act to amend the Public Officers Law, in relation to providing that a special patrol officer of the County of Oswego need not be a resident of such county.

ACTING SPEAKER AUBRY: On a motion by Mr. Barclay, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, at this time on the main Calendar, Rules Report No. 88, page 3, Mr. Bronson.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A05459, Rules Report No. 88, Bronson, D'Urso, Blake, Fahy, Steck, Colton, Reyes. An act to amend the State Finance Law, in relation to the cost effectiveness of consultant contracts by State agencies.

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

We are on debate. Members who are in the aisles, please take your seats. Gentleman, gentle lady, would you please take your seats? We have a debate going on. Hello, nice to meet you.

Proceed, Mr. Bronson. Shh.

MR. BRONSON: Thank you, Mr. Speaker. This bill is in response to New Yorkers across the State asking for State government to find cost efficiencies and to rein in State spending. This bill, when enacted, will indeed save millions of taxpayer dollars.

Essentially what the bill does is it would require whenever a State agency is anticipating letting out a contract to

consultants and that contract is going to cost more than \$750,000 over a 12-month period, that there must be a cost analysis done comparing the cost of letting the contract out versus the cost of having State employees do the work.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

ACTING SPEAKER AUBRY: Mr. Bronson yields.

MR. GOODELL: Thank you, Mr. Bronson. I know we passed a similar bill, I believe last year, that was vetoed by the Governor. Has this bill been changed?

MR. BRONSON: It has not.

MR. GOODELL: And is there any indication that the Governor has changed?

MR. BRONSON: I certainly --

MR. GOODELL: At least in his perspective?

MR. BRONSON: I certainly hope so.

MR. GOODELL: You and I share that from time to time. But getting back to this. Part of the concerns that the Governor expressed was that the cost of the study might exceed the savings that would otherwise be achieved; what's your view on that?

MR. BRONSON: I think that it is important that we set as a priority that we're going to try to save taxpayer dollars and the -- it's -- it's not a study that has to be done, it's an analysis done by the

agency and, in fact, there are some agencies that already do this. So, I think that if the Governor believes that certain agencies should do this, I think that the logic should apply that all agencies ought to do that comparison analysis.

MR. GOODELL: And does this bill contain a cost-saving threshold? In other words, does the study have to indicate that, for example, there'd be a savings in excess of a certain amount before you would go with a contractor?

MR. BRONSON: I believe it's 10 percent.

MR. GOODELL: So if this bill were implemented, then, we would spend up to 10 percent more by not going with a contractor than with going with an outside consultant?

MR. BRONSON: There would be flexibility so that -- I mean, we don't want an exact kind of comparison, and so there's an exact, you know, foundation line. So, we want to give some flexibility and that's why we also have certain areas where the contract would be letted out because of -- of a speciality area or something of that nature.

MR. GOODELL: And how would this apply in the context of Design-Build?

MR. BRONSON: It would -- so, in -- in Design-Build, depending on if that's authorized and, as you know, that's only authorized in limited situations across the State and, certainly, in New York City we -- we have done it more often, but I think that the same way that you -- experts are used in a Design-Build

scenario, we would do that analysis here. But with that, we're -- the argument of using Design-Build is because of the efficiencies of having one person go all the way through the project. So, I think there would be some limitations just out of a -- a practical nature of Design-Build.

MR. GOODELL: One of the other concerns that was raised was not only the cost of doing the study, but the staff resources that would be needed to do the study.

MR. BRONSON: Oh.

MR. GOODELL: Could a State agency contract with a private consultant to do the cost analysis of hiring private consultants for a -- a particular project? For example, Price Waterhouse and some of the other larger firms do a lot of that cost analysis work. So, my question is, could the State agency hire an outside consultant to evaluate the cost-effectiveness of outside consultant contracts?

MR. BRONSON: I presume that they could.

MR. GOODELL: So this does not require that the cost analysis be performed in-house?

MR. BRONSON: I can't imagine that a cost analysis is going to cost over \$750,000, so my sense is if they -- they believe they would need that outside expertise, it's possible, but let me get back to your previous question, Mr. Goodell, because I -- I didn't give a complete accurate answer. On Design-Build, that wouldn't apply here because public works projects, public projects are not included in

this bill.

MR. GOODELL: Now, you also have special provisions in the event work that's currently being done by State employees is contracted out and affects 50 or more employees?

MR. BRONSON: Yes, we do.

MR. GOODELL: And in that case as I understand it, the employees and their bargaining unit have an opportunity to submit a bid --

MR. BRONSON: Yes.

MR. GOODELL: -- for work. Is there a timeframe on which they are required to submit that bid?

MR. BRONSON: I don't believe that's in the statute.

MR. GOODELL: So, one of the concerns -- another one of the concerns was that this could delay the provision of critical services while either the study is being done or alternative bids are being solicited from employees; what's your view on that?

MR. BRONSON: Well, I think that, you know, the -- the State agency and the workers within that would -- would, I mean, they -- they want to be competitive, they want these projects. So, you know, I don't think that they're going to have undue delay in -- in submitting their proposal.

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

MR. BRONSON: Thank you.

MR. GOODELL: On the bill, sir.

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

MR. GOODELL: I appreciate Mr. Bronson's comments about the need to make sure that we do a cost-benefit analysis before we contract out any services that are currently being provided by the State agency itself; however, this bill is clear that the purpose of that cost-benefit analysis is not necessarily to save the State money. Because what it said is even if the cost-benefit analysis indicates that the State taxpayers would save 10 percent or less -- I'm sorry, yeah, up to 10 percent, we would still keep it in-house. And so if our focus is to provide the best quality service for our residents at the lowest price, then we shouldn't pass a law that says we'll charge you up to 10 percent more just to keep it in-house.

And I will share -- and in a previous life, it seems like an eternity ago, I worked for county government and we routinely contracted services out or brought them back. And what we found is that maintaining that competitive focus and always focusing on the bottom line of the best service for the best price was a great benefit for our taxpayers. This changes the equation by saying we'll keep it in-house even if it costs up to 10 percent more, and depending on -- we're only dealing with contracts over \$750- so that 10 percent more could be quite substantial. For that reason, I will not be supporting it and recommending my colleagues that they put the taxpayers first, quality first, service first and encourage the continued use of cost-benefit analysis to make sure that we are getting the best bang for

the buck for our residents.

Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Bronson to explain his vote.

MR. BRONSON: To explain my vote, Mr. Speaker. This bill, indeed, is about saving taxpayer dollars and finding efficiencies. In New York State, we spend over \$2 billion a year on consultants and, in many cases, these consultants perform work that could be done by professionals within the State workforce. By some estimates, the State spends 32, 32 percent more on State contracts for personal services today than it did a decade ago, and the cost of services provided by consultants is significantly higher than services provided by State employees.

Over the years, various Comptrollers have conducted studies and analysis that reveal savings in the hundreds of millions of dollars. These studies have been done by Comptrollers on both sides of the aisle, Republicans and Democrats, and they have come to the same conclusion: That we save money when our professional State employees provide these services. There have been -- the Senate Task Force on Government Efficiency estimated that the Department of

Transportation could save about \$46 million per year by implementing a similar policy to this. The Federal Office of Management and Budget issued a directive to Federal government agencies that calls for them to perform a cost-benefit analysis before entering into contracts and to initiate pilot programs in this regard.

This program would work. It would save taxpayer dollars. The analysis would show when we should be using State employees. I ask my colleagues to vote for the taxpayers and vote yes on this bill. I withdraw my request and I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Bronson in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, at this time, can we go to Rules Report No. 79, page 3, Mr. Colton.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A04816, Rules Report No. 79, Colton, Weprin, Zebrowski, Jaffee, Lavine, M.G. Miller, Arroyo, McDonough, Blake, Lawrence, Abinanti, Dickens, D'Urso, Gottfried, Montesano, Cruz, Cook, Fernandez. An act to amend the Penal Law, in relation to prohibiting the manufacture, transport or shipment of undetectable knives and prohibiting the possession of

such knives.

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

MR. COLTON: Yes, thank you. This bill prohibits the manufacture, transport, shipment or possession of an undetectable knife, which the bill defines as a knife which does not utilize materials that are detectable by a metal detector, that is capable of ready-use as a stabbing or cutting weapon, and was commercially manufactured to be used as a weapon. These weapons present a serious security risk to any building that needs to use metal detectors for the prevention of violence or terrorist acts, which is why this bill has had the support of PBA's and law enforcement agencies.

For the sake of clarifying in the record, the legislative intent is not to include possession of such knife whose intent is to be used solely by a contractor or an electrician or other trade as a workers' tool.

ACTING SPEAKER AUBRY: Mr. Raia.

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

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

MR. COLTON: Yes, certainly.

MR. RAIA: Thank you, Mr. Colton. "Commercially manufactured to be used as a weapon." Is there a knife that exists that

isn't capable of being a weapon?

MR. COLTON: Well, this has to be specifically commercially manufactured for the -- as a use as a weapon. We're referring to knives that are advertised on the Internet as being non-metallic, capable of piercing a drum or a car door. Basically, making it very clear that these are weapons. They are in various shapes and forms. For example, one is in the shape of a cone which you can pull the top off and you have a weapon. These can easily pass through metal detectors; they are not detectable and they are, in fact, weapons.

In my district a few years ago, we had a demonstration that was organized together with the Office of School Safety of New York City and we had a number of these weapons which were purchased on the Internet for \$9, \$10, \$15 and you had them on somebody and that person was -- walked through the metal detector and, in fact, it did not set off the metal detector. Also, one of these weapons was used going through metal detectors in a court in California and the court officer was stabbed with the weapon. And that's why California passed a very similar law to this which prohibited these undetectable knives used and manufactured commercially specifically as weapons, and advertised as such. So, that last element is required.

MR. RAIA: I agree, just so there's, you know, full clarity here, I agree with you this is, you know, a good piece of legislation. I'm just trying to figure out how we can make it better.

And one of my concerns is, and I know we've had this conversation in the past, I'm a fisherman and we use ceramic knives. You can go to Bed Bath & Beyond and spend a whole a lot of money on a set of cutlery that doesn't have one piece of metal in it, they're all ceramic. Is there an exemption for ceramic knives?

MR. COLTON: These are not intended to cover ceramic knives because ceramic knives are not commercially manufactured as weapons. Their purpose is to, you know, cut food and fishing lines and so forth.

MR. RAIA: But if I turn around and use it and stab somebody, guess what? It's now a weapon.

MR. COLTON: But it would not come under this section because it specifically by definition has to be commercially manufactured to be used as a weapon. It has to be intent of the manufacturer to make a weapon. And, for example, in the Internet ads, you will find that the advertisements say specifically these are used for weapons, covert weapons, covert, you know, razor sharp non-metallic. It's -- it's obvious that there's no use other than a weapon, that's why it was manufactured.

MR. RAIA: I understand what you're saying, but that apparently is in the eyes of the beholder and, you know, a fisherman that gets approached by law enforcement on the water maybe they, you know, they're not having a good day and all of a sudden somebody's handcuffed and the police officer thought it could be used as a weapon and now, you know, yeah, the charge will probably be

kicked, but you just cost somebody a day on the water. I'm very concerned about the stagehands, the folks in the entertainment industry. I know you mentioned there's an exemption for them, but -- but our well-meaning police officers and law enforcement officers, you know, have discretion and if I'm carrying a, you know, a -- a normal ceramic knife and it's used in a threatening matter, then that's considered a weapon. So, I am a little concerned. I, you know, I know this hasn't passed in -- you know, hasn't become law in the past. It probably will this year and I would hope you'd consider some Chapter Amendments to refine it even further. I'd like to see a picture of what you're talking about, quite honestly. You know, I understand there's some clause, things that you hold in your hand, right, that you're not going to cut a fish with, those are easy, but the actual language you're using can apply to any knife and that concerns me.

But in any event, I appreciate you taking my questions and it would be my hope that we'd see a Chapter Amendment that further refines what -- and explains what a knife that's sole purpose is for a weapon. Thank you.

MR. COLTON: Yes, I would certainly consider that, and we will look at that. Thank you.

ACTING SPEAKER AUBRY: Mr. Manktelow.

MR. MANKTELOW: Yes, would the sponsor yield for a question, please?

MR. COLTON: Yes, of course.

ACTING SPEAKER AUBRY: Mr. Colton yields.

MR. MANKTELOW: Thank you. And I appreciate the intent of this bill. Just one quick question. If I'm a manufacturer in New York State and I manufacture knives for our military, am I going to be allowed to continue to do so?

MR. COLTON: Yes, as long as you don't do a plastic knife specifically to be used as a weapon, and that is determined by the way you advertise it, the way you sell it. A ceramic knife purchased in BJ's is not manufactured for purpose of being a weapon.

MR. MANKTELOW: Okay, so -- so back to my question. So, if our military is looking for a certain type of knife and/or weapon and it falls under these parameters, am I still going to be allowed to do that as a manufacturer?

MR. COLTON: Yes. The section of the law of the Penal Code specifically exempts knives to be used for law enforcement or for military. There's a specific exemption in the actual -- Section 265 of the Penal Code.

MR. MANKTELOW: Okay, I saw that and I was just questioning the manufacturing part, because I just want to make sure we don't lose that.

MR. COLTON: Yes.

MR. MANKTELOW: Okay. I appreciate your time. Thank you. Thank you, Mr. Speaker.

MR. COLTON: Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect November

1st.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Can we go to Rules Report No. 161, page 6, Ms. Glick.

ACTING SPEAKER AUBRY: Thank you.

The Clerk will read.

THE CLERK: Assembly No. A07169, Rules Report No. 161, Glick, Jaffee, Simon, Blake, De La Rosa, Englebright, Rozic, Ortiz, Cruz, Williams, Epstein, Reyes, Gottfried, M.G. Miller, Joyner, Ramos, Fall, Fernandez, Crespo, Weprin, Griffin. An act to amend the Executive Law, in relation to equal pay disclosure with respect to State contracts.

ACTING SPEAKER AUBRY: Ms. Glick, an explanation is requested.

MS. GLICK: Thank you, Mr. Speaker. The bill would require those businesses contracting with the State to provide data on the pay for their employees based on race, gender and, let me see, and ethnicity and to provide that to the Comptroller. The purpose is to incentivize contractors to demonstrate how wonderful they are in

terms of eliminating the wage gap that has existed particularly between men and women, but also among races.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. GLICK: Of course.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Ms. Glick. As you know, this bill calls for the average wage information to be separated by the contractor or by job category and that, of course, is an essential component because you would expect to pay different jobs depending on what they do perhaps a different wage. Was it -- was it your intent that they would use a standardized description for the jobs? In other words, for many years we used to have the Dictionary of Occupational Title that listed about 12,000 different job categories that was used by Immigration and Naturalization Service so that there was a uniform description for job categories. So, would it be your intent that a comparable Dictionary of Occupational Titles would be used to describe the job categories?

MS. GLICK: The Comptroller -- this form would be filed with the Comptroller and presented. If they're -- one presumes that they would use that standard delineation of job categories, unless the Comptroller for some reason does not believe that's appropriate.

MR. GOODELL: This language requires that the information be summarized by pay averages calculated by gender, race and ethnicity and expressed in absolute percentages. So, we're just looking at gross averages by job, by race, by gender and ethnicity?

MS. GLICK: It would be non-worker specific so that there would be an ability to, in the aggregate, determine whether there are disparities between the pay that contractors are paying to their employees.

MR. GOODELL: I note that when we look at equal pay, equal work issues, there's a number of other factors other than just the pay and the job classification, such as seniority, education, experience. Does your bill -- or this bill mention a breakout that reflects any of those other criteria that are recognized by all of us as being relevant in describing pay differentials, even within a classification?

MS. GLICK: No, I don't believe that it does. It would -- the categories are the -- whether somebody is managerial or in a different category. So, to some extent, it might reflect the fact that there are insufficient numbers of people in a particular category or that frequently women or people of color don't rise to managerial levels at the same rate or to the same extent as male counterparts.

MR. GOODELL: Does this pay reporting requirement apply company-wide or is it just the employees that are employed in New York, or just the employees that would be involved in the State contract?

MS. GLICK: It is not detailed in the bill. Those would be left to regulations that would be promulgated by the Comptroller.

MR. GOODELL: That's a pretty important issue, because if you have a large national corporation, for example, and we require them to disclose all their wage categories for all their employment characterizations for all their national operations in order to be qualified to bid in New York, but we're not going to have some of those national corporations bidding because it just isn't cost-effective for them to collect that data. If we come back to this at some point, we might want to make it specific that it's at least, at a maximum, New York employees or employees that primarily work in New York.

MS. GLICK: I hear that -- that suggestion and it's well-received.

MR. GOODELL: Now, I think my last question, hopefully - not for the day, but on this bill - we have Executive Order 162 that already requires some pay reporting. How is this bill different than Executive Order 162?

MS. GLICK: Well, the Executive Order is a little more broad and is not -- let me -- that's a very broad statement. I have the Executive Order here and it suggests that there be additional information collected related to compensation of the individuals, but it does not actually require the -- that there be a report that's available to the public and, presumably, the Comptroller would put it on a website

so that individuals in the public, taxpayers who may want to see how their tax dollars are being used and what the -- which companies are working to narrow their wage gap, that's the difference.

MR. GOODELL: Thank you very much. I appreciate your comments, Ms. Glick.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: I think one of our top priorities in terms of trying to operate the State government is to try to obtain the best price and in order to do that on State contracts, we want to maximize the competition. And so, when we impose detailed reporting requirements on those who want to bid for State contracts, it has the effect of doing two things: First, it raises the cost to the State taxpayers because every corporation that then bids has to include in its bid the cost of the data collection and reporting; they don't do it for free. So, that means the bid goes up. And for some companies, the time and money it takes to put that information together will mean they don't bid at all because there's no assurance they might even be the winner. So, they're just not going to put the time and effort into preparing that data.

The second issue that is of great concern to businesses is businesses don't want to report their average wage that they pay for every job category because that's often very confidential, it's very proprietary. And the last thing they want is a public document showing to all of their competitors what the average wage is

for every one of their job categories. And if you're in the private sector, there are some people you're paying a premium because they have really high skills and they may have a lot of experience and a lot of seniority, factors that are not reflected in this legislation. And on the reverse side, you may be a start-up and none of your employees in that particular area have any experience and so that would give a misleading perception that you don't pay good wages.

For these reasons and others, the Business Council is very opposed, as is the Association of General Contractors. And all of those who are in opposition strongly confirm that they are in compliance and agree and wholeheartedly endorse equal pay to equal work, and they also note that many of these reporting requirements to the extent they're relevant are already covered under an Executive Order. So, I don't think the bill is necessary. I think it has some really detrimental impacts on those who are seeking to compete with us for State contracts. And so, therefore, I will not be supporting it. Again, I appreciate the thoughtful comments from my colleague.

**ACTING SPEAKER AUBRY:** Ms. Glick.

**MS. GLICK:** Let me just say that we have had many years of wage disparity based on gender, based on race or ethnicity and, sometimes, that secrecy perpetuates the discrimination. And so, it is important, when it is the State, companies wish to do business with the State, that the State requests and requires that they disclose that information. I do not believe that this will be a disincentive to -- and, in some instances, particularly nowadays I think people will want

to demonstrate that they are treating their employees fairly and do not have a great disparity based on gender or race. So I would urge a yes vote.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, can we now go to Rules Report No. 570, page 27.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A08339, Rules Report No. 570, Otis. An act to amend Chapter 498 of the Laws of 2017 authorizing the New York State Thruway Authority to convey real property to Rye County Day School, in relation to requiring the Rye County Day School to make the athletic field and track available for rental to public recreation groups for a certain amount of time per year.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record

the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker, for allowing me to interrupt the proceedings. Behind me, as you can see, we have 60 young and enthusiastic 4th graders from Greenfield Elementary School in Saratoga County, which is in Assemblywoman Mary Beth Walsh's district. And they're here on their annual end of the year trip to the Capitol and the Museum. And they are so thankful that we're here working an extra day just for them so that they can see us in action. If you would welcome them, and they're accompanied by their 4th grade teacher, Dave Shippee, and several chaperones who are anxious for us to continue.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Walsh, the Speaker and all the members, we welcome this 4th grade class and your teachers, and parents I presume are with you, here to the New York State Assembly. We extend to you the privileges of the floor, hope that you have had a good trip here in Albany. You have joined on our last day, like you will soon have the last day of school. We're also anxious to go home. And hope you have a great summer and always know that you're welcome here. This is the People's House. And please come back and visit us, and good

luck with a great summer and a great fall school year. It happens.

Thank you so very much.

(Applause)

Mr. Ramos.

MR. RAMOS: Mr. Speaker, can you please recognize Mr. Crouch for a brief announcement?

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

MR. CROUCH: Thank you, Mr. Speaker. There will be a Republican Conference in the Parlor immediately.

ACTING SPEAKER AUBRY: Republican Conference in the Parlor.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, there is no Majority Conference at this time. The House will stand in recess until the Minority finishes their Conference.

ACTING SPEAKER AUBRY: The House will stand in recess.

(Whereupon, at 11:24 a.m., the Assembly stood in recess.)

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**A F T E R   T H E   R E C E S S**

**12:26 P.M.**

ACTING SPEAKER AUBRY: The House will come

to order.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, I'd like to call -- call up Calendar 250, page 50, Ms. Weinstein.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A05619, Calendar No. 250, Weinstein, Perry, Hyndman, Colton, Abinanti, Taylor, Wright, Walker. An act to amend the Real Property Actions and Proceedings Law, in relation to the failure to raise the defense of lack of standing in a mortgage foreclosure action.

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

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: What this bill does is allows a person who is in foreclosure to save one of his defenses until right to the end, if not even past the end of a foreclosure sale and set aside the proceeding. And that's the defense that the plaintiff who is bringing the lawsuit has to prove that they owned the note or mortgage, which, by the way, the plaintiff has to prove whether or not the defendant even appears.

So the way the current law works is when a person

goes into default on their mortgage, they receive a notice, a 90-day notice that says you're in default, you need to bring this up to date. If you don't it bring up to date, a mortgage foreclosure might occur. After that 90 days when they serve the summons and complaint, which is a summons, it's a very clear statement that you have to answer. If you don't answer within a certain time period, typically 20 or 30 days, a default judgment may be taken against you. The complaint lists all the facts that support the action.

In addition to the summons that is normally served, there's a special notice just the mortgage foreclosure actions in bold print that says, *You need to pay attention to this, you need to answer it. If you don't answer, you're at risk of losing by default.* And if you do appear and answer, then there's mandatory settlement conferences where the court supervises discussions between the bank and the person who is in default tries to reach a settlement. And if that's not successful, then typically what happens is the lending institution makes a motion for the appointment of a receiver. The receiver reviews all the facts, makes sure everything is in order, calculates the amount due, reports to the court and they schedule a mortgage foreclosure. And the mortgage foreclosure is typically on four to six weeks notice, public notice as well as notice to the defendant. And after they have a foreclosure sale, the referee who is in charge of all of this then makes a further report to the court, assigns a referee deed and the property transfers.

Under current law, you can raise a question

challenging the standing of the -- of the financial institution in your answer. You have an absolute right to file a late answer as long as it's not too late. You have the right to file a late answer even after it's quite late, with the permission of the court. You can bring up a standing issue during the pre-settlement conference. This bill says that if you default, you can even wait until after the foreclosure sale, after someone else has appeared, after somebody else has submitted a high bid.

We already have multiple safety procedures in place, multiple notices, pre-trial conferences, settlement conferences. What this does is slows the entire process once more by saying you can save this defense until the day before the foreclosure, even though you appeared on everything up to that point and never opened your mouth about it, you can wait until the day before the foreclosure, kick the whole process off another four to six weeks, if not more, and if you didn't appear, you can just sit back, wait for the public notice, wait until after the foreclosure and raise it for the first time. So, this is an automatic one- to two-month extension for a person who is in a house that's becoming a zombie property without making any payments.

The current process works. There is more protections in the current process than any other legal proceeding and this is overkill that will slow the process further, disrupt the proceedings and add uncertainty even after the foreclosure sale over whether or not the deed is valid. For those reasons, I would recommend a vote against it. Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Weinstein to explain her vote.

MS. WEINSTEIN: Yes, thank you. I would urge my colleagues to, again, support this bill as -- as we did pass it last year. The defense of standing, which means that the plaintiff actually has the mortgage note and is in physical possession of it and is the proper party to bring this action, must be raised in the very early part of the proceeding as a foreclosure proceeding. As we know, many defendants do not have attorneys when they first are served with foreclosure notices. Some don't even have -- get the notice and by appearing in court, they, within sometimes 20 days or 30 days, will waive their ability to raise this defense of -- of standing. So, that -- it is very important that we let particularly unrepresented individuals, which are a large number of the people facing foreclosure, have the ability to raise this defense and not to lose their home because of a quirk in the law that requires them to raise this early.

We've made amendments to this bill that have satisfied, though I don't believe they've withdrawn their opposition, but have satisfied the land title people where they wanted some exactitude, and I would urge my colleagues to vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Abinanti to

explain his vote.

MR. ABINANTI: Thank you, Mr. Speaker. I think this is a very good piece of legislation; I compliment the sponsor on this. I'd like to just supplement what the sponsor said. What we're talking about here in layman's terms, this is an additional effort to make sure that the plaintiff in the lawsuit is, in fact, the representative of the person or the bank that does, in fact, own the mortgage. Because of electronic systems these days, the banks pass these things around. They don't always pass around all of the paperwork that's supposed to go with them. And we have many unrepresented individuals who get -- who suffer foreclosure for whatever reason. And you'll find sometimes the courts will appoint lawyers to represent those who don't appear in court, and by the time the lawyer finds out that there's a defect, the entire proceeding has gone on because the banks or the plaintiffs who are moving the proceeding in the first place, don't respond to the request. So, it sometimes takes a long time to find out whether the bank that is, in fact, in court does, in fact, own the mortgage and does, in fact, have the right to make the proceeding go forward.

So this is just an additional protection to make sure that the -- if there's going to be a mortgage foreclosure, that the -- the foreclosure is granted to the bank or the lender that has the right to do so. This will not tie up a proceeding, this is just making sure the system works in today's electronic world. So, I -- I compliment the sponsor for putting this in, I think it's an important piece of legislation.

ACTING SPEAKER AUBRY: Mr. Abinanti in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, can we go to Rules Report No. 269, page 9, Ms. Weinstein.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A05630, Rules Report No. 269, Weinstein, Lupardo, Zebrowski, Taylor, Bronson. An act to amend the General Obligations Law, in relation to reforming the statutory short form and other powers of attorney for purposes of financial and estate planning; and to repeal certain provisions of such law relating to statutory gift riders.

ACTING SPEAKER AUBRY: Mr. Ra.

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

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RA: Thank you. I figured rather than having you do an explanation to this somewhat of a technical bill, I would just, you know, just lay out a few questions --

MS. WEINSTEIN: Sure.

MR. RA: -- so we can just -- for the benefit of our colleagues, understand what this bill does. One of -- one of the pieces, just in terms of the statutory gift rider; that is repealed from the bill, correct?

MS. WEINSTEIN: Correct.

MR. RA: Okay. The other issue and this is one that has -- there have been concerns that have been raised with regard to is the simplification of a power of attorney. Now I know there have been concerns raised by many individuals that this process is complex and obviously people are trying to execute powers of attorney for various reasons, but -- but oftentimes, you know, the complexities of it may -- may cause some hardship to -- to families and, you know, and loved ones of individuals in need of a power of attorney. So, can you just go through what -- what it looks like here is that an agent would be able to sign for a principal executing the power of attorney?

MS. WEINSTEIN: Yes.

MR. RA: So under those circumstances, though, is there any requirement that the principal, you know, be unable to sign for themselves?

MS. WEINSTEIN: I -- I -- I don't think that there is an actual requirement in the statute, but when the agent signs for the principal, it needs to be acknowledged by another individual.

MR. RA: It would need to be acknowledged by -- by somebody else.

MS. WEINSTEIN: Somebody else beyond the agent. There's an acknowledgment requirement.

MR. RA: Okay. And the -- the other issue is this idea of -- it talks about substantial conformity.

MS. WEINSTEIN: Correct.

MR. RA: Now, I know that one of the things this is aimed at addressing is people, you know, executing a power of attorney and then they end up in a situation where some entity, a bank, whoever else says, *No, this don't comply with the statute*, and now they -- they're unable to conduct whatever the transaction they're looking to conduct. But one of the concerns that's been raised with this is if we relax this, what is going to be the burden on, whatever it is, a financial institution or whoever else has to look at it to determine whether there is substantial conformity. Could that not be open to different interpretations by depending on the entity that's looking at it?

MS. WEINSTEIN: Well, as you say, Mr. Ra, the current statute requires exact language -- the exact language, and because of very minor language changes that don't affect the -- the substance of the power of attorney, those power of attorneys have been rejected. Some financial institutions often have asked for their own form to be used, but clearly, if the principal is no longer competent, then that's why the power of attorney is being used. You can't -- that principal can't now sign a different form.

So, what "substantial conformity" means is that minor technical errors will not invalidate the -- the form. There is a

process set up where the -- the institution that's being presented with this power of attorney that will meet the -- the new statute that we're adopting, can ask for an attorney's letter to verify that the -- that the person is the -- the agent is -- that the agent is acting as directed by the principal. They can -- they have seven -- seven days to look at it, look at the power of attorney if they have concern, get that clarification. There also is, if in good faith and on the face of it it looks like it's accurate, they can accept the power of attorney without having negative effects on them. I think in the para dynamic, the financial institution has more of an ability to be able to check the veracity of the -- of the power of attorney versus the principal, who now has a power of attorney that can't be -- be used. So -- so we do put in protections, both for the principal so that there isn't abuse, but also for the institutions that in good faith accept these powers of attorney.

MR. RA: Okay. Now, you mentioned the -- these seven days. Once that seven days has been, you know, has elapsed and, you know, suppose the institution has not -- has not been able to, to their satisfaction, verify that the document, maybe they still have a concern. I mean, are they under an obligation to accept it, what are the potential penalties if they don't accept it?

MS. WEINSTEIN: If -- if they don't accept it, one of the things that we do include is the ability for the agent to start -- to bring a legal action on behalf of the principal to have the institution accept the -- the power of attorney, and there would then be a proceeding that would need to take place.

MR. RA: Okay. And then a -- a court would -- would determine whether the entity is acting unreasonably and it could even award attorneys' fees, as well, correct?

MS. WEINSTEIN: Attorneys' fees, as well as damages. So, for example, a credit card payment wasn't processed or rent payment wasn't processed and there are late fees or other kinds of damages that the principal -- the now incapacitated principal incurs because of the failure to accept the power of attorney that substantially conforms to this statute, yes.

MR. RA: Because one of the -- one of the, you know, issues that, you know, I've seen in some memos and I think concerns some of us is that, you know, currently if you've got, you know, something in the correct form, it's pretty clear for -- that the institution, you know, unless there's something really that waves a red flag that something looks really off, that they -- they can rely on that being in compliance with the statute and move forward. You know, a financial institution or some other institution that's processing a lot of transactions, you know, might have a lot of these that are -- that are, you know, piling up and they have to verify them. And I -- I'm concerned whether the seven days is sufficient for them to -- to do that in all instances.

MS. WEINSTEIN: Well, I would just mention that this bill was the result of several years of the State Bar Association meeting with stakeholders, meeting with, really, a blue ribbon panel to develop this -- this new form to eliminate some of the problems of the

form being -- the power being rejected. And we would anticipate, in the vast majority of cases that -- the overwhelming majority of cases that the form will be in -- as prescribed in the statute and it will be in very limited cases where there would be a question about the acceptance of the form. I think the big change here is that we will allow principals, we will allow people who are elderly, who are disabled to be able to acc -- have their agent access financial -- their financial accounts without being forced to have to sign a -- a power of attorney that is -- that institution develops when they're no longer competent to -- to do that.

MR. RA: Okay. Thank you very much.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: Just to reiterate a couple of concerns with this, you know, one -- one of the pieces allows an agent to -- to sign on behalf of a principal with -- without really any -- without really any need for the principal to be in any way incapacitated or, you know, unable to sign for themselves. But then further, there's something that, yes, there are technical issues to -- to powers of attorney and other instances where, unfortunately, you know, transactions are rejected for that reason and I think that's something we should work on, but getting away from kind of the standard could cause an issue where financial institutions, other types of institutions that have to receive a power of an attorney and -- and determine its validity have to really spend some time verifying that if, you know, that document was

signed by the proper parties and complies with the law so that they can process the transaction, which really could allow, you know, this individual to do any number of things on behalf of -- of the principal. So, for those reasons, I -- I have concerns with -- with this piece of legislation. 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: Will you yield, Ms. Weinstein?

MS. WEINSTEIN: Yes, of course.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GARBARINO: Thank you, Ms. Weinstein. This is getting rid of the statutory gifts rider, correct?

MS. WEINSTEIN: Yes, the separate statutory gift rider, and it does, as relates to gifts, allows the -- this new statutory form to allow -- to increase gifts without this extra gift right or provision we have now, allows the dollar amount to go from \$500 to \$5,000.

MR. GARBARINO: Now, I know a lot of spouses, husbands and wives, husband/husband, married couples use this for estate planning in case they need to do, you know, Medicaid planning, they have the spousal (inaudible) and all that, and if somebody needs to go on Medicaid, they use the power of attorney to transfer the assets

from one person's name to themselves. If they have this document and right now you need the statutory gift rider, which specifically authorizes the agent to allow to make transfers to themselves which, if you put in the modifications to make unlimited gift transfers, how do they -- with this -- with us getting rid of the statutory gift rider, how are they still going to be able to do that? Or is there going to be a gift rider after this, or...

MS. WEINSTEIN: Not a gift rider, but there's a section for modification so they can -- they -- they can -- they can just include in the modification section that -- that information --

MR. GARBARINO: So what --

MS. WEINSTEIN: -- that allows to go beyond what the -- what the power of attorney would allow in terms of just that \$5,000 limit.

MR. GARBARINO: So in the -- in the modification section of the power of attorney they get to say, *My agent can make unlimited transfers of any amount. My agent can make gifts to themselves, my agent* -- so all the things that are in the statutory gift rider now, in that separate three page document, are going to have to be put into the modification section of the power of attorney?

MS. WEINSTEIN: Yes, correct. And this way it also, you don't have to sign several different documents. Right now, as you say, you have to sign the power of attorney, then the gift rider --

MR. GARBARINO: And the gift rider needs two

witnesses, I understand.

MS. WEINSTEIN: Right, so this will all be consolidated into the power of attorney.

MR. GARBARINO: But we just have to make sure that everything that's in that gift rider -- is there a reason we didn't make that part of the power of attorney form where it's an extra -- it would just be something where they initial instead of them having to have -- have to put that in the modification section?

MS. WEINSTEIN: You know, the intention was -- we heard, the State -- we heard -- the State Bar heard from many people about the cumbersomeness of the -- the separate gift rider and the idea is to go back to having a single form and just have that -- that language able to be added -- added into it and still have the protections of a -- of a gift rider. So, it has to be affirmatively added.

MR. GARBARINO: It has to be affirmatively added. Okay. Thank you very much for that.

On the bill, Mr. Speaker.

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

MR. GARBARINO: I remember when these changes came out, it used to be very easy, it was a one-page document to fill -- fill out for a power of attorney and there were some good protections added, I believe, but it was -- it is -- was very burdensome to do these documents. People had to sign three times, initial five times, it was maybe six, you had to make sure your agent was there to sign and

accept the power. I know we're keeping that -- my concern is, though, one of the big things with -- with estate planning for spouses is -- is this gift rider and being able to prepare for Medicaid in case anybody needs to go into a nursing home, but -- but not lose all their assets, and this -- this -- these transfer rules are very important. And by not specifically moving it from the gift rider to the power of attorney, requiring it to be added in the modification center, concerns me that the wording might not be correct if an attorney does it, that if somebody does it on their own, the wording might not be correct, something might be left out, and this document that these married - or even not married, because lot of times, it's single -- parents have their kids do it - that these elderly people have these documents that they rely on and say, *Okay, I'm going to be able to protect my assets from Medicaid so my spouse or my children can get these assets.* By not having the specific wording in the actual form and relying on someone else to put it in and make sure it's there, make sure everything's there, I'm -- I'm concerned that a lot of people are going to make mistakes. I'm concerned that a lot of things are going to be left out of the document and then these documents that -- that these people relied on won't be effective and their estate plan will just be blown up.

So I have -- I agree with making the form easier for the person when executing it, but I think this is something we should look at as a possible Chapter Amendment to put this specifically in the power of attorney form instead of relying on someone to add it, because, you know, I understand that it's got to be affirmative action,

just that you affirmatively have to initial now, so that could've been an easy fix and maybe we can look for a Chapter Amendment in the future. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, continuing on the debate list, we'd like to call up Rules Report No. 470, page 15, by McMahan, Rules Report No. 467, page 15 by Arroyo, and Rules Report No. 434, page 14, by Jacobson.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Senate No. S05248-B, Rules Report No. 470, Senator Biaggi (McMahan, Colton -- A08093-A). An act to amend the Labor Law, in relation to prohibiting wage differentials based on protected class status.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

the sponsor yield?

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

MS. MCMAHON: I will.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you very much, Ms. McMahon. It's my understanding under current law, it's illegal for any wage discrimination to occur in any New York employer based on sex. It's the equal pay for equal work. That's current law, but it's limited to -- between the sexes, correct?

MS. MCMAHON: That is correct.

MR. GOODELL: And as I understand it, this bill is intended to expand that anti-wage discrimination to include any other protected class.

MS. MCMAHON: Yes, all the protected classes as specified in the Human Rights Law.

MR. GOODELL: And it -- is it your intent, then, that the same standards that are currently in play for determining whether there's a violation, which is equal pay for equal work, would continue to be the same standard, that we're not changing the standard upon which that calculation or evaluation is made?

MS. MCMAHON: We are changing the language to expand the existing pay equity provisions to require equal pay for equal work, or substantially similar work, when viewed as a composite skill, effort and responsibility and when performed under

substantially similar working conditions.

MR. GOODELL: So the reference to "substantially similar work when viewed as a compositive skill, effort and responsibility and performed under similar working conditions," is that the exact same standard that's used currently by the federal EEOC in evaluating plans under equal work for equal pay under Federal law?

MS. MCMAHON: That language is found in the EEOC regs, yes.

MR. GOODELL: And so this bill is not implementing equal pay for different or comparable work, we're still in the equal pay for equal work status?

MS. MCMAHON: This is not a -- a comparable worth statute, it is substantially similar work.

MR. GOODELL: Using the same standards as the Federal EEOC does for equal pay for equal work, correct?

MS. MCMAHON: The same language, yes.

MR. GOODELL: Thank you very much.

On the bill, sir.

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

MR. GOODELL: I appreciate the clarification from my colleague. With we first reviewed this language, there was a concern whether that language was intended to implement a comparable work standard, which we've had extensive debates that have gone on for many, many hours. And upon further review, it

became apparent, at least to me and as the sponsor thankfully has confirmed, that we're not changing the standard upon which we make these evaluations, but we're merely picking up the language used by the Federal EEOC in evaluating the Federal standards for equal pay and equal work, which reflects the fact that it's not just the title that's placed on a job category, it's actually a substantive evaluation to ensure that equal pay is actually being paid for equal work. And based on that clarification - and I appreciate my colleague's comments, thank you very much - I will be supporting this bill and recommend the same to my colleagues.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07936-A, Rules Report No. 467, Arroyo, Blake, Reyes, M.G. Miller, D'Urso, Gottfried, Rivera, Cruz, Glick. An act to amend the State Finance Law, in relation to prohibiting State contracts with vendors that forbid employees from litigating discrimination or harassment claims.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: This bill basically says that anyone who wants to contract with the State of New York cannot have binding arbitration involving any of their employees relating to any claims involving discrimination, sexual assault or harassment, negligent hiring, supervision or retention, or similar matters. And it's ironic that two bills ago we voted on a bill that -- or upcoming, I apologize, we have a bill that's coming up and we have previously voted on multiple bills that had mandatory arbitration, mandatory arbitration on salary disputes, mandatory arbitration on anything that we think is important. But on this bill, we ban mandatory arbitration on employee disputes involving any contractor with the State of New York.

And most people recognize that there are advantages and disadvantages to arbitration, but one of the advantages for both an employee and employer is it's non-litigious, it doesn't involve the courts, it's usually faster and less expensive and involves an independent third party. So, for -- for those employees who look forward to having binding arbitration because they don't have to hire a lawyer or file a summons of complaint or go through the court system, the binding arbitration provisions that are sometimes contained in contracts are very beneficial, and I would hate to eliminate that option

for any employees. Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mrs. Arroyo to explain her vote.

MS. ARROYO: Well, I appreciate very much my colleagues.

ACTING SPEAKER AUBRY: Mrs. Arroyo, Mrs. Arroyo, bring your mic up.

MRS. ARROYO: Oh, my mic. How about that?

ACTING SPEAKER AUBRY: Thank you.

MRS. ARROYO: Thank you. I appreciate very much the concern of my colleagues on the other side about this bill, because we are elected by the people of the State of New York. All of us, each one, is here to represent the people of the State of New York. And what this bill does is protect the people of the State of New York. Thank you very much for your support. It's my first bill of the year and I'm happy to be in discussion with you. Thank you and God bless all of you.

ACTING SPEAKER AUBRY: Mrs. Arroyo in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08228-B, Rules Report No. 434, Jacobson, Burke. An act to amend the Election Law, in relation to change of enrollment by previously registered voters.

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

Mr. Jacobson, a [sic] explanation is requested.

MR. JACOBSON: Mr. Speaker, this is a major Election Law reform. As of now, in order to change your reporting enrollment, you can change it up to the 25th day before an election, General Election. It becomes effective after the General Election. This bill makes two major changes. First, all changes of enrollment will become effective immediately, except for those between February 14th and seven days after the June Primary. This is a major advancement. This means now that -- this is a major change because previously when we had the September Primary, the change in enrollment was 11 months prior to the September Primary. If we don't pass this bill, the change of enrollment will be eight months before the June Primary, and with this bill it's a little over four months before the June Primary. This is a major change, a major reform.

Also, by having the February 14th deadline, this will now enable many people to vote in the Presidential Primary a little over two months of a change before that Primary. This legislation preserves -- it expands the ability of people to change their enrollment

while safeguarding the enrollment -- the petition process, it avoids party rating and, at the same time, encourages people to participate.

ACTING SPEAKER AUBRY: Mr. Ra.

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

MR. JACOBSON: Absolutely.

ACTING SPEAKER AUBRY: Mr. Jacobson yields.

MR. RA: Thank you very much, and thank you for that thorough explanation. And I know, as many of us know, that -- that the current -- the current law, you know, requires that it take -- be done by a certain number of days prior to the General Election, 25th day, and that it doesn't take effect until the next year. So, just, the February 14th date, why is that date chosen?

MR. JACOBSON: That date is chosen because petitions for the June Primary will go out around the 26th of February. It changes what day the June Primary is because it's the fourth Tuesday of June. This year, it went out February 26th. This enables time for the Board of Elections to get the final list of voters that are eligible to sign the petition process. And it enables people enough time to make their enrollment change that they desire.

MR. RA: Okay. And, you know, and as you said, basically what they do each year in calculating or determining our political calendar is they have those certain dates in statute, when petitions are due and -- and then you work backwards from there. So, I'm just curious, why -- why a date certain rather than, you know, a

date triggered by -- by a milestone in our political calendar?

MR. JACOBSON: I think because it gives certainty. I think it's easier to tell voters, this is your deadline. If you start saying it's so many days before the half moon or, you know, divided by the number of days in the month, I think it's too confusing. I think it's better to have a date that is certain so that people can go around and say, *Look, you want to change, it's February 14th.*

MR. RA: Thank you, Mr. Jacobson.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: You know, certainly we've had a very busy Session when it comes to the Election Law. I think we still have some things to come when it comes to -- come to the Election Law. So there has been, you know, a lot of changes that our voters are going to be noticing and seeing and it's going to affect the way they participate in our -- in our Democracy. And, you know, we have the new June Primary date, which, you know, we're -- we're seeing for the first time and we will go through a State cycle next year, along with a Federal cycle. And -- and I do recall, you know, in 2016 people showing up to the polls and -- and being somewhat frustrated if they did not realize they were enrolled in one political party or the other.

But I -- I think we also need to keep in mind, you know, there are states in this country that approach this many different ways. There are states that, you know, have open primaries, there are states that have very closed primaries. There are states and different

parties where maybe they determine that -- that they want to let people vote in certain -- in certain primaries. But there is also, you know, when we think of registering in a political party, its primaries are an opportunity to select that -- that party's candidate. And I -- I think our current system definitely is -- is rigid, and probably too rigid, to make sure people can make those changes, because, you know, we all change our minds and so many different things. And maybe you feel, you know, the Republican Party has gone too right or the Democratic Party has gone too left and you want to change your registration. But we also, I think, need to be careful about that being done in a more transactional manner than, *Okay, I want to be able to vote in this primary or the other.*

So, that is one of my concerns. I think this is going to be a continuing area that we need to look at as we deal with all the changes in registration, different primary dates and all the other things to come as we go through a full, you know, political cycle with these changes in effect. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. DenDekker.

MR. DENDEKKER: Will the sponsor yield for a quick question, too?

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

MR. JACOBSON: Absolutely.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. DENDEKKER: So the -- the date is February 14th and that would be before then an immediate enrollment change --

MR. JACOBSON: Correct.

MR. DENDEKKER: -- up until you said a week after the primary?

MR. JACOBSON: That's correct.

MR. DENDEKKER: Okay. So what happens a week after the primary, somebody goes back in. Is it then immediate again?

MR. JACOBSON: Yes.

MR. DENDEKKER: So, in theory, could someone register in one party on February 13th and then after the primary, change their registration back to a different party and then vote in the General?

MR. JACOBSON: Yes, that could happen, but it...

MR. DENDEKKER: And what happens in the event of a special election?

MR. JACOBSON: Excuse me?

MR. DENDEKKER: What happens in the event of a special election?

MR. JACOBSON: What happens in a special election? The rules don't change.

MR. DENDEKKER: So it would still be from the February 14th date to the day of the primary, only because the special election doesn't have party enrollment? Is that a party primary?

MR. JACOBSON: No, I don't -- I don't think -- if somebody -- if there's a special election and the special election occurs before February 14th, which would be unusual, obviously somebody could change their enrollment. But if the special election occurs between February 14th and the June Primary, then their enrollment change would not take effect. This way, you can't have people obliterating the Wilson-Pakula Authorization under 6-120. See, part of the reason here is we -- if -- if you don't -- if you don't change by February 14th for the June Primary, you're not getting religion if you want to change the month before, you're doing it because you to game the system, you want to -- you want to raid a party. It might be one of the minor parties, it might be a major party. You might have -- you might already have the Republican nomination and now you want to get into the Democratic Primary.

So this way, we preserve the party -- we preserve the party structure, the petition process; yet, giving people more chances to -- to change their enrollment.

MR. DENDEKKER: All right. Thank you very much, Mr. Jacobson.

MR. JACOBSON: Thank you.

ACTING SPEAKER AUBRY: Mr. Jacobson.

MR. JACOBSON: On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. JACOBSON: Thank you, Mr. Speaker. I am proud to sponsor this major Election reform bill. This bill will change

how registered voters can change their party enrollment. Now, a change of registration does not take place until the Tuesday after the next General Election, and the change of registration must be made 25 days before the General Election or you must wait until after the following year's General Election for the change to take effect.

This bill makes two major changes. Enrollment changes will take place immediately upon receipt by the Board of Elections, except those received after February 14th and before the 7th day after the June Primary. Previously, changes to the enrollment were required to be made, as I said, 25 days before the General Election, which was 11 months prior to the old September Primary. With the change to a June Primary and without this bill, the change would be eight months prior to the Primary. And under this bill, the change will be only made about four months prior to the June Primary, and the change will be about two-and-a-half months prior to the Presidential Primary this year, which is scheduled for April 28th.

There is a need for uniform party change process that applies to all parties, and that's essential because implementing different rules for different parties would create administrative chaos and impossibilities for Boards of Election that would cause voter confusion. More -- more often, party changes often impact more than one party. It impacts not only the party you're leaving, but the party that the voter wants to align with. The current law and this law is intended to avoid party raiding, where members of one party change party enrollment shortly before a primary to vote in another party's

primary in order to either selected the weakest candidate against the voter's preferred General Election candidate, or in diffusing voter context, provide a small number of votes required in a small party's primary to strategically deliver the nomination. This happens many times. You have, all of a sudden, you see 100 people register in the Green Party or the Reform Party, and you know somebody's up to something.

And so, we're not -- we're not going to be able to do this that people would decide just before the primary, *Okay, the other party -- my party doesn't have a primary so now we're going to raid the other party.* If -- if we don't protect -- if we have party raiding, we then make the possibility of a minority party to become competitive, or a majority party impossible. This bill will preserve the voters' opportunity of choice as opposed to one party dominating the -- the process, because if you have a town or a city where one party is dominant, if -- if you allow a change just before the primary and now they then raid the other party, well then you're going to have a situation where the voters won't have a choice in November.

This change -- this bill -- this change is intended to balance the State's strong interest in the integrity of the ballot, the integrity of the party system and the rules governing voter participation and party processes with the increased voter interest and participating in the political process. This bill is another major Election Law reform following our earlier successes this year in establishing early voting, the consolidation of the Federal and State

Primaries, allowing people who move from one county to another to carry their registration with them, and pre-registration of 16- and 17-year-olds. We also took the first step in amending our State Constitution to enact same-day registration and no reason absentee ballots. I am proud to have sponsored this bill and I urge all my colleagues to support it.

Thank you.

ACTING SPEAKER AUBRY: Mr. Smith.

MR. SMITH: Thank you, Mr. Speaker. Will the sponsor yield for a question?

MR. JACOBSON: Sure.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. SMITH: So I think I have a concern with this bill, and I'm thinking through it and I understand the intention; I think the intention's good. But my concern now, next year we're going to have a Presidential Primary and it's likely to only be a Democratic Presidential Primary, so under this bill, what's the stop - I'm a Republican - what would stop me on February 13th from switching to the Democratic Party, voting in the Presidential Primary and then following whatever day the Primary is the - I'm sorry, the June Primary - switching back to the Republican Party?

MR. JACOBSON: Because I think you're smart enough not to switch again. But realistically --

(Laughter)

MR. SMITH: Touché.

MR. JACOBSON: Realistically, I don't think that the people switching in a Presidential Primary will be able to raid the party having a primary in the same way that you would be able to raid the party having a primary in June. In June, it would be very easy to do it. In a Presidential Primary, I -- I don't think you're voting for one of the Democrats or getting some Republicans to do that is going to make a difference. But you're right, in theory it could happen, but I think that the -- the real thing we're doing is we're protecting the -- our June Primary and our party process there.

MR. SMITH: Okay. Thank you. Thank you very much.

ACTING SPEAKER AUBRY: Ms. Byrnes.

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

MR. JACOBSON: Of course.

ACTING SPEAKER AUBRY: Mr. Jacobson will yield.

MS. BYRNES: Quick question, though, sir. You indicated that you thought it was unlikely in a Presidential Primary, but I thought you indicated it could be ripe for abuse in other primaries. But all the primaries now are in June. So, there is no differential -- differential -- there is no difference and people could easily, in like a town like I have which is dominated by Republicans, go back and switch and say, you know, we want to get the Democratic line, too, and -- and then re-register again a couple of days later.

MR. JACOBSON: Well, the Pres --

MS. BYRNES: It's not -- it's not -- we're not restricted only to looking at Presidential Primaries, we're looking at all of our primaries. Good people here who are registered Democrats, and I at one point in my point in my life participated in the Democratic Primary, but you could also have the same thing where people are switching into your party just to run against you in primaries next year for your Assembly seats. So, I think this is -- just seems to be ripe for fraud unless you are disagreeing, sir.

MR. JACOBSON: I think it's, first of all, I -- the original bill had it the 30th of December, which then would've been further, but I think that this bill, while in theory there could be some raiding in the Presidential, I think that in reality, the raiding can really occur when you have a primary with a small number of voters.

MS. BYRNES: Right.

MR. JACOBSON: So -- so when you have a small number of vote -- and that primary for Federal and State is in June; the Presidential's in April. So, you really won't be able to raid it in the same way. I'm sure you're going to try, but I think that in a situation when you have a June primary and you have -- and say your town had 2,000 Republicans and 1,000 Democrats, all right, and now -- now the -- now you want to do something with an opportunity to ballot and so forth. It would be a lot easier for you to raid the party if you were able to change a month before the primary than doing it back in April. The main thing is we don't want to have a situation where you -- where

one nominee then will change the party close to the primary or the opportunity to ballot process in order to -- to corrupt the system. Now --

MS. BYRNES: But we are making it far more likely for it to happen under your new bill than under the current existing legislation, or current laws.

MR. JACOBSON: That's true, but we're balancing that with the interest to allow more people to switch their party closer to the primary. It's a balancing act. So, it's a balancing act. We could have kept it the way it was and it would be eight months and then there are people saying, but, yeah, but we've got a lot of people that we're encouraging, first time voters to get into the process, and most people vote for the first time in a Presidential Election. So, it's a balancing act and that's what we did.

MS. BYRNES: On the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. BYRNES: Just from the brief discussion I'm hearing today, I think that each and every one of us with the primaries being moved up, with this potential change, could be way more ripe ourselves for primary challenges, both from within and without. And I think that the integrity of the process right now, while people do have to make a decision well in advance as to what party they want to belong in, they're making a philosophical decision that they want to be a Republican, they want to be a Democrat, they want to be a Conservative, they want to be a Working Family member, and now

we're going to allow manipulation where currently at least most people register to vote based upon philosophy. In the future, I think we're going to be seeing people do it to manipulate the system. I'll be voting against this. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Blake.

MR. BLAKE: On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BLAKE: First, I want to commend

Assemblymember Jacobson for putting forth this legislation and I want to be very clear on some of the points that are being raised and counter them very directly. So when we think about why we need this bill, this is in continuation of the bill that I put forth in terms of moving the Presidential Primary itself until April 28th. Now, why we have to do that? We have to make this easier for more people to be able to participate. Doing this bill, especially when you think about how the first Caucus is on February 3rd and the first Primary is on February 11th, it gives more likelihood for people to be involved in the process than otherwise. The February 14th date, as we saw from last year, the turnout was triple the time of a regular election. And so, we want more people to be involved in the process, first of all.

Second, to the point that has been raised of people jumping and switching and trying to manipulate, that is just not the case and we have to stop that argument around fear-mongering that is happening there. Why is that not the case? Because as been stated in

the memo, it is very clear, if you register after that date, it would take effect after the June Primary and so, therefore, you're not going to have someone that's registering for one party and then moving and making a change for the primary that's happening in June. The reality is this: We should be making it easier for people to vote, not harder. We should be making it easier for you to get registered, not harder. We should be making it easier to be a part of the process, not harder.

Third and finally, why do we have to do this?

Currently, we're in a scenario where someone might be registering in October, or in the other bills that happened earlier this year, at the end of December, to take effect for an election happening next year. That doesn't make any sense in any way. And so, because we know there'll be greater participation, because it will be easier for people to be able to be engaged, and, lastly, because we put in the safeguards which are referenced at the bottom of the sponsor's memo, that someone, when they get registered before and/or February 14th, will not be able to change their registration going to the June Primary. To address the concerns that have been raised by the other side, we allot for that protection.

So, to Chairman Lavine, to Assemblymember Jacobson and others on the Election Committee, this is a very strong bill to make sure more people can participate and make sure we have the safeguards in place, and I will definitely be voting in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Smith for a second.

MR. SMITH: Will the sponsor for one final question?

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

MR. JACOBSON: Sure.

MR. SMITH: Okay, thank you.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. SMITH: So as I'm thinking about this a little bit more, especially with the new timeline we have for our elections, so now we're going into 2020. I know -- I'm going to go back to myself personally, I've enjoyed the support of the Republican, Conservative and Independence Parties. Now, our petition process for next year concludes I believe right before April, the end of March; it's about a month process. So under this, if I were to, for example, get word that I was not to receive the Independence Party's nomination next year, I could conceivably switch to the Independence Party on February 13th, still receive the Wilson-Pakula from my own Republican Party, carry petitions - I'm a Notary Public, I can actually carry petitions then for the Republican Party and the Independence Party. The opportunity to ballot process, at that point, would be nil because I would be able to then appear -- my name would appear on the Independence Party without the Independence Party signing a Wilson-Pakula.

You know, so with that concern, with respect to our minor parties, doesn't this now essentially with - and we don't have too

many minor parties that are that significant - eliminate the Wilson-Pakula process. You know, the same scenario could be said with the Conservative one, in my case, the Working Families line in other cases. I imagine, as I mentioned, my Republican Party, the Democratic Party, might be happy to sign a Wilson-Pakula to avoid an opportunity to ballot. What's to prevent that from happening?

MR. JACOBSON: The answer is no, you could've done it this year with the old rules. You still could've changed and figured you were going to get endorsed and nominated by the Republican Party; so you could've done it this year. This is a balancing act between the need for more participation and safeguarding our process.

MR. SMITH: Okay. I mean, I think with respect to that, the concern, then, would be someone could switch, only be a member of the party for about four months and then switch back to their original party. I imagine the press would not really appreciate that, so maybe that would be something, but -- but thank you. Thank you very much.

MR. JACOBSON: Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Simon to explain her vote.

MS. SIMON: Thank you, Mr. Speaker. I want to encourage people to vote for this bill. As some of you may know, I had a bill to change enrollment that would've been a shorter period of time, 25 days, which I would have preferred, but I do understand the competing concerns here and I think that this will actually make a very important difference and be something that is manageable going forward and making sure that everybody really understands what those timeframes are and be less confusing for voters. So, I am happy to vote for this and encourage my colleagues to do so.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, I'd like to call up Bill No. 567 on consent, and then we're going to go on to Rules Report No. 499, page 17 by Wallace; Rules Report No. 404 -- 404, page 13 by Paulin; Calendar No. 325, page 55 by Peoples-Stokes; Rules Report No. 334, page 12, Dinowitz; Rules Report No. 1187 -- I'm sorry, 487, page 16, by Dinowitz.

(Pause)

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A08319, Rules Report No. 567, Romeo, Glick, Peoples-Stokes, Englebright, Magnarelli,

Lifton, Benedetto, Lupardo, Stirpe, Bronson, Fahy, McDonald, Simon, Bichotte, Wallace, Taylor, Buttenschon, Epstein, McMahon, Seawright, Griffin, Reyes, Barclay. An act to amend the Education Law, in relation to the practice of registered pharmacy technician.

ACTING SPEAKER AUBRY: On a motion by Ms. Romeo, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Romeo on the bill -- to explain her vote.

MS. ROMEO: Thank you, Mr. Speaker. I just rise very briefly to explain my vote. I wanted to thank the Chair of the Higher Education Committee, staff and all the stakeholders that worked to get this bill to the floor this year. Last year, we received some word from the State Education Department that hospitals and pharmacy technicians were out of compliance, and a lot of groups came together very quickly to put this language together that will allow not only jobs to be retained, but also to avoid financial burdens on hospitals to create both registered and unlicensed pharmacy technicians to have standards of practices codified into State law. And I wanted to thank everyone that came in support on protecting these jobs and also protecting our hospital institutions. Thank you.

ACTING SPEAKER AUBRY: Ms. Romeo in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06787-B, Rules Report No. 499, Wallace, Epstein, Mosley, M.G. Miller, Simon, Gottfried, L. Rosenthal, Reyes, Otis, Simotas, Quart. An act to amend the Education Law, in relation to the use of biometric identifying technology.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: We'll withdraw it.

An explanation is requested, Ms. Wallace.

MS. WALLACE: This bill directs the Commissioner of Education to study and report on whether the use of bio -- biometric identifying technology is appropriate for use in schools and if she determines that it is, to develop guidelines for such use.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

MS. WALLACE: Yes, I will.

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

Ms. Wallace yields.

MR. GOODELL: Thank you very much, Ms. Wallace. What is -- what is the public policy concern that we'd want to stop this type of identification equipment from being utilized?

MS. WALLACE: Well, so as you may know, several school districts have already tried to acquire or are interested in acquiring or have acquired what is colloquially known as "facial recognition software" that they plan to use in school districts around the State. And right now we don't have any guidelines whatsoever on the use. There are very -- there are a lot of questions about the reliability of that software, there are questions about how it should be used, who is going to have access to the information and so forth. So this legislation would ask the Commissioner to look more deeply at the issue and to develop a unified Statewide policy -- uniform Statewide policy on this issue.

MR. GOODELL: Of course, as you know, a tremendous amount of concern all across our State and the nation, in fact, about school security. And the question that many school administrators are asking of us is shouldn't we utilize all the tools that are available to us to maximize the security of our schools? Certainly we have no objections to video cameras and they're widely used to help in school security. We have no problem with advances in technology in other ways that identify individuals. The problem with a security camera is the resolution is not always very good; it's easy to confuse people. So, my question is this: If you've thrown a student off or you've had problems, wouldn't it be a helpful tool for a school

that's concerned about security to be able to have this type of software available to identify that the individual that's showing up, trying to get into the school, is one of those individuals that they have serious security issues concerning?

MS. WALLACE: Well, Mr. Goodell, as you mentioned, all of us want to keep students safe, right? And I, myself, and I'm sure many members in this -- in this -- everyone here has advocated for resources for our local districts and also Statewide to help school districts acquire the tools to keep students as safe as possible. But, it's funny that you mentioned about the unreliability or the lack of resolution on regular videos; in fact, actually, there's a lot of questions about how reliable facial recognition software is. There's a lot of studies that show that it's not that reliable and, in particular, it's less reliable with regard to certain groups of people, children being one of them, women being one of them, and people of color being another one.

So -- so one of the things I'm asking the Commissioner to do is look at the reliability of the particular software. It could be that some software is very, very reliable and others are not. And so, perhaps we should establish a threshold of reliability before we even allow these to be acquired in the first place. You mentioned the limited resources. I mean, there's one school district in Western New York area that has already spent \$1.4 million to acquire this software with -- I'm not really clear in terms of how much more money it's going to cost in the future to continue to upkeep this

software, who's going to -- do you need to pay an additional person to monitor it, and are there more effective and more reliable ways to keep our students safe at a less expensive cost?

So, we want to make that we're good stewards of taxpayer resources and that if we are going to be spending exorbitant amounts of money, we're doing it in the most effective and cost-efficient manner in the way that's going to definitely keep our students safe. Right now, it's my understanding that a lot of the -- a lot of the people that are acquiring this software are just relying upon the representations of the vendor. And while I'm sure the vendor might have good intentions, one of the intentions of the vendor is to make a profit, right? So, I would like somebody who is a little bit more disinterested and to look at this issue and to develop some more Statewide guidelines on it.

MR. GOODELL: You mentioned that one school district that you're aware of has spent \$1.4 million. Would this law prevent that school district from being able to use any of the equipment that they've already spent \$1.4 million to acquire?

MS. WALLACE: Yes, it would temporarily; yes.

MR. GOODELL: And does this, then, authorize the State to reimburse that school district the \$1.4 million?

MS. WALLACE: I think if it's ultimately determined that we wouldn't be using it, then we need to have a conversation about whether that should happen, whether the school should be given a credit, maybe, for a different kind of more effective, reliable

software. But that conversation hasn't taken place yet because we don't even know yet whether we're going to say it's okay as long as you do this, this and this.

MR. GOODELL: Now, you mentioned that the school district has moved forward. Isn't that the responsibility of the locally-elected Board of Education relying on their school Superintendent and their professional staff to do a cost-benefit analysis? I mean, under our system of governance, don't we place that primary responsibility on them?

MS. WALLACE: Well, I think that that occurred without a lot, really, with almost no input from the community and stakeholders. And I think that this, you know, there needs to be a broader conversation; in fact, since I've introduced this legislation, there has been widespread support for this legislation. I think everybody recognizes it makes sense to do a deeper dive before we move forward.

MR. GOODELL: Is there anything under existing law that would prevent the State Board of Education -- I'm sorry, the State Education Department from issuing guidelines or making recommendations in this area?

MS. WALLACE: There is nothing, no, but there's nothing requiring them to do that either.

MR. GOODELL: So they can do this whether or not we adopt this law?

MS. WALLACE: They can, but right now one of my

concerns is, you know, I mentioned the school that has already spent a lot of money. I know there are other schools who are considering that and I think before we let them go out and expend this money without knowing how reliable the software is, we should just pause and look more deeply into it. Because if we let other schools acquire it, then that's going to even compound the argument that, well, kind of the cat's already -- the horse has already left the barn. So, I think, you know, we need to stop it right now before -- and look more deeply at it and say, look, you know, let's -- let's do a thoughtful deep dive, talking to different stakeholders, talking to school security experts, looking about the reliability -- looking at the reliability of it, looking at the future costs of it and the upkeep and the maintenance, and then comparing that to existing technologies that we have.

MR. GOODELL: Thank you very much for your observations and comments.

On the bill, sir.

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

MR. GOODELL: I think a lot of great points have been made about the need for our State Education Department to carefully examine not only this, but all emerging technologies that can improve the safety and protect our students, and I would encourage them to continue to do so. Fortunately, as my colleague acknowledged, they already have that authority. The State Education Department already has the ability and the authority to make these

comprehensive reviews.

In the meantime, we have elected Board of Educations in all Upstate, not in the City, but the rest of the State has an elected Board of Education. Those are the people that have been entrusted by the voters to make thoughtful decisions and to make the right choices to protect the students. And we've seen the horrific tragedy that sometimes occurs when our schools are not taking security as seriously or as effectively as we want.

So, I think a better approach than banning some of this new technology, which is what this bill would do, pending a study, I think a better approach is to give due deference to our Boards of Education, encourage them to actually try new things - hopefully, hopefully they will save kids' lives by being able to move forward with emergent technology - and, in the meantime, encourage the State Education Department to use their expertise in conjunction with information technology and other experts to help our school boards make the right decision. But I think it would be a mistake for us to pull the rug under all of our school boards and make it illegal for them to use emerging technology to protect the life and safety of our students. Thank you, again, to my colleague; thank you, Mr. Speaker.

**ACTING SPEAKER PICHARDO:** Mr. Kim.

**MR. KIM:** Would the sponsor yield for a quick question?

**ACTING SPEAKER PICHARDO:** Ms. Wallace, do you yield?

MS. WALLACE: Yes, I will.

ACTING SPEAKER PICHARDO: The sponsor yields.

MR. KIM: Just a quick question, Ms. Wallace.

Where -- where does -- do you -- do we have a sense of where the data and all this information is stored and whether it's safeguarded anywhere and whether third-party corporations and companies could actually use this to monetize in whatever capacity -- do we have any of that information in front of us?

MS. WALLACE: Well, actually, with regard to the specific schools who are planning to move forward with it, they have been in conversations with SED about the way the software works, but right now, without more thoughtful guidelines, there is nothing preventing anybody from sharing this or having third-party access or using it for commercial purposes. So, that is one of the very important reasons why this legislation needs to be enacted.

MR. KIM: And would you -- would you agree that in this time of technological advancements, many of this -- many of the companies out there are strictly out there to try and get as much of our private data and that's their business model, to make a profit over our private experiences and our privacy?

MS. WALLACE: Absolutely.

MR. KIM: Thank you.

On the bill.

ACTING SPEAKER PICHARDO: On the bill, Mr.

Kim.

MR. KIM: I think this is a -- a great bill. We have to protect the privacy of all consumers and especially students. This is the last frontier for some of these big tech companies to be -- and they're already out there engaged in what we call "surveillance capitalism" in schools and sidewalks and cities under the guise of smart cities and helping classrooms and schools, they are -- they are invading our privacy every single day. So, I think at least we have to put a stop and study what it is the intent behind these type of technologies and how we can better monitor them so I recommend my colleagues to vote in the affirmative. Thank you.

ACTING SPEAKER PICHARDO: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. DenDekker to explain his vote.

MR. DENDEKKER: Thank you, Mr. Speaker. I want to applaud the sponsor of this bill, because as my colleague just said, the sensitivity of our data is -- is being exploited every single day. I sometimes question companies that come out with new technology that offer it in certain areas for what they say is a very reasonable price or below a standard price, but in exchange, like my colleague just said, the only reason why they really want to provide

that service is to get that data that they can use. And a good example of that is the free apps that see that you get on your phone, those games and something like that. So, those apps, although you think they're free and you get to play the game for free, it's -- its specific purpose is to track you, to know who you are, who your contacts are, what your friends are, what you're eating. The amount of technology and the data that is being used for commercial purposes is -- is really high.

I think this is a good bill to look at using the biometric identifying technology and to try to make sure, as my colleague just mentioned, that we're -- we're not -- we're not using it to track our children or to find out what they're playing with or where they're going after school, or what time they're coming into school, what time they're leaving, what clothes they're wearing, if they're wearing anything with a name brand. Who knows how far this technology is going. But, I am concerned and I will be voting in the affirmative. Thank you.

ACTING SPEAKER PICHARDO: Mr. DenDekker in the affirmative.

Ms. Wallace to explain her vote.

MS. WALLACE: Thank you very much. I want to thank my colleagues for supporting this legislation. I want to just rise to clarify, this is not a ban. This is a moratorium on the acquisition -- the further acquisition and use of the software pending an opportunity for the Commissioner, after discussing it with stakeholders, to develop

a unified State-wide policy, and for the Legislature to have that benefit of that information before the moratorium is lifted so that we can come back and see whether we want further information on it.

And I also want to point out that, you know, it was mentioned earlier about we have -- we have videos everywhere, but this is different. This is biometric identifying information. You cannot change the way your face looks if this data is compromised. So, it's really important that we are get our arms around it before it escapes us. So, I want to thank everybody for sponsoring [sic] it and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Wallace in the affirmative.

Ms. Glick to explain her vote.

MS. GLICK: Thank you. Just to explain my vote. I want to thank the sponsor for being on top of this incredibly crucial issue. And the intrusion into our lives, especially the lives of our children, between testing companies and social media, it's a little bit where our laws have not kept pace with technology and we really need to put the brakes on. And I applaud the sponsor and thank the Speaker for making certain that we bring this to the floor. I withdraw my request and vote in the affirmative.

ACTING SPEAKER PICHARDO: Ms. Glick in the affirmative.

Mr. Goodell to explain his vote.

I'm sorry, Mr. Ra to explain his vote.

My apologies.

MR. RA: Thank you, Mr. Speaker. I've got to be honest, I'm a little torn on this and -- and for this reason: I -- you know, I don't object to something like being used for security purposes, but my longer term concern is that the State Education Department actually puts forth some regulations to allow it to be used in different ways tracking students. Many of us who look at this may be aware that over the years, different entities have come into our State, offered grants to the State Education Department to do all kinds of different data collection and I don't want, you know, something like this to become the next thing. But I do think on balance, you know, it's kind of a look before we leap type thing, so I am going to be supporting the bill because I do think that we want -- if districts are going to use something like this, we do want there to be some regulation, but I think it is an area that we, as a Legislature, certainly should continue to pay attention to. So, I -- I thank the sponsor for putting a much-needed conversation forward in this Chamber. I cast my vote in the affirmative. Thank you.

ACTING SPEAKER PICHARDO: Mr. Ra in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Cheering)

Quiet please. I know, sorry.

THE CLERK: Senate No. S06160, Rules Report No. 404, Senator Biaggi (Paulin, Zebrowski, Fahy, Griffin-- A07739). An act to amend the Penal Law, in relation to local and State law enforcement's access to records of applications for licenses of firearms.

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

MS. PAULIN: Thank you. Thank you so much. This bill requires that local and State law enforcement shall, upon request, be granted access to and copies of application information for firearms licenses.

ACTING SPEAKER PICHARDO: Mr. Lalor.

MR. LALOR: Thank you. Will the sponsor yield?

ACTING SPEAKER PICHARDO: Ms. Paulin, do you yield?

MS. PAULIN: I would be happy to.

ACTING SPEAKER PICHARDO: The sponsor yields.

MR. LALOR: Would you describe this piece of legislation as an extension of the 2013 SAFE Act?

MS. PAULIN: No. I would not describe it as an extension, I would describe it as a clarification.

MR. LALOR: Under the original SAFE Act, would local law enforcement be able to access these records?

MS. PAULIN: We believe -- well, let me -- it was

very clear in the original legislation that there was an exemption made for local law enforcement; however, there would have needed to be a Statewide database created so that they could have accessed it through the eJustice system, and because that Statewide database was not established, the e-database, the eJustice system, doesn't contain the information that law enforcement would have access to. So, the only way that law enforcement could get access is through the clerk's offices and because the clerk's believe -- some clerk's believe that -- that the SAFE Act prohibits them from doing so because of the exemption or the -- the ability for an individual to opt out, we needed to make a clarification that the intent of the original bill was so that local law enforcement would have access to those records. In cases, for example, in domestic violence cases and emotionally distraught individual cases, those cases happen and the local law enforcement need to know whether there's a firearms present.

MR. LALOR: So, law enforce -- local law enforcement needs this information because if they're going to deal with a situation at a home, they want to know that there's a licensed handgun owner or a licensed firearm in the -- in the home?

MS. PAULIN: Yes. We know that in domestic violence cases, which happen on weekends often and in evenings, there's no ability for someone, if they don't get that information earlier - which they might not know they need - for them to have that information going into that home.

MR. LALOR: And if they have that information,

what are they going to do differently than if they didn't have that information?

MS. PAULIN: They would be on guard. I mean, you know, we know that in domestic violence, you know, whether or not, you know, that's not limited to situations where it just happens that that unlicensed gun owners are the only ones that might threaten their spouses and, in fact, when I was the Executive Director of a domestic violence agency, one of the most severe cases we had where a woman was threatened was from a licensed gun owner where he would take his gun out and threaten her repeatedly. And so, you know, I remember that vividly and if there was a police officer going in that situation, they should know that there's a gun present.

MR. LALOR: But couldn't that give law enforcement a false sense of security because the licensed gun owner, who abided by the law and filed the proper paperwork that you're now allowing access to is, by definition, "law abiding", and the more dangerous situation would be that person who has an unregistered firearm or an illegal gun.

MS. PAULIN: You can't protect all cases, obviously, but at least you can protect some. And, you know, this came out of local law enforcements wanting this information, believing that this kept them safer. This was a request from local law enforcement. So, if they believe it's going to make them safer going into these situations, it's not me to judge their assessment of their safety. It's them to judge their assessment of their safety, and they fully support it

and they want to see this legislation enacted.

MR. LALOR: Let me clarify. Currently, local law enforcement could get this information from the State Police, correct?

MS. PAULIN: They could get it, but only 9-5 Monday through Friday. So, if this instance takes place, as most domestic violence does, in the evening or on weekends, they would not be able to get that information.

MR. LALOR: And for local law enforcement to get this information, do they need a judicial subpoena?

MS. PAULIN: No.

MR. LALOR: Do they need a warrant?

MS. PAULIN: No.

MR. LALOR: Do they need to prove probable cause of any kind?

MS. PAULIN: No.

MR. LALOR: Thank you.

On the bill.

ACTING SPEAKER PICHARDO: On the bill, sir.

MR. LALOR: Recently, a piece of legislation was signed that when a Department of Motor Vehicles had a request from Federal law enforcement for information about somebody in the country illegally, when Federal law enforcement asked that information, to get it they had to have a subpoena or they had to have a warrant. Now, we're saying an American citizen, or a lawful citizen, a registered gun owner who has followed the law, they don't have the

protections of a subpoena. They don't have the protections of a judicial warrant. It is clear that the SAFE Act was, as we know, passed in the middle of the night, it wasn't thought through. This is an expansion of the SAFE Act that wasn't included in the original bill and for those and other reasons, I'm opposed to it. Thank you.

ACTING SPEAKER PICHARDO: Mr. Montesano.

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

ACTING SPEAKER PICHARDO: Ms. Paulin, do you yield?

MS. PAULIN: Yes, I would.

ACTING SPEAKER PICHARDO: The sponsor yields.

MR. MONTESANO: Ms. Paulin, just to follow up. You had mentioned before that the information is available for the New York State Police on the regular business hours, 9-5.

MS. PAULIN: Yes.

MR. MONTESANO: Now, why cannot the local police departments have access to the State Police database?

MS. PAULIN: It's not in the portal that they have in their police cars; that's the portal where they access the eJustice system. And the State Police do not have this information in their eJustice system. That will be done when there's a Statewide database created, which has not been done yet.

MR. MONTESANO: Okay, because every year I

notice in the Budget, there's money in there for the SAFE Act for the State Police. And every year I ask a question about what it's for and I can never get a concrete answer of what it's for. So why isn't the State Police complying with the -- the laws that we've previously passed and create this State database and connect it into the local law enforcement?

MS. PAULIN: It would be optimal if they would create a Statewide database, I just know that they have not yet.

MR. MONTESANO: Okay, because I know in my county, the county police department, because the Nassau County Police Department issues the firearms -- the gun permits in our county, the police, when they respond to any job to the house -- to someone's house, they know in advance they're arriving with, you know, who is in the house, if it's a law enforcement, if there's a gun owner there, because they have access to the county's database. So, it just shocks me that in the rest of this State, our sheriff's department, the local police departments are not linked in to either the database that the county clerk, the issuing authority, may have, because I know up here there's different issuing authorities for gun permits, that they're not linked to them.

But I seriously think this is an administrative issue to be cleared up with the New York State Police and the local law enforcement, and I don't think it requires a piece of legislation, because the county clerks are correct, if people opted out for FOIL requests when they were permitted to do so by law, then in order to

get around it, either the law enforcement has to put in their FOIL request or get a subpoena.

MS. PAULIN: So, in Nassau and in Suffolk, you have a county-wide police system. We do not have that, for example, in Westchester and in much of the rest of the communities outside or North of New York City. So, it's not as connected as simply the Nassau County Police getting access to the Nassau County Clerk's information. That's much more compatible. Here, this was a local -- small local community in the County of Westchester that approached the Westchester County Clerk and they did not believe that the law permitted them, without this clarification, to give the information to the local community.

So, this is simply a clarification until there's a Statewide database. And if you don't think that I tried very hard to get it to them administratively, you would be wrong. I tried very hard.

MR. MONTESANO: And I don't doubt your efforts, believe me, but just let me follow up with something, because it just puzzles me. Let's assume for the moment you have this law passes, it goes through and they can have their access. Unless I'm wrong, these local clerks are not in their offices after five o'clock at night either, and they're not there on Saturday and Sunday and holidays. So, if the police, the local police department -- in this case, the small police department you mentioned, is responding to a domestic call at three o'clock in the morning on Saturday, how are they getting this information anyway? The clerk's going to go to her office and open

up and give them what they want?

MS. PAULIN: So, that's a great question and it's exactly the reason we need the bill because if they were asking for an individual's information during 9 to 5 Monday through Friday, they could do that now through the State Police. If they want the entire village or town's information in advance so that they could prepare to know whether or not during an evening or weekend occurrence of domestic violence or an emotionally disturbed person is there, then if they want it in advance, they have to go to the county clerk and get that information in advance and have it with them for those times outside of the Monday through Friday 9 to 5.

MR. MONTESANO: Okay. And if this was to take place, if the permit status changes for an owner, the permit is surrendered, a person dies or a new permit is issued to a new applicant, is this information going to be updated to that local law enforcement agency?

MS. PAULIN: Well, ironically the -- when the county clerk is doing an investigation of a new gun owner, they ask the local police to help with that investigation. So, the local police actually know of those people who are asking for the permit in their -- under their jurisdiction. So, they could keep that information or periodically they could say to the county clerk, *Send me weekly any new approvals, send me monthly any new approvals*, and under this legislation, then the clerks would be obligated to provide it.

MR. MONTESANO: Okay. Thank you very much.

Thank you, Mr. Speaker.

ACTING SPEAKER PICHARDO: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01564, Calendar No. 325, Peoples-Stokes, L. Rosenthal, Gottfried, Titus, Perry, Otis, Colton, Galef, Mosley, Hunter, Thiele, Lupardo, Dinowitz, Carroll, Quart, Hyndman, Ortiz, Steck, Abinanti, De La Rosa, Seawright, Taylor, Jones, Paulin, Stirpe, Arroyo, Glick, D'Urso, Epstein, Reyes, Simon, Griffin. An act to amend the Environmental Conservation Law, in relation to establishing a permanent environmental justice advisory group and an environmental justice interagency coordinating council.

ACTING SPEAKER AUBRY: On a motion by Mrs. Peoples-Stokes, the Senate bill is before the House. The Senate bill is advanced. An explanation is requested.

Mr. Englebright.

MR. ENGLEBRIGHT: It's my privilege to stand in

for Mrs. Peoples-Stokes on this matter. This is a bill that would require that there be an advisory group set up, a permanent advisory group set up, called the Environmental Justice Advisory Group, to give advice and keep up and pay attention to the issues that relate to the environment. And that advice would be given to the Department of Environmental Conservation on behalf of mostly minority and low-income communities.

ACTING SPEAKER AUBRY: Mr. Daniel Stec.

MR. STEC: Thank you, Mr. Speaker. Would the Chairman yield, please?

MR. ENGLEBRIGHT: I yield.

MR. STEC: Thank you, Steve. Good afternoon.

MR. ENGLEBRIGHT: Good afternoon.

MR. STEC: It's been a while since we debated this bill, but I noted that this bill's been around basically since 2003, and it's been a couple years since we debated it. Can you refresh my memory? It's a 17-member panel and -- comprised of -- who appoints who and where are they all from? You know, is there going to be geographic diversity, is there going to be a good cross-section of New Yorkers on this panel, or is it going to be all activists from one corner of the State?

MR. ENGLEBRIGHT: There are, as you rightly indicate, 17 members appointed, four by the Temporary President of the Senate, four members by the Speaker of the Assembly, one member by the Minority Leader of the Senate, one member by the

Minority Leader of the Assembly; the remaining seven are gubernatorial.

MR. STEC: All right. And am I understanding -- as I noted, the bill has been around since 2003, but this, if I understand correctly, what spun this was a 1999 grant that DEC received from the US EPA concerning environmental justice programs that kind of languished on the vine, didn't really gain traction, didn't go anywhere, somebody noticed and decided to, you know, hold feet to the fire and, you know, they tried to follow through on the grant and the intent of the grant from '99; is that a fair assessment?

MR. ENGLEBRIGHT: That's a general skeleton outline, yes. In 1999, the DEC received a grant from the EPA because there was a need. The need hasn't gone away. These environmental justice communities are very much in need of particular attention to bring relief to the kinds of disease and afflictions brought to their populous by the careless or even sometimes purposeful mal-application of policy in terms of locating factories and dump sites and waste transfer stations into these communities, victimizing the quality of life of a community and the quality of health of its citizens.

And so, this is not a new need, and you're quite right to point out that this has been around awhile. It's really a scandal, in my mind, that it has taken 20 years to get to this moment where we can set up a group that will have a cross-sectional representation of the stakeholders within these communities to advise the Department that, quite frankly, has let them down.

MR. STEC: And looking at past debate that we've had on this, it seems like the -- the history of this or the -- that this group would be empowered to work with State agencies and, specifically, the DEC on State-level issues, or is this going to somehow become sort of super zoning board kind of look over the shoulders of municipal government, small government, private projects, or is this really a [sic] interaction at the State level? And then the follow-up question I'd have to that, Chairman, is, you know, I mean, are we creating another layer of bureaucracy, another layer -- I mean, do we -- you know, do we need to empower a panel to monitor and police DEC doing its job? I mean, some would say that's our job or that's the courts jobs. I mean, there's other venues to hold DEC's feet to the fire if they're not doing things the right way. So, I mean, I want to -- the question is redundancy, the concern I have is redundancy.

MR. ENGLEBRIGHT: Well, the first part of your question is this is exclusively for advising the State entity. It's not meant to supplant or replace local zoning. It has nothing to do directly with local zoning. It does have to do with State permits and the guidance that the State gives to local governments regarding the location of sometimes harmful or controversial facilities and installations within these communities. Matters that deal with those communities' environment, basically.

Second part of your question was --

MR. STEC: A layer or redundancy. Aren't there

people at DEC that do this? Aren't there venues for concerned neighborhood groups to bring attention to a bad project locally via the courts, via an Article 78?

MR. ENGLEBRIGHT: The best way for me to answer that would be to go to the record from 2016 when on May 4th, Peoples-Stokes was asked a similar question and I'd like to just read her response. She said, "I suggest to you that if there was" -- this is a quote, "I suggest to you that there was -- if there was desire to get a better outcome", relating to the Department, this is, "they would have already created their own. They haven't. So sometimes I think these agencies need direction and I think we need to provide it for them", end quote.

MR. STEC: Is -- does DEC have an opinion on the wisdom of additional layer of oversight?

MR. ENGLEBRIGHT: We have not heard from them. I'm sure they have an opinion, but we have not heard it.

MR. STEC: Okay.

MR. ENGLEBRIGHT: Look, these communities have a need. The question is whether there is a new layer of government being -- this is an advisory group. Nobody's being paid. Nobody's being taxed, no tax dollars are being dedicated for the purpose of creating this new advisory entity.

Back to your point, in 2003 there was a study that had - under the Pataki Administration - had been put into motion and the report recommended this be set up as a permanent advisory group. So

that's what we're doing finally here today.

MR. STEC: All right. Thank you, Chairman.

MR. ENGLEBRIGHT: Thank you.

MR. STEC: On the bill, please, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. STEC: All right. Well, as always, I certainly appreciate our En Con Chair's passion and dedication to doing all we can to protect our environment, and the sponsor who couldn't be with us here today, likewise. As I have expressed in the past, I'm a little concerned with an added layer of redundant government, the buy-in from DEC, now the fact that this is a 20-year-old issue and, yet, somehow we've managed to march on without this, I question the need for it. I acknowledge that the -- the actual financial cost for travel and meetings for this group and -- and the staff that they would need, while not zero is certainly not significant. But, again, I don't see the need for essentially another board that will sit over top of -- that's our job, that's the court's job. So, the onus eventually has to fall on some other people besides just creating a -- a panel to look down the, you know, over the shoulder of DEC. That's -- that's what the Executive's job is and that's what our job, frankly, is as well.

So, while I appreciate the well-meaning intention of what we're trying to do here and some need for oversight, I don't think that creating another panel to do that is the right thing. I don't think we should pass the buck, we should hold somebody else's feet to the fire and I'll be voting against this bill again. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Senate No. S01128-A, Rules Report No. 334, Senator Benjamin (Dinowitz, Jaffee, Buchwald, Otis, Jacobson, D'Urso--A02599-A). An act to amend the Election Law, in relation to voter registration form distribution and assistance.

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

MR. DINOWITZ: This bill will help us make sure more people are registered to vote, especially young people at the State University.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you. If I understand this bill correctly, it directs SUNY and CUNY to be voting registration -- involved in the voting registration program; is that correct?

MR. DINOWITZ: I didn't hear you ask me if I would yield.

MR. GOODELL: I was hoping the Speaker would answer that question, but if not, if the sponsor would yield?

MR. DINOWITZ: I would be pleased as punch.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Would you like me to repeat the question? This -- this makes SUNY and CUNY schools mandatory voting registration centers; am I -- am I correct on that?

MR. DINOWITZ: Yes.

MR. GOODELL: It's my understanding that in 2017, Governor Cuomo ordered SUNY and CUNY to conduct a full investigation of their voter registration practices to maximize voting registration. Have they done so? I would assume they complied with the Governor's directive.

MR. DINOWITZ: Well, you know what happens when you assume.

MR. GOODELL: Yes, indeed; I'm very sensitive to that subject, especially when I assume something about our Governor. So, I was hoping --

MR. DINOWITZ: Let's be nice.

MR. GOODELL: So I was -- so I was hoping you could clarify. Has SUNY and CUNY complied with Governor Cuomo's directive in 2017 to examine this issue?

MR. DINOWITZ: I don't know if I can answer that because I don't know if I have that information. What I will tell you is that this legislation will help us ensure that the work is done. Because, after all, what we want to do - and I'm sure you would agree, because you represent a lot of people, including young people - we

want to make sure that many people as possible are registered to vote. And if there is one group that has a -- where people are less likely to be registered, it's people who just became eligible to vote. So, that's what this bill is all about. And, of course, therefore I would urge you to stand with me and support it.

MR. GOODELL: One of the aspects, though, that makes college campus registration a little different than most of our other registration drives is that by the very nature, the students they cater to, they are not full-time residents in the community. I mean, they are there certainly while they're going to college, they may or may not be there during the summer, they may or may not consider that address as their permanent address. Even if they list it as their permanent address, it may not be that same address the very next year because they may have moved to a different dorm or a different address. So, there's unique challenges and issues involving on campus registration. Does this bill address any of those?

MR. DINOWITZ: Well, I don't think the challenges are unique at all. First of all, we're talking about both SUNY and CUNY. Most CUNY students live where they're registering. Most CUNY -- most City University students. With the State University, perhaps it may be different. The State University students I would guess, but I can't give you any data to back it up, that the vast majority of the students actually register where they -- where their families live. I know that it strikes fear into the hearts of some people the idea that young people would register in some of the communities where the

State University schools are, but they have the right to do that if that's what they choose.

MR. GOODELL: Certainly. Certainly. Is it your view that we need this legislation because Governor Cuomo's order is insufficient to get them to comply?

MR. DINOWITZ: No, that's not my view at all. My view is that we should do everything we can in every way that we can to encourage voter registration because in a strong Democracy, you want to have as a widespread participation as possible, and this is one of the ways that we would do that, as I'm sure you would agree.

MR. GOODELL: Thank you very much, Mr. Dinowitz. I appreciate your comments. Thank you very much, Mr. Speaker, even though you didn't answer my first question, but thank you anyway.

(Laughter)

ACTING SPEAKER AUBRY: I'll make up for it.  
Read the last section.

THE CLERK: This act shall take effect in 120 days.

ACTING SPEAKER AUBRY: The Clerk will record  
the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, there will be an immediate Ways and Means meet -- Committee meeting in the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Ways and Means in the Speaker's Conference Room. Ms. Weinstein is proceeding, please follow her.

The Clerk will read.

THE CLERK: Senate No. S04399, Rules Report No. 487, Senator Savino (Dinowitz, Peoples-Stokes, Paulin, Gottfried, L. Rosenthal, Zebrowski, Crespo, Weprin, Jaffee, Galef, Cahill, Colton, Lifton, Abinanti, Hevesi, Cook, Stirpe, Steck, Lupardo, Gunther, Mosley, Ortiz, Perry, Santabarbara, Simotas, Jean-Pierre, M.G. Miller, Arroyo, Joyner, Fahy, Otis, Hunter, Barrett, Seawright, Lavine, Taylor, Raia, Montesano, Smith, Englebright, Buchwald, Simon, Griffin, Ra, Jacobson, Barron, D'Urso, Stern, Reyes, DeStefano, LiPetri, Lentol--A01966). An act to amend the Public Services [sic] Law, in relation to creating the State Office of the Utility Consumer Advocate.

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

Shh, thank you.

MR. DINOWITZ: This office [sic] would create the State Office of the Utility Consumer Advocate.

ACTING SPEAKER AUBRY: Mr. Palmesano.

MR. PALMESANO: Yes, Mr. Speaker. Will the

sponsor yield for some questions?

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

MR. DINOWITZ: Yes.

ACTING SPEAKER AUBRY: Mr. Dinowitz yields.

MR. PALMESANO: Thank you, Mr. Dinowitz. I have several questions and comments regarding the legislation. First of all, how much is this going to cost?

MR. DINOWITZ: It's going to save the consumers of the State, many of whom you represent, billions of dollars.

MR. PALMESANO: Well, I think we're going to have a disagreement on that, which we'll get to. So you're saying this doesn't cost any money to create this position?

MR. DINOWITZ: Well, I didn't say that. It's going to cost a relatively small amount of money for the taxpayers to have the office; I mean, there will be people working there. But based on the experience in other states, many other states, because New York is one of only a handful of states that does not have such an office, every other state practically has it. And in California, the experience has been that consumers have saved on their bills, for example, billions of dollars, billions of dollars. And I think - I'm looking around the room and I'm pretty sure every one of us has utility consumers in our district.

MR. PALMESANO: Yes, we do. So how is this going to be paid for then, the position? How much is it going to cost,

how much -- who's going to pay for it? How's it going to be paid for exactly?

MR. DINOWITZ: It's going to come out of the State Treasury.

MR. PALMESANO: The State Treasury?

MR. DINOWITZ: Well, yeah --

MR. PALMESANO: Or is it going to come out of an assessment on utility bills and telephone company bills? Because I think the way I read the language is it's coming out of --

MR. DINOWITZ: Well, I'll tell you what. Let me check the bill, which I don't have a copy of at the moment. Yes. Budget, State Budget.

MR. PALMESANO: State Budget.

MR. DINOWITZ: Budget.

MR. PALMESANO: Okay. That's not the way -- so, we're -- if it's coming out of the State Budget, we already passed the State Budget, right?

MR. DINOWITZ: I'm pretty sure we have another one next year, though.

MR. PALMESANO: Right, but there have been times when we've had bills in Committee that have come up and we bring the issue forward and a bill is not moved or it's set aside because it's outside the budget and it's been issued, we shouldn't move forward on the bill, we'll hold the bill; are you aware of that?

MR. DINOWITZ: Well, this won't take effect until

next year's budget is passed. So, it's not like we're passing something and spending money now. It would be for, in essence, for next year's budget. Once the budget is passed it would take effect.

MR. PALMESANO: But there's still a budgetary impact. So, shouldn't that be dealt with during budget negotiations if that's the way you're approaching this legislation, versus just putting something into the budget because, again, you know, we had -- you know, it's not the same issue, but, you know, there's legislation that was held in Committee that would have provided Gold Star families with tuition benefits that was held in Committee because it was said it was outside of the budget, it shouldn't be taken -- it shouldn't be taken up -- it needs to be taken up as part of the budget. You guys held that bill for Gold Star families, but now you want to advance this bill that should be taken up in the budget. Where's your consistency with this argument?

MR. DINOWITZ: Well, first of all, I was not one of those guys, but that's irrelevant, because what you brought up is actually not germane to what we are talking about here. In this case, we're talking about something which, number one, won't take effect until the next budget and, number two, will inevitably, undoubtedly, unquestionably save consumers throughout the State in everybody's district a lot of money based upon the experience that we've had in virtually every other State, including some of our neighboring states such as Connecticut.

MR. PALMESANO: Well, and I apologize when I

said "you guys". What I meant -- basically meant is your Conference -- your -- your side held a bill on that -- that's all. But the only reason it's germane to the argument is because we're talking about the budget.

MR. DINOWITZ: But whatever happened, it's irrelevant, it's sort of like beating a dead horse --

MR. PALMESANO: All right. Fair enough. Fair enough.

MR. DINOWITZ: -- because that horse has died already.

MR. PALMESANO: So, again, you're saying this is funded out of the State Budget and you're saying it's not funded through an assessment on utility bills through the 18A expanded assessment. Because that's from -- from our reading, that's where we're finding it -- it's coming from that perspective.

MR. DINOWITZ: My recollection of the bill is that it is a budget issue.

MR. PALMESANO: Okay. So, who is this Utility Advocate accountable to? Who do they respond to?

MR. DINOWITZ: Well, the -- the Utility Advocate would be appointed by the Governor I believe for a six-year term. I believe it's confirmed -- I have to check, but I think he or she is confirmed by the Senate. And the -- the reason for doing it that way is then the person would be independent, not subject to any kind of outside pressure, because the problem we have right now is we have a Public Service Commission - and I'm not questioning some of the

things they do, although I'm not not questioning it, I'm just saying it's not the issue here - but the Public Service Commission does not represent consumers. We want somebody who is going to actually represent the consumers of the State of New York, our constituents, and that's what this person would be able to be. And that person will be able to weigh in on proposed rate hikes.

So, for those who complain about Long Island being, you know, the most expensive place for, you know, electric bills, almost anywhere, or people complaining about Con Ed bills or other utilities, we would have somebody on our side who is going to weigh in. And, in addition, that person can also get involved and intervene in lawsuits that are taking place, both on the State and on the Federal level, for that matter, in order to fight for consumers, fight for utility consumers in order to try to make sure we have the lowest rates possible for all of our constituents.

MR. PALMESANO: Well, I want to talk about some of those -- you mentioned the Public Service Commi -- Commission. Because right now, the Public Service Commission, the counsel to the -- under Public Service Law, the counsel to the Commission is expressly charged with representing and appearing for the people of the State in all actions relative to the rates -- rate cases and all. That's their task, their charge, to act on behalf of the people. So, you're saying that's not happening? But that's one. Let me ask you another one.

MR. DINOWITZ: Do you want me to answer that

one, though?

MR. PALMESANO: Yeah, sure; go ahead. Please do.

MR. DINOWITZ: This person, the independent person who would be the -- the Consumer Advocate for utility consumers, his or her sole job, the only job, would be to represent utility consumers. They would not have, sort of, I don't want to say the wrong thing, but like split loyalties. Their focus would be on utility consumers, period.

MR. PALMESANO: Well, I guess also beyond that, under Section 94 of the Executive Law under the Consumer Protection Division within the Department of State, we have a Division of Utility Intervention Unit who is tasked to intervene in or participate in proceedings before the Public Service Commission with respect to utility rate increases. So, that's another agency -- another State agency that's being funded by the taxpayers, by ratepayers; that's two, the Public Service Commission and now the Department of State, correct, that's tasked to represent on behalf of rate paying -- on rate increases and be a direct intervention; that's two right now that we have that's already funded by the taxpayer.

MR. DINOWITZ: I don't think your numbers quite add up. First of all, the UCA would be an independent office, as I've said. It wouldn't have to balance interests of utilities and wouldn't be subject to internal political pressures. But, in addition, the Utility Consumer Advocate would be authorized to challenge rate case issues

in court, which is not something the existing Utility Intervention Unit can do.

MR. PALMESANO: There's another one in the State, the Public Utility Law Project is a non-profit advocate that receives State funding and also intervenes in major rate cases and is an active party on behalf of low-income consumer interests. That's a third place, right? Now we have the Public Service Commission, Department of --

MR. DINOWITZ: And you know what? They're terrific, but the Public Utility Law Project is not something which is guaranteed to continue every year. The reason why it's able to do what it does, as far as I recall from the budget, is because the Assembly Majority puts money in the budget to help fund them. No one else does that as far as I know. But this office, the Utility Consumer Advocate's Office, would be there, it will continue to be there, it'll have powers to represent our -- our constituents and be able to fight for our constituents. So, if we create this office, your constituents and mine would both -- would all benefit from that.

MR. PALMESANO: All right. And the fourth State agency I want to mention is the Attorney -- Attorney General has a consumer frauds and a protections bureau that's there to advocate on behalf of people of the State. So, that's a fourth agency. I know you keep saying this is going to be an individual, independent, but right now in our State, we have four different departments that its tasks, paid for by the State taxpayer now, or with State dollars, four different

places that are doing that, but now you want to create a fifth one that you're going to say is just specifically on behalf of an individual.

MR. DINOWITZ: Well, I want to create a first one because this agency will be first and foremost in fighting for our constituents, and I think the Attorney General's Office is terrific, but the Attorney General's Office has a lot of stuff that they got to do dealing with issues in New York and perhaps Washington, many things on -- on that office's plate. This office would solely be focused on fighting for the State's utility consumers.

MR. PALMESANO: And then this person would have basically unfettered access and ability to, at any level of government, any utility, any rate, any proceeding with a State agency, they have unfettered access to go in and impact and challenge in those cases, correct?

MR. DINOWITZ: Well, I don't know if I like using words like "unfettered", but they would have -- yes, they would be able to go in there, intervene in court cases, speak up, speak out and, in general, work to make sure that our constituents, the utility consumers, are getting the best possible deal.

MR. PALMESANO: All right. Thank you, Mr. Dinowitz, for your time.

Mr. Speaker, on the bill.

MR. DINOWITZ: You're very welcome.

ACTING SPEAKER PICHARDO: On the bill, sir.

MR. PALMESANO: Yes, Mr. Speaker, my

colleagues, I kind of find it ironic that this legislation by the sponsor, while I think it's well-intentioned, I think his heart's in the right place, although I have concerns with it, because we're talking about trying to be an advocate for the consumer and our utility bills, but this legislation, and I think there's some differences because they're saying it's coming out of the State Budget. I'm seeing things from -- that's it's coming through Public Service Commission through 18A assessments. Either way, it's coming from the ratepayer or the taxpayer. Something that we're trying to help, but still taking dollars out of the people in our district. So, I think that's a concern that I have.

And I also think this is something that's more than just duplicative. I just -- we just discussed four other State agencies or groups that advocate on behalf of the ratepayer. That's kind of troubling to me for sure and I think the fact when we had the discussion about whether it was germane or not, well, if it's something coming out of the State Budget, that's next year. If we're holding legislation, because in Committee it's saying it should be taken out of a budget, then we should be more consistent in our argument. If we did it for -- did it -- did not provide benefits for Gold Star families, I think this is something that we could look at a little closer and wait to deal with for a budget. But, I guess that isn't how the other side looks at it.

So, I guess my -- my comments on this legislation, if you're truly interested in helping the ratepayer or the taxpayer,

thinking this is going to help it, we can help them right now by voting against this legislation. And I'm -- and I'm kind of also amazed that they're saying this is going to save billions of dollars when last night we passed legislation, far-reaching legislation that's going to cost multiple billions of dollars, tens of and more billions of dollars a year on increased consumer utility bills. That's a fact. This isn't going to do anything to change that.

But at least -- if you want to help save the ratepayers some money, then let's vote against this bill because this isn't going to save them any money. It's going to cost them money because it's taking more money out of their pocket when we already have State agencies and programs that do this and do this advocacy. Why do we got to keep going back to the taxpayer and creating all these things? There's already things doing this. There's already agencies doing this. It's more than duplicative. It's duplicative twice, three, four times over. And it's only going to come out of the pocket of the taxpayer and the ratepayer. It's the wrong idea.

I think the sponsor's heart is in the right place, I'm not questioning that, I just think it's bad policy for the State. I don't think it's going to achieve the savings that the sponsor yields -- says will happen; in fact, I think it's going to cost more to create the position. It's going to come out of the ratepayer, out of the taxpayer when we already have existing agencies that handle this in our -- in our State government that's already funded by the taxpayer. I just think -- how many times do we have to go to the taxpayer to create more

duplicative things and positions that aren't needed.

So, for that reason I'm going to vote to protect the taxpayer and the ratepayer right here right now by not voting to fund a position that's going to increase those costs. So for that reason, Mr. Speaker, and my colleagues, I'm going to be voting in the negative and I would urge my colleagues to do the same. Thank you, Mr. Speaker.

ACTING SPEAKER PICHARDO: Thank you, sir.

Mr. Raia.

MR. RAIA: Thank you, Mr. Speaker. Will the sponsor yield for a question?

ACTING SPEAKER PICHARDO: Sure, not a problem. Before we do that, please, can we clear the aisle, members? Thank you.

MR. DINOWITZ: Yes.

ACTING SPEAKER PICHARDO: The sponsor yields.

MR. RAIA: I am a co-sponsor of this fine piece of legislation, so thank you for that. I do have some questions and some concerns that's been floating around for a while I'm trying to refresh my memory. As I recall, one of the reasons I signed onto it was when we did the LIPA - Long Island Power Authority - reorganization, I don't know how many years ago that was, 2012 or '13, something like that, they created the Long Island Public Service Commission which was basically a sham. It had no enforcement teeth. They've listened to complaints and do nothing about it. This will actually have teeth,

correct, so when someone from Long Island has a legitimate complaint against LIPA, they can actually do something about it instead of acting like they're doing something about it, correct?

MR. DINOWITZ: Yes.

MR. RAIA: Thank you.

MR. DINOWITZ: Thank you.

ACTING SPEAKER PICHARDO: Read the last section.

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

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Solages to explain her vote.

MS. SOLAGES: I just want to commend the sponsor of this legislation, the Speaker, and congratulate you. This is a long time overdue. I could tell you personally, being a Long Islander, I have seen PSE&G, the Water Authority, just take advantage of the ratepayers, and we need an advocate. And so, I tell you, colleagues, please support this legislation. Vote in the affirmative, because I'm voting in the affirmative, because it's really a problem and we need to make sure that we have an individual who is separate from the PSC to advocate for our ratepayers.

ACTING SPEAKER PICHARDO: Ms. Solages in the affirmative.

Mr. Lavine to explain his vote.

MR. LAVINE: I want to be certainly consistent with everyone who is supporting this, and especially my colleagues from Long Island. Any number of times the Public Service Commission, which is an entity structured for the express purpose of trying to protect the public, entertains applications and the public is almost completely unknowledgeable about dependency of these applications. This provides for someone who will watch out for the public, and that is a good thing. So many, many thanks to the sponsor and the Speaker and all who are voting in support of this. My vote will be in the affirmative.

ACTING SPEAKER PICHARDO: Mr. Lavine in the affirmative.

Mr. Zebrowski to explain his vote.

MR. ZEBROWSKI: The most recent utility rate increase proposed in Rockland County is close to 20 percent, over \$10 a month for customers for their water bills, about \$120 a year. The system is broken. I hope this is a first step in trying to fix it. I thank the sponsor and I'll be voting in the affirmative.

ACTING SPEAKER PICHARDO: Mr. Zebrowski in the affirmative.

Mr. Montesano to explain his vote.

MR. MONTESANO: Thank you, Mr. Speaker. I just want to join in with this. It's something I know there's been clamoring for on Long Island about this. It's about time that the consumers have a seat at the table when all these utilities go in before the Public

Service Commission and other governmental boards making applications for improvements, rate increases and everything else that they do. The utility companies have attorneys that represent them, actuaries, accountants. The other public interest groups have people at the table, except for the average consumer. So I think this is very necessary to protect the interests of the consumers, although it may have some costs involved with it. I think it's time that, you know, the taxpayer and the consumer of these utilities has a voice at the table. So, I'm happy to support the bill. Thank you.

ACTING SPEAKER PICHARDO: Mr. Montesano in the affirmative.

Mr. Epstein to explain his vote.

MR. EPSTEIN: Thank you, Mr. Speaker. I just rise to explain my vote. I just want to echo real support for this bill. I really appreciate the sponsor's work here. We've heard this time and time again from consumers around the utility issues and information they don't understand, being pushed into rate increases that's unclear, and really to have someone to explain it, have them have a seat at the table. It's a huge step forward. I want to thank the sponsor again and I'll be voting in the affirmative.

ACTING SPEAKER PICHARDO: Mr. Epstein in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, can the members of the Rules Committee please meet Mr. Gottfried in the -- in the Speaker's Conference Room?

ACTING SPEAKER PICHARDO: Members of the Rules Committee, Speaker's Conference Room. Members of the Rules Committee, start making your way to the Speaker's Conference Room.

Mr. Ramos.

MR. RAMOS: At this time, Mr. Speaker, I would like to call up Rules Report No. 603, page 33, by Mr. Hevesi.

ACTING SPEAKER PICHARDO: The Clerk will -- the Clerk will read.

THE CLERK: Assembly No. A07815-B, Rules Report No. 603, Hevesi, Jaffee, Epstein, Aubry, Lifton, Reyes, Rozic, Ortiz, Williams, Cruz, Ramos, Rivera, Walker, Niou, Weprin, Crespo, Simon, De La Rosa, Pretlow, Mosley, Arroyo, Colton, Gottfried, Simotas, Frontus, Dickens, Barron, Blake, Jean-Pierre, Fahy, Sayegh, L. Rosenthal, Fernandez, Glick, Pichardo. An act to amend the Social Services Law, the Executive Law, and the Public Health Law, in relation to providing for supports and services for unaccompanied minors with no lawful immigration status.

ACTING SPEAKER PICHARDO: Mr. Goodell.

MR. GOODELL: Thank you very much, sir.

On the bill.

ACTING SPEAKER PICHARDO: On the bill, sir.

MR. GOODELL: This bill is intended to provide unaccompanied, undocumented minors with various services at the expense of New York State. Some of these services I think are very valuable and are appropriate, including eligibility for Child Health Plus, certainly trauma counseling and trauma services and general supportive services that this bill would provide. And I think that's important because these are young adults typically under the age of 18. By definition, they're minors, they're under the age of 18; that's a challenging time for any kids, certainly was for mine and they were, you know, not traveling without me and they had a stable home. So, I am very supportive of my colleague's efforts to provide those services.

There are a couple of issues that may be of concern to some of my colleagues because this bill would also make them eligible for New York State taxpayer funded Federal immigration proceedings legal representation, including appeals and employment assistance. And both of those areas are a little bit problematic because while we expect our residents and our taxpayers to contribute to the public defender ensuring that New York residents have legal representation in State court, we don't normally ask New York State residents to pay for legal representation in Federal proceedings, including appeals in Federal proceedings, on deportation cases.

The second concern is that under Federal law, certainly as it exists now, those without documentation are not eligible for employment. So, it seems a little bit unusual that we would ask

the taxpayers to pay for employment assistance if they're not eligible for employment. So, it's one of those bills that we sometimes consider that has a lot of great points, certainly on the child trauma issues, child care issues, the supportive services, all very positive, with concerns on providing taxpayer-funded assistance for legal defense and immigration proceedings and employment assistance, for what -- for which they're not legally authorized. Thank you very much, sir.

ACTING SPEAKER PICHARDO: Thank you, Mr. Goodell.

Mr. Hevesi.

MR. HEVESI: Thank you, Mr. Speaker. For the last four months, I've been looking into the mirror in the bathroom and giving a really great speech that I am not going to give to all of you today --

(Laughter)

You're welcome.

It's a complicated bill and it's -- could get really partisan really fast, so I'm going to skip that part. And I appreciate my colleague talking about some of the merits of the bill, but I'm going to skip that, too. But I'm going to use this as a moment to talk about what this bill is about, which is trauma. That's what this bill is about, it's about childhood trauma. I'm going to take three minutes of your lives to explain my understanding of trauma as a doctor explained it to me.

So, I would ask everybody listening to me within the

sound of my voice to imagine yourself, you're walking through the woods, great day, you turn around a corner, go past a tree and there's a bear. Right in front of you. Scary, drooling, blood, ready to go; he's ten feet away. Now stop. Imagine your reaction. Before you think, your body reacts. Bang, just like that. Your body starts to produce stress hormones. Among those stress hormones, adrenaline, cortisol and norepinephrine. There's a reason why I'm going through this so we all understand what childhood trauma is about.

Once those stress hormones start to kick in, your body is ready, you're in fight or flight mode. You need to run, you got the adrenaline to do it. You need to fight, okay, you have the adrenaline to do it. One of those stress hormones, actually, the body is so amazing, starts to produce what you need to clot the blood just in case you have a fight with that bear; amazing stuff. Now, for the average kid, if you have a traumatic experience and your stress hormones kick into gear, okay, you go back to a normal baseline which means you build resilience off that traumatic experience.

That's not what I'm talking about when I talk about trauma. When I talk about trauma, imagine that that bear is your father and he comes home every night to beat your mom and your little brother. So, the trauma that you're experiencing is constant and repeated, and your body's reaction, the constant development of those stress hormones becomes toxic to the physical structure of your growing body as a kid. Okay? So, I'm not talking about one instance where you get more resilient, I'm talking about repeated, repeated

exposure to trauma. Those are called adverse childhood experiences.

What are we talking about with those? Being separated from your family like the kids at the border; sexual abuse; physical abuse; having a parent whose got a substance abuse problem; having a parent whose got a -- a mental illness. These are the things that trigger your fight or flight response. And let me tell you just briefly what that does to your body for a developing kid.

The structure of kids' brains who are repeatedly exposed to those stress hormones, the toxic stress, the brain doesn't develop properly. So, this is not intelligence - it doesn't touch the intelligence portion of your brain. The prefrontal cortex, okay, and I'm not going to get too deep in the weeds guys, I'm not a scientist, just an Assemblymember, but the prefrontal cortex is the control system of your brain. It's responsible for your attention, your working memory - let me make sure I get them right - your planning, your emotional regulation. That part of your brain doesn't develop properly. And also, in addition, the exposure to those stress hormones also affects your body.

So, what happens to these kids who've had traumatic experiences. By the way, if you have repeated trauma, it doesn't mean it's determined that you're going to have these problems, but you're exponentially more likely. So, for these kids, including the kids at the border, internal problems: Anxiety, depression. External problems: Conduct disorder, trouble controlling your impulses. Exponentially more likely that you're going to cut yourself in self-harm. Higher rates

of suicide. Then you go in -- substance abuse -- higher rates of substance abuse. Then you go to the physical manifestations. What happens to these kids? Obesity. Cardiac disease. Heart disease. Autoimmune disease. Everything that you don't want to happen to these kids has become exponentially more likely.

So what are we going to do, because now we know that thousands of kids have come into New York State, their families and themselves have been traumatized intentionally by the Federal government, we're going to react and provide them trauma informed care to make sure that those kids have the best outcomes that they could possibly get at life, which does a couple of things, and here's where I'll end: You're going to make sure that that trauma does not determine the fate of these kids' lives, you're going to help your communities and you're going to help your taxpayers, because these kids are more exponentially more likely to have trouble in school, they're more likely to wind up in emergency rooms, maybe incarceration and other societal problems that cost us all money.

So, as a result, I propose this bill as a way not only to help these kids, but also for all of us to understand trauma. I believe that generational trauma is a leading cause of some of the things we tackle here all the time: Higher costs in health care, higher costs in education, higher costs in corrections, and a myriad of societal problems. This is how you're supposed to deal with it, and I thank you all for taking the opportunity to let me explain my vote on this. I'm voting in the affirmative. Thank you.

ACTING SPEAKER PICHARDO: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Jaffee to explain her vote.

MS. JAFFEE: Yes, thank you. You know, today we -- we are gathered. There are so many of our youth that -- that really are facing such significant issues and -- and they -- they truly need the kind of support that is absolutely essential. So many of them are traumatized by family separation and other adverse childhood experiences. And according to the American Academy of Pediatrics, highly -- very highly stressful experiences like family separation can cause irreparable harm, disrupting a child's brain architecture, and prolonged exposure to serious stress and -- can carry a lifelong consequences for these children. And too often and too many of the number of the children now are being traumatized by family separation and suffering from adverse childhood experiences, and that continues to grow.

And so, we need to move forward. We need to support this and we need to assure that we can take on this moral responsibility to be an example that we -- we do the right thing for these children eligible for the range of appropriate services. So, I am voting in the positive because it is so essential to provide support for

-- for the youth. Thank you very much.

ACTING SPEAKER PICHARDO: Ms. Jaffee in the affirmative.

Mr. Epstein to explain his vote.

MR. EPSTEIN: Thank you, Mr. Speaker. I rise to explain my vote. I want to thank the sponsor for dealing with this important issue. Last October, we had round table that was organized by Assemblywoman Jaffee and Assemblymember Hevesi, and we were able to identify what was going on. We saw that children who were being separated, children who were unaccompanied into the United States were being separated by [sic] their parents by choice or by our government really had ongoing problems. And the trauma that Mr. Hevesi spoke about is what we're talking about.

And how do you help them? First, we need to make sure they have an advocate available who can understand what they're going through and provide those services. They need lawyers, they need ongoing support to make sure they have educational support. That's exactly what this bill does. It says from when you're here, when you're in our State, we will make sure we're taking care of you. Because if we don't, they're still going to be here and the issues that they're going to experience, the trauma that they're going to experience is going to result in so many negative, you know, consequences in their lives and then, in turn, consequences for our State.

This is a good use of funds, this is a good policy. I

encourage you all to vote in the affirmative. I will be doing that, as well. Thank you.

ACTING SPEAKER PICHARDO: Mr. Epstein in the affirmative.

Mr. Hevesi to explain his vote.

MR. HEVESI: Thank you, Mr. Speaker, and my colleagues. I'm just -- this was a good idea, but it took four months to put together and it's all staff. So, I want to thank the staff from Program and Counsel: Jenn, Jenn, Meg, Rachel and Janice; also, Amanda and Caroline, Marie from Ways and Means, and then all of the senior staff and the Speaker. I would like to give a special thank you also to Ellen Jaffee, the Chair of the Children and Families Committee, and Harvey Epstein, who has been a leader on this issue. And there's more to do. And also, Senator Biaggi and Senator Michael Benjamin. But thank you all my colleagues for -- for allowing me to explain my vote. I vote in the affirmative. Thank you.

ACTING SPEAKER PICHARDO: Mr. Hevesi in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, can we now go to Rules Report No. 131, page 4, Peoples-Stokes, and Rules Report No. 543, page 21, Gottfried.

ACTING SPEAKER PICHARDO: The Clerk will read.

THE CLERK: Assembly No. A04949-B, Rules Report No. 131, Peoples-Stokes. An act to amend the Education Law, in relation to providing for the election of members of the Board of Education of the Buffalo City School District in November; and to repeal certain provisions of such law relating thereto.

ACTING SPEAKER AUBRY: On a motion by Mrs. Peoples-Stokes, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02836-A, Rules Report No. 543, Gottfried, Gunther, Abinanti, Kim, Sayegh, Steck, McDonald, Reilly, Fahy, Cahill, Simotas, Jones, Montesano, Schmitt, Cymbrowitz, L. Rosenthal. An act to amend the Public Health Law, in relation to pharmacy benefit managers; to amend the Insurance Law, in relation to registration and licensing of pharmacy benefit managers; and to repeal certain provisions of the Public Health Law relating thereto.

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

MR. GOTTFRIED: Yes, Mr. Speaker. This is a bill that almost all of its words have been around for, in various forms, for several years. It provides for regulating and licensing Pharmacy Benefit Managers, otherwise known as PBMs.

ACTING SPEAKER AUBRY: Mr. Garbarino.

MR. GARBARINO: Thank you very much, Mr. Speaker. Will the sponsor yield?

MR. GOTTFRIED: Certainly.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GARBARINO: Wonderful. Mr. Gottfried, this bill has changed a little bit since we debated it in the Health Committee this year. I want to focus specifically on the Section 2 on page 2 dealing with the duty of accountability and transparency. Originally, this -- there was a specific mention of a fiduciary relationship. That word "fiduciary" was taken out, but it looks like everything else that creates a fiduciary relationship was left in. Why was the term "fiduciary" removed when it's obvious that this is trying to intend on creating a fiduciary relationship?

MR. GOTTFRIED: Yeah. Well, there were various people -- I mean the word "fiduciary" is used in the law in a variety of contexts. There were people who found that word troubling because they didn't think it fit in this context and so we took the word out and

replaced it with, I don't know, half a dozen other words that spell out what we meant by the word "fiduciary."

MR. GARBARINO: So, this bill -- this bill intends to create a fiduciary relationship, it just doesn't use the word "fiduciary?"

MR. GOTTFRIED: Well, I would say it is meant to create a relationship that I felt could be described by the word "fiduciary." There are other people who felt that that does not describe the relationship that the bill contemplates and, therefore, the bill uses a series of other words. So rather than try to apply a label that means different things to different people to those series of words, I would just say stick to the words in the bill.

MR. GARBARINO: All right. Similar -- other states have enacted similar legislation to this. Those -- and in other jurisdictions, none under the Second Circuit, but they have been determined to be unconstitutional because of the existence of a fiduciary relationship, whether or not they use the word "fiduciary", I'm not positive, but they've all -- there's been several Circuit Court opinions that have said -- in other parts of the country that have said that this relationship is unconstitutional. Is that -- are you concerned that after all the work that this bill has -- has been put into this bill that the creation of this relationship here could be found also unconstitutional in the Second Circuit?

MR. GOTTFRIED: Well, I think the issue in those other decisions, and you can correct me if I'm mistaken, had to do

with whether those bills regulated or interfered with the behavior of employer-sponsored self-insured health plans. This bill and, of course, under ERISA, we are not allowed to regulate employer-sponsored self-insured plans; therefore, there is not a word in this bill that tells health plans of whatever kind to do this or not to do this. It only addresses PBMs. And I'm not aware of any -- PBMs and their behavior, and I'm not aware of anything in Federal law or the Constitution that this language would run afoul of.

MR. GARBARINO: You said correct you if you were wrong, and I'm -- there was a -- so I'm just going to correct you that there -- there was a Circuit -- a D.C. Circuit opinion that found that the PBM and health plan relationship, fiduciary relationship, was not allowed, and they said it was a violation and they did determine it to be unconstitutional, so...

MR. GOTTFRIED: But I think the key thing there was -- was the ERISA question and I believe this bill avoids any ERISA problem. And if a court finds that there is a -- that somehow this bill should not apply where a PBM's client is an ERISA plan, we have carefully written the severability clause in the bill to say that if any particular application of this law to a particular set of circumstances is found to be invalid, that does not invalidate the rest of the law or any other application of the law.

MR. GARBARINO: Okay. Thank you. Just, I want to go back to the duty, accountability and transparency part. The wording here says, "Pharmacy Benefit Manager shall have the duty

and obligation to the covered individual and the" health plan provider -- "health plan or provider and shall perform pharmacy benefit management services with care, skill, prudence, diligence and professionalism, and for the best interest primarily of the covered individual and the health plan or provider."

MR. GOTTFRIED: Yes.

MR. GARBARINO: Isn't that -- how does that work, requiring them to -- creating this relationship between both the provider or the health plan and the individual. I mean, wouldn't there will be a conflict of interest there?

MR. GOTTFRIED: Well, I believe you're responding to the argument made in the PBM industry's memo in opposition to the bill that contemplates that the covered individual, which means like you and me and our pharmacist, that you and me and our pharmacist might have one set of interests and our health insurance company might have an opposite interest. Actually, that happens millions of times a day, because the interests are very different. And that is why while we don't want PBMs stealing from their client health plan, we also don't want them acting contrary to the interest of you and me and 20 million other New Yorkers. And what the word "primarily" says is if the interest of you and me and our constituents is different from the interest of our insurance company, the interest of you and me and our constituents is primary. So, if there is a conflict between the two sets of interests, the interests of you and me and our constituents comes first.

MR. GARBARINO: Isn't it possible that what might be best for you in a specific -- or a certain person, a specific situation might not be best for the health plan and the rest of its -- the rest of its policy holders because what's best for this one person might mean higher rates for every other policy holder. So then now you're putting one policy holder against a group of other policy holders, because one policy holder might require certain medication or something, and -- but by proving that medication there's going -- it would cost a lot of money and now you have to raise the rates for all the other policy holders. So, aren't you pitting -- possibly pitting one policy holder against other policy holders here?

MR. GOTTFRIED: Well, it is certainly conceivable that ultimately a court might be needed to sort that out. I think that's better than the current system in which we never need a court to sort out who is getting screwed because PBMs are entitled to screw any and all of us and we have no remedy, any of us, whatsoever. So, to me, a situation in which we might have to figure out who ought to get screwed is better than a situation in which all of us get screwed. Now, that's a choice. You know, some may feel it's better if the PBM gets to run roughshod over all of us, some of us, I think, feel differently.

MR. GARBARINO: Okay. And you brought up a court might have to decide, so I'm happy you did that because that brings us -- brings me to my next point. Here it seems under subsection h, there seems to be a -- creating a right of action -- lawsuits for individuals in this case, whether it be the insured or the

provider. If they don't agree with what the PBM has done, they can -- they have private right of action. Is that -- that's the intent here to create a private right of action?

MR. GOTTFRIED: You bet. You know, one of the first things that law professors tell law students is the notion which I think may be not quite as universal as some people like to think, that quote, "There is no wrong without a remedy." If we say it is wrong for A to steal from B, we ought to enable B to get legal relief for the wrong that is done to B, otherwise why create the allusion that it's wrong for A to steal from B? And so, yes, the bill says if the PBM is trampling on the interests of patients, they're not allowed to do that and, yeah, then it says that if they do it anyway, they might end up in court.

MR. GARBARINO: I'm an attorney, I agree that if somebody does wrong to somebody else, you know, they should be held accountable. If it's financially, that's -- that's -- that's fine, but my concern is here, the possibility for frivolous lawsuits if somebody doesn't -- if somebody doesn't like the decision of the PBM. Say, as you mentioned before, primarily it's for the individual and then secondary, it's for the health plan. You know, maybe they have to decide 51 -- say it's a 51-49 balance and it's 51 percent by -- in favor of the health plan, now this -- the individual who was so close that it was in their favor but they didn't get it, so they were only at 49 percent, now they can sue even though -- they can just -- they can -- they can sue and try to change the -- what was decided?

MR. GOTTFRIED: Well, yeah. You know, you said you agreed that if somebody is wrong, they ought to have a remedy, they ought to be able to get relief. Now, you know, I don't own a car, I don't drive a car - which is a good thing. That doesn't mean somebody can't sue me claiming that I ran them over with my car. They'll lose, but if in order to prevent that kind of frivolous lawsuit we were to say, *Oh, if, you know, a car runs you down, you don't get to sue because, after all, it might be frivolous*, we wouldn't do that. So yeah, if we say A may not steal from B, some day there might be a B about who says A stole from me when it wasn't really true, or maybe A stole from me, but, you know, they only stole a little bit. But the alternative is to say that people who get stolen from are just out of luck. So I don't know how you'd want to write that differently.

MR. GARBARINO: Actually, I just want to go back to your hypothetical that you started with. You get sued if you don't even own a car and somebody sues you, because they have the right to do it, you have to defend yourself, correct?

MR. GOTTFRIED: Yes.

MR. GARBARINO: Now are there costs associated with defending yourself?

MR. GOTTFRIED: Yeah. There are even higher costs associated with living in a world in which we tell people you can't sue if you get run over.

MR. GARBARINO: Okay. So, I mean --

MR. GOTTFRIED: And I think that's what you're

suggesting.

MR. GARBARINO: No, that's not what I'm suggesting, I'm just saying that I think this private right of action with these lawsuits possibility could cause more costs because everybody would have to defend them, and it would -- so, that would cause insurance policies to go up. But I have a specific question. This -- under this bill, there's a licensure and a registration. I think the registration takes effect on April 1st, 2020 for the PBMs?

MR. GOTTFRIED: The registration kicks in for operating during 2020. Licensure, which is a little more involved, kicks in starting 2021. I think you can -- you can apply for a license a little earlier, yes.

MR. GARBARINO: So with those -- with the registration and licensure being kicked out that far, the private right of action part of this takes effect in 90 days; is there a reason why that was done?

MR. GOTTFRIED: Well, yeah, we figured, you know, it -- it takes time for the paperwork for a registration system to be put together, and you need time for people to fill out the application. But people ought to know even before 90 days from now that stealing from other New Yorkers is a no-no. So, we felt we could have that kick in in 90 days.

MR. GARBARINO: Thank you, Mr. Chairman.

ACTING SPEAKER AUBRY: Mr. Raia.

MR. RAIA: Thank you, Mr. Speaker. Will the

Chairman yield?

MR. GOTTFRIED: Certainly.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RAIA: Thank you, Richard. Before I begin to ask a couple of questions, I just wanted to say for the record, as I might not be coming back next year, it's truly been an honor to be the Ranking member on your Committee, and the thoughtfulness and the way you work with the Minority is -- has been very special and I will miss the comradery. And the things that I have learned from you over the years, so thank you for --

MR. GOTTFRIED: Well, good. Thank you very much for that. I will say during the many years that I've Chaired the Health Committee, you are the latest in a -- in a line of really terrific ranking Minority members that I've had the privilege to work with.

MR. RAIA: Thank you. That means a lot to me.

Let's get to it.

(Applause)

ACTING SPEAKER AUBRY: So now you got to vote for his bill.

(Laughter)

MR. RAIA: You never know.

Okay. Obviously, I'm looking at eyes glass over in the Chamber with the discussion on this issue, because I can tell you, PBMs are probably one of the most confusing issues in health care and unless you're on the Insurance Committee or the Health

Committee -- one of my colleagues just mentioned to me going, "I have no idea what this is", so let's keep it basic. We know that prescription drugs is one of the primary drivers on health care costs. How exactly is this going to translate into lower costs for consumers?

MR. GOTTFRIED: Well, you know, one of the problems with PBMs is that they today operate in almost total secrecy and almost total immunity from anybody being able to hold them accountable. And so, nobody really knows for sure how much of what we pay thinking we're paying a drug company, nobody really knows how much of that stays in the pockets of the PBM, although we do know that a small handful of PBMs have gotten enormously wealthy and been able to acquire an enormous share of the insurance -- of the PBM market. This bill will hopefully open that up considerably and enable, particularly insurance companies, to know how much money that ought to either go to them or to the drug company, or stay in the pockets of their consumers is instead landing up in the pockets of the PBM.

So, how much this is going to reduce prescription drug prices, we really don't know for sure, but, you know, almost everything I've read on the topic of prescription drug prices says that the PBM's in the middle of this whole picture are a major part of the drug price problem.

MR. RAIA: Okay. I -- following through on that train of thought, the current State Budget imposed new transparency and reporting requirements on plans, arrangements with PBMs and

provided Department of Health with the authority to review payment methodologies between the health plans and the PBMs, and how spending on pharmacy benefits is being allocated. So I guess my question is, why do you feel more oversight is required when we don't even know how the changes that we made in this year's budget are going to be impacted?

MR. GOTTFRIED: You know -- well, the key element is, yes, we -- we enacted some terrific language in the budget dealing with PBMs and a large part of the language in this bill copies that language. The difference is what we did in the budget only applied to Medicaid, and this bill applies to everything else.

MR. RAIA: Okay. Well, I guess that's all I've got. Richard, thank you, and, once again, I've -- I've enjoyed working with you over the years.

MR. GOTTFRIED: Thank you very much.

ACTING SPEAKER AUBRY: Mr. Garbarino for a -- no.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Cahill to explain his vote.

MR. CAHILL: Mr. Speaker, the admonishment against naming members is not entirely clear. I don't intend to

criticize any members, but I would like to point out that several members on both sides of the aisle have been at the forefront of this issue, not just here in New York State, but nationally. Colleagues who served with me on the National Council of Insurance Legislators have led the debate on a nationwide scale that is introducing Pharmacy Benefit Management legislation across the country.

This bill that has been offered today by -- by our colleague who Chairs the Health Committee is the most comprehensive bill in the nation. And that has people taking notice. It has people taking notice who advocate for Pharmacy Benefit Management companies across the country, health plans across the country and consumers across the country. We understand that there are some things in this legislation that may give rise to some legal issues, and we think it's worth it. Right now, we have no agencies overseeing our Pharmacy Benefit Management companies. They are not regulated, they are not licensed, they are not even registered in New York State. When this legislation becomes law, they will be regulated, they will be licensed and two agencies will have oversight and consumers in New York State will finally have some rights against an entity right now that is sort of invisible, or at least cloaked in great secrecy.

I withdraw my request, congratulate the sponsor and my colleagues on both sides of the aisle for taking the lead and vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Cahill in the

affirmative.

Mr. Gottfried to explain his vote.

MR. GOTTFRIED: Thank you, Mr. Speaker.

Likewise, without mentioning anybody's name, some of the best concepts and language in this legislation came from that other fellow --

(Laughter)

-- and I think we've really worked together to produce a -- a really terrific product and I'm delighted to vote for it.

ACTING SPEAKER AUBRY: Mr. Gottfried in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, at this time we'd like to advance the A- and B-Calendar, Rules Report No. 642, Mr. Weprin.

ACTING SPEAKER AUBRY: On Mr. -- Mr. Ramos' motion, the A- and B-Calendar are advanced.

The Clerk will read.

THE CLERK: Assembly No. A05494, Rules Report No. 642, Weprin, Hunter, Sayegh, Romeo, Colton, Schmitt, De La Rosa, Galef, Jean-Pierre, Carroll, D'Urso, Woerner, Gottfried, Seawright, Rivera, Thiele, Blake, Johns, L. Rosenthal, Barron, Brabenec, Schimminger, McDonough, Smith, Lavine, Simon, Mosley,

Otis, Lupardo, Benedetto, Titus, Ortiz, Aubry, Kim, Pichardo, Cusick, Stirpe, Dilan, Steck, Walker, Richardson, DiPietro, Cahill, Hevesi, Bichotte, Joyner, Santabarbara, Raia, DenDekker, Dickens, Manktelow, McDonald, Salka, Reilly, Cook, Walczyk, Frontus, Reyes, Jaffee, Taylor, Fernandez, Fall, Raynor, Cruz, Vanel, Eichenstein, Stern, Hyndman, Pheffer Amato, McMahon, D. Rosenthal. An act to amend the Public Health Law and the Domestic Relations Law, in relation to authorizing adoptees to obtain a certified copy of their birth certificate.

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

Mr. Goodell on the bill.

MR. GOODELL: I apologize. Would the sponsor provide an explanation, please?

ACTING SPEAKER AUBRY: Soon as we -- can we have a little -- members out of that aisle so they can -- they're debating.

Mr. Weprin, an explanation has been requested.

MR. WEPRIN: Thank you, Mr. Speaker. This bill adds a new Section, 4138-E, to the Public Health Law that provides for adult adoptees over the age of 18 the right to a certified copy of his or her original birth certificate, and recognizes that denial of such access to a birth certificate is a denial of a human right. This new section provides that an adopted person 18 years of age or older, or if

the adopted person is deceased, the adopted person's direct line of descendants can obtain a certified copy of the adopted person's original long form birth certificate, or in cases where a birth certificate is not available, access to identifying information from the State Commissioner of Health, City Commissioner of Health in New York City, or a local registrar in the same manner as such certificates are available to New Yorkers who are not adopted. Which is by filing an application with the local registrar or Commissioner and upon paying a nominal fee.

Sections 3 through 6 amend the Public Health Law to add adult adoptees to already existing provisions related to the storage and issuance of certified long form copies of birth certificates.

Section 7 amends the Public Health Law to provide for access to identifying information. Section 8 amends the Public Health Law to add definitions for "Commissioner" in regards to the State Commissioner of Health and the New York City Commissioner of Health. Section 9 amends the Domestic Relations Law to provide for the child's and birth parents identifying information to be provided at the time of an adoption, and Section 10 provides for an effective date.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MR. WEPRIN: I'd be happy to.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Mr. Weprin. Does this bill provide for any consent of any of the biological parents to the release of their identifying information?

MR. WEPRIN: No, it does not.

MR. GOODELL: Does it require any notice in advance to the biological parents of the disclosure of their identification?

MR. WEPRIN: No, it does not.

MR. GOODELL: Is there anything in this bill that would allow the biological mother to maintain confidentiality if she was conceived through a sexual assault or coercion, so that her identity to the rapist or whoever assaulted her is not disclosed?

MR. WEPRIN: It's not covered under this legislation.

MR. GOODELL: Currently we have an adoption information registry, don't we?

MR. WEPRIN: We do.

MR. GOODELL: And that adoption registry permits birth parents to disclose information to someone that was put up for adoption, correct?

MR. WEPRIN: That's correct, although it has not been working well and for that reason, there are very few adoptees who have actually gotten the necessary information that they requested.

MR. GOODELL: Now, adoptee confidentiality has

been a staple in New York's law for many decades, hasn't it? Didn't it start in the '30s?

MR. WEPRIN: Except that's not really correct because no person who was -- who gave up a child for adoption, to our knowledge, has ever been promised anonymity or confidentiality. That was something that often lawyers may have told their clients or perspective clients, but there's never been a legal document to show that there was a promise of anonymity. As a matter of fact, a number of years ago, Chairman Gottfried of the Health Committee had a public hearing on this bill and we had hundreds of witnesses. It went all day and no one could produce a document showing that they were promised any form of anonymity.

MR. GOODELL: I understand that you're pointing -- that nobody's been provided or was provided document, at least any formal document, but hasn't it been the law of New York that these records were confidential for nearly a half a Century or more?

MR. WEPRIN: Yes, it's very archaic that the records are sealed and a citizen of New York State who happens to be, through no fault of their own, be adopted, has an inability to get those records. You know, it was done I think in 1938. We have changed a lot of laws since 1938 that no longer apply. So, I think this is a -- will be a historic day in the State of New York where we're going to join, I think, about 11 states that have open adoption records. This is a trend across the country, but certainly it's -- it's been a long time since 1938 and I think the time has come in New York State.

MR. GOODELL: So for particularly biological mothers who have given up a child for adoption in the last 80 years since 1938 and were told by their attorneys or anyone they consulted on the law that the law was that their identity would be confidential, would this change in the law apply retroactively to them or would it only apply prospectively for a new biological parents that were giving up their child for adoption?

MR. WEPRIN: Well, you know, today most adoptions in New York State are done openly and, you know, there's -- there's no guarantee of any anonymity in today's society to anyone because with the Internet and DNA and other evidence, adoptees, particularly adoptees that have means that are, you know, can afford to hire private detectives, very often find their biological parents whether they have access to their original birth certificate or not, while very often, poor adoptees who cannot afford to hire private detectives are not at -- are discriminated against in a sense because they can't afford to hire a private detective and may not find their biological parents. But in any case, there's the same fear -- the same possibility, I should say, of an 18-year-old showing up at the door of a biological parent regardless of whether they have their original birth certificate or not.

MR. GOODELL: My question - I'm sorry if I wasn't clear enough - but my question was does this law, by its terms, apply only to adoptions that would occur after the law is adopted? Or, does it apply retroactively as well?

MR. WEPRIN: It would apply retroactively.

MR. GOODELL: On the bill, sir.

Thank you, Mr. Weprin.

MR. WEPRIN: You're welcome.

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

MR. GOODELL: Since 1938, it's been the policy of this State to maintain confidentiality on adoptions, and there are several very sound public policies for that. One of those policies was to protect the identity of the mother who might have been the victim of rape or sexual assault who didn't want her identity known to her assailant, she didn't want her assailant to know that the assailant had fathered a child. Another reason is because there was a strong public policy to have the adoptive child bond with the new parents and be treated just like one of their own in every respect. And so, there's a concern that if the adoptive child had continued contact with their biological mother, there would be an interference in that bonding process and an interference in those parental relationships that are so critical to the healthy development of a child.

There's also a recognition that an adoption, or giving up a child for an adoption can be extraordinarily traumatic and difficult for the biological mother. And it can be very, very courageous for the biological mother to give up a child for adoption. And she may be doing it because even though she wants with all of her being to keep that child, she knows that she can't do it for

whatever reason. And so, she wants the very best for the child. But if there's no confidentiality, that traumatic experience can be brought back up again without her consent or involvement at any time.

We already have systems in place that allow a biological mother to consent to her identity being disclosed, that's why we have the Adoption Information Registry. That registry balances the desire of adoptees to find out who their biological parents were with the privacy rights that we have offered to these adoptee parents, or that parents that gave them up, for the last 81 years. Now, this bill doesn't apply prospectively. It doesn't say if you give up a child in the future, starting from the adoption, your identity might be disclosed without notice to you or without your involvement or consent. That would be a different bill. That's not this bill. This bill says that even though we've been telling women that their identity would be confidential unless they consented, we're changing the rules retroactively. If we were to do it prospectively, undoubtedly we would want to have the biological mother sign an acknowledgment recognizing that her identity might be disclosed.

I would not recommend changing the current policy for the reasons I mentioned, including the fact that it may actually reduce the number of children that are given up for adoption and may create other unintended consequences, particularly if the mother were the victim of a sexual assault or rape. For these reasons, the Women's Bar Association of the State of New York has opposed this legislation strongly. According to the Women's Bar Association, the proposed

legislation fails to adequately account for the right of birth parents, specifically birth mothers, decide whether or not to keep identifying information confidential. They express concern that this bill is tantamount to quote, "Identifying and outing the victim of rape without her consent." It goes on to say that this bill would result in quote, "Many who would be greatly harmed if an," out-of-pregnancy -- "out-of-wedlock pregnancy was disclosed", because not always does a birth mother share with others, including those who she's close with that she has already given birth to another child or want to go back and revisit this. The Women's Bar Association also acknowledged that recent studies have documented the quote, "Unique trauma and impact of placing a child up for adoption. Forced identification eight years later only exacerbates that trauma." Now, the Women's Bar Association suggests that if we want to change the policy that out of fairness and equity to all the birth mothers who have operated under the program that we've had for the last 80 years, that the change only be made prospectively after giving them advice.

Personally, I have been involved in this not because I was adopted, but because I was contacted by the Surrogate Court a number of years ago because in addition to the adoption registry that I mentioned where the birth parents can consent to being contacted, we have a second safety valve, and that is through the courts. And if there's an unusual situation where the adopted child needs to know about their mother's or father's identity because of a medical reason or other exigency, the court has the ability to examine the records that

are otherwise sealed and can appoint an independent third-party to seek the consent of the natural parents and even the natural siblings, and that's exactly what happened in the case I had. We had an adopted child, now an adult, needed a kidney transplant, looking for a match. The court contacted me, gave me, on a very confidential basis, the names and addresses of the birth parents and the step-siblings. And my mission was to contact each of them confidentially and ask if they gave permission. And in that case, the birth mother said, *I would do anything for my son*. The step-siblings said the same and, unfortunately, the birth father said, *No, keep my identity confidential*. And so, that's exactly what we did. We disclosed the identity of every one who gave consent, but not those who wanted it withheld.

So, we have currently a system that balances the needs of an adopted child to legitimately contact their birth parents or siblings while still protecting the confidentiality of those who have been in that situation. So, I would recommend we stay with the current system rather than wholesale change what we've been telling mothers for the last 81 years. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Glick.

MS. GLICK: Will the sponsor yield for a quick question?

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

MR. WEPRIN: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. GLICK: Does anything in this new version protect the identity of a minor who at the time gave up a child for adoption, since minors are not able to consent one way or another?

MR. WEPRIN: There's really no distinction. All you're entitled to is your original birth certificate, just like any other citizen of New York State who might not have been adopted.

MS. GLICK: Okay.

On the bill.

ACTING SPEAKER AUBRY: On the --

MS. GLICK: For many years, I have shared concerns that Mr. Goodell has outlined, but I do think that sometimes times change and clearly, over the last 20 or maybe 30 years, the original stigma around out-of-wedlock births I think has evaporated; in fact, I think people don't get married anymore. Seems once gay people could get married, people gave it up. So, I think the times have changed and I think the concern was about someone appearing and someone who was hidden because of the societal shame associated with an out-of-wedlock birth. I do have some concerns about people who may have given up a child not because they were unmarried, but because it had been a traumatic situation, although I believe that's probably very limited.

And so, I have had a change of heart on this measure, because the society has changed and I think there probably may be some people who are well into their golden years who I can't look into

their -- their heart and soul. They may or may not wish to be found. But as has been mentioned by the sponsor, the Internet has changed things and I am aware of the fact that people who have allegedly been granted some confidentiality through sperm banks, kids are finding each other, their half-siblings, sometimes an astonishing number of half-siblings, on the Internet. So, I think that people shouldn't have to hunt and peck and search everywhere, and that this is a bill that's seen -- that its time has come.

So thank you, Mr. Speaker, and thank you, Mr. Weprin.

ACTING SPEAKER AUBRY: Mr. Smullen.

MR. SMULLEN: Thank you, Mr. Speaker. Would the sponsor yield for one question, please?

MR. WEPRIN: I'd be happy to.

ACTING SPEAKER AUBRY: Mr. Weprin yields.

MR. SMULLEN: Thank you. Mr. Weprin, could you just relay, what is your concern for the adoptees' rights -- what is the idea behind this bill, again, please?

MR. WEPRIN: You know, I look at it as a human rights issue. I can't tell you how many thousands of adoptees have approached me since I've been the prime sponsor of this bill since 2011, and I've met hundreds, if not thousands of adoptees at different -- different events. And they actually feel that it's outrageous that a piece of paper that is really part of their identity, almost part of their DNA in their mind, that they should not be entitled to that piece of

paper which has identifying information about their history.

So, I really look at it as a human rights issue that a citizen of New York State, and we're talking about adult citizens of New York State, who happen to have been adopted through no fault of their own, should have the same right to have their original birth certificate as someone who is not adopted.

MR. SMULLEN: Thank you, Mr. Weprin.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SMULLEN: I couldn't agree more with Mr. Weprin's assessment from the perspective of adoptees. I think it's very important to realize that they have rights from birth and that those rights, when they attain their majority at 18, that they should have the access to their genetic code just like anybody else in -- in New York does.

And we live in a modern technological society with things like *23andMe* and *Ancestry.com*, and it's very important that people know what their code -- their genetic code says about themselves. And what we've got here in New York is, unfortunately, an antiquated system that's worked very well, it's a very legalistic system based on our very efficient rule of law that simply needs to be changed. And, as such, I think the adoptees' rights that we're discussing here today should be put paramount and that we worry about some of the other privacy concerns, that are very legitimate, but we make sure that the exception does not prove the rule and that we

move forward smartly on this.

And I would urge all of my colleagues and all of the members of the Assembly to do so and vote in the affirmative. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Montesano.

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

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

MR. WEPRIN: I'd be happy to.

MR. MONTESANO: Just two basic questions. Could you tell us what's the difference in the information that's contained on the long form birth certificate versus the short form that people get routinely when they apply for a copy of their birth certificate from the registrar?

MR. WEPRIN: My understanding is that the long certificate will actually list the names of the biological parents.

MR. MONTESANO: Well, I mean, that's on a regular birth certificate, also, it tells you the name of the biological parents, it tells you the type of employment they had at the time of the birth.

MR. WEPRIN: Well, you know, if someone's adopted, their birth certificate is amended to only list the adoptive parents on it. So, the biological parents are not listed --

MR. MONTESANO: No, that part I understand.

MR. WEPRIN: -- on the birth certificate.

MR. MONTESANO: That part I understand, I'm just talking about a regular situation for the moment. You have the regular birth certificate that people routinely get and it has their parent's name on it and the occupation of the parents at that time. What's different on the long form from that? Because I notice some of the claims being made have to do with helping them if there's any health issues in their family. So, what's on that long form that assists them in that regard?

MR. WEPRIN: I'm not sure, but the long form I understand generally has more information than the short form.

MR. MONTESANO: Okay. And with regard now to going forward, when this law comes into effect, going forward, do you think that since they'll be a disclosure available now, that this would have a chilling effect on, you know, people willing to put up children for adoption rather than any alternative means?

MR. WEPRIN: I do not. I do not. You know, times have changed, you know, with the -- with the Internet, with private detectives, with DNA, with all the services that are available on the Internet, you know, adopted children or adults who really want to find their biological parents and they have means to spend money to do that can do that. So, I don't see how this makes a difference.

But there's also something about having that actual piece of paper. There's been a campaign among adoptees in the State,

in the country, that they just want that piece of paper because it belongs to them. It identifies them and why should they -- why should the government hide that document, that piece of paper that is probably more important to them than somebody that's not adopted who probably doesn't care as much. I don't know when the last time I saw my birth certificate was, and I didn't have that biologic -- that urgent need to see that birth certificate. But people that are adopted, and it's not everybody, there's no unanimity, but I would say most of the people that are adopted that I've spoken to really feel that that piece of paper is an important information about them, that really should belong to them, and they just want that piece of paper.

MR. MONTESANO: Thank you. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Hunter.

MS. HUNTER: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. HUNTER: I didn't know if I would stand up and speak today, and I think most of the Majority members of the Conference know that I myself am an adoptee, and that this bill would help me. Nearly 50 years I never thought that this would be something I would ever know or even vote on. But this isn't about me. Imagine you have a child and you can't tell them if they have a predisposition for cancer, or diabetes, kidney disease, high blood pressure, heart disease, and the only way that you could get genetic

history is if you yourself were so ill and had means to have money to get a lawyer, to advocate and go to court to get this information and hopefully maybe get it. That's my son. He should be able to know if there is some genetic disposition that he needs to be worried about. And that's thousands of other children across New York State.

We're talking about a law from the 1930's and it's hard for me to even imagine standing here today as a black woman when in 1930, I would not be able to stand here. We still did not have Civil Rights. Gays still could not be married. We did not have protections for women and for minorities. And so to think we would stand on a law from the '30s is regressive to me.

And we talk about the rights of birth mothers, and I get it. I get it. But I've had many conversations with birth mothers who've called my office and not one of them have said to me, *Please don't do this, please don't open this up and vote so that somebody will -- will come and find me.* They have told me stories of, *I didn't know, it happened so fast. I was young. The next thing I knew somebody signed a piece of paper and they just took my baby from me.*

We have mentioned several times in the past 48 hours, *We have done historic things in this Chamber.* I've heard it on many big bills that we have voted on in the past several days. This truly is historic. It is righting a historic wrong. It is getting us up to the turn of the Century. We are behind. And as many have said, yes, you can go to *Ancestry* and *23andMe* and hire a private investigator, people sometimes don't have means to be able to do that, quite

frankly, and relative to going to the adoption registry -- I know about that adoption registry, and let me tell you, I'm still waiting for the information back from the State, quite honestly, relative to the receipt that I had mailed with the money that I sent. That's archaic. We're talking about a paper system.

The people of New York deserve better than this. Adoptees in the State of New York deserve better than this. Birth mothers in New York deserve better than this and I implore all of my colleagues to stand on courage and if you think that you're protecting someone who is literally a senior citizen today, who right now, today, my birth mother is probably one step closer to the grave than birth, saying, let them have the opportunity to tell me no. You shouldn't tell me no. Let them tell me no.

I'm asking everyone to vote in the affirmative as I will be doing today. I would like to thank the sponsor, David Weprin, who has been very vigilant in his effort. I'd like to thank Speaker Heastie who has listened to me bother him about this bill day after day after day after day. And I would like to thank the people who have courage, who were able to speak up today and for minds who were changed and for people who may not be able to get there today, but know that there's lots of people out there counting on you to help them, to do the right thing. Thank you.

(Applause)

Mr. DiPietro.

MR. DIPIETRO: Thank you, Mr. Speaker. Before I

start, I would like to applaud our Assemblyman -- Assemblywoman. And before I get into my story, would the sponsor yield for a couple questions?

MR. WEPRIN: Happy to.

MR. DIPIETRO: Thank you, Mr. Weprin. I don't know if you remember, seven years when I came into this Chamber, I think my very first press conference was on adoptee rights. And I stood with the Senator, I think you might have been there, I don't know who was, but on the health, could you explain a little bit about the health, being able to look into the health records once this bill passes, how they'll be able to look into health?

MR. WEPRIN: Well, you know, many of us, myself included, have often been in an emergency situation and if you have to go to an emergency room in the hospital, the first question is always asked is do you have any family history with cancer, heart disease, diabetes. And if you're an adopted person in New York State, you don't know the answer to that based on the DNA -- or based on your biological parents. So, it's very important to know that in case of emergency situation.

But I actually have one of our adoptee advocates from Poughkeepsie -- Poughkeepsie, New York who actually had given up a child for adoption. She was, I think, a 16-year-old unwed mother and she gave up the child for adoption and her -- she later remarried the father of the child and then that father of the child died, her husband died of a massive heart attack when he was 40 years old.

And he later found out that his father had also -- or she found out that his father had also died of a massive heart attack around 40 and, her son that she gave up for adoption was approaching the age of 40. And she was actually a woman of means and she hired a private investigator, and she was in Poughkeepsie, New York. She located the son, the son that she gave birth to 38, 39 years ago, and she found him in California. She reconciled with him and told him about the family history of heart issues and heart attacks, and he has been under the care of a cardiologist which he normally would not have been in his late 30's, and my understanding is that he's doing well medically.

MR. DIPIETRO: Thank you very much, Mr. Weprin, I appreciate it.

On the bill, Mr. Speaker.

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

MR. DIPIETRO: I want to applaud the sponsor tremendously. This is way, way overdue. My best friend found out ten years ago he was adopted and when his parents died - and he had a tough time with that - and one of the biggest issues was him finding health records even though he had been adopted at birth and he had all his records from childbirth, but he couldn't find out the history. And just two years ago he was reunited with his family and he got to see his two brothers, he found out he had two brothers, and he was going to meet his mother. And it was really emotional. He had met his brothers, but his sister was about 40 miles away so they were going to

meet the next week. On the way to meet her and she meeting him, she got hit and killed in a car accident. So, he never got to meet her and -- except at the funeral. And to -- I've been advocating for him for ten years and when I came here seven years ago, it was the first press conference I did, was to stand with adoptee rights. And I'm so happy and emotional for him today that he can get this and he can go back now and find the history. He's met his family, it's a great reunion.

And one thing we overlook is the fact that I met a mother who gave up her child for adoption and 30 years later cried about it because she wants to find her child but she doesn't think her child wants to find her, and we forget that a lot of times it's the mothers who are in grief here, also. It's not the child looking for history or looking for their parents, it's also the mother.

And today, I'll be voting in the affirmative. I'm extremely excited. I want to thank Mr. Weprin for keeping this going, Mr. Montgomery in the Senate and the Speaker for allowing this to finally happen. So thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Wallace.

MS. WALLACE: Thank you, Mr. Speaker.

On the bill.

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

MS. WALLACE: I just rise to add my voice to -- to the comments that were made here earlier, especially the comments

that were made by my colleague, Pam Hunter, who so eloquently and passionately really identified the way an adopted child feels, and I can say that as -- as an adopted child myself.

You know, really, it wasn't until I was ready to have a child myself that I really became curious about my history, because even though I knew about being adopted since, you know, as old as I was -- since I was a young child, it wasn't until I thought about becoming pregnant and thought about what that would mean in terms of my medical history. Would -- would there be anything that I needed to worry about? Would there be anything I needed to worry about with my own child? That's when I really started thinking about wanting to know about who my birth parent was. And I can tell you that as between not knowing anything at all and this bill, while it might, in the rare case, cause some trauma for somebody who wanted to put that behind them and forget, I think in most situations, even if the person had the child when they were younger, a lot happens in the 20 or 30 or 40 years afterward when this person decides that they want to find their birth parent. And -- and they might not even feel the way they did so many years ago when they first gave the child up.

So even though there might be those rare occasions where it might cause some emotional upset for someone who -- who wanted to put that past behind them, I think in most cases that won't be true and, more importantly, as between the interests involved, it is really paramount that we give these adopted children the opportunity to learn about their history and learn about, in particular, any medical

complications that they need to know about.

So for that reason, I will be supporting the bill and I encourage my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Thank you, Ms. Wallace.

Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker. I rise today to just speak on the bill, if I can.

ACTING SPEAKER AUBRY: Please, sir.

MR. REILLY: I want to pay homage to a former member of the Assembly, Joe Borelli, who held my seat. He spoke very passionately about this bill and about the need as an adoptee how this would impact his life. And I am proudly going to vote in the affirmative and I just wanted to acknowledge his efforts and Mr. Weprin for all his advocacy on this issue. And on behalf of Joe Borelli, thank you to his former colleagues. Thank you so much.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Thiele.

MR. THIELE: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. THIELE: I have been an ardent supporter of this bill now for many, many years, but I'm always reluctant to speak about it because I have no personal experience when it comes to the issue of adoption. So, I'm always reluctant to speak about it. And

after listening to Pam Hunter today, getting up today, I was even more reluctant to speak about it after hearing her compelling remarks about this legislation.

It's a simple bill on its face. You look up on the Board: Establishes the right of adoptees to receive a certified copy of their birth certificate upon reaching the age of 18. It's a simple bill. It's, as was said before, it's -- it's an idea whose time is long overdue. It's decades overdue. And, you know, we've heard, you know, all of the legalities and the legal reasons, but ultimately this bill is about people and people's rights.

And while I personally don't have any experience with this in my -- in my life and my family, and it's hard to put yourself in that position and understand the feelings, there is a woman in my hometown, her name is Lorraine Dusky, who was a birth mother and gave up her baby in 1966. And she has been an advocate for this bill for decades. She's a writer, she's told her story. She had a piece that was in the *Albany Times Union* just last week that I tried to share with all of my colleagues here. And to me, that's what this bill is about, it's about people and about people, sure, having their right to their health information and to genetics and all of that, but it's their right to be whole, to know everything they need to know and want to know about themselves and where they came from, the circumstances of their birth.

And, you know, I often wonder as we're sitting here and we're deliberating whether anybody watches us on TV. But I

know today there's a lot of people watching this on TV, people that have advocated for this bill, Lorraine is one of them. And all I can say is it's never too late to do the right thing. And for some of the other issues that are coming up before us before we get to go home, I should point out that it's never too early to do the right thing, either.

(Laughter)

So today we do the right thing and I couldn't be happier and more thrilled for my friend, Lorraine, in Sag Harbor, and I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Raia.

MR. RAIA: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RAIA: Many of you met my mother a couple of weeks ago. It's no secret, I've talked about her many times, she's a town clerk. One of the jobs of a town clerk is to maintain birth certificates. And she's told me over the last 38 years one of the most troubling and disheartening things she has to do is tell somebody who's searching for their parents, and she's got that information, and she can't give it over. So, David, job well done.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect January 15, 2020.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

MR. GOTTFRIED: Thank you, Mr. Speaker. To me, this has always been a question of a fundamental human right that if the government has information so profoundly important as one's birth history, no government has the right to keep that from you. And that's what this bill is basically all about. And, fortunately, experience teaches that when people get this information, when there are reunions, they are overwhelmingly, enormously emotionally positive on both sides. I mainly want to commend the sponsor of the bill for his persistence and long-term dedication to this issue and often taking some slings and arrows on this issue, but always keeping his eye on the ball and moving forward, and we're doing something very good today as a result and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Ortiz.

MR. ORTIZ: Thank you, Mr. Speaker, for allowing me to explain my vote. I also, too, would like to commend the sponsor of this piece of legislation. This is -- this is opening a new chapter and closing an old one. A new chapter for those who are really looking for -- to know who their real mother, fathers are. I've been to so many of these press conferences and I would like to thank the advocates and those folks who have been consistently visiting and calling our office, for giving us the opportunity to stand up here today to bring what I do believe is just a right for them to have. And I will be voting on the affirmative, Mr. Speaker, and I also would like to thank the Speaker for giving us the opportunity that we have today.

And I also would like to thank all my colleagues who have expressed their personal opinion and personal experiences about this issue because as we speak today, 2019, Mr. Speaker, when I left Puerto Rico in 1980, in 1969 was two of my cousins that was taken away and we still don't know who they are. And I hope that if they're looking to me right now, they will be able to realize that I'm their cousin and I'm Felix Ortiz and they used to call me Uni, so I hope that they'll be able to find me. Thank you and may God bless you and good luck. Congratulations. Thank you.

ACTING SPEAKER AUBRY: Mr. Ortiz in the positive.

Mrs. Barrett.

MRS. BARRETT: Thank you, Mr. Speaker, for the opportunity to explain my vote. When this bill first came to the floor a couple years ago, I shared the story that I am the mother of an adopted child. My daughter was born in Russia. She was born in 1992 -- she was born in 1991, we adopted her in 1992. There's no way in the world that any of that information is available for us and for her. So, the fact that New York continue to keep this kind of information from children was really, really horrifying to me. So I thank the sponsor for his -- his doggedness and his continued support and for all the advocates that this is a long overdue moment and I'm very proud to vote in the positive.

ACTING SPEAKER AUBRY: Mrs. Barrett in the affirmative.

Ms. Seawright.

MS. SEAWRIGHT: Thank you, Mr. Speaker. I rise today in support of this legislation and cast my vote in honor of a very special constituent named Joyce Bahr who has devoted her life to fighting for this legislation. She is the co-founder and former President of the New York Statewide Adoption Reforms UNSEALED INITIATIVE. So today I'm proud to cast my vote in the affirmative and I thank the bill's sponsor. Thank you.

ACTING SPEAKER AUBRY: Ms. Seawright in the affirmative.

Mr. Carroll.

MR. CARROLL: Thank you, Mr. Speaker. First, I want to thank the sponsor for his years of hard work in shepherding this bill to the floor today. I also want to thank all of the amazing advocates who advocated on behalf of passing this legislation, a clean bill which will allow for individuals in New York to self-actualize, self-identify and be able to have the same kind of personal documents that every other New Yorker is able to get. This is a bill that is based around fairness, common sense and decency. And I most especially want to thank a constituent of mine, Tim Monte Walpot (phonetic), a man I met three years ago. I knew nothing of this issue and without his tenacity, his zeal, his dedication, I don't think that we would be voting on this bill today, so I thank him and so many others advocates who made this possible and who make so much possible of what we do here in the State Assembly. So, I withdraw my request to abstain

and vote in the affirmative, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Carroll in the affirmative.

Ms. De La Rosa.

MS. DE LA ROSA: Thank you, Mr. Speaker, to explain my vote. I want to commend the sponsor of this legislation, for his tenacity on this piece of legislation. I know it's a lot of years in the making. It's no secret that I was not born in this country, I was born in the Dominican Republic, but some of my colleagues may not know that I, too, am an adoptee. And the reason that I was able to find my siblings was because I did have a piece of paper that had my mother's biological -- my biological mother's name on it. And it was an adoption paper from the Dominican Republic. And I want to stand in solidarity not only with my colleagues who have shared their story here, but with the adoptees that are here with us today because sometimes we could be in a room full of people and still feel like no one is with you when you don't know where you come from. And when you have that information that is so vital for medical decisions, for decisions about your family planning process, it helps and it brings closure.

So, I want to congratulate the advocates, I want to stand in solidarity with you and I vote in the affirmative. Thank you.

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

Mr. Lentol.

MR. LENTOL: Thank you, Mr. Speaker. Many of you know that this bill languished in Codes for a number of years, and I apologize for that. I just want to say that after listening to many of the tales that I have over the years, and it was a good experience for me hearing a lot from advocates who came to my office and lobbied this bill and lobbied it very successfully, and I felt so guilty having to turn them away many times, but knowing all the time that what I was learning that -- about life. And what we haven't said today that this is truly a tragedy and a human story that we need to tell, and we're telling it today. Because what this is really all about is a person's personal history that government has no reason or no right to interfere with.

And so, I've listened, I've learned, I've heard from my colleagues, those who have been adopted. I've heard from several adoptees over the years and I know, and you can see, with only two red lights up there, that the times they have really changed. And I am proud to say that I have changed with them. And I wish nothing but the best for all of the adoptees because now it's not really opening a page, it's you will be able to close a page in your life. And so I gladly cast my vote in the affirmative.

(Applause)

Ms. Frontus.

MS. FRONTUS: Thank you, Mr. Speaker. I rise to say that I'm really proud to cast my vote in support of this historic legislation. I'd like to thank my colleague, Mr. Weprin, for working

really hard on this bill. You know, I'm sitting here and I'm thinking about when I lost my dad in 2008, and it's really something because he was ill and we knew that he didn't have a lot of time left. But I remember, I'm just really transported back in time and remembering that moment not only was I mourning the fact that I knew he wasn't going to be with us for a long time, but I also mourned the time that I would no longer have to find out more about my history and our roots and who I am as a person. And it's just something that is just incredible to me that we would deny the opportunity for human beings, for people in the State of New York to just have a piece of paper to tell them about who they are, where they come from and who their parents are.

I also just wanted to rise and say a few words to the advocates, because I've been very, very impressed with the level of advocacy that I've seen on their end, from social media, from being on the ground as foot soldiers, knocking on doors, making calls, using every tool available at their disposal. As a social worker, we're kindred spirits. It really spoke to my heart and my sensibilities. I would like to thank them, and I would also like to apologize to all of the adoptees in the State of New York for having a policy in place like this that made you feel less than for so many years. And just, you know, today we're standing in solidarity with you and we're correcting that wrong. Thank you.

ACTING SPEAKER AUBRY: Ms. Frontus in the affirmative.

Mr. Lavine.

MR. LAVINE: Thanks, Mr. Speaker. So, to Mr. Weprin for his tenacity, the sponsor, to the Speaker for his tenacity, I think we finally recognize that a human being has the right, the human right, and now the civil right to know who they are and how they got here. And I want to say something else, that this has been a long, hard fought battle that's lasted for many, many years. And I think that we ought to take a moment to reflect upon and to acknowledge the fact that diverse Legislatures, and this is a diverse Legislature, ethnically, economically, however one describes racially, socially, politically, the more diverse we are as a Body, a deliberative Body, the better in the end, even though we may bicker, but the better in the end will be the product of what we do, the goals that we seek to accomplish.

So, I'm delighted to vote in the affirmative for this, but I think it should, again, be mentioned how extraordinarily important it is that we, as Americans, because we are a diverse nation, and we, as New Yorkers, are a State of tremendous diversity, our diversity is our strength. I'm delighted to vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

To close, Mr. Weprin.

MR. WEPRIN: Thank you, Mr. Speaker, for allowing me to explain my vote. I have a lot of thank you's. This is an emotional day for me, as well, although I am not adopted or have

no -- well, I guess I have some family members, but no immediate family members that are adopted. So, I don't have that same story that you heard from many of my colleagues. But I have lived with this bill since 2011. There have been many sponsors in our House and in the Senate over the years. The only one I think who probably knows all of those sponsors and the history of this is probably Dick Gottfried, because he lived with it for all of those years, probably close to 50 -- 50 years.

Some of the people -- former sponsors I'd just like to mention, immediately before me was David Koon, and before that was Scott Stringer who is now the City Comptroller. But I want to thank Senator Montgomery who had this bill for many years and gave it up at the time to Senator Lanza, and Senator Lanza, as well, for all of his tenacity. And in the Senate, Bill Larkin had the bill for a number of years, Roy Goodman had it, James Wright and Franz Leichter. These are some of the past sponsors of the bill.

But I want to thank my Chief-of-Staff, Sumeet Sharma, who is behind me, who has been so active in this. And actually my former Legislative Director, Jacob Sherretts, who spearheaded this bill with me for so many years and, ironically, happens to now be working for Assemblymember Pam Hunter, just by coincidence. But I really want to thank Assemblymember Hunter for her perseverance and I want to thank and apologize to our Speaker, Carl Heastie. I want to thank him for really bringing this to the floor and really making this happen, but I want to apologize for being such

a pain in the ass --

(Laughter)

-- for so many -- so many years. And he often accused me of stalking him, but -- but we all know that he brought this to the floor because of who he is and because it was the right thing to do. And this is really a real great day for this Legislature and for the State of New York. Thank you.

(Applause)

ACTING SPEAKER AUBRY: Are there any other --  
Mr. Weprin in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

MR. RAMOS: Mr. Speaker, can you please call on  
Mr. Otis for an important announcement?

ACTING SPEAKER AUBRY: Mr. Otis for an  
announcement.

MR. OTIS: For a change of scenery, there will be an  
immediate Democratic Conference in the Speaker's Conference  
Room.

ACTING SPEAKER AUBRY: Democratic  
Conference, Speaker's Conference Room.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, I move that House stand

in recess upon the conclusion of this Conference.

ACTING SPEAKER AUBRY: The House will stand in recess.

(Whereupon, at 5:07 p.m., the Assembly stood in recess.)

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**AFTER THE RECESS**

**7:02 P.M.**

ACTING SPEAKER AUBRY: The House will come to order.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, at this time we're going to take up four bills: Rules Report No. 616 by -- page 35 by Jean-Pierre; Rules Report No. 590, page 30 by Garbarino; Rules Report No. 599 by Jean-Pierre; Rules Report No. 459 by Palmesano on page 15.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A08422-A, Rules Report No. 616, Jean-Pierre. An act authorizing the Commissioner of Education, in consultation with the Comptroller to appoint a monitor to oversee the Wyandanch Union Free School District and establishing the powers and duties of the monitor; and providing for the repeal of such provisions upon expiration thereof.

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

Let's try that all over again. Let's record the vote.

(The Clerk recorded the vote.)

Groundhog Day. The Clerk will read.

(Pause)

Members, there is a technical problem with that bill. We will go to page 30, Rules Report No. 590, the Clerk will read.

THE CLERK: Assembly No. A04810-B, Rules Report No. 590, Garbarino. An act in relation to permitting the Patchogue Fire District to file an application for a retroactive real property tax exemption.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 23, Rules Report No. 549, Ms. Jean-Pierre.

THE CLERK: Assembly No. A06740-B, Rules Report No. 549, Jean-Pierre, Vanel, McDonald, Rivera, Ortiz,

Epstein, Raynor, Blake, Simon, Mosley, Arroyo, Zebrowski, Williams, Sayegh, Frontus, Jaffee, Schmitt, McDonough, D'Urso, Joyner, Cruz, Wright, Steck, Ramos, Fall, Crouch, Glick, Fernandez, Taylor, Reyes. An act to establish a Black Youth Suicide Prevention Task Force; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Jean-Pierre to explain her vote.

MS. JEAN-PIERRE: Thank you, Mr. Speaker, for allowing me to explain my vote. I would like to thank my colleagues for supporting this legislation, and to the Committee on Mental Health, the Chair and the staff, and to Senator Carlucci for hosting these public hearings. As legislators, it's our obligation to respond to crisis, and this is a crisis, by tailoring public policy in a way that will hopefully prevent future crisis. We must find out why black children are taking their lives at an alarming rate, and we must continue to come together and devise solutions that will put an end to it. A year ago and a half, the Governor launched a suicide prevention task force and I recommend [sic] him for that, and I have read through the task force report which was released almost two months ago several times.

What troubles me is there was no specific mention of the direct support for high risk group of black youth. And that is why we are here today with this legislation. And I cast my vote in the affirmative and I hope my colleagues will do so, too. Thank you.

ACTING SPEAKER AUBRY: Ms. Jean-Pierre in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, at this time can we call up Rules Report No. 223 -- I'm sorry, Calendar No. 223, page 49, Abinanti.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A01235, Calendar No. 223, Abinanti, Santabarbara, Gottfried, Mosley, Blake, Barron, Solages, Colton, Cook, Malliotakis, Englebright, Zebrowski. An act to amend the Highway Law, in relation to State liability for defects in highways.

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

Mr. Goodell on the bill.

MR. GOODELL: Thank you very much, sir. This bill waives the current immunity that the State of New York has for

damages that occur on its roadway -- roadways during the winter season, basically from November through, whenever -- April or so, May. Right now, the State of New York has immunity, and that immunity includes immunity from road conditions like ice and snow, but also potholes. Well, one of the reasons why we had that immunity from liability for potholes is because typically in mid-November, the asphalt plants across the State close. And so, it's not like you can just swing by the asphalt plant and pick up some asphalt, because it's frozen solid. And for those of you who aren't familiar, asphalt plants require a great deal of energy and heat to operate, which is why they close when it's cold and they don't reopen until it's warm. Now, there is what's called "cold mix." Cold mix is an entirely different product as an emulsifier that's not temperature based. And you can use cold mix, but it costs about double and its life expectancy is about half.

So, while I'm very sympathetic to this bill, having replaced four tires last year coming to and from Albany - some of you know that I'm closer to about nine other State capitals than Albany, including Lansing, Michigan - but -- so I'm sympathetic to this. And my wife, as she is prone to do, gave me good advice. She said, *Why don't you avoid those potholes?* You know, that's something that apparently never occurred to me.

So, while I'm sympathetic, there's a very good reason why we have this -- why we have this limitation on liability and it's designed to protect all of the -- all of the taxpayers of the State of New York during that time period when the asphalt plants are closed.

Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Abinanti to explain his vote.

MR. ABINANTI: Thank you, Mr. Speaker. This bill will amend the Highway Law to delete the exemption from liability for the State of New York. The State of New York exempts itself from liability for any damages to anyone who is injured or has damages to their car as a result of a road defect. The State of New York has exempted only itself. What this bill does is put the State in the same situation as every one of our municipalities.

So, in endorsing this bill, the AAA has said that this bill will apply the same liability to the State as the State applies to local municipalities and remove the hypocrisy of requiring municipalities to have liability all year 'round, but exempting itself. The Trial Lawyers have also endorsed the bill, and they talk about the safety issue of this. This will improve health and safety for those on the roads.

Lastly, we should look and say there's a certain amount of accountability that we should demand from our Department of Transportation and from the other agencies of the State. By making them responsible for road conditions, that will encourage them to do

their jobs a little better, fill in all those potholes that are out there and make our roads safer for the people of the State of New York. So, I vote in the affirmative and I urge my colleagues to do so.

ACTING SPEAKER AUBRY: Mr. Abinanti in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, at this time we want to call up Rules Report No. 326, page 11, by Magnarelli and Calendar No. 216, page 48, by Mr. Perry in that order.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Senate No. S05079-A, Rules Report No. 326, Senator Skoufis (Magnarelli, Fahy, Buchwald, M.G. Miller, Jaffee, Gunther, Otis, Steck, Ortiz, Joyner, Blake, Jean-Pierre, Galef, Walker, Hyndman, McMahon, McDonald, Wallace--A01859-A). An act to amend the Real Property Actions and Proceedings Law, in relation to authorizing municipalities to compel mortgagees either to complete a mortgage foreclosure proceeding pursuant to Article 13 of the Real Property Actions and Proceedings Law or to issue a certificate of discharge of the mortgage for any property which has been certified abandoned pursuant to Section 1971 of the Real Property Actions and Proceedings Law.

ACTING SPEAKER AUBRY: An explanation is

requested, Mr. Magnarelli.

MR. MAGNARELLI: Yes. This -- this bill would allow once a property has been certified as being abandoned, a municipality could bring an action to compel a mortgagee to either complete a mortgage foreclosure proceeding or issue a certificate of discharge.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Would this -- would this legislation allow a municipality to bring an action against a mortgage holder before the mortgage holder has commenced foreclosure?

MR. MAGNARELLI: If the property has been certified as abandoned, it could.

MR. GOODELL: And how would the municipality know whether or not the note was in default?

MR. MAGNARELLI: I'm sorry. I didn't understand that.

MR. GOODELL: How -- I'm confused. How would a municipality know whether or not the note owed by the homeowner was actually in default?

MR. MAGNARELLI: If the note was in default?

MR. GOODELL: Right. This says that if the property is deemed abandoned, the municipality could bring a lawsuit against the bank and force the bank to foreclose. But a bank can only foreclose if the note's in default and it's possible that the homeowner is making payments on a note even though the property is abandoned.

So my question is: How would a municipality even know whether or not the note's in default?

MR. MAGNARELLI: I -- I can't answer that question. Yeah, I guess that would be their defense, I mean, once the action was brought, that they couldn't bring the action.

MR. GOODELL: So you're envisioning that the municipality would use taxpayer money to begin a lawsuit against a bank without even knowing if the note's in default?

MR. MAGNARELLI: No, what I envision is abandoned properties in the middle of cities that are falling apart with nobody taking care of them and nobody living in them and having banks not pursue their remedies and, instead, leaving those properties in the middle of neighborhoods falling apart. That's what I envision. And I also envision that if that's happening, they're not making their payment.

MR. GOODELL: Okay. So we cross the first threshold that the municipality wouldn't know whether it's in default. Would the municipality know if the bank is negotiating or working with a homeowner to try to resolve it?

MR. MAGNARELLI: Again, that would be brought up in the proceeding.

MR. GOODELL: And so we're expected to use taxpayer money to sue a bank without knowing whether the bank is even working with the homeowner to resolve the issues?

MR. MAGNARELLI: Again, you know, I just don't

believe that that's the way it's going to work in the real world.

MR. GOODELL: But this bill -- does this bill address that?

MR. MAGNARELLI: I think you could hypothesize that all you want, but I don't believe that's what's going to happen.

MR. GOODELL: But this bill doesn't address that issue, does it?

MR. MAGNARELLI: Well, it does in the sense that it would be a defense to the action once it's brought.

MR. GOODELL: Now, as you know, a lot of times if a bank is owed money, they try to work with a resident, try to work out a payment plan.

MR. MAGNARELLI: Correct.

MR. GOODELL: And it's not just optional, it's part of our mortgage foreclosure process, right, it's mandatory settlement conferences.

MR. MAGNARELLI: Right.

MR. GOODELL: And those mandatory settlement conferences are -- they're designed to help a homeowner who might not be living there. It might be in difficult -- financial and difficult conditions. Why would we want to force a bank not to work with a homeowner to see if they could resolve it?

MR. MAGNARELLI: Again, I don't believe that that's what this calls for in the sense that the municipality can bring the action, but then it would be in court and the bank would have that

type of a defense to discuss with the judge.

MR. GOODELL: Where in this language does it says the bank has a defense that it's working with the homeowner?

MR. MAGNARELLI: I -- I just believe it would from equity.

MR. GOODELL: Okay. Now, do we have any other situation where by law we force a lender to foreclose on a borrower?

MR. MAGNARELLI: Where else --

MR. GOODELL: Where we require by law a lender to foreclose on a borrower?

MR. MAGNARELLI: I don't -- I don't think there is. I don't -- I don't believe so, I don't.

MR. GOODELL: Okay. Now as you know, a mortgage is just a security interest. So we -- we have a note, the note is the IOU, if you will, and the mortgage says if you don't pay the IOU, the bank or the lender has the right, but not the obligation, to collect against that asset.

MR. MAGNARELLI: Right.

MR. GOODELL: So are we now saying the bank cannot release its security interest in the mortgage while still pursuing its right to sue under the note?

MR. MAGNARELLI: They can discharge the mortgage; that's the alternative.

MR. GOODELL: Well, discharge a mortgage, this bill says not only do they file a discharge of mortgage, they have to

file a satisfaction. What if the bank doesn't want to foreclose on the property, but doesn't want to give up its right to collect the debt? I mean, this -- this bill doesn't allow the bank to say, *Okay, fine. We're -- we're releasing the property or discharging the property*, it also requires the bank to actually sign off on the debt. Why should the bank have to be forced to --

MR. MAGNARELLI: Well, I think that --

MR. GOODELL: -- sign off on a debt -- I mean, the -- the borrower might have money, might have assets. The borrower might be a big landlord, he's just abandoned this property; why should the bank have to give up its claim against the debtor?

MR. MAGNARELLI: I don't believe it has to. I think it's an either/or, first of all. It can discharge the mortgage, which would -- the note remains. You can make, you know, you can choose your remedies.

MR. GOODELL: Well, I would --

MR. MAGNARELLI: And so, the bottom line is though, again, going back to what's envisioned by this piece of legislation, the bank could take care of the property and then go ahead within its own time and its own devices to do whatever it wants, or it can discharge the mortgage and still sue on the note.

MR. GOODELL: But the problem I have is I'm looking at page 2 --

MR. MAGNARELLI: Yeah.

MR. GOODELL: -- subparagraph 3, and it says one

of the options the bank has, and I quote, "Issue a certificate of discharge of the mortgage --"

MR. MAGNARELLI: Yeah.

MR. GOODELL: "-- within three months, and," not or, but and, "file a satisfaction of the mortgage." I mean, satisfaction of the mortgage means the mortgage is paid. Why are we forcing a bank to write off the debt just because they don't want to foreclose on the security?

MR. MAGNARELLI: Because they have to maintain the property.

MR. GOODELL: Where in the mortgage is there any obligation for a bank to maintain an asset of any kind, including a house?

MR. MAGNARELLI: It may not be in the mortgage, but it's in this piece of legislation.

MR. GOODELL: So this would create a new liability on a bank that's not covered by its contract.

MR. MAGNARELLI: That can be said that way.

MR. GOODELL: I mean, it's unequivocal, right, that all the existing mortgage documents say it's optional on the part of the bank whether or not they foreclose, and this would make it no longer optional?

MR. MAGNARELLI: Correct.

MR. GOODELL: So how do we comport that with the US Constitution which says we cannot change the terms of an

existing contract? Does this law only apply to mortgages that occur after this date?

I apologize, there were two questions there.

MR. MAGNARELLI: Yeah. I think that it's -- I think we've done this before where banks have to maintain the properties according to law, and this --

MR. GOODELL: Well, we've never authorized anyone, a third party that's not part of the contract and given them standing to sue to force a bank to do something they're not contractually obligated to do. We've never done that before.

MR. MAGNARELLI: I think we have.

MR. GOODELL: So how do we comport that -- I understand it's an interesting argument, we violated the Constitution in the past, so we can do it in the future, but skipping that argument for a minute... how does this -- how can we reconcile a statute that requires the bank to do something that is not required to do under its Constitution -- what gives us -- under its contract. What gives us the power to rewrite an existing contract?

MR. MAGNARELLI: Again, I'm not looking at the contract between the bank and the mortgagee. I'm looking at what the municipality's rights are vis-à-vis the entire neighborhood and the people that it represents. And you can make laws that we all have to abide by, including a bank.

MR. GOODELL: Well, the bank doesn't have any contract with the municipality, right?

MR. MAGNARELLI: No.

MR. GOODELL: And -- but the landlord or, I'm sorry, the landlord or the owner of the property, that owner has a longstanding statutory obligation with the municipality, right, a preexisting statutory obligation under the Zoning and Building Code.

MR. MAGNARELLI: Yeah.

MR. GOODELL: So why don't we -- I mean -- I guess the municipality already has the authority to go after the owner to fix the property up, right?

MR. MAGNARELLI: Mm-hmm.

MR. GOODELL: That's already existing, that's our Building Code and that's our Zoning Code. What -- how -- how does a -- how do we authorize a municipality just skip over the owner and go after someone who is unfortunate enough to lend money to the owner?

MR. MAGNARELLI: Because, again, the municipality is trying to take care of the people that are living in that municipality and creating the laws that the bank has to adhere to, as well.

MR. GOODELL: Now, you're familiar with the Community Reinvestment Act, right, that requires bank to make loans in underserved areas where their normal underwriting may not have justified loans, you're familiar with that, right, the Community Reinvestment Act? So, if we say to banks that you, the bank, could be sued by the municipality if you make a loan in an underserved area

and the loan goes default, doesn't that run directly counter to the Community Reinvestment Act intent?

MR. MAGNARELLI: Again, I don't believe so. Well, again, you know what I'd like to go back to is this: We're talking about properties that have been abandoned, there's nobody there. There is no mortgagee. There is no owner. It's been abandoned, it's been certified as being abandoned. That's the only time the municipality has this right to go in and go back to the mortgagor.

MR. GOODELL: Okay. So we're saying if the homeowner is not living in the property or maintaining it, then the municipality can sue the bank even if the homeowner's still making the payments on time and forced the bank to foreclose?

MR. MAGNARELLI: I don't believe that we're talking about someone who is making payments on time. I think that goes back to the proceeding itself. We're talking about the property having been abandoned and certified as such, that nobody is living there and that it's in obviously disrepair. I don't think there's going to be municipalities looking for -- to have banks foreclose on properties or obtain discharges of mortgages simply because, you know, looking for that type of a thing to have occur. What's happening is is you have an abandoned property that's becoming at least a nuisance within a neighborhood or within the community and it needs to be taken care of.

MR. GOODELL: Well, I'm just reading the language

here. It says if a property has been abandoned, then the municipality may commence an action against mortgages, to -- turn the next page, subparagraph c, Issue a certificate of discharge within three months and file a satisfaction. That's one of the three options. That's not even conditioned on the -- on the note being in default.

MR. MAGNARELLI: Again, I think that what we're looking for is that the bank would have its day in court, too, to say what is going on and tell the municipality in the court what is happening. What we're looking for is that the bank would take affirmative actions to do something with the property if it can. I mean, if it can't, then it doesn't have standing to do it, I would think that it would be dismissed.

MR. GOODELL: Okay. So what this legislation then does, if I understand, is it says if the property is abandoned, then the municipality, using taxpayer money and taxpayer resources, even though the municipality is not a party to the mortgage, even though the municipality doesn't have any knowledge about what actually is being paid or not paid. The municipality, using taxpayer money, can sue the bank in an effort to force a bank to foreclose on the owner.

MR. MAGNARELLI: Or discharge its mortgage.

MR. GOODELL: Or give up on its mortgage.

MR. MAGNARELLI: Correct.

MR. GOODELL: And file a satisfaction of its debt.

MR. MAGNARELLI: Yes.

MR. GOODELL: What if the homeowner --

MR. MAGNARELLI: Yeah, and, by the way, they always have the right to go in and maintain the property. And if they maintain the property, this wouldn't be happening.

MR. GOODELL: Well, certainly the municipality has the authority right now to sue the homeowner or the landlord and say fix up your place, right?

MR. MAGNARELLI: The homeowner's not there. The homeowner's not there; abandoned, they're gone.

MR. GOODELL: How do you know that?

MR. MAGNARELLI: There's nobody there.

MR. GOODELL: No, I understand the property is abandoned, but you can have a landlord that's got 30 apartment buildings and he's let one go. This isn't limited to a homeowner that's in bankruptcy, is it?

MR. MAGNARELLI: No, this is --

MR. GOODELL: It's not limited to a homeowner that's no longer found, right, it's --

MR. MAGNARELLI: You have to have evidence of a lack of occupancy, there has to be nobody there --

MR. GOODELL: Right, he's not occupying that house.

MR. MAGNARELLI: -- no one there.

MR. GOODELL: Right, he's not in that particular house, but he doesn't have to be outside the jurisdiction, right?

MR. MAGNARELLI: No --

MR. GOODELL: It doesn't have to be judgment proof, right, he could be wealthy?

MR. MAGNARELLI: Right. Correct.

ACTING SPEAKER AUBRY: Yes, Mr. Goodell.

MR. GOODELL: Are there others that are excited as I am about this debate?

(Laughter)

ACTING SPEAKER AUBRY: It does appear that you've raised some interest.

Mr. Raia.

MR. GOODELL: How fortunate for the rest of us. Thank you.

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

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

MR. MAGNARELLI: Yes.

MR. RAIA: Bill, we've sat next to each for some ten years --

MR. MAGNARELLI: Yes.

MR. RAIA: -- I don't think we've ever debated a bill.

MR. MAGNARELLI: No, we have not.

MR. RAIA: So...

MR. MAGNARELLI: Well, I think we have, but -- but not in the --

MR. RAIA: Not against each other or with each other. It's been some time since I've been the Ranking member on the Banks Committee, so my mind is a little faulty, you know, please feel free to correct me.

I appreciate the effort -- nobody likes to have zombie homes or buildings in their neighborhood and -- but I'm under the understanding, didn't we pass a zombie law a few years back that actually allows the municipalities to go after the banks to maintain the property?

MR. MAGNARELLI: Yes.

MR. RAIA: So, shouldn't they be doing that before we move to -- to discharge the mortgage?

MR. MAGNARELLI: I think this is just another tool that the municipalities would have at their disposal to make sure these properties are taken of.

MR. RAIA: Okay. I don't necessarily disagree with that, but part of the problem is when we were suffering through all those mortgage foreclosures, I don't know, ten years ago or whatever it was, we kept -- we passed the Mortgage Foreclosure Prevention Act, I think it was called, and basically what that did was keep delaying the process, essentially to allow the homeowner to keep extending the mortgage -- the foreclosure and extending it and extending and extending it to the point where I believe New York now has the distinction of taking the longest to deal with foreclosures and -- and these types of -- of -- of actions. And the concern is is it routinely

takes over a year for the banks to be able to secure -- secure that property. This says that the mortgage -- you need to meet all the deadlines to ensure the case is ready to be moved to judgment within a time not to exceed a year.

So, we know often mortgages are passed from bank to bank to bank. A lot of times people can't even find out who's currently holding their mortgage, and it's quite conceivable when you start to talk about the mandatory settlement conference provisions that routinely we go over a year. So, I'm concerned that -- that this is going to be a problem because of previous legislation and laws that we passed that purposely give the homeowner or the tenant the ability to kick this out past a year. So, what happens in that case in which, by no action of the bank or the municipality that most -- most likely due to court delays that now you're out past a year?

MR. MAGNARELLI: Yeah. I don't think that that's what the intent here is --

MR. RAIA: Oh, I know.

MR. MAGNARELLI: The intent is simply that the bank is moving the case along and moving it toward a foreclosure, that the motion papers or whatever papers have to be filed in a timely fashion are moving along. It's not that it has to be completed.

MR. RAIA: Okay. Thanks for the stroll down memory lane to the Banks Committee.

MR. MAGNARELLI: All right.

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

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

MR. RAIA: The -- the final end product here is a good one, let's get rid of all those zombie homes and what have you. You know, I'd like to see a lot of them repurposed for veterans and things like that. I am just a little concerned because as a result of actions that this Body has taken, we now are a State that takes the longest to foreclose on a piece of property and, unfortunately, as a result of that, you now have an issue here where homes remain vacant, buildings remain vacant for up to a year before you can even get a settlement.

I thought the zombie law that we did was very good. It allowed towns to go after the bank. If I'm not mistaken, you actually have to post on the front door who the owner is, who the bank is, a phone number to get to them, and it should be very easy for a municipality to just reach out to the bank and say, *We're going to hammer you if you don't do what you're supposed to do and clean up this property.* I am a little concerned that, you know, we're -- we're trying to weaken the laws that we already passed, but I also understand that it's as a result of those very laws that we now need to go back and essentially modify.

So, I would be concerned about this. I -- I -- I would urge a no vote just because I think the process is already there to have the local governments compel the banks to maintain the property without the potential of them losing their investment. Thank you, Mr. Speaker. And thank you, Mr. Magnarelli.

ACTING SPEAKER AUBRY: Thank you.

Mr. Garbarino.

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

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

MR. MAGNARELLI: Yes.

ACTING SPEAKER AUBRY: Mr. Magnarelli yields.

MR. GARBARINO: Mr. Magnarelli, one of the resolutions here is the third party, the municipality can cause the bank to issue a certificate of discharge of the mortgage within three months and file a satisfaction of the mortgage with the appropriate local office; is that correct?

MR. MAGNARELLI: Yes.

MR. GARBARINO: So if the bank is forced to do that, who owns the -- who owns the property then, or who still owns the property?

MR. MAGNARELLI: The owner still owns the property.

MR. GARBARINO: But isn't this bill supposed to be addressing zombie homes, people who have abandoned the properties years before?

MR. MAGNARELLI: Yes.

MR. GARBARINO: Okay. So, if they're gone

already, the property -- they've abandoned it, the property is already a zombie home, how is this going to address the issue if you just get rid of the bank?

MR. MAGNARELLI: Again, it's just allowing the municipality to know who they're dealing with and to be able to take action against the owner, wherever that owner may be at that point in time.

MR. GARBARINO: But again, what if -- but if they've left and they've abandoned the home and they've gone away, how does the municipality get in touch with them to address this issue?

MR. MAGNARELLI: You'd have to find them in some way or bring a proceeding in a way that brings them into court.

MR. GARBARINO: Well, can't the municipality already do that now with the zombie homes? Can't the municipality, the local town or village board up the home, can't they send the -- somebody over there to cut the lawn and add everything to the tax -- tax bill?

MR. MAGNARELLI: Yes.

MR. GARBARINO: Okay. And now, as long as -- it's been my experience with foreclosures, because I've been appointed referee on quite a bit of them, when a bank is going through the foreclosure process, they -- they continue to pay the taxes so they don't lose it to a tax lien sale, correct?

MR. MAGNARELLI: Yes.

MR. GARBARINO: That makes sense, right, they don't want to lose their investment. So right now the municipality can board up the house, make it safe, they can cut the lawns, they can maintain the property, add all of that cost to the tax bill and then when the -- and then when the tax bill is paid by the bank, they get -- they recoup it. So, it's actually no cost to the municipality after the taxes are paid. There's -- the property's taken care of.

So, my concern is if this happens, you no longer have the bank paying the taxes, nobody's maintaining -- there's nobody to -- the bank's not paying the taxes so if the town or municipality decides to clean up the property or board it up, they can add it to the tax bill, but nobody's paying it. So, they're -- they're stuck with the cost. And now, where you had a bank paying the tax every year, knowing where that bank is, you're now taking the property and giving it back to -- or not taking the property, but you're forgiving the loan and -- to someone who has abandoned the house. How is -- how is that better here?

MR. MAGNARELLI: I think it just gives the municipality another tool in the toolbox, that's all.

MR. GARBARINO: Okay. Now, has there been any question as to, you know, if these -- if the homeowner couldn't pay their mortgage and they abandon the property, if we forgive the note here or if the bank forgives the note and discharges the mortgage, isn't that going to be imputed income on the homeowner?

MR. MAGNARELLI: We're not asking the bank to

forgive the note.

MR. GARBARINO: Or discharge the mortgage.

Okay, so this only just deals with the mortgage, they can still keep the note?

MR. MAGNARELLI: Correct.

MR. GARBARINO: Okay. All right. Thank you very much, Mr. Magnarelli.

MR. MAGNARELLI: You're welcome.

MR. GARBARINO: On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GARBARINO: I understand the intention of the sponsor. Zombie properties are all over on Long Island and they're -- they're a big, big problem. But the two towns I represent, both Islip and Brookhaven have done a phenomenal job at cleaning up, boarding up abandoned homes, making sure that they're safe, making sure that the neighborhood looks -- looks good. And I think that -- and they add that -- all those costs to the tax -- to the tax bills. And the bank, when they pay their tax bills, the town recoups that cost. This, with -- with the mortgage being discharged under what could happen here, the bank's no longer going to pay that tax bill so all this cost is going to be put on the local municipalities. And that's a cost that they can't handle right now.

So I understand the intention of the bill, I just don't think that this is the way to get it done. So, thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. [Sic] Byrnes.

Ms. -- Ms. Byrnes. You, ma'am.

MS. BYRNES: Thank you very much. Thank you, Mr. Speaker. Will the sponsor yield?

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

MR. MAGNARELLI: Yes.

MS. BYRNES: My question is -- and, again, I apologize for having my back to you.

MR. MAGNARELLI: That's okay.

MS. BYRNES: My question is, if the bank does discharge the mortgage so that the property owner becomes the owner of the property free and clear, then at this point, obviously, all of the mandatory foreclosure processes that the courts are using to try to remediate these issues become not available, correct?

MR. MAGNARELLI: I would imagine that's true, yes.

MS. BYRNES: All right. So all of the measures we've put into law to try to get people involved and cleaning up their property are all now negated?

MR. MAGNARELLI: Correct. Again -- again, property has been abandoned. There's no one there.

MS. BYRNES: But whether or not it's certified as abandoned has to be done either in a certain way under the mandatory

foreclosure procedu -- proced-- procedures in order to expedite the foreclosure process or in this respect. But in either way you're not clearing up the zombie property because you could still have an owner that doesn't do anything.

MR. MAGNARELLI: And I would imagine that it's going to be the municipality's call on whether or not they're going to use this at all.

MS. BYRNES: All right. But if they don't -- if the municipality doesn't want to because it would be too costly for them to even take over ownership of the property --

MR. MAGNARELLI: Right.

MS. BYRNES: -- again, the process continues without any ability or procedures for a bank or anybody else to take this property.

MR. MAGNARELLI: If I may digress just a second. This bill came up because I was called by someone who was living in a neighborhood where a property had been abandoned for years. They tried to get ahold of the bank, they tried to get ahold of the owner. They couldn't do it. And no one did anything. All they're trying to do here is give the municipality the right to go in and have the opportunity to take that property -- by the way, in that circumstance, because of where the property was, even though the property was abandoned and in disrepair, there were people who wanted to buy the property but the bank did nothing. That's the situation that I envisioned when this bill was put in. Okay?

MS. BYRNES: Okay.

On the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. BYRNES: Just very briefly, I think that there are some properties -- and I have them in my own -- in my own village -- that have been abandoned and are zombie properties for 15 years and, quite frankly, nobody wants it. The bank doesn't want it, the village doesn't want it because they're so expensive that we have created a situation where by pushing the banks out of the loop, I think we make it even harder to try to reclaim these properties for good use.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell for the second.

MR. GOODELL: And hopefully last time for this bill. You know, New York has changed all of its mortgage foreclosure processes in following the mortgage meltdown in 2008. And it's been a great, great change for all of my colleagues who are real estate attorneys because it doesn't matter whether you represent the bank or the homeowner, you can tie the things up for years. And as a result, New York's mortgage foreclosure process is one of the longest in the nation, running up to nearly three years. And as a result of those complex processes that we all put in and will never take back out again, we end up with the situation we're talking about here, zombie properties. And the problem with zombie properties in this long, convoluted mortgage foreclosure process we have is that

everyone's a loser. Every single person is a loser from our long, complex mortgage foreclosure process. The homeowner is a loser because if there was a prompt and efficient foreclosure process like we used to have, there's a chance they could recover some of their equity. The bank's a loser because by the time they get it three years later, the property isn't worth much at all. And, of course, the neighbors are losers because they watch the property deteriorate and no one is there to mow the lawn or take care of it. And now we know the municipalities are losers because they can come up and bring a mortgage forec -- or an action under the zoning or building code, and it's money right out of the taxpayers' pocket, which is just what our -- everyone in our community wants to do, is pay higher taxes to take care of a dilapidated structure. So the solution, by the way, is not to pretend that the banks have unlimited wealth and they ought to do it all on their own. That's not the solution. And here's why that's not the solution. Because every time we go back to the banks and say, *Hey, you know, you were so foolish to lend money to that type of person or with that economics, income and credit score and background. You lent money to that person, they stuck you and so now we're going stuck -- stick you, the bank, with more expense.* And every time we do that, the banks tighten their underwriting criteria and they require a higher credit score, and they require more security and they require more down payments. And every time they do that, people who are trying to get their home, their first home, who are on the edges of society, they get written out of the market. And so this bill -- I

understand the frustration living next to a zombie property, and I understand the municipality can enforce their zoning laws and their building laws. They can go after the owner. And I understand that a municipality can foreclose on the unpaid taxes and do their own foreclosure sale. Those are remedies that exist now. But let's be cognizant that not only do we have a constitutional problem when we walk in and say, *We don't care what your contract says. You now must expend all these additional funds.* We walk in and say, *We don't care that the mortgage is just a security interest. If you don't foreclose, you lose your debt.* We don't care if the homeowner may actually have a lot of properties and a lot of money and he's just abandoned this one. We put the bank in the impossible situation of foreclosing on a property that may not be worth owning or writing off the debt. And every time we do that, the banks increase the down payment for everyone else, and they increase the interest rate for everyone else and the closing expenses for everyone else. This is not a -- this is not a free "let's have the bank come out with all of their money because they have a big vault." All that money comes out of our pockets, and especially the pockets of those who most desperately want to get bank financing. Most of you have great credit scores. Thanks to my wife, I do, too. And I don't have trouble -- trouble walking into a bank and getting a loan. But if you're not fortunate enough to have a spouse like mine that brings your credit score up so that it's sterling or you're starting out with a new family or you've got a new job and your credit score isn't great, it's hard to get a loan. And

every time we make it more difficult and more expensive for the bank to make the loan, the number of people who can get a loan to get their first family home, to move forward in life, it makes it tougher on them.

So while I'm compassionate, the problem with zombie properties, passing a law that violates a contractual relationship, incurs legal fees on the part of a municipality, requires a bank to get a foreclosure through a court process which it can't comply with under these timeframes is not the answer. And I hope at some point that we, as the Legislature, have the courage and the wisdom to streamline the mortgage foreclosure process so that everyone can come out better in the future.

Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. McDonough to explain his vote -- Mr. McDonald to explain his vote.

MR. MCDONALD: Thank you, Mr. Speaker. I want to thank the sponsor for sponsoring this bill and championing it through. It's good to hear all different members talking about the concerns and we're united on the fact that we don't want zombie properties in our community. Interestingly enough, in about five

hours we're going to have zombie members walking throughout this Chamber, but that's a different discussion.

(Laughter)

But the reality is this: When the Zombie Property Act was put into place two or three years ago, the responsibility was put on the State of New York, the Department of Financial Services, to work with any mortgagee, anyone who had an interest in the property, to bring them into compliance to maintain the properties and to move forward with the foreclosure. And it probably would serve our Body well this coming summer and fall to conduct hearings to see how that process is working. Obviously, it's not working perfect enough. The Member has put forward a bill which, admittedly, I think, will seldom be used, but it allows a local government instead of becoming the local landscape company and racking up taxpayer bills and expenses to help expedite the foreclosure, to get this property which is abandoned, into the next generation's ownership and to make their community that much stronger.

And for that reason, I support this bill and thank the sponsor.

ACTING SPEAKER AUBRY: Mr. McDonald in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00440-A, Calendar

No. 216, Perry, Barron, Cook, Hyndman, Taylor, Rivera, Williams, Wright, Weprin, Wallace. An act to amend the Real Property Law, in relation to notice of sale or transfer of ownership of residential property.

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

Mr. Ra on the bill.

MR. RA: Thank you, Mr. Speaker. Just -- just briefly on this. You know, I understand the intention. There -- there are situations where there's fraud in the transfer of -- of real property. But what this requires is that the county or city registrar send notice that says basically notice of a sale or transfer of your residential real property. There are a couple of problems with this. Number one, this is going to be, in many cases, at some expense that's -- that has to be paid by -- by the person filing the deed, which we all know they already paid tons of different fees when -- as part of a real estate transaction. This is going to be another one. And then we're putting a new burden on -- on our local county clerks or whoever is registering the -- the document. In many cases somebody who knows they were involved in a real estate transaction is going to get this notice in the mail saying, *You sold your property*. The problem even in that situation is whether they are actually getting it in the mail because what's going to have been recorded is something that is going to show their address to be the property they just sold. So I'm really not sure

how this is going to in any way prevent real estate fraud. At the end of the day, it doesn't affect the validity of the transfer, and it's going to also potentially open up our -- our local city and county registrars up to liability if they fail to do this, even though it doesn't affect the validity of the transfer. But it could be something that's flagged later on, maybe in a -- in a future title search or something of that nature.

So, again, we should do things to try to help avoid fraud in real estate, but I -- I just don't see how this is going to be effective in doing this. It's -- it's going to be more effective in possibly clouding the title of properties and putting another burden on our local counties and putting another expense on somebody who's selling property.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, at this time we would like to call up Rules Report No. 408, page 13 by Mr. Abbate. Rules

Report No. 355, page 13 by Mr. Crespo. And Calendar No. 520, page 64 by Mr. Lentol.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Senate No. S05905-A, Rules Report No. 408, Senator Gounardes (A07874-A, Abbate, Reyes). An act to amend the Administrative Code of the City of New York, in relation to membership in the New York City Teachers' Retirement System.

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

MR. ABBATE: Surely. I'm just going to change it a little that the wording on the memo and everything might make it a little confusing. But basically, this bill will transfer 5,400 paraprofessionals and our teacher's aides, educational associates from -- from BERS, which is the Board of Education Retirement System, into the Teachers' Retirement System in the City of New York.

MR. GOODELL: Why do we want to make that transfer?

MR. ABBATE: Because I think originally it was thought that our paraprofessionals really do belong in the Teachers' Retirement System. The rest of the 1,900 people in BERS are like the school custodians, carpenters, engineers and other people. So, we're trying to find -- we put all people who are actually in the teaching profession into one system, and neither system has any objection to it.

MR. GOODELL: Under the current system --

ACTING SPEAKER AUBRY: I assume you've

asked him to yield? Okay, just checking.

MR. GOODELL: You know, I am so thankful that Mr. Abbate has expressed a willingness to yield even before I asked him.

ACTING SPEAKER AUBRY: He's a gentleman.

MR. ABBATE: The quicker we do it, the better it is.

(Laughter)

Let's keep moving.

MR. GOODELL: In fact, he -- he yielded last night in the parking lot and answered some of these questions for me. Thank you, Mr. Abbate, for yielding. And thank you for reminding me, sir. Before this -- under current law, wasn't it optional for these individuals to decide which retirement system they wanted to be in?

MR. ABBATE: It -- it was sort of optional. They were not -- what happened was the Teachers' Retirement System and BERS never really gave the proper information out to them that they could join. And what happened was the paraprofessional and the teacher's aides would ask the other teacher or paraprofessional in the school, you know, *What should I check off? What should I do?* And over the years it just sort of became something that people followed and didn't do. And the numbers grew to 50 -- actually it was 56-, it's now down to 5,400. The numbers grew. And after some thought we thought they should all be together, you know, in that system. And as I said, if you look at them, it's an educational associate, a teacher's aide, a bilingual professional assistant. All those are actually to do

hands-on teaching.

MR. GOODELL: Thank you very much for -- for sharing those insights, Mr. Abbate. Thank you very much, Mr. Speaker, for allowing me to ask Mr. Abbate some questions.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05308-B, Rules Report No. 355, Crespo, De La Rosa, Rivera, Galef, D'Urso, Pichardo, Wallace, Reyes, Colton, Lavine, Ortiz, Quart, Blake, LiPetri, DeStefano, Steck, Burke, Ryan, Fall, Frontus, Raynor, Cruz. An act to amend the Labor Law, in relation to prohibiting wage or salary history inquiries.

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

An explanation is requested, Mr. Crespo.

MR. CRESPO: Certainly, Mr. Speaker. This bill -- employers often seek the salary history of job applicants during interviews and promotions to justify giving them a lower pay rate.

This practice has led to continued wage inequality and increasing wage gaps among women and people of color in the State of New York. Banning this practice should be the first step in enforcing our Federal and State pay equity laws which ensure the legal right to equal pay for equal work. In order to help achieve fair pay, this bill would prohibit employers from asking for wage or salary history as a requirement for a job interview, job application, job offer or promotion. Employers would also be prohibited from relying on salary or wage history in determining whether to offer employment or in determining what wages or salary to offer an applicant. We've passed a similar version of this bill in the last two years that I have had to chance to carry -- carried it for five. And we've talked a lot about the numbers that are well pretty well-known in terms of the pay gap and the fact that the question of salary history already sets a tone for categories of people - women, people of color - who have historically been offered lower wages than what would otherwise be offered for the same job. And the question of salary history just maintains that lower standard throughout the professional lives of -- of these workers. And so this bill would help correct that injustice and also bring the rest of the State into parity with something that has already become law in the City of New York, thanks to the effort of then-public advocate, now Attorney General, Tish James.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MR. CRESPO: Yes, sir.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Mr. Crespo. I understand the object and purpose of this, which is to try to break a pattern of wage discrimination by inquiring about an applicant's background and if they were underpaid in their prior job, continuing that practice in the new job. That's really the thrust of this bill, isn't it?

MR. CRESPO: Well, yes. I -- I mean, I would maybe phrase it just slightly differently, although I -- I agree. It's just -- we know study after study has demonstrated and -- and we've seen the data. Women, women of color in particular, make less for the same work as their peers. And if the question of salary -- prior salary history continues to be the basis upon which employers determine what salary to then offer that same employee, it perpetuates that -- that less than adequate salary offer. And so we're trying to ensure that that no longer occurs.

MR. GOODELL: And -- and this is very clear that an employer cannot make that part of an application. Certainly, that would be an -- inappropriate under this. Cannot ask what your salary history was. Is it okay for a potential employer to say, *What kind of salary are you looking for?*

MR. CRESPO: The -- the question -- you cannot ask -- the employer would not be able to ask for the prior salary earned by

that employee, but the -- the -- a job applicant or potential employer or employee seeking a promotion can raise their prior salary history if it's part of a negotiation to seek a higher wage offer.

MR. GOODELL: Okay. And I note the bill says that an applicant who is not hired presumably can bring an action for damages.

MR. CRESPO: Well, in -- in prior versions of this bill we had language describing prospective employees, and we've narrowed that to applicants. And the purpose was to ensure that there wasn't a scenario where someone who had never actually contacted a potential employer but came across an ad that maybe had a -- a wage history question would not necessarily have the opportunity to bring an action since they never really interacted or -- or -- or reached out or were considered as a potential employee. So we feel we've narrowed that down by defining this bill to apply to applicants for a position or current employees seeking a promotion.

MR. GOODELL: What I was wrestling with, and maybe you can help me, if an applicant were asked, *What -- what's your past employment? What's your past wage history*, and that wage history was low and they weren't offered the job, then it's pretty conclusive evidence that they weren't offered the job for reasons other than their wage history, right? I mean, if they come to you and say, *Hey, look. I've worked for a lot less*, that's not a grounds for refusing employment.

MR. CRESPO: Under this bill the employer would

not be allowed to ask what that prior wage history was. The employer could describe the position, the employer can maybe have a discussion about their expectations for that position, but only once an -- an offer is made or if the applicant volunteers that information as part of a negotiation can that conversation come up.

MR. GOODELL: Thank you very much.

On the bill, sir -- ma'am. On the bill.

ACTING SPEAKER WALLACE: On the bill.

MR. GOODELL: Thank you. I appreciate the sponsor's desire that wage -- low wages are not perpetuated by an employer asking what the applicant's previous wage was. Ironically, if the applicant had a low wage history in the past and wasn't hired, they weren't hired because of the fact they had a low wage history in the past and employer would have offered them a lower wage, so this presumably would only apply in those situations where the applicant wasn't a victim of discrimination and had high wages. So, ironically, this -- the remedy for an individual who's not hired is the exact opposite of the situation we're trying to address, which is just a little bit strange, it seems. From the perspective of an individual who's actually hired many people of all colors and genders, a lot of times for a legitimate employer, you want to make sure the wage you're offering is high enough so that the employee wants to work for you and won't take your job as a stepping stone for some other job while you're investing all the training and job experience in that employee.

So I just think it's -- we need to be very careful when

we're moving in the area of interfering with the private sector and the effort of employers and employees to reach a mutually-satisfactory wage. I do appreciate my colleague's concerns, and certainly support 100 percent his desire that people be paid equal wage for equal work.

Thank you so much to my colleague. Thank you, Madam Speaker.

ACTING SPEAKER WALLACE: Read the last section.

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

ACTING SPEAKER WALLACE: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Crespo to explain his vote.

MR. CRESPO: Thank you, Madam Speaker. I just briefly want to appreciate the questions and the concerns raised by my colleague and the opportunity to discuss this bill a little bit. I've carried this bill for five years now, and prior to me picking it up - I know she was visiting us in the Chamber this week - my -- one of my former colleagues in the Bronx, Assemblywoman Naomi Rivera, had carried this legislation as well. So we've been at that this for -- for some time. And it's a great opportunity to see this bill finally become law. And again, the City of New York has already adopted this rule. This will bring parity across the State and make sure that this question isn't the basis to perpetuate lower wages for individuals who have

been subjected to lower wages unnecessarily in our -- in our State. And I just want to take this opportunity also to thank the team in -- in the Labor Committee, and Aubry, who is here with me, who's helped me get through my first year as Labor Chair. And we've done some good work this year. But I'm really excited to see this bill finally become law, and I'm grateful to all my colleagues who will support it and vote in the affirmative.

ACTING SPEAKER WALLACE: Mr. Crespo in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

THE CLERK: Assembly No. A05472-A, Calendar No. 520, Lentol, Mosley, Raynor, Frontus, Perry, Aubry, Quart, Barron, D. Rosenthal, De La Rosa, Epstein, Hevesi, Fernandez, Pichardo, L. Rosenthal, Blake, Taylor, Reyes. An act to amend the Criminal Procedure Law and the Judiciary Law, in relation to functions of the Chief Administrator of the Courts; and to amend the Executive Law, in relation to reporting requirements.

ACTING SPEAKER WALLACE: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER WALLACE: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Ra to explain his vote.

MR. RA: Thank you, Mr. [sic] Speaker. I -- I very much appreciate the intention of this piece of legislation. It deals with collecting data, you know, a lot of ethnic data and things of that nature about people who are charged with crimes or violations, are convicted, how it's adjudicated, all -- ages, all that different stuff. And data is a helpful to any of us that are attempting to legislate and figure out how our criminal justice policies are working. But the problem is, data to this level of detail is not collected by many of our smaller courts that are adjudicating these cases, and as a result, it is going to be a burden on them to try to standardize and collect all of this data so that we can utilize it. So, I think that, again, data is always helpful that you can look at your policies, how they're working. But -- but I don't think that this approach is going to be workable in many of the parts of this -- of New York State.

And for that reason I'm casting my vote in the negative. Thank you.

ACTING SPEAKER WALLACE: Mr. Ra in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Madam Speaker, can we call up

Calendar No. 528, page 64 by Englebright. Calendar No. 349, page 56 by Titus. And Rules Report No. 328, page 11 by Kim.

Thank you.

THE CLERK: Assembly No. A06295-A, Calendar No. 528, Englebright, Gottfried, D. Rosenthal, Blake, Simon, Romeo, Arroyo, Thiele, Abinanti, D'Urso, Lifton, Stirpe, Jaffee, Dickens, Griffin, Solages, De La Rosa, Epstein, Colton, Hyndman, Cruz, Jean-Pierre, L. Rosenthal, Pichardo, Otis, Zebrowski, Hunter, Galef, Dinowitz, Glick, Williams, Steck, Weprin, Niou, Magnarelli, Carroll, Ortiz, Stern, Reyes, Mosley, Perry, Paulin, Fahy, Ashby, Lupardo, Barron, Jones, Raia. An act to amend the Environmental Conservation Law, in relation to prohibiting household cleansing products and personal cosmetic products that contain 1,4-dioxane.

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

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker.

On the bill.

ACTING SPEAKER WALLACE: On the bill.

MR. GOODELL: For those of my colleagues that aren't familiar with 1,4-dioxane, this is a chemical that's not intentionally added to any consumer products, but it is the byproduct of the process of ethoxylation, which makes products less abrasive and enhances foaming characteristics. So in other words, when they

make the products, particularly cosmetics, this chemical can sometimes result in the product as a result of the manufacturing process. It's not an additive. It can be removed through a vacuum-stripping process, but that the process is somewhat expensive. The original version of this banned all 1,4-dioxane. I wanted to commend the sponsor, my colleague and the Chair of the Environmental Committee, because the amended version that we're considering now was amended to recognize that you can have a very small trace amount, less than ten parts per million, without really any serious risk. And that was a recommendation that came from the industry. And reflecting that amendment, which I thought was a thoughtful amendment, I will not be opposing this bill, and I just wanted to point out to my colleagues that that amendment had occurred. I would express my concern that we have environmental scientists working for us in the Department of Environmental Conservation and in the US EPA, and all of us, late at night, after no sleep, after an intensive week, are being asked to make legislative determinations over chemicals that we never heard of until it was put on our board here. And I think overall, that decision was probably best left to scientific experts who study these subjects and can correctly pronounce the names of these chemicals.

But, again, thank you to my colleague for being sensitive to the concerns of the industry and making this bill more practical by only -- by exempting the minimus amounts. Thank you, sir. Thank you, Madam Speaker.

ACTING SPEAKER WALLACE: Mr. Montesano.

MR. MONTESANO: Thank you.

On the bill

ACTING SPEAKER WALLACE: On the bill.

MR. MONTESANO: Thank you. I just -- you know, this piece of legislation is very necessary. You know, we're having such a problem with this additive 1,4-dioxane, in our water supplies. And, you know, these standards that are going into effect are creating havoc, at least in Nassau County and some places in Suffolk County, where the readings are high. I have one water district within my Assembly District, they need \$50 million to put in the -- the equipment that will remove this 1,4-dioxane from ten water wells that we have. We have an adjoining water district with about the same amount of money they're going to need, so they have to float some bonds, there will be increases in water rates and -- and -- and the taxes and things of that nature. And it -- it just amazes me that the industry, the manufacturing industry, knows this and refuses to discontinue putting this byproduct, not removing it from the manufacturing line. It happens to be a byproduct of whatever they manufacture. It's all the soaps we use, shampoos we use and household cleaning products. But what's interesting is, there are products in the supermarket that go under those green labels - you know, these organic-friendly labels - that have this item removed from it already. So why can't the mainstream manufacturers of our products do the same thing and follow suit and remove this harmful chemical from the manufacturing

process and not continue to do this? And -- and I think they need to become responsible not only on the environmental issue, but the health issue. But if they continue to intentionally do this, then we may have to look at legislation to hold them financially responsible for the damages that water districts are incurring, and subsequently the taxpayers are incurring, to remedy this situation. The -- the equipment necessary is very complex in the water district home. They have to build a new building at each one of the water well sites just to accommodate the amount of the equipment that's necessary to remove this one chemical from the water supply. And as we know, there's many contaminants in our water supplies that they're working to remediate.

So, I'm happy to support this piece of legislation and I thank the sponsor for bringing it forward. And I'll ask all my colleagues to please support this bill. Thank you.

ACTING SPEAKER WALLACE: Read the last section.

THE CLERK: This act shall take effect January 1st, 2022.

ACTING SPEAKER WALLACE: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Ra to explain his vote.

MR. RA: Thank you, Madam Speaker. I just want to, number one, thank the sponsor. He's been very vigilant on -- on

this issue and making sure that we continue to address this issue that has affected so many of our districts on Long Island. We know there's a long road ahead to dealing with remediating this issue. It's something that this Legislature, our government, is going to have to have a continuing amount of care and effort put -- put towards. But this is a step towards stopping this from continuing to go into our water supply.

So, I proudly cast my vote in the affirmative, and I -- and I look forward to continuing to work with all of my colleagues so that we -- we develop the techniques and the technology, and most importantly, put the resources we're going to need towards remediating this problem. Thank you.

ACTING SPEAKER WALLACE: Mr. Garbarino.

MR. GARBARINO: Thank you, Mr. [sic] Speaker, to explain my vote. I'd also like to thank the sponsor for bringing this legislation forward. It is something that we've all from Long Island have been looking forward to get done for quite some time. I also have to thank a constituent of mine, Adrian Esposito from the Citizen's Campaign for Environment.

(Applause)

Because of her, I -- I think I received more letters from constituents on this issue than any issue I have in the last seven years of office. So I'm happy to be voting in the affirmative today and encourage my colleagues to do the same. Thank you.

ACTING SPEAKER WALLACE: Mr. Garbarino in

the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

THE CLERK: Senate No. S01089, Calendar No. 349, Senator Persaud (A05016, Titus, Barron). An act to amend the Social Services Law, in relation to exempting certain funds in a qualified tuition program in the calculation of household benefits under public assistance programs.

ACTING SPEAKER WALLACE: An explanation has been requested, Ms. Titus.

MS. TITUS: Thank you, Ms. Speaker. This bill improves our safety net program for New Yorkers by recognizing the importance of education, allowing a family or individual to obtain, save, set aside money for education as a means to self-sufficiency. This bill would include the exemption of funds put into an eligible 529 account for college savings. Therefore, this amount will not be included in determining your eligibility.

ACTING SPEAKER WALLACE: Mr. Goodell.

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

MS. TITUS: Yes.

ACTING SPEAKER WALLACE: The sponsor yields.

MR. GOODELL: Thank you very much, Ms. Titus. Am I correct that the maximum amount that can be put into a 529 savings account is \$375,000 per student?

MS. TITUS: It might be higher. I know that you're allowed at least \$15,000 a year, annually.

MR. GOODELL: Fifteen thousand a year. And so if you started early, of course, depending on how many years you were putting the money in, in ten years it would be \$150-, 18 years would be about \$300-some thousand, right?

MS. TITUS: It could be.

MR. GOODELL: So, under this bill -- under this bill an individual could -- could have \$300,000 in a 529 account and still be eligible for welfare at the expense of the taxpayers of the State?

MS. TITUS: Right. The exact purpose of this bill is that we do not want to take away funding -- we don't want to take away any of that money that you've saved up for your children and their education.

MR. GOODELL: And as you correctly note, this is a fund that --

ACTING SPEAKER WALLACE: Excuse me, Mr. Goodell. Just one second. I just want to remind members that we're on debate.

Mr. Goodell.

MR. GOODELL: Thank you. Thank you for reminding me. Why -- why do we want to allow people who are

collecting cash from the taxpayers have hundreds of thousands of dollars in a tuition account when we've made tuition free in New York?

MS. TITUS: Well, as you know, Assemblyman, this is -- this is our safety net here in New York. So this person could very well have worked their whole life, had been saving up their money, and now that they've come upon hard times. We're not looking to totally rip them down and destroy them, but rather just help them and assist them through these hard times. And, of course, as you know, according to the Federal law, there are penalties for withdrawing this fund, money from this fund, that you would incur if you took money out.

MR. GOODELL: So, but my question is still the same. If tuition is now free in New York, why should we allow someone to collect money from the taxpayers under Social Services while having -- why should we allow them to put aside hundreds of thousands of dollars in a tuition account if tuition is still free?

MS. TITUS: Let me -- you said tuition is free in this State. You could go out of State for school. It doesn't -- you're not limited to having your education here in New York State.

MR. GOODELL: So the purpose of this savings plan is to allow New York residents who are receiving New York taxpayer assistance to send their children to private colleges outside of New York?

MS. TITUS: Well, no. This is also for a certain

duration. You're not receiving taxpayers funds for an indefinite amount of time. This is for a set amount of time. You've come upon hard times. This is our safety net here in New York State, here to just help you get back on your feet.

MR. GOODELL: And am I correct, I thought you said it was \$15,000 per student, per -- per child.

MS. TITUS: Per year. Annually, yes.

MR. GOODELL: Per year. Thank you. Thank you, Ms. Titus.

On the bill.

MS. TITUS: Sure.

ACTING SPEAKER WALLACE: On the bill.

MR. GOODELL: Our -- our welfare program and our public services for most counties is the largest single component of their budget. And for many counties, the cost of public assistance actually exceeds the total amount of money they raise on the real property taxes. And so we currently allow individuals to keep \$2- or \$3,000 cash plus \$4,650 in another account for a car, plus \$1,400 for paying tuition per year. And now we're being asked to allow a family to qualify for welfare by excluding \$15,000 a year per child that they can put into a tuition savings plan, even though we've already asked the taxpayers to pay for the tuition in full. I mean, in New York you can get free tuition. So, if we provide free tuition to any New York resident at any New York college, I don't understand why should we allow an individual to collect public assistance while having up to

\$300-some thousand in a savings account for expenses their child won't need if that child stays in New York and goes to a New York college. So, I think it's time we start focusing on what we can do to reduce the massive property tax burden that our residents are facing that's driven by programs that we don't adjust even after we now offer free tuition. We still allow them to keep \$300,000 in a tuition savings account and still qualify for financial support from the taxpayers.

Thank you, again, to my colleague for her forthright answers and her wisdom, and thank you very much, Madam Speaker.

ACTING SPEAKER WALLACE: Ms. Pheffer  
Amato

MS. PHEFFER AMATO: Thank you, Madam Speaker. I just want to thank the sponsor of this legislation for bringing to the attention what calculations that need to be done when we're trying -- trying to send our beautiful children to college. But unfortunately, this will be the last piece of legislation that our sponsor will be presenting on the floor. She's not seeking re-election because hopefully as of November, she will be a fine judge in New York City on Civil Court. It's been an honor to serve with Michele Titus. We share a district together. We've made our peninsula that has a line between it become one peninsula. I've appreciated her mentorship, as my mother did for her when she was here, and I appreciate our friendship. But for all of us, this will be her last piece of legislation, and it's been an honor to serve with you, Michele.

(Applause)

ACTING SPEAKER WALLACE: Mr. Barron.

MR. BARRON: Thank you. I just wanted to present a point of information. Tuition is not free in New York State. It's not free in CUNY. What I think the speaker was alluding to is the Excelsior scholarship which provides tuition for middle-class students and TAP that also provides tuition. But there's no way you could think tuition is free if in this Body we raised tuition \$200 a year for the last five years. So you don't raise tuition if there is none. We don't live in a tuition-free university. It's a university that has tuition and you can get scholarships to pay for it. So there are some people who get scholarships to pay their tuition. And then in CUNY and SUNY that \$6- and \$5,000, but there's also non-tuition costs. Non-tuition costs that is even greater than the tuition. So this is sorely needed. And we should always support programs that try to advance our people who are on these programs trying to get free, trying to economically-advanced. We should not be against programs that do that.

So I just wanted to encourage us to support this bill, and my congratulations to the sponsor and all that you do in the future. But this is a sorely-needed bill.

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

MR. GOODELL: I was hoping Mr. Barron would yield.

MR. BARRON: No. Too late.

MR. GOODELL: Too late. I think it's too late for all of us. Thank you, Mr. Barron.

ACTING SPEAKER WALLACE: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER WALLACE: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Walczyk to explain his vote.

MR. WALCZYK: Thank you, Madam Speaker. I rise to explain my vote. A -- a family of four could remain in a struggling family of four -- or a family with four children, rather, could remain on public assistance for the duration of raising their -- their children in New York State. Obviously, no one in this -- in this Chamber wants to see generational poverty happen. But in a scenario like that, and as policymakers we can't help but look at the worst-case scenario in the policies that we put forward. They could save up and remain on public assistance up to \$1 million for their four children. At the -- at the terminus of all of this, when each child has reached 18 you would assume if -- if none of the children had decided to go to college that the funds would roll over into some other college account, but actually they're charged a ten percent penalty and they can take the rest of the cash to do what they will with it. That the most egregious piece of this legislation, to me. The intent is to see children go to college. If they don't go to college, I -- I would encourage a future

sponsor of legislation like this to find another alternative. Just translating that to cash I think is offensive to the taxpayer and could actually only promote generational poverty in New York State.

So I'll be voting no. Thank you.

ACTING SPEAKER WALLACE: Mr. Walczyk in the negative.

Mr. Hevesi to explain his vote.

MR. HEVESI: Yes. Very briefly, my -- my colleagues. I don't know if we're reading the same bill. Very simply, the point of this bill is to get kids to go to college so they get off of public assistance. It saves you money, it helps the people. This is a great bill. I don't understand some of the arguments. Maybe we're reading something differently. Michele, thank you for all your work. You've been a great colleague and a great Social Services Chair, and this is going to be a lasting testament to some of the great work you've done. I'm going to miss you. And sorry for hitting you with the rubber band. Thank you.

(Laughter)

ACTING SPEAKER WALLACE: Mr. Hevesi in the affirmative. And he's sorry.

Ms. Simotas to explain her vote.

MS. SIMOTAS: Thank you for allowing me to explain my vote. I also rise to commend the sponsor for this bill. As a legislator and a colleague and -- and a mother, she -- she really is a fierce advocate for the children of our State. I want to congratulate

her on her last -- on her last bill and wish her luck on her new endeavors. She'll be sitting on the court with my husband, so I'm sure I will hear a lot from her. I can tell you from personal experience, she's a fantastic lawyer, she's a fantastic friend and I'm going to miss you. Thank you.

(Applause)

Ms. Simotas in the affirmative.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you. I wish the very best to my colleague, Ms. Titus. She is not only well-known and respected here, but also in New York City. And many of you may not realize, even in my county, over 450 miles away from New York City, we have a road name Titus Road.

(Laughter)

ACTING SPEAKER WALLACE: Ms. Richardson to explain her vote.

MS. RICHARDSON: Thank you, Mr. [sic] Speaker. I want to commend the sponsor of this piece of legislation because this legislation really speaks to the story of my life. Prior to being elected into the New York State Legislature, I was a recipient of welfare benefits. Not only that, while doing that simultaneously I was also having a 529 account for my son, trying to save for his college future. As I fell on my hard times - and look at me, I bounced back very strong today - I wouldn't have wanted my son's future to be robbed for my hardship. So I really want to commend the sponsor to -- of this

legislation. And it's just a true testament of her leadership here in the State Legislature and her being very in tune with families and the community and just the plight that we go through as we struggle to be successful. But moreover, as we are coming to the close of this Legislative Session, I just want to look over at the Assemblywoman and just tell her just how much I appreciate her and her love that she's shown me as a new legislator when I arrived here four years ago. And I just want to thank you for always believing in me and always giving me a dose of encouragement when I needed it. We love you and we will miss you.

And with that I vote in the affirmative.

**ACTING SPEAKER WALLACE:** Ms. Richardson in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

The Clerk will read.

**THE CLERK:** Senate No. S05933-A, Rules Report No. 328, Senator Comrie (A02040-A, Kim, Braunstein, Lavine, Dilan, Quart, Barnwell, Vanel, Steck, Bichotte, Hevesi, Niou, Blake, Wright, Weprin, Cusick, Reyes). An act to amend the State Finance Law, in relation to damages to contracts occasioned by delay.

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

MR. KIM: Yes, thank you, Mr. Speaker. This bill provides for the payment of lay damages to contractors working on public work projects requiring -- requiring all State contracts to provide a clause enabling contractors to recover damages for project delays where the delay is both unreasonable and the fault or responsibility of a State agency.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MR. KIM: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

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

As I understand it, the way this bill would work is that if the State was involved in a construction project or any of its agencies, and presumably complying with the Wicks Law, presumably were complying with that, and as a result we have multiple contractors working on the same project. And for one reason or another, one of the contractors is unable to work in a timely manner and the other contractors are now at a standstill, that the other contractors could sue the State of New York for damages?

MR. KIM: Yeah, there's a -- no, that's not the case. There's a number of other factors where -- and the State could be responsible for delay.

MR. GOODELL: I apologize, I couldn't hear you.

MR. KIM: There's -- the State would be responsible for the delay and there would be a number of other factors. Can you just repeat that last part, Mr. Goodell? I didn't...

MR. GOODELL: Certainly. Oftentimes on a construction project there are delays that occur that are not the fault of the State. That they're a fault because one of the contractors is falling behind or maybe they had a strike or they go out of business or other reasons. And as I understand this, this legislation would allow the other contractors to sue for -- sue the State for damages.

MR. KIM: Right. I understand that. I think -- no, we would only allow for recovery when the delay is caused by the negligence of the State agency. So if the delay's caused by the mistake or negligence of the contractor or subcontractor, there would be no grounds for a claim against the State agency. Does that clarify?

MR. GOODELL: So under what criteria would this State liability be triggered? To be -- let me see if I can summarize it. The failure of the State to take reasonable measures to coordinate the progress?

MR. KIM: When the delay is both unreasonable and at the fault or responsibility of the State agency.

MR. GOODELL: Okay. So how -- how do you allocate responsibility between the statutory obligation that would be created under this for the State to make reasonable measures to coordinate the progress of the work with a contractor who is not suing

you, obviously, but a contractor that's running into problems. Does this mean that the State could face liability if they didn't declare the delinquent contractor in default fast enough or call in a performance bond or --

MR. KIM: The contractor --

MR. GOODELL: What's the -- what's the obligation to the State?

MR. KIM: -- would have to keep meticulous and detailed records of a situation and would have to bring that to the court and justify that there is an unreasonable delay, a default of responsibility of the State agency.

MR. GOODELL: Now if I'm not mistaken, from your memo, similar language is currently in OGS construction contracts?

MR. KIM: Yes, it is. This is modeled after OGS and a number of other State agencies that have already adopted this policy. And I believe, I think, 13 other states already have this or some form of this kind of language in their State contracts.

MR. GOODELL: So is it fair to say to say that no State agency needs this legislation in order to implement this on their own?

MR. KIM: No. Because other -- if -- there's quite a few other State agencies that do not include this clause. We want to make sure that they follow OGS, which now has a very successful track record of working with contractors, not -- and there is no

increase of lawsuits, as -- as you may allude to, as a result of this clause. It's actually fueling a healthier environment where -- where there's a better trust between the contractor and the State agency.

MR. GOODELL: But there's no legal impediment for any State agency to do what this bill calls for, correct?

MR. KIM: At this point, yes.

MR. GOODELL: Okay. Thank you, Mr. Kim.

MR. KIM: Thank you.

MR. GOODELL: I appreciate it. And also, by the way - I apologize, before you sit down - you've made a number of modifications on this over time.

MR. KIM: Yes, we did. Thank you for your continuous feedback over the years. And working with the Second Floor on some of the message on the veto, we've revised the legislation. Now this is limited. An application is scoped only to the State agencies and State authorities, and it removes prior language that the Governor was concerned could establish privity of contract between a subcontractor and a public agency and other third parties, and further limits and narrows the criteria of the lay damages claims against the State agency.

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

MR. KIM: Thank you, Mr. Goodell.

MR. GOODELL: On the bill, sir.

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

MR. GOODELL: Thank you. As I mentioned, I appreciate the sponsor's continued efforts to improve this legislation, to address a veto that came from the Governor, to more carefully tailor these provisions. And -- and I appreciate those efforts. And I think this bill that we're looking at today is substantially improved as a result of his continuous efforts. I do have a concern, however, that I'll just mention for all of you to consider. And that is under the Wicks Law, the State is obligated to break all of its construction contracts into four components unless we do special legislation that authorizes Design-Build or waives the Wicks Law. And the problem when you take a construction contract and divide it into multiple components is you now have -- you no longer have one contractor in charge of the whole project. And so typically, the State will then hire yet another entity to be the construction manager to coordinate all of it. And of course the more companies that you have - all of them inter-related on a major construction project - the more likely you're going to have delays. They're not the fault of the State, nor even the fault of the construction manager. And I experienced this myself. It gave me a great opportunity to learn a lot about contract law and performance bonds and the like when we were in the middle of a -- a jail project and one of the subcontractors went bankrupt. What a royal pain in the neck. And the whole project came to a screeching halt while we tried to arrange a substitute service and comply with all the competitive bidding and get the project restarted. And it is a real challenge. And so my concern is that we are asking the State taxpayers to accept

liability when a project is delayed - even though it may not be the fault of the State, the State may have no employees involved in the project - based on a claim by the other contractors that the State didn't respond fast enough to correct the default of some third-party. So we have to be very careful. I appreciate the efforts we -- we've gone through, and I look forward to monitoring this carefully to make sure that my concerns do not become a reality.

Again, thank you, sir, and thank you to the sponsor.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Bichotte to explain her vote.

MS. BICHOTTE: Thank you, Mr. Speaker, for allowing me to explain my vote. I, again, want to thank the sponsor for reintroducing this bill and being very diligent in delayed damages as it relates protecting small businesses and minority and women businesses when it comes to delayed damages that are caused by the State agencies and the State authorities. Many times, as MWBEs and small businesses, we -- or they don't have the opportunity to have the working capital to keep their operations going when unforeseen events happen that causes the delay damages. And it's unfair. We, as State Legislators in New York State, we put programs in place and public

contracts so that we uplift and give our small businesses an opportunity to excel and produce economies in our community. So this bill, again, is being reintroduced to specifically address State agencies and State authorities who will be liable for delayed damages. And it would also be uniform with OGS, which is a State agency that's already doing this. And as mentioned before, there are 19 other states that limit the no delay damages. And the fact that OGS, which is a New York State agency, is already practicing no delay damages, this will be a good bill so that the other State agencies and authorities also practice the same thing.

So, again, I want to thank our sponsor and I will vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Bichotte in the affirmative.

Mr. Kim to explain his vote.

MR. KIM: Thank you, Mr. Speaker. Just -- I'm just very glad that we can pass this again this year with the right amendments to make sure that it can go downstairs and be signed into law. This will have a positive impact on our MWBEs who are often sidelined and -- when there's a delayed damage, and they have to carry the burden. They often cannot do so, often -- and so they can't compete even for the contractors and subcontractors that are out there. So I want to thank my colleagues for the co-sponsorship and Rodneyse Bichotte for her work on MWBE reform. I look forward to continue to monitor -- monitoring this and working on other

progressive legislations in the future. Thank you.

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

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, at this time can we call up Rules Report No. 274, page 10, Ms. Weinstein; Rules Report No. 456, Ms. Rosenthal on page 14; Rules Report No. 313, page 10, Rosenthal.

ACTING SPEAKER AUBRY: The Clerk will read. Page 10, Rules Report No. 274.

THE CLERK: Assembly No. A06369, Rules Report No. 274, Weinstein. An act to amend the Public Housing Law, in relation to the authority of certain municipalities to levy an excise tax on the sale of tobacco products other than cigarettes.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Senate No. S05935-A, Rules Report No. 456, Senator Harckham (A07246-B, L. Rosenthal, Quart, Richardson, Carroll, Weprin, Simon, Gottfried). An act to amend the Social Services Law and the Public Health Law, in relation to medication for the treatment of substance use disorders.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. This would allow Medicaid patients to receive substance abuse treatment that includes drugs like Vivitrol. The problem that some of the healthcare professionals have brought to our attention is that Vivitrol can only be given to an individual after they've been completely detoxed from any of the other drugs or you can have a serious and severe reaction. And so, some of the health care professionals are recommending that you have prior approval, even for Medicaid clients, to avoid -- avoid those unintended negative reactions. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Linda -- no.

(Pause)

Ms. Rosenthal to explain her vote.

MS. ROSENTHAL: To explain my vote. Thank you, Mr. Speaker. Medication-assisted treatment, or MAT, is an evidence-based treatment method that uses FDA-approved medications to help an individual deal with a substance use disorder. Medication such as methadone, buprenorphine and naltrexone have all been used successfully, and more treatment providers are turning to this approach given its ability to reduce and block cravings, ease withdrawal symptoms and enable an individual to reach recovery more easily. Medications used in MAT are not interchangeable, and each patient may react differently. So under current law, individuals under Medicaid are not given the opportunity to access all forms of MAT and may be limited to one specific type. This bill would allow individuals under Medicaid the ability to access whichever MAT medication is most beneficial to them and their needs without mandated prior authorization so that they can try to get on the road to a productive life.

I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Rosenthal in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Senate No. S02387-B, Rules Report

No. 313, Senator Persaud (A00164-B, L. Rosenthal, Simon, Seawright, Rozic, Jaffee, Niou, Wright, Dickens, Galef, Wallace, Hyndman, Bichotte, Arroyo, Englebright, Pichardo, Rivera, D'Urso, Taylor, Gottfried, B. Miller, Barron, Blake, Lavine, Epstein, Thiele, Simotas, Raynor, Cruz, Fernandez, Ortiz, Sayegh, De La Rosa, Solages, Reyes, Buttenschon, D. Rosenthal, Mosley, Romeo, Jean-Pierre, Griffin, Abinanti, Weprin). An act to amend the General Business Law, in relation to menstrual product labeling.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, can we call Rules Report No. 433, page 14, Taylor; Rules Report No. 343, page 12 by Mr. Buchwald; and Rules Report No. 330, page 11 by Mrs. Gunther.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A08227-B, Rules Report No. 433, Taylor. An act to amend the Election Law, in relation to party committee meeting and organization requirements.

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

Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

SERGEANT-AT-ARMS: Quiet, please.

Not you. (Speaking to Mr. Goodell.)

(Laughter)

ACTING SPEAKER AUBRY: Everybody else, Mr. Goodell. You have the floor.

MR. GOODELL: I'm -- I'm well-trained. And Wayne made me feel right at home.

You may recall, earlier this year we passed legislation to move the primary from September 15th to the third Tuesday in June. Sometime, like, next week. And on that primary date is when we elect the committee structure. So, the Republican Committee members, Democratic Committee members and the rest of the committees from the different parties. And under current law those newly-elected committee people are required to meet within a -- just a few weeks and elect a new chairman and officers and take over control of the local party. Because we moved that date up into June, that means the organizational meeting has to be held in the beginning of July. Which is a difficult time for many people because they would

prefer to be traveling and being on summer vacation than organizing the party. And so this bill would move that organizational meeting to no later -- or no earlier than September 17th and no later than October 6th. Here's the problem you have to face if we adopt this bill: You could have a party fight over who's controlling the local party. And you could have the new group elected unanimously or nearly unanimously in June. But even though they're elected in June, this bill would say they can't organize until September with a general election just a few weeks away. So you could have the old management of your party - your local county committee or whatever the committee is - you could have the old group in charge of all of the party apparatus, including the funding and all the staff and all the resources, right up until just before the election. Now even though it is awkward to have an organizational meeting in July, if you have an internal fight there is no way you want to keep the old group in charge until just before the election.

So while I appreciate the desire of the sponsor to make that organizational meeting more convenient by not having it in July, having it just before the election means the group that may have been thrown out is in charge of your election until just a few weeks before. And by then, if they're not supporting you, there won't be a dime in the treasury. So keep that in mind, my friends, when you look at this -- this bill. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Senate No. S01456, Rules Report No. 343, Senator Sanders (A04452, Buchwald, Jaffee, Galef, Otis, Paulin, Lavine, Zebrowski, Simon, McDonough, Ra, Gottfried, Cahill, Colton, Rodriguez, Rozic, Ortiz, Bronson, Benedetto, Hevesi, M.G. Miller, Brabenec, Abbate, Perry, Carroll). An act to amend the Labor Law, in relation to licenses to purchase, use or store certain compounds.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: On the bill, sir.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: A product that's popular among sportsmen, particularly those who enjoy rifle practicing, is a product called Tannerex [sic]. And Tannerex [sic] is applied to the target if the target is a substantial distance away so that if the bullet hits the target, the Tannerex [sic] produces a small explosion so it can be seen by the -- by the marksman. This bill would make it essentially illegal for sportsmen in New York State to buy or possess Tannerex. And those of us in the countryside that can enjoy and appreciate good marksmanship, this is another infringement, albeit somewhat less than

the SAFE Act, on our 2nd Amendment rights.

Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Buchwald to explain his vote.

MR. BUCHWALD: Thank you very much, Mr. Speaker. It's my pleasure to bring this bill to floor again. I want to thank my learned colleague for at least making it a -- a swifter debate in the late hour. But this is a crucial, crucial bill protecting New Yorkers. The 2nd Amendment has nothing do what you shoot at. But there are products sold in this State that involve two chemicals wrapped together with instructions on how to mix them, and after being mixed they are explosives subject to regulation in New York. But because they aren't already mixed, they're not yet regulated by New York. A product just like this was used as part of the Chelsea Manhattan bombing in 2016, months after this Body voted to regulate the product. The other Body did not do so at the time. I'm pleased the other Body has already passed the bill this year and that we will be enacting this bill into law, keeping New Yorkers safe, recognizing that, ultimately, regulation, not banning, is an appropriate thing to do for this product, as a number of other states have done, as the US Forest Service has done. We have to make sure that we keep New

Yorkers safe.

For a whole host of reasons, I encourage every colleague to vote yes on this bill. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Senate No. S04019-A, Rules Report No. 330, Senator Thomas (A02078-A, Gunther). An act to amend the General Business Law and the Personal Property Law, in relation to early termination of motor vehicle lease contracts.

ACTING SPEAKER AUBRY: An explanation has been requested, Mrs. Gunther.

MRS. GUNTHER: This bill would prohibit companies from charging early termination fees on motor vehicle lease contracts if a customer has -- has deceased before the end of the contract.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you. Would this apply regardless of the wealth of the customer?

MRS. GUNTHER: Yes, it would.

MR. GOODELL: And it would apply --

MRS. GUNTHER: And the reason -- the reason I put this bill in is after my mother passed away she -- we tried to terminate a lease and we had a lot of difficulty. And I thought that in a -- at a

point in time when you lose a loved one and you have to fight for a termination, that's where this -- the genesis of this bill is.

MR. GOODELL: And I appreciate that. I've gone through, unfortunately, estates for both my parents as well, and in addition to car leases had to deal with cell phone agreements, sometimes a residential lease. A number of different contracts; cable TV, insurance policies, car insurance policies, homeowners' insurance policies, selling the house. I mean, there's a lot involved in an estate and it's always a tough time. Why -- but if -- if it's a wealthy individual and maybe it's a luxury lease - it wasn't with my parents, but it could be a Mercedes or a BMW or whatever - why should we force -- why shouldn't we expect the estate to pay the early termination fee in accordance with the contract that was signed by the decedent? I mean, if the estate's wealthy --

MRS. GUNTHER: I would have to say that, you know, if somebody is wealthy versus somebody who's not wealthy, I mean, are you going to do a financial study on each person that is going to terminate a lease?

MR. GOODELL: Right. Because as you know, if someone passes away and there's no money in the estate, there's no personal liability to anyone else. Which mean there's no money to pay the lease, there's no one to sue. So we have an estate proceeding right now. All those people who have claims against the decedent file a claim. If there's a lot of money, they all get paid. If there's no money, none of them get paid. Why should we treat one creditor in a way

that's different than any of the others? Shouldn't we treat them all the same?

MRS. GUNTHER: Well, I -- maybe I should -- I would expand the bill, you know, because their Cablevision and all those other companies that we wouldn't want to terminate -- terminate a contract with them because someone is deceased, whether it be a credit card, et cetera. And I think this is a fair and just thing -- thing. For families like mine to have to go through this process and argue after somebody is deceased, that the lease should be automatically, in my opinion, terminated.

MR. GOODELL: And now when you buy some products, certainly mortgages have PMI insurance, for example. The insurance pays it off, the balance. Why should we stick this cost on the leasing company rather than expect that the person who is signing the lease agreement buy PMI insurance or something comparable to that? Why should we stick the cost on the leasing company?

MRS. GUNTHER: What cost is there, like, when somebody terminates -- when you terminate a lease, and normally if it's a lease you would return the car, right?

MR. GOODELL: Right.

MRS. GUNTHER: And they would probably re-lease it. So I don't understand what the cost is, other than when someone passes away -- even with credit card companies, if somebody passes away and they owe something on the credit card and you send a death certificate, they forgive that money that was on the credit card.

So in this -- in this particular case, just because I experienced it, I'm sure that a lot of other people have, that I -- I don't understand why you would -- they wouldn't want to terminate a lease of a car that the person is passed away and no one can drive.

MR. GOODELL: Well, when the person signs the least it has an early termination fee, and the early termination fee reflects the fact that the leasing company has to bring the car in, has to clean it, has to detail it, has to re-advertise it or resell it, and in the meantime the leasing company, they don't get a break from the financial --

MRS. GUNTHER: So right now we already do it for telephone, cellular telephone, television, Internet, water services, et cetera. They're -- they don't get an early termination fee at all. So we're already doing this. A precedent's set. So I thought that, you know, this is an important -- like a car lease is important, too. So we set precedents. And, you know, when we have a death in the family, I think this is the appropriate thing to do. And we do it with other companies, and so I think this is also appropriate.

MR. GOODELL: Thank you for your comments, and I appreciate the -- the frustration that you went through.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: Thank you, sir. When an individual signs a lease agreement and they agree that if they terminate the lease early, they'll reimburse the leasing company for an

early termination fee. That's -- that's a mutual-negotiated agreement. That's an agreement between a person who drives off the lot in a new car and the company that's financing the car. It's an agreement with the company that borrowed the money to buy the car in the first place. And the termination fee reflects the fact they have real out-of-pocket expenses if that lease is terminated because they're not going to get any revenue during that lease term, but they're still obligated to make the payments when they bought the car. And so what this bill says is, *Well, if you sign that agreement voluntarily, you agree to pay the termination fee, an early termination fee,* and unfortunately you pass away. Regardless of whether it's a luxury car like a BMW or a Mercedes, regardless of your wealth - you might be really wealthy or your estate might be really wealthy - regardless of whether or not you had no money, in which case your estate's not going to pay it anyway. We're going to stick the leasing company with the cost of cleaning up that car, paying for it while you're not paying for it. So who benefits and who is hurt? Who benefits? The estate, so the heirs, who never signed any of the agreement, can get more money. That's what it's about, right? The heirs get more money and the leasing company that did nothing wrong gets less. And the leasing company loses money and the heirs make more money. That's what this is about.

There's one other aspect. When a company signs a lease -- or an individual, because sometimes these leases are with individuals -- when they sign a contract with you, they expect you to honor the contract just as much as you expect them to honor the

contract. And so we're asked as the Legislature to say, *We don't care what the contract says. We don't care if you have the money to pay it. We're going to stick the leasing company, we're going to breach the contract, and we're going to ignore what the contract says in violation of the Federal Constitution, which we do routinely.* Just so the heirs can make a little bit more money at the expense of the leasing company. That's not just fair. And if we do it here, where are we going to do it next? We're going to do it next for landlord-tenant relationships. We're going to do it next for any other contract. Look, when you sign a contract you should be expected to live up to it or your estate should live up to it. By the way, one other point to make. Two of them. If the contract is very beneficial to the estate, guess what? The estate's going to keep it. We understand that. That's okay. That's the nature of a contract. And one last thing I'll share with you. If we say that anyone can walk from a lease -- if they died during the term of the lease, their estate can walk regardless of the wealth, there's going to be an implicit discrimination that's going to develop against people who are older in life because the leasing companies don't want to take the chance. Let's just honor contracts that people wrote, that they signed voluntarily. Let's not give more money to one group over the other group. Let's just honor contracts and move on and close up the estate like we do with everything else.

Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 90th

day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. DenDekker to explain his vote.

MR. DENDEKKER: I just think those people have a lot of nerve, dying just to hurt those leasing companies. I'll be voting in the affirmative.

(Laughter)

ACTING SPEAKER AUBRY: Mr. DenDekker in the affirmative.

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

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Madam Speaker, can we now go to Calendar No. 14, page 40 by Mr. Aubry; Calendar No. 341, page 55 by Mr. Aubry; Calendar No. 503, page 63 by Ms. Glick; Rules Report No. 235, page 7 by Mr. Gottfried; and Rules Report No. 461, page 15 by Rosenthal.

ACTING SPEAKER REYES: The Clerk will read.

THE CLERK: Assembly No. A00745, Calendar No. 14, Aubry. An act to amend the Penal Law, in relation to criminal mischief in the third degree and criminal mischief in the second

degree.

ACTING SPEAKER REYES: Mr. Ra.

MR. RA: Madam Speaker, on the bill.

ACTING SPEAKER REYES: On the bill.

MR. RA: Thank you. And, you know, I know we had some discussion on Committee on this, and, you know, I -- I the sponsor, you know, is -- is seeking and -- and introduced a lot of piece of legislation seeking to help up ensure that -- that people have the opportunities as -- as they're released, and -- and have the opportunities to -- to get back into society and seek employment and things of that nature. But just a couple of concerns that come to mind with regard to this bill. So what it does is it requires the Commissioner of Corrections to basically obtain -- make diligent efforts to contain copies of birth certificates and Social Security cards for -- for inmates under the --

ACTING SPEAKER REYES: Mr. Aubry, why do you rise?

MR. AUBRY: Mr. Ra, I think you have the wrong bill.

MR. RA: I'm sorry.

MR. AUBRY: That's alright.

MR. RA: You are correct.

(Laughter)

I apologize, Mr. Aubry. It is an Aubry bill. See what happens when Mr. Goodell leaves the floor?

(Laughter)

Okay. You know what? Can I -- can I ask the sponsor, then, to just yield for a moment?

ACTING SPEAKER REYES: Mr. Aubry, would you yield?

MR. AUBRY: Certainly.

MR. RA: And I think maybe -- perhaps we'll get back to the other one in a moment. And I -- I thank you for -- for the correction. So, my understanding is this just changes some of the property values for criminal mischief in -- in a couple of different degrees, crimes. Could you just explain that quickly?

MR. AUBRY: That's right, Mr. Ra. This bill raises the monetary threshold for felony level criminal mischief from \$250 to \$1,000. The \$250 felony threshold was established in 1915, around the time that my good friend Mr. Gottfried was born. And it has not been updated for 104 years. 1915 was the year that the baseball player Babe Ruth hit his first home run. Historically, the money damages were raised to account for inflation. The first threshold was \$25 in 1881, raised to \$50 in 1912 and then the current \$250 threshold in 1915. Under State law, damaging property in excess of \$250 is a felony, while actually stealing the same property is a misdemeanor. This bill will begin to correct this inequity by increasing the threshold from criminal mischief in the third degree to the same level as grand larceny at \$1,000.

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

Mr. -- Madam Speaker, on the bill.

ACTING SPEAKER REYES: On the bill.

MR. RA: So, just -- just quickly -- and I -- and I thank the sponsor again for -- for his explanation. You know, I -- I think many of us would understand that in any area of our law, the value of money changes over time, certainly, and -- and things need to be increased commensurate with that. But there are also differences between destruction of property and -- and things like grand larceny. That is one of the reasons why I know there's been some -- some no votes in the past and some objection from groups like the District Attorneys Association in -- in the past. You know, destroying property through criminal mischief -- again, you have differences between the two crimes. In many cases the nature of the two crimes. So I just want our colleagues to be aware that -- that what this bill does is regard to raising those -- those amounts from \$250 to \$1,000.

And for that reason a number of our colleagues may be voting in the negative. Thank you.

ACTING SPEAKER REYES: Mr. Ra in the negative.

Read the last section.

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

ACTING SPEAKER REYES: The Clerk will record the vote.

(The Clerk recorded the vote.).

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04310, Calendar No. 341, Aubry. An act to amend the Correction Law and the Public Health Law, in relation to birth certificates for inmates.

ACTING SPEAKER REYES: An explanation is requested.

MR. AUBRY: This bill requires DOCS to make diligent efforts to obtain copies of each inmate's birth certificate - a subject we're all aware of after today - and Social Security card. It also requires them to correct any errors in the inmate's birth certificate so that she or he can obtain State-issued ID from the New -- from the -- the Department of Motor Vehicles upon release. The bill also provides that a parole officer can request the ID to be extended beyond the 90-day period if a parolee needs more time to obtain another form of State-issued photo ID.

ACTING SPEAKER REYES: Mr. Ra.

MR. RA: Thank you, Madam Speaker.

On the bill.

ACTING SPEAKER REYES: On the bill.

MR. RA: Thank you, Mr. Aubry, for that explanation. So, this bill does, as Mr. Aubry just said, require diligent efforts by the -- by DOCS to obtain birth certificates and Social Security cards for -- for inmates and -- and, you know, make efforts to

correct them. So just a couple of concerns that come up with regard to this. Number one, making sure that things like privacy concerns are -- are -- are addressed that would allow the Department to go to different entities, because presumably, you know, the -- these could be anywhere. These birth certificates might be with any different municipality in New York State, outside of New York State, and -- and they're going to have to have a mechanism to take care of getting that. They could be foreign birth certificates or documents as well. It -- it also is putting a new responsibility on DOCS that they haven't had in the past. And -- and lastly, many of these documents, as we know, have fees associated with -- with requesting them and obtaining copies of them. I -- I think in this very Chamber we've voted on some bills in the last couple of days dealing with fees for things like birth records.

So -- so for those reasons, I -- I have concerns that this is something really outside of the scope of what DOCS is doing, despite my great respect for the efforts of the sponsor of this piece of legislation, who I know really has been steadfast in trying to enact laws and policies that will help ensure that people, once they're released, you know, have opportunities to reintegrate into our society. But for those reasons I'm going to be casting my vote in the negative. Thank you.

ACTING SPEAKER REYES: Mr. Aubry.

MR. AUBRY: On the -- the bill, Madam Speaker.

ACTING SPEAKER REYES: On the bill.

MR. AUBRY: So, DOCS' mission, as we understand

it, is to be about the business not only of incarcerating but rehabilitating. And because DOCS is now called the Department of Corrections and Community Corrections [sic] it is also responsible for trying to assist inmates who are coming home to be prepared to exist and live a life that is going to allow them never to return to the -- Mr. Perry.

(Pause/Inaudible)

Thank you, Mr. Perry. So that mission that DOCS has, this is totally consistent with the mission. Because as we have heard today, birth certificates are extremely important to people for many different reasons. Not only for them to be able to prove who they are, but also to be able to establish their place in the world and to be able to advance and get jobs and do all the things that we want individuals who are leaving our prisons to do so they don't go back to prison. And sometimes in the process of being released from prison you're released without anything. Without documents, without clothes. You need to be able to gather your life together again in order to proceed so that if you are a man -- I believe in a song sung by some, I think, Mr. Simon -- a man without papers, you wander the world. And oftentimes that what happens with those who leave prison. We don't want them to wander the world, we want them to find their place in the world. And so our job -- and we have given authority to DOCS to be a part of that process for them, to help them, to guide them. To do the things necessary for them to be successful. So gathering this information is a small part of that task. And they are

given that opportunity, DOCS will provide that kind of services. Currently DOCS releases each inmate with a photo ID card that is good for 30 days. That'll get you 30 days to identify yourself. Few parolees are able to obtain their driver's license or State ID cards prior to the expiration of their DOCS ID card. A 90-day expiration would be helpful to make sure that one of the parolees has a valid State ID at all times. So that's the other thing that the bill -- that State ID that they get from DOCS is extended for 90 days. This bill does not have a large fiscal impact. The cost to produce a New York State ID is \$2.20, and the cost to print a birth certificate is \$15, but waived for DOCS in current practice. There is estimation of the bill costing \$42,000 a year, and that is assuming that the entire population will need -- need these services, which clearly is not true. We can expect that that cost will be much lower than that. DMV will not accept a birth certificate as a form of identification if it does not contain a person's name. So if the inmate was not named at the time of release from the hospital, his or her birth certificate cannot be used to obtain a driver's license or non-driver's ID. We don't ask other agencies to do this, you might say, but in no other circumstance is an individual held against their will and with little or no right for extended periods of time, thus leaving them in a gap in terms of what the real world - and we often talk about the real world - is.

So it is my hope that my colleagues will join me in voting this bill. We do have a Senate sponsor and expect it finally to become law. Thank you.

ACTING SPEAKER REYES: Read the last section.

THE CLERK: This act shall take effect in 120 days.

ACTING SPEAKER REYES: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Mosley to explain his vote.

MR. MOSLEY: Madam Speaker, just to applaud the sponsor of this bill. Sometimes we often take for granted having identification in our wallets, on our person. It's something that many of us have, but for these men and women who are leaving these facilities it is more precious than gold. More precious than any amount of money that they can wish to have because, ultimately, this allows for them to integrate back into society, to become whole and to be put in a process on the direction to become whole.

So I want to thank the sponsor, as someone who has been at the forefront of criminal justice reform for so many years, but yet understands that we can't overlook the simple -- the simple necessities that men and women who are coming out of correctional facilities face. Thank you, Madam Speaker, and I'm proud to -- to vote in the affirmative.

ACTING SPEAKER REYES: Mr. Mosley in the affirmative.

Mr. Blake to explain his vote.

MR. BLAKE: Thank you, Madam Speaker, just to commend the sponsor on this piece of legislation. And -- and while it

may seem like this is basic and simple, I can tell you within our district where -- within the City we have the number one and number three largest concentration of those that are going either up to Rikers or up to State prisons from New York City. Every single day we have people that are trying to get their lives back, turned around. And, Madam Speaker, and colleagues, when you think about how impossible it would be for any of us if you did not have a birth certificate, if you could not get access to a Social Security card, if you are struggling just to get information corrected, if we would have those challenges, imagine if that someone is trying to come back home and have those opportunities. This is a continuation in the work that happened on last year. We saw so many that were just trying to figure out how to get paperwork to help themselves. If we're serious about helping people get their lives in a second and third chance, this is the kind of work we need to have.

And -- and to the -- the sponsor for everything he's done on criminal justice reform, I'm grateful that this will be able to move forward and -- and we definitely vote in the affirmative for this bill. Thank you, Madam Speaker.

ACTING SPEAKER REYES: Mr. Blake in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04520, Calendar No.

503, Glick, Gottfried, Dinowitz, Cahill. An act to amend the Alcoholic Beverage Control Law, in relation to procedures associated with issuing licenses to sell liquor for consumption.

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

Read the last section.

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

ACTING SPEAKER REYES: The Clerk will record the vote.

(The Clerk recorded the vote.)

Withdraw the roll call. No?

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you very much. This is an interesting bill because it requires notices to be posted conspicuously on the front of an establishment seeking a modification of their liquor license in fluorescent pink. So we have new opportunities for people that want to sell fluorescent pink lettering. Maybe our regulations and statutes are going a little -- little bit in too much detail.

Thank you, sir.

ACTING SPEAKER AUBRY: Ms. Glick to explain her vote.

MS. GLICK: Very, very briefly. The reason that we chose a very bright fluorescent poster is really because they did that in -- in Philadelphia and it was very eye-catching and it couldn't be

missed and it couldn't be hidden. So we think that for the neighborhood folks who want to be aware of a new application or a renewal or a hearing notice, that this is a way to make certain that the community has it -- is aware that it has an opportunity for input.

Thank you very much. I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Senate No. S04841, Rules Report No. 235, Senator Rivera (A01162-A, Gottfried, McDonald). An act to amend the Public Health Law, in relation to execution of orders not to resuscitate and orders pertaining to life-sustaining treatments; and to repeal certain provisions of such law relating thereto.

ACTING SPEAKER AUBRY: Mr. Ra.

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

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: Just briefly, what this bill does is it expands the ability to -- to sign orders not to resuscitate to include physician assistants. Now, a few years ago we, you know, we did this for nurse practitioners. And, you know, one of the concerns that always come up in these types of situations -- as many of us know if

we've served on the Health Committee or if we've served on -- on perhaps, in some instances, on the Higher Education Committee -- is scope of practice concerns and things of that nature. So there -- there have been some concerns argued that -- that physician assistants normally operate under the supervision of a physician, but -- but merely what this bill itself does is it expands this authority that was granted to nurse practitioners a few years ago to our physician assistants.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Byrne to explain his vote.

MR. BYRNE: Thank you, Mr. Speaker. I rise to explain my vote. I just want to commend the sponsor on this legislation. I think it's appropriate to bring parity and -- and offer this to PAs the same way we have offered it to NPs in the previous Session. For those that don't know, full disclosure, my wife is a PA and she's actually working the overnight right now, so I'm sure she'll be happy with this. But I -- I do want to thank the sponsor and I would -- I would urge a yes vote.

ACTING SPEAKER AUBRY: Mr. Byrne in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Senate No. S06436, Rules Report No. 461, Senator Montgomery (A07748-A, L. Rosenthal, Griffin, Weprin). An act to amend the Civil Service Law, in relation to equal pay for similar work protections for protected classes.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir. Would the sponsor yield for a very quick question?

MS. ROSENTHAL: Yes. Oh, I'm sorry.

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

MS. ROSENTHAL: Yes.

MR. GOODELL: Thank you, Ms. -- Ms. Rosenthal. Earlier today we passed a -- a bill by Mrs. Mahon --

MS. ROSENTHAL: McMahan?

MR. GOODELL: -- dealing with the same subject as it relates to the private sector. It's my understanding this bill would relate to State employees under the Civil Service?

MS. ROSENTHAL: Yes.

MR. GOODELL: And in the earlier debate she indicated that the phrase "substantially similar work" when viewed that it is a composite of skill, effort, responsibility and performed under similar working conditions and without discrimination.

MS. ROSENTHAL: Yes.

MR. GOODELL: Was the exact same language, operative language, that's used by the Federal EEOC --

MS. ROSENTHAL: Yes.

MR. GOODELL: -- in enforcing equal pay for equal work. Is that correct?

MS. ROSENTHAL: Yes, that's correct.

MR. GOODELL: So this is not a comparative worth bill, this is really an anti-discrimination bill. Is that correct?

MS. ROSENTHAL: Yes. Yes, it is. It's --

MR. GOODELL: Thank you very much.

MS. ROSENTHAL: Okay.

MR. GOODELL: Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, can we call up Calendar No. 466, page 60 by Ms. Paulin; 424, page 58 by Seawright; and Calendar No. 188, page 47 by Carroll.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A00218, Calendar No. 466, Paulin, Galef, Stirpe. An act to amend the Real Property Tax Law, in relation to changes in assessments for businesses that make payments in lieu of taxes.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06330, Rules Report No. 424, Seawright, Rozic, Gottfried. An act to amend the Business Corporation Law, in relation to enacting the "Women on Corporate Boards Study."

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

Mr. Goodell.

MR. GOODELL: Thank you. Would Ms. Seawright be willing to answer some questions?

ACTING SPEAKER AUBRY: I think if she were asked to yield she probably would. Ms. Seawright, will you yield?

MS. SEAWRIGHT: Certainly.

ACTING SPEAKER AUBRY: Ms. Seawright yields.

MR. GOODELL: Thank you. I just have a very quick question. This bill would require every corporation, both New York corporations and every foreign corporation authorized to do business in New York, to report the number of directors constituting the board and how many directors of such board are women. Is that in a particular point in time? Is it, like, as of the end of the year or as of a particular date? Because I would imagine particularly with some corporations that's a constantly changing number.

MS. SEAWRIGHT: It would be whenever they file there biannual statement.

MR. GOODELL: So it's as of the date they file?

MS. SEAWRIGHT: That's correct.

MR. GOODELL: Thank you very much.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record

the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03360, Calendar No. 188, Carroll, Ortiz, D'Urso, Seawright, Gottfried, Blake, Jacobson. An act to amend the Election Law, in relation to first-class mailing of compliance unit notices.

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

Read the last section.

THE CLERK: This act shall take effect December 15th.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, could you please call Calendar No. 543, page 65 by Mr. Zebrowski, and Rules Report No. 365, page 13 by Ms. Fahy.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A07190, Calendar No. 543, Zebrowski, Colton, Wright, Davila, Cook. An act to amend the Tax Law and the Administrative Code of the City of New York, in relation to real property transfer tax returns of limited liability companies.

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

Mr. Goodell.

MR. GOODELL: On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: This bill would require limited liability companies to disclose whenever they transfer real property by yourself the names and addresses of all shareholders, directors officers, members, managers and partners of the limited liability company or any business that it might be a member thereof. There -- I -- I don't see any, any real reason why we should ask limited liability companies, single them out, for them to disclose every single member and their address every time they are involved in a real estate transaction. We don't do it for anyone else. We don't do it for partnerships, we don't do it for corporations. We don't do it for anyone else. And if you're a member of a limited liability company, this would require your address to become part of the public record even if you're a minority owner, even if you have no control, even if

you're the victim of domestic violence and don't want your address disclosed. There's no reason for us to go after limited liability companies, single them out for a treatment that's completely different than everyone else, and impose a new reporting requirement on them any time they are involved in a real estate transaction.

Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Zebrowski to explain his vote.

MR. ZEBROWSKI: Thank you, Mr. Speaker. This bill would provide some transparency to LLCs. LLCs were -- were a mechanism that were set up oftentimes to make it easier for businesses, especially small businesses, to organize and form. Unfortunately, it's created a dynamic where they have owned numerous properties, various parts of the State. Not done the right thing by tenants, not done the right thing by communities, and really been able to hide behind their formation and their business entity. This bill would shed a little bit of light on that, require a disclosure process. I think it's the right way to go. I want to thank Senator Skoufis, who has been working on this for a while, and I would encourage all my colleagues to vote in the affirmative.

Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Zebrowski in the affirmative.

Mr. Benedetto to explain his vote.

MR. BENEDETTO: Mr. Speaker, just to explain my vote and to just say a few quick words, okay. We -- passing of this bill might be the very last bill Mr. Zebrowski does on this floor, as he is moving out for possibly another office. I wish him well in that, but I also will miss him terribly. He has been a distinguished person in this Chamber. He will be missed by each and every one here for his reasoned voice and his intelligence. And I wish him well in his future, and will vote proudly in favor of this bill.

ACTING SPEAKER AUBRY: Mr. Benedetto in the affirmative.

Mr. Zebrowski.

(Applause)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06338-A, Rules Report No. 365, Fahy, Carroll, McDonald, D'Urso, Colton, Simon, Blake. An act to amend the Real Property Law, in relation to electric vehicle charging station installation in condominiums.

MR. GOODELL: On the bill.

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

On the bill, Mr. Goodell.

MR. GOODELL: Thank you, sir. On the bill. What this bill would do is -- is that it would take any covenant, restriction or condition contained in a recorded deed that affects an interest in property, that impedes unreasonably - or is viewed as unreasonably - impedes the ability of a condo owner to install an electric charging device, and it would declare that provision of the recorded deed null and void. And for those of us who practice real estate law, we will assure you that when a deed is filed it creates a property interest in the person who got -- who has received the deeded interest. And if you have a deed to a condo, you own your condo unit by yourself, it's yours, and that deed gives you the right in accordance with the agreements with the bylaws with your fellow owners on how you can use common property. And the common property is under the bylaws and the agreement of the common owners, and it could be amended. And there's typically a board of directors. And what this does is state that even though your deed reflects the fact that you agree from day one that you will comply with the rules and regulations of the condo, if those regulations in your opinion aren't reasonable as it relates to a charging station for your car, then that restriction in your deed is null and void. I just clash with my colleagues when we start passing laws that render recorded deeds or provisions in the deed null and void so you can supercede the agreed-upon management of a condo unit. We are going down a very dangerous path dealing with fundamental property rights. And the reason, by the way, that those deeds require

you to work in conjunction and cooperation with your fellow owners is because they may have concerns about you connecting up to the common power supply and putting an underground cable in and digging up or repaving part of it. And making a designated parking space that your colleagues may or may not think is fair. So, co-ops are operated by a management team. You elect them, they should run it. We should not be overriding property interests by legislation on recorded deeds.

So while I appreciate my colleague's desire to maximize the availability of charging stations in cooperatives, I think it should be done cooperatively with the management of the co-op. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Fahy to explain her vote.

MS. FAHY: Thank -- thank you, Mr. Speaker, for allowing me the ability to rise and explain my vote. First of all, this -- this bill really originated as I began to do a lot of research on electric vehicles. And as you know, we passed a historic climate bill last night, and one of the key elements of -- of -- of addressing climate change in this country is addressing our transportation, and that starts with promoting more electric vehicles, as well as electric buses. And

range anxiety, as it's referred to, is a big issue with electric vehicles because many of them only go so many miles and you could be stranded. And we had come across a problem with condominiums, which include many townhouse associations where individuals were unable to have the association modify agreements such that they could use charging stations. And this bill would essentially -- it does not -- it's a minimal invasion of any kind of property rights and it's still absolutely requires the association to approve any type of reasonable accommodation. And there's some very strong language in here to make sure that the association has the authority, and I'm happy to continue to work with Mr. Goodell on that.

I think this will go a long way toward encouraging more charging stations, and I appreciate the opportunity to rise and vote in the affirmative on this bill. Thank you, Mr. Speaker.

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

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, can we please call Rules Report No. 395, page 13, Dinowitz; Calendar No. 557, page 65, Wallace.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A07500-A, Rules Report No. 395, Dinowitz, Niou, DenDekker, Wright, Wallace,

Schimminger. An act to amend the Civil Practice Law and Rules, in relation to judgment by confession.

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

Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: This -- this is a bill that was offered by OCA. I used to think it stood for Office of Court Administration. I'm not quite sure what it means now. And what this bill does is it deals with confessions of judgment. For those who aren't familiar with --

ACTING SPEAKER AUBRY: Shh. Ladies and gentlemen, we are still in Session on debate. Appreciate if you would lower your voices almost so that we don't hear you. In fact, we don't want to hear you. Shh.

Mr. Goodell.

MR. GOODELL: (Whispering) So this deals with --  
(Laughter)

ACTING SPEAKER AUBRY: It's almost over, Mr. Goodell. Don't worry.

MR. GOODELL: This deals with confessions of judgment. And for those who aren't familiar, what a confession of

judgment is is sometimes when someone owes somebody else money, rather than go through a court process and get a judgment, the debtor will sign a confession of judgment. The confession of judgment can then be filed with the court clerk and it has the same effect as a judgment. You might see a confession of judgment where there's loans between relatives and they don't want to have a judgment against the borrower - you know, the nephew or niece that borrowed the money - but they want to have a confession of judgment to make sure that there's no judgments that get ahead of them that might attach to the property. Or it might occur where the parties are not in dispute over the amount, and so they don't want to go through the hassle of a judgment and they don't want a lawsuit showing up in their record. So what this bill says -- it's very short, but it's remarkable, so I'm just going to read it for you. It says, *A confession of judgment may be filed only with a clerk in the county where the defendant states in an affidavit that he resided when he signed the affidavit, when they signed the judgment, or where the defendant resided at the time of the filing.* So what's this mean? It means if you have a New York creditor and an out-of-State debtor, you can't file a confession of judgment in New York State. Think about that. You lend money to somebody who lives in New Jersey. They have houses and property in New York State, but they live in New Jersey. You can't file a confession of judgment in New York State. This is an amazing bill that says New York creditors can file a confession of judgment against every New York resident but not a single resident who lives outside

our State, even if they have assets in New York State. Why would we, as the Legislature and the State of New York, pass a bill that hurts New York creditors to the sole benefit of people who don't live in the State? That is not necessarily a rhetorical question. You can explain it on your vote.

ACTING SPEAKER DENDEKKER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.).

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07529-A, Calendar No. 557, Wallace, Dinowitz. An act to amend the Family Court Act and the Domestic Relations Law, in relation to orders for temporary spousal support in conjunction with temporary and final orders of protection in family court and calculation of the spousal maintenance "cap."

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

Mr. Goodell.

MR. GOODELL: Thank you.

On the bill, sir.

ACTING SPEAKER DENDEKKER: On the bill.

MR. GOODELL: Thank you. This bill deals with how we handle temporary orders of spousal support in family court. As you know, sometimes when a couple breaks up there's a need to provide temporary spousal support so that the non-wage-earning spouse isn't destitute. And so, having an ability to issue temporary spousal orders is important. This bill, however, takes it one step further. It says that the court has to have a hearing within seven business days of the application, and then goes on to say that the court can order -- can issue a temporary order of spousal support notwithstanding that the respondent's default in notice -- notwithstanding the respondent had a default upon notice, and notwithstanding information with respect to income and assets of the petitioner or the respondent may be unavailable. Now think about that. We are authorizing the family court to issue a temporary spousal order of support without knowing any information about the assets or income, and not even having the parties necessarily before it. Due process and fairness suggest that before the court issues an order, the parties ought to be in front of the court and the court ought to have the basic information about which spouse is making more money, how much, who has the property, who doesn't. And in the family court proceeding where people are at each other's throats, we need to ensure that our court system operates in accordance with fundamental fairness, and this bill doesn't meet that standard.

Thank you, sir.

ACTING SPEAKER DENDEKKER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Wallace to explain her vote.

MS. WALLACE: Thank you, Mr. Speaker. This is an important bill because it provides courts with the opportunity to grant temporary spousal support. Currently under the law, the courts can grant temporary support only if there are children involved. This will allow the court to allow temporary spousal support in situations where the -- there are no dependent children or perhaps the -- the children are grown. So that's why this legislation is very important. And I just want to clarify that even though the legislation allows the court to order the temporary support, if the respondent fails to appear, the respondent has been provided notice, and if for some reason the respondent at some point feels as though the order was unjust - and, again, it's just a temporary order - the respondent always has the opportunity to move the court to amend that original order. So I think this is really important because, as we know, the vast majority of spousal or domestic abuse cases involve some form of financial abuse, and we never want to have a victim staying in a situation because she -- she lacks the resources to flee. So this will allow courts -- it gives

them the tools that they need to ensure that victims of domestic violence can escape safely.

And so with that, I will -- am voting in the affirmative. Thank you.

ACTING SPEAKER DENDEKKER: Ms. Wallace in the affirmative.

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. So I know that all of us are really shocked at the concept that a judge might be making important decisions very quickly, kind of seat-of-the-pants, with less than perfect information. We would never do that, I know. But I -- I just want to say that I think that this is a really good bill, and I think that it is a temporary order that's being made, and I think it is important that it get -- it gets made early in the proceedings.

So I thank the sponsor and I vote in the affirmative. Thank you.

ACTING SPEAKER DENDEKKER: Ms. Walsh in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, I would like to thank the members. We've been moving at a very fast pace, and cooperation of the Minority. I would like to call up three bills on the consent

Calendar: Rules Report No. 459, Palmesano, page 15; Rules Report No. 545, page 22, Crespo; Rules Report No. 575, page 28, Raynor; and then we're going to follow that by going -- starting on the consent decree, Rules Report No. 528, page 19.

ACTING SPEAKER DENDEKKER: The Clerk will read.

THE CLERK: Assembly No. A07577-B, Rules Report No. 459, Palmesano, Byrnes, Giglio, Englebright, Ra. An act to amend the Highway Law, in relation to designating a portion of the State highway system as the "Trooper Nicholas F. Clark Memorial Bridge."

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

The Clerk will read.

THE CLERK: Assembly No. A04509-A, Rules Report No. 545, Crespo, Otis, De La Rosa, Buttenschon, Rodriguez,

Wallace, D'Urso, Pichardo, Reyes, Arroyo, Bronson, Pheffer Amato, Rozic, Simotas, Griffin, Cook, Colton, Abbate, Magnarelli, Joyner, Barnwell, Solages, Ortiz, Abinanti, Steck, Seawright, M.G. Miller, Mosley, Morinello, Benedetto, Simon, Stirpe, Ryan, Woerner, Jacobson, Niou, Romeo, Taylor, Jaffee, Dickens, Lavine, Aubry, McDonald, Ra, Malliotakis, Finch, DeStefano, Weprin, Reilly, L. Rosenthal. An act to amend the Labor Law and the State Finance Law, in relation to requiring the licensing of persons engaged in the design, construction, inspection, maintenance, alteration, and repair of elevators and other automated people moving devices (Part A); and to amend the Administrative Code of the City of New York, in relation to the licensing of approved elevator agency directors, inspectors, and technicians performing elevator work in the City of New York; and to repeal the definition of private elevator inspection agency in Section 28-401.3 of the Administrative Code of the City of New York (Part B).

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

Read the last section.

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

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote)

Mr. Crespo to explain his vote.

MR. CRESPO: Thank you, Mr. Speaker, very briefly. I want to thank the -- the leadership of Senator Diane Savino who carried this bill for so many years, and our Program and Counsel team in Labor who worked diligently to address a lot of concerns around the -- this bill has been around for some time. I also want to recognize two other people: One is Mike Halperin, who has worked for years, and others, to make sure that this bill sees the light of day and -- and becomes law. This will save lives as we improve the work around elevators in our State. But I really want to dedicate this to a young man that I watched growing up. His name was Brian Jacome. He was the son of my coworker when I worked in the Senate. He was an elevator repair guy, and unfortunately, he died in a tragic, preventable accident. And I dedicate this to Brian. I know his mom, Helen, is watching and I want her to know I haven't forgotten him, and this vote is -- is dedicated to him.

Thank you.

ACTING SPEAKER DENDEKKER: Mr. Crespo in the affirmative.

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. A08403, Rules Report No. 575, Raynor, Griffin. An act authorizing the Commissioner of

Education and the Chancellor of the Board of Regents, with the approval of the Board of Regents, to appoint monitors to oversee the Hempstead Union Free School District; and providing for the repeal of such provisions upon expiration thereof.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Raynor to explain her vote.

MS. RAYNOR: Thank you, Mr. Speaker, for allowing me to explain the vote. The incorporated Village of Hempstead is the largest village in the United States. Hempstead is a diverse, beautiful village with a broken heart. Their heart is broken because our children, our African-American and Latino babies have been suffering for decades. The Hempstead Union Free School District has been struggling for years to gain significant stability. There have been severe issues with fiscal accountability and transparency, curriculum development, accurate grade and data reporting and security. Our children have had to endure interrupted education, missing class schedules, molded food, attending class in dilapidated trailers, visible black mold in schools, vermin that

emerged during the day, and the serious issue of transportation safety. Currently, Hempstead High School students do not have bus transportation to and from school. We have issues with attendance and students dropping out because the lack of transportation is a huge barrier. Some of our children walk over 2.8 miles each way to and from school. Our children are walking through industrial areas along busy streets near the highway, in rain, sleet, snow and freezing temperatures. Our children are walking through gang-infested areas and often successfully recruited in these groups because our children do not feel valued, worthy or protected. This is tragic. This is not how any child deserves to live, especially when they are students in a school district --

(Pause)

-- with a -- with a \$250 million budget. The graduation rate has fluctuated over the years, and even dropped to 37 percent a couple of years ago. These dismal graduation numbers line the pathway to poverty. And where there's poverty, there's usually crime. So in the Hempstead School District we currently have an educational environment that fuels the school-to-prison pipeline. This is a huge problem for New York State. We have if not the worst, one of the worst school districts in the United States. I am so sorry for the thousands of children that did not receive the education and development opportunities they were entitled to. I'm so sorry for the parents and the taxpayers that lost faith in the Hempstead School District and felt they had nowhere to turn. The parents who struggle

to pay exorbitant property and school taxes and still have to pay for private school because they cannot depend on the Hempstead School District to educate their children. I'm so sorry for the teachers who had to work in a chaotic and hostile environment. And I'm so sorry for the Hempstead School District employees that were frightened into silence in the face of inappropriate and criminal acts.

I want Hempstead to know that I love them and I'm willing to do everything in and outside of my power to change the course of the school district. This is a massive undertaking, and we would not be here without the support and hard work of many individuals. Thank you, Speaker Heastie, and my Long Island sister in leadership, K.J. Pete, for advocating for our children through the Eleventh Hour. Thank you, Melissa Figueroa, for fighting for our children with everything she had, including her safety and freedom. Thank you, Chancellor Betty Rosa for your unwavering support through this process and your commitment to standing by our side while we work towards a happy, healthy Hempstead. Thank you, Assembly and Senate staff for working so hard to draft this unprecedented legislation. Thank you, Carolyn Gusoff and CBS for your incredible documentary about *Hempstead School District, 37 percent*. Please all go and watch it as a cautionary tale. Your work spreads awareness about the conditions our children experience. Thank you Sydney Daniel, my sister, for recognizing my purpose and working so hard to place me here in the New York State Assembly so we could save our children. Thank you to all the people who stayed

the line and refused to abandon this cause and our children because it was the right thing to do at any cost. Finally, thank you, Senator Thomas, my partner in leadership for your courage and strength to repair our school district. We need change. We need an effective long-term plan that brings immediate shifts in the right direction. I firmly believe this legislation is part of the plan.

I'm grateful and ready to vote in the affirmative.

Thank you.

ACTING SPEAKER DENDEKKER: Ms. Raynor in the affirmative.

(Applause)

Mr. Ra to explain his vote.

MR. RA: Thank you, Mr. Speaker. I just want to commend my colleague and friend. And -- and clearly, you just saw that she, in a short time here, has put her heart -- heart and soul into this. You know, doing things like this in this Chamber when you're dealing with locally-elected school boards is something that we've never taken lightly. And it's something that is always difficult to strike the right balance between working with the local community but making sure that the supports are there and the controls are there on the -- on the State level. But -- but my colleague is getting that right here today so that hopefully into the future the district can improve. We can no longer have the -- the constant back-and-forth of different factions pulling in different directions.

So I commend her for her leadership and I cast my

vote in the affirmative. Thank you.

ACTING SPEAKER DENDEKKER: Mr. Ra in the affirmative.

Ms. Griffin to explain her vote.

MS. GRIFFIN: Thank you, Mr. Speaker, for allowing me to explain my vote. I just want to say I stand with Assemblywoman Raynor. This is a hard road that she is taking, and I give her a lot of credit for her bravery and courage. Every day that passes in Hempstead represents lost opportunities for the children of Hempstead. We know that every student that walked into a Hempstead school today is not receiving the full potential for the education they deserve because their teachers and staff are not receiving the leadership tools and oppor -- opportunities necessary for them to do their jobs. Without this bill it is unlikely they will receive those services in the near future, and they should not be made to wait while the adults around them keep arguing how to fix it. It's time for action. Time is so precious for our little ones when it comes to the acquisition of knowledge. The Hempstead School District has faced a number of challenges that this legislation can alleviate. This bill proposes appointing monitors to oversee district operations. While I represent a small part of the Hempstead School District, it is vital that we give our children the tools to succeed. We want students to excel. Parents want their children to thrive. And -- and also, taxpayers also invest in our children and expect the District to succeed at fulfilling their primary responsibility in educating children. Appointing these

monitors and focusing on this school district that has been really in -- in trouble for many, many years is a step in the right direction, and I hope my colleagues will join me in voting in the affirmative.

Thank you.

ACTING SPEAKER DENDEKKER: Ms. Griffin in the affirmative.

Ms. Richardson to explain her vote.

MS. RICHARDSON: Thank you, Mr. Speaker. I rise this evening to commend the sponsor of this piece of legislation for having the audacity and the tenacity to see this through to the end. You know, we are all legislators from various parts of New York State. We always have a district-specific eye, but it is not beyond us to lend an ear and mind and thought process around our colleagues' plights that they face. And the sponsor has spoke about the Hempstead School District to me for so long, and just wanting to see reform around the education and education justice for the students in that district. So I'm so happy to see that this bill is coming to the floor with its Senate sponsor intact. And I just want to put it on the record that although this is a -- a [sic] issue that is happening out in Long Island and I'm from Brooklyn, our eyes will be on the Governor's signature for this bill to ensure that the children of Hempstead are deserving the education that they deserve.

Again, I want to commend the sponsor of this legislation, and I want to let her know that you are never alone in any fight that you take here. We got you. Thank you.

ACTING SPEAKER DENDEKKER: Ms.

Richardson in the affirmative.

Mr. Lavine to explain his vote.

MR. LAVINE: As the person privileged to be the so-called "Dean" of the Nassau delegation, I just want to say how proud our entire delegation is of our own Assemblymember Taylor Raynor and our own State Senator Kevin Thomas, who was just here. Thank you. Change is coming to the Hempstead School District.

Thank you.

ACTING SPEAKER DENDEKKER: Mr. Lavine in the affirmative.

Mr. Smith to explain his vote.

MR. SMITH: Thank you, Mr. Speaker. And I just want to take a moment to commend my colleague, Taylor Raynor, for taking on this issue. As a fellow Long Island representative and as an educator, this has been an issue on Long Island in the education community to make sure that the students in Hempstead schools get the best opportunities they -- they rightfully deserve. I think it's been great that in the -- in her first six months she has really led on this issue and really had great -- had the courage to stand up and fight against different interests in the community to make sure that our students are well-represented and get every opportunity.

So I'm so proud to be Taylor's friend and a fellow colleague here on Long Island, and thank you for the work and God bless. Thank you. I'll be voting in the affirmative.

ACTING SPEAKER DENDEKKER: Mr. Smith in the affirmative.

Mr. Montesano to explain his vote.

MR. MONTESANO: Thank you, Mr. Speaker. Just to join in to compliment Assemblywoman Raynor, you know, this school district has had its difficulties over the years and they're very severe difficulties. There's been a monitor there, and his work gets undone. It's just -- it's just a complex problem. And I'm just so happy that she has been able to take the bull by the horns, to speak, to get this done because there's been a lot of resistance, a lot of pushback and a lot of difficulty. And I would just say between this and the bill she did with the Freeport Armory so far, the people in her district, especially in Hempstead and Freeport, put their faith and confidence in her, and I will say it was well-placed and they're seeing the results.

So, congratulations.

(Applause)

ACTING SPEAKER DENDEKKER: Mr. Montesano in the affirmative.

Mrs. Arroyo to explain her vote.

MRS. ARROYO: I want to tell my colleague Ms. Raynor, you are not alone here. We are here working together. Because our children have -- have been abandoned for years and years and years. And every day that we can see an incident that happened is what move us to do what we are supposed to be doing every day. But we have to demand from our colleagues here that we have to be

together. Because what happened to one child today could happen to any child tomorrow.

ACTING SPEAKER AUBRY: Mrs. Arroyo in the affirmative.

Mr. Crespo.

MR. CRESPO: Thank you, Mr. Speaker, to explain my vote briefly. I just want to commend the sponsor. I've had the privilege of sitting in the row with her and talking to her over this past year around -- about these issues -- and her staff and Melissa and others in her office -- around these issues. And I also got a chance to learn a lot about the issues in Hempstead from talking to our Chancellor Betty Rosa, and also the advocacy of many in the Latino community, an overwhelming majority of the student body in the Hempstead School District. And the needs of that community -- as prior -- past Chair of the Puerto Rican and Hispanic Task Force, we've done a lot to advocate for the needs of immigrant and Latino students. And I just want to say, Assemblywoman, thank you for your leadership and fighting for children that look a lot like me in your own community.

ACTING SPEAKER AUBRY: Mr. Crespo in the affirmative.

Mr. LiPetri.

MR. LIPETRI: Thank you, Mr. Speaker. I rise to explain my vote. This is a true example of someone committed to making a difference for the community. Someone that's committed to

doing what's right for the people. We are in the People's House, and this legislation is an example of just that. It's ignoring the white noise and looking forward and truly providing excellence for the 18th.

So I want to applaud the sponsor of this bill, Ms. Raynor, and I wish you the best and I'm proud to vote in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. LiPetri in the affirmative.

Mr. D'Urso.

MR. D'URSO: I want to join my Assemblywoman here, my -- my -- (adjusting mic). Pardon me. I want to join all the delegation from Nassau. I've seen the school deteriorated from a distance. I -- I never trusted the people on the board that made so many changes, that were charged all kind of corruptions. Now I think they appointed my friend Jack Bierwirth by the State Department of Education, if I'm correct. I -- I think he's still there. Am I correct? Is he doing great job?

(Laughter)

He's my friend. I could trust him, but I leave it up to you. Anyway, you got my support. And you made such a big difference in the few months that you have been here than your predecessor that was here for so many, many years. Anything we could do to help you out, just let us know, let me know, and I'll be there to help you.

Thank you.

ACTING SPEAKER AUBRY: Mr. D'Urso in the affirmative.

Ms. Walker.

MS. WALKER: Thank you, Mr. Speaker, for allowing me the opportunity to explain my vote. It is well settled that education is the civil rights issue of our time. And we know and we recognize it across our State, across our country, educational equity and excellence is a great equalizer for so many children who sit in our classrooms. And this is a great day. And I appreciate the opportunity to hear that while we, in New York City, are always fighting for educational advancements and investments in our school system that together, our voices are stronger. And when we have a unified voice we will get to the place, I believe, that we collectively seek. We've heard the story in East Ramapo. We understand, also -- I'm sure that we'll hear that this is going on out in Suffolk County, and I'm sure there are many other places across our State where we are experiencing this.

So today is a great day for education. It's a great day for our children. And I want to commend the sponsor on her bravery for bringing this issue to the floor, and I look forward to voting in the affirmative.

ACTING SPEAKER AUBRY: Ms. Walker in the affirmative.

Ms. Miller.

MS. MILLER: Thank you. I just want to say, you

know, we -- we, from Nassau, also, we've been watching for years what's happened with the Hempstead schools and it's been heartbreaking and frustrating. And it's extraordinary to watch what you have accomplished in such short a time, and it's so inspiring. And we're just -- I'm so proud. And -- and it's -- we -- this is why we do what we do, and to watch you do this, and it just reminds us, this is what we're all here for. So, thank you.

Thank you.

ACTING SPEAKER AUBRY: Ms. Miller in the affirmative.

Mr. Fitzpatrick.

MR. FITZPATRICK: Thank you, Mr. Speaker. I just -- from far away in Suffolk County we've also watched Hempstead schools struggle. But, you know, we all -- we know there was a major political earthquake that happened in Queens in the last election, but that -- on Long Island there was a big earthquake that happened in Nassau County when Taylor Raynor defeated the incumbent in that election. And it was on that day that the future became brighter for the children of Hempstead because of her campaign and the hard work that she's doing here. I commend her and I compliment her. And the kids have a bright future in Hempstead, thanks to you, Taylor. Good luck.

ACTING SPEAKER AUBRY: Mr. Fitzpatrick in the affirmative.

Mr. Mikulin.

MR. MIKULIN: I just want to say congratulations. I'm in the district right next door. I know we're going to be working together on many issues for our -- for our school district that we share. I'm so happy to be working with you on this process. Keep up the good work, and we're -- we're going to have real -- real results for the people of Hempstead. So, thank you.

ACTING SPEAKER AUBRY: Mr. Mikulin in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

Mr. Ramos.

MR. RAMOS: Mr. Speaker, can we go to Rules Report No. 616, page 35, Jean-Pierre.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A08422-A, Rules Report No. 616, Jean-Pierre. An act authorizing the Commissioner of Education, in conjunction with the Comptroller, to appoint a monitor to oversee Wyandanch Union Free School District and establishing the powers and duties of the monitor; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

(Pause)

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Jean-Pierre to explain her vote.

MS. JEAN-PIERRE: Today is a great day in this Chamber where we take education a priority. Many -- many people move to Long Island for our great school districts. But as we know, we just passed a -- a monitor in Hempstead, and I commend my colleague for taking the courage to do this on -- even on her first term. But we have pockets of poverty on Long Island where black and brown children are at a hole and their future is a loss for hope. But today we're making that change. And I thank our Speaker for taking the courage and to say yes, no matter where you live you deserve a quality education. And today we are telling Wyandanch School Board enough is enough. And we -- we have -- we're the only school district in this State to have failed our school budget. We're opening school in September with a \$9 million deficit because an additional -- additional \$4 million because we had to stop paying our operating budget so we can pay teachers. And it is fair to our teach children because at the end of the day, no child is an experiment for anyone.

So again, I thank you and I'll be casting my vote in the affirmative, and I look forward to making sure that we can rise hope in each and every kid in Wyandanch today. Thank you .

ACTING SPEAKER AUBRY: Ms. Jean-Pierre in the affirmative.

Ms. Richardson to explain her vote.

MS. RICHARDSON: Mr. Speaker, as you see, I continue to keep rising in support of my colleagues who are putting these independent monitors in place to ensure that the children of their district receive adequate education. Everyone knows that I stand for education, especially in the 43rd Assembly District, but not just that exclusively. I'm looking for education equity and justice for all children across the State of New York. I want to thank the sponsor of this piece of legislation, as well as the Speaker for your leadership and your courage to ensure that the right thing happens for those who we are going to entrust our future with.

I'm so proud of you, my sister. And with that I vote in the affirmative

ACTING SPEAKER AUBRY: Ms. Richardson in the affirmative.

Mr. Stern to explain his vote.

MR. STERN: Thank you, Mr. Speaker. I rise to support by friend and colleague, Assemblywoman Jean-Pierre. KJP has been a tremendous advocate for her community, particularly the children of Wyandanch. And so this is a particularly important

initiative for that community. I commend you as the sponsor, but most importantly say congratulations on this important initiative. And thank you. Thank you for our Greater Suffolk County region where you continue to play such an important role, particularly when it comes to the education of our children. I know that the people of Wyandanch are proud to have you as their representative.

And Mr. Speaker, I proudly ask all of my colleagues to support this very important initiative. Thank you.

ACTING SPEAKER AUBRY: Mr. Stern in the affirmative.

Mr. Ramos to explain his vote.

MR. RAMOS: I would like to commend the sponsor. In fact, both my colleagues for taking on this difficult issue. I know from firsthand experience what I went through in my own school district in -- in Brentwood. I had -- I faced that difficult choice of having to confront school boards, which is a -- a situation of constituents against constituents who were bad stewards of the school budget. School board meetings where physical fights broke out. Police came in. Hours spent arguing about how they're splitting up the pie, the financial pie, and very little discussion about the -- about the education of our children. School board members with over 11 family members hired in the district. Every time they voted on raises they were enriching 11 family members. This is what went on. But after taking on that situation in the Brentwood School District, the tide turned. I'm hopeful that in my two colleagues' district that same thing

happens and we're able sometimes to have to clean house and it's very difficult to have to confront our own when the problem is in-house. But better days are ahead for having the courage of taking this on and I commend you both.

ACTING SPEAKER AUBRY: Mr. Ramos in the affirmative.

Ms. Walker.

MS. WALKER: Thank you, Mr. Speaker. I rise to support not only my friend but my soror in this endeavor. I've never heard as much about the children of Wyandanch as I've heard since interacting with her and being colleagues here in the State Assembly. And I talk a lot about Brownsville and how the students out there sometimes it feels as if it's a destitute situation because of all of the benign neglect that we've experienced in our educational policies that have been inequitable and unjust. So it's a proud moment, I believe, that she has this day in order to state that no more for the inequities for the injustices that the children have been experiencing. We even tend to have conversations because everyone seems to receive a copy of whatever it is that goes into specific budgets. But in New York City everything gets lumped into it, so you don't really know what your district receives. But to be able to have a watchdog today to ensure that the resources that she fights so hard for each and every day actually makes it to the place that's needed the most. She should be commended, and I'm sure that you are. And also a parent, you know, we have to make hard decisions each and every day because not only

are we representing our communities and living in our communities, but we're also raising our own families there as well. So the experience of education is not only a professional one. I'm sure that it's also a personal one.

So congratulations, Kim Jean-Pierre, on a successful bill. And I want to commend you for all of the hard work that you've done thus far, and I am sure that the students of Wyandanch will have you to thank as they are encountering all of the opportunities that will exist because of this day. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Walker in the affirmative.

Mr. Lavine.

MR. LAVINE: I -- I don't live in Suffolk County, but I don't live that far from Wyandanch. And I've had the pleasure and honor and I'm actually blessed to have known Kimberly Jean-Pierre long before I think Ms. Jean-Pierre ever thought she would sit in the New York State Assembly. As someone who lives near that school district, I want to say how proud I am of what Kimberly Jean-Pierre and Senator John Brooks have done, as proud as I am of what's been done in -- in Hempstead. And I think this sends a very, very strong message that the New York State Legislature is not only very interested in knowing what goes on in our school districts, especially our challenged school districts, but the New York Legislature is ready, willing and able to step in and take -- take the steps necessary to make sure that the students in those districts get the education that they

deserve. Well done, my friend, Kimberly Jean-Pierre.

Thank you.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

Ms. Griffin.

MS. GRIFFIN: Thank you, Mr. Speaker. I rise to -- in support of Assemblymember Kim Jean-Pierre. I just think it is -- I commend you for your bravery and, again, calling out the school district. It is not appropriate for any school on Long Island to not be giving their children the educational opportunity they deserve. And although we have very good school districts on Long Island, it isn't good enough if we have any school districts that are lagging behind. And so I'm in full support of all of you who have called your school districts out, have called the school board out, and have called for a need for monitors to make things far, far better and improve the conditions in your school district.

I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Griffin in the affirmative.

Ms. Raynor.

MS. RAYNOR: Thank you, Speaker, for allowing me to explain my vote. Kimberly Jean-Pierre, Assemblywoman Jean-Pierre, thank you so much for inspiring me to make sure I -- I took on this fight and didn't wait because it couldn't wait. So I know our bills are very closely related, so the timing is just -- just -- it's -- it's

meant to be. So anything that we can do to support each other, you've already proven that you've done that, serving as a mentor to so many and always being willing to -- to help anyone in their district.

So thank you so much for everything you've done.

And with that, I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Raynor in the affirmative.

Ms. Hyndman.

MS. HYNDMAN: Thank you for allowing me to explain my vote. Having worked in Wyandanch years ago, it wasn't lost on me that the neighboring school district was ranked one of the highest in the State, if not the nation, as the same with the Nassau School District was also ranked. Hempstead was ranked low, but the neighboring school district was probably one of the most affluent as well as highest. So I think we have put the State on notice that when it comes to the children in New York State that we want to make sure all of our children are rising to the level of education we know they deserve. I -- I thank Assemblywoman Jean-Pierre for her steadfastness, as well as the previous bill, making sure that all of our children rise together. We're no great a State unless we make sure all of our children do well. Neighborhood to neighborhood, district to district. I live in Queens, but if -- if Queens is not -- if Queens is doing well and other districts aren't, then we are all not doing on the same place.

Thank you.

ACTING SPEAKER AUBRY: Ms. Hyndman in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed

(Applause)

Page 19, Rules Report No. 528.

THE CLERK: Assembly No. A08212, Rules Report No. 528, Glick, Simon, Gottfried, Jaffee, Griffin, L. Rosenthal. An act authorizing the Commissioner of Health to conduct a study and issue a report examining the unmet health and resource needs facing pregnant women in New York and the impact of limited service pregnancy centers on the ability of women to obtain accurate, non-coercive health care information and timely access to a comprehensive range of reproductive and sexual health care services

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A08222, Rules Report No. 529, Palmesano. An act to amend the Village Law and the Public Officers Law, in relation to authorizing the Village of Riverside to hire a village clerk/treasurer and code enforcement officer who is not a resident of such village.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Read the last section. I'm sorry.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08239, Rules Report No. 530, Thiele, Palumbo. An act to amend Chapter 387 of the Laws of 2013 relating to including the trustees of the Freeholders and Commonalty of the Town of Southampton, trustees of the Freeholders and Commonalty of the Town of East Hampton and the trustees of Freeholders and Commonalty of the Town of Southold as municipal corporations for the purposes of Section 72-h of the General Municipal Law, in relation to extending the expiration of such provisions.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08289, Rules Report No. 531, Raia. An act authorizing the Saint Pareski -- Para -- Paraskevi Greek Orthodox Shrine Church to file an application for a real property tax exemption.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Raia.

MR. RAIA: Thank you, Mr. Speaker. Saint Paraskevi -- and I -- it took me three years to learn how to say it, so job well done. The passage of this bill is a long story. It started 28 years ago when I was a young intern sitting up in that balcony up there. I've been privileged to work with a number of many great legislators, Assemblyman John Cochran, John Behan, Assemblyman Jim Conte, Ralph Marino, Carl Marcellino, all taught me how to be a good legislator. I bring this up because this is more -- more than likely my last bill in my career, 17-year career in the State Assembly. So I would just like to quickly thank my staff, Barbara Hanna, Judy Van Amberg, Pat Searing, Michael Jennings, Gideon Lamb, Arianna Stupple, Bernadette Flynn, who have been instrumental helping me on the Health Committee as the Ranking Member. Joe Lentol, who 17

years ago sat me down at breakfast at the Quality Inn on Everett Road and taught me how to be a good legislator over breakfast. Thank you, Joe. Mike Fitzpatrick and Will Barclay, what's left of my classmates. Phil Ramos, I see you over there, too. We were classmates as well. I'd like to thank Leader Kolb for entrusting me to be the Ranking Member on the Health Committee. I'm very proud of the work that I've done with our Chairman, Richard Gottfried, over the years. And I'd like to thank Speaker Heastie. I think the biggest compliment I can pay you is you are still the same humble, caring individual that I became friends with 17 years ago. So God bless you and thank you for treating our side of the aisle with dignity and respect. But most of all I want to thank my colleagues on both sides of the aisle for your comradery and friendship. But most importantly for teaching me about your districts and the issues that are important to your constituents. We're a big diverse State, and as much as our job is to legislate, it is also our job to learn from each other for it is through this learning process that we can better understand our differences and draft better legislation that treats all New Yorkers fairly.

God bless you all. I hope I don't see you in January --

(Laughter)

But if I do, I will be very happy to pick up where we left off. Thank you and God bless you all.

(Applause)

ACTING SPEAKER AUBRY: Mr. DenDekker.

MR. DENDEKKER: Thank you, Mr. Speaker, to

explain my vote. For the past 11 years the sponsor has been a very close and dear friend personally. We didn't always agree on policy, but we did have a lot of fun, from go-cart riding to the Finance Committee to fishing to parasailing or whatever else we did in Puerto Rico. You're a good man. I'm going -- I'm going to miss you a lot. Will think about you every time I hear "Sweet Caroline." There's no doubt about it, I'll only think of you. We wish you the best in your new career, whatever you decide to do. We hope you come back up and visit. And don't forget us in June at Festa. We'll look forward to seeing you back here.

I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. DenDekker in the affirmative.

Mr. Palumbo.

MR. PALUMBO: Thank you, Mr. Speaker, to explain my vote. I just wanted to say a few comments about the sponsor as well. I was never in politics until I ran for this seat, never carried a petition. So when I came I sat right here. I've been here for six years and it's been quite an interesting ride. These seats have moved around, but I've always been here learning the nuances of the House, the nuances of politics, about what he was going to do to fix his boat. We had various bouts of crying today even over a cheesesteak at one point --

MR. RAIA: Oh, c'mon.

MR. PALUMBO: -- so he's very nostalgic. But he's

been given -- given me many, many years of sage advice. I wish him well in his future endeavors. And I can let him know that being just east of him about an hour that when he's struggling with those decisions that we have dealt with so many times in these two seats, whether or not he should swipe right or swipe left on the eharmony account.

(Laughter)

MR. PALUMBO: I'm just --

(Laughter)

I'm just -- I'm just a Facetime buddy or an hour-and-a-half drive east. So, we will miss you. And thank you. It was pleasure serving with you, my friend. Thank you.

(Laughter)

I vote in the affirmative.

(Applause)

ACTING SPEAKER AUBRY: Mr. Palumbo in the affirmative.

Mr. Ra.

MR. RA: Thank you, Mr. Speaker. I'm not sure how to follow that up. But -- but I just want to briefly say, when I -- when I first got here, I sat right over there where Mr. Mc -- well, where Mr. DeStefano was, there were five of us in that row between Andy Raia and our former colleague Joe Saladino. It was an interesting place for -- for a first-time elected official, you know, a 28-year-old kid to sit. But you know, I couldn't have ended up in a better spot in hindsight.

Andy Raia introduced me to so many people up here. I learned a lot from him about Albany, I learned about a guy who is into his toys and gadgets. You know, any time I brought in a new cellphone case or anything else, we -- you know, he -- he was into everything. Probably the only guy I've ever seen fly a little drone inside the Chamber and do all kinds of other different things. But it -- it really -- at the end of the day we joke about Andy, but he really, I know, loved serving in this House with each and every one of us, even when he gets in one of his grouchy moods. And he really has -- has been a leader in our Conference, especially on the Health Committee for the last few years. And, you know, I will always be thankful that I had the opportunity to spend my first few years sitting right next to you over there. We wish you all the best, brother.

Thank you.

(Applause)

ACTING SPEAKER AUBRY: Mr. Ra in the affirmative.

Mr. Garbarino.

MR. GARBARINO: Thank you, Mr. Speaker, to explain my vote and just talk about the sponsor. When I got up here seven years ago I was 28. The only other Assemblyman I knew was Al Graf, who's now a judge. And I was -- I was a little worried, but Andy Raia --

(Laughter)

I was very lucky because Andy Raia, you know, took

me under his wing up here. You know, he showed me around. He was very generous. And in this -- in this business we -- we meet a lot of selfish people, a lot of people that are self-involved, and Andy, all he wanted to do was help me. He wanted to introduce me to his friends, he wanted to introduce me to his contacts who are now become my friends and my contacts up here. And that's not something a lot of people do. I've learned a lot from Andy. You know -- you know, he involved me in the Finance Committee, which was wonderful and I've become friends with all those guys. You know, going to karaoke on Mondays and Wednesdays up here, it's always been a treat. Somos. Andy Raia was one of the first Republicans to go to Somos, and now a group of us go almost every year. He -- he opened that door for all of us and it's amazing. But if you ever had -- one of the things I've really learned from Andy Raia is if you ever went to dinner with him, he really knows how to send back a meal, you know?

(Laughter)

But in all seriousness, I've -- in Andy Raia I've made a lifelong friend and I'm going to miss him up here. But luckily, we're very close together on Long Island so I'll be able to see him down there.

Thank you.

ACTING SPEAKER AUBRY: Mr. Garbarino in the affirmative.

Mr. Lentol.

MR. LENTOL: Thank you, Mr. Speaker. So first of all, I want to set the record straight. I didn't teach Andy Raia nothing.

(Laughter)

He became a good legislator all on his own. And you did it well, Andy. You were a -- you were a good guy when I met you 17 years ago, and you came to Albany to change the world. And I got to say, you changed a lot for being in the Minority for all those years. And you made a lot of friends up here because you're a good guy, and they don't come any better and I'm going to miss you very much. I know that you have mixed feelings about leaving here, as did I once when I almost left, and I know exactly how you feel in your heart because I love this place and you did, too. We're all going to miss you. Thank you for your service.

I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Lentol in the affirmative.

Mr. Fitzpatrick.

MR. FITZPATRICK: Thank you, Mr. Speaker, to explain my friendship with Andrew Raia.

(Laughter)

Andy -- Andy and I are classmates. We came in together. He is a -- a kind person, a conscientious person, a very friendly person. And it has been his ambition to follow his wonderful mother Jo-Ann as the Town Clerk in the Town of Huntington. And for those of you who don't know, Jo-Ann Raia is a legend in

Huntington politics, in the Town of Huntington, and frankly, around the State as one of the longest-serving town clerks. And she is the gold standard as far as town clerks go, and I think Andrew will fit those shoes -- fit in her shoes very comfortably. He learned the art of politics from her, as well as from Joe and others. But I am proud to call him my friend. He is a lot of fun to be around, as many of us know. And just one quick story. Andy and I, when we came here we both drove Volvos. And I still drive a Volvo, I love my Volvo. And Andrew still has his old Volvo, and we'd always talk about Volvos. And one day driving home on the Thruway, Andy had the racing edition of his -- what was it, an S60 R -- R stands for racing -- which means it goes fast. And I'm doing my 65 and it was like a fighter jet flying past me.

(Laughter)

And I stopped at the next rest stop and I saw him. And I said, *How frickin' fast were you going?* Well, I'll ask -- Andrew can tell you how fast he was going. I don't want to embarrass him. But he's --

(Laughter)

You know, he marches to the beat of a different drummer, and we will miss him. He is -- he's going to do a great job and he'll be a great town clerk. Andrew, I love you. Thank you.

ACTING SPEAKER AUBRY: Mr. Fitzpatrick in the affirmative.

Ms. Jean-Pierre.

MS. JEAN-PIERRE: Thank you, Mr. Speaker, for explaining my vote. When I first got here five years ago, Andrew Raia first gave me my State flag. He borders my district. Although I'm a Democrat and he's a Republican, but Long Island is different. We work well together. And I want to say thank you for being a friend, for being a great colleague. I'm -- I'm sure this is just the beginning for you. I -- I will see you back on Long Island. I want to wish you well and thank you.

ACTING SPEAKER AUBRY: Ms. Jean-Pierre in the affirmative.

Mr. Lavine.

MR. LAVINE: Thank you. So, Andy, you and I have rarely agreed on policy or politics. But that's what this entire experience is about. It's people of good faith like you, Andy, advocating for what you believe in, exchanging ideas and working towards a resolution that's in the best interests of all of us. So, and I'll say this, you actually have convinced me several times that I'm not always right. Hard enough to imagine. But for your dedication to community - it's actually a love of community - and your constant hard work, your analysis, your use -- your use of the best of humor to make -- to make points. We will certainly miss you. And I -- I do want to give you what I think is a real -- a real compliment, a sincere compliment, most sincere compliment. Jim Conte would be proud.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

Ms. Walker.

MS. WALKER: Thank you, Mr. Speaker, for allowing me to also explain my vote -- my vote and how proud I am to vote in the affirmative on Mr. Raia's final piece of legislation. When I got here my office was right next door to Andy's on the sixth floor. And there was another legislator on the sixth floor, I remember him saying to me, *You know, all you women are coming here now and you're all so new. You don't know what you can't ask for.* And then they said, *Well, you know, you're coming up here with all this stuff and you don't even know where the bathrooms are.* And so I kindly walked out of his office and into Andy's office and I said, *Mr. Raia, where are the bathrooms?* And when I saw that other legislator, I stood in front of the bathroom, which wasn't very far from his office, and said, *Well, how you like me now?*

(Laughter)

So thank you, Andy, for all that you've taught me as a new legislator. Also, you gave me the courage to be witty, but also to be skillful. You embraced me, my family, my daughter, particularly on our first day being here, and gave me the level of comfort to know that although I had this little two-year-old in the office next door - and hopefully she didn't bother you too much - but that this place is a -- is a place about family and we accept each and every one of us for who we are. So thank you. My best wishes to you. I look forward to joining you out on Long Island, particularly since I am lover of all things seafood. And I also appreciate the fact that we've had our

opportunities to enjoy fish and grits.

So good luck to you and God bless you. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Walker in the affirmative.

Mr. Ramos.

MR. RAMOS: I do rise for -- I'm not saying goodbye to Andy. You know, just say I'm glad you're -- you're moving on to better things that you -- that you wanted. But, you know, I remember back 18 years ago. We came in on the same class and it's been an 18-year bromance, right? That's my boy, Andy.

(Laughter)

You are my -- you're another brother from a Republican mother. That's what you are.

(Laughter)

I -- I got to tell you guys, though, you know, in the Minority there's no better ambassador than Andy. He's a guy who would through his relationships will come, people will listen to him no matter what political persuasion they are. I want to thank you, buddy. This is not the end because we're both on Long Island and we're going to be hanging in the near future.

ACTING SPEAKER AUBRY: Mr. Ramos in the affirmative.

Ms. Melissa Miller.

MS. MILLER: So, I'm relatively much newer than

everybody who's spoken, but Andy was also one of the first people who was very welcoming to me. And although he was the Chair of the Health Committee, I really, really found myself relying very heavily on him for advice and his experience on the Environmental Conservation Committee and found that I could text him and ask him just about anything. And that has been very, very valuable to me. I will miss it extraordinarily, and I will keep calling you if that's okay. But thank you. You know, you really -- you have a very different style, I think everybody can say, and we all appreciate it. You really -- you are -- you beat to your own drum, but you are really admired and you are going to be missed.

ACTING SPEAKER AUBRY: Ms. Melissa Miller in the affirmative.

Mr. Stern.

MR. STERN: Thank you, Mr. Speaker. I'm sure we -- we all agree that you can tell what kind of mentors someone has had throughout his or her life by the way they pay it forward. And there is no better example than Assemblyman Raia who for so many of us continues to pay it forward. And I have certainly been a -- a very grateful beneficiary of his wisdom and his experience. I remember very well after I had won my first race for the County Legislature 15 years ago, and -- and one of the very first people that I had breakfast with maybe two days later was Assemblyman Raia. Now, Andy has always been very good at the politics, and we know that, particularly during campaign season. But I'll never forget what he said that day

after we were celebrating my first race was he said that, *The politics are the politics. And after the campaign is done, we govern and we work together.* And anybody that's had the opportunity to work with Assemblyman Raia knows that community always comes first. And that's why he's always been so effective and so beloved in our hometown community. And so it is really a pleasure for me to say to the senior Assemblymember representing the Town of Huntington and say thank you for -- for your friendship, for everything that we've been able to accomplish together. Your passion in all that you do, but particularly your love for our community, certainly continues to serve as an example to me and I'm sure to -- to all of us.

Mr. Speaker, it is a privilege to vote in the affirmative for Assemblyman Raia's legislation.

ACTING SPEAKER AUBRY: Mr. Stern in the affirmative.

Mr. Weprin.

MR. WEPRIN: I -- I, too, rise to explain my friendship with Andy Raia. I -- Andy is -- has been one of the first Republican members that I -- I really got friendly with. And -- and I can say that despite my brother Mark warning me about him.

(Laughter)

He actually, you know, probably served with Mark half of his time up here and with me the -- the other half. And Andy is really, as was mentioned, a real quality guy. A guy that's in government, in politics, for the right reason. Really to help people.

He's probably one of the least partisan people in the political arena, and certainly least partisan when it comes to relationships and friendships. And I certainly am truly going to miss Andy as well.

I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Weprin in the affirmative.

Ms. Solages.

MS. SOLAGES: I rise, you know, to also say we're going to miss you, Andy. Your departure felt so real today when I saw you outside the food truck tearing over a Philly cheesesteak.

(Laughter)

And so I -- I thank you for your passion, especially for vaping and for ceramic knives; two subjects I know that I'm going to pay -- pay close attention to. But just once again, thank you. You've always been a friend, even though you're a Republican.

(Laughter)

And so, I just want to say thank you so much. Best luck on your next steps, and I look forward to seeing you on Long Island.

ACTING SPEAKER AUBRY: Ms. Solages in the affirmative.

Mr. Mosley.

MR. MOSLEY: Thank you, Mr. Speaker, to explain why I have a friendship with Andy Raia. We've been to Japan, we've been to Puerto Rico, we've been all the way around the world. But

sometimes when someone befriends you, probably the best place they can invite you to is to your home. And last summer you invited me to your home. It was just the two of us. I brought the sandwiches, you provided the boat. Two -- two New Yorkers on the Long Island Sound, fishing, enjoying peace and tranquility. Enjoying the weather, having lunch in Connecticut. Just kicking it, shooting the you-know-what. But I'd hope to say that our friendship does not end here, that my son looks forward to getting on your boat. I'm looking forward to catching some fluke, some -- some bluefish. But more importantly, I -- I'm glad that I caught each other. I -- I caught us in -- in this world we call politics and governing here in Albany. That we were able to get beyond our -- the D and R, get beyond the kid from Long Island, the kid from Brooklyn, and just found all the things that make us friends and all the commonalities we have beyond what people might see as clear differences.

So I wish you nothing but the very best. May God continue to bless you and your family. Thank you.

ACTING SPEAKER AUBRY: Mr. Mosley in the affirmative.

Mr. Goodell.

MR. GOODELL: Nice job, Andy. Thank you for your service to our Caucus, and more importantly, to the State. Nothing is more valuable than the recognition of a job well done. Please stay in your seat for the rest of the evening so we can proceed quickly.

(Laughter)

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

(The Clerk announced the results.)

Mr. Raia passes that bill.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A08290-B, Rules Report No. 532, Gottfried, Simon. An act to amend the Navigation Law, in relation to prohibiting vessels from operating, anchoring or mooring in the navigable waters of the State while operating a digital billboard board.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08303, Rules Report No. 533, Lupardo. An act to amend the Agriculture and Markets Law,

in relation to the reuse of tires.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08315, Rules Report No. 534, Lentol. An act to amend the Criminal Procedure Law, in relation to proceedings against juvenile and adolescent offenders.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08346, Rules Report No. 535, Benedetto. An act to amend the Education Law, in relation to the probationary period for certain tenured employees in school districts.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08349, Rules Report No. 536, Ryan, Englebright, Reyes, Zebrowski, Ortiz. An act to amend the Environmental Conservation Law, in relation to the protection of certain streams.

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

The bill is laid aside.

THE CLERK: Assembly No. A08404, Rules Report No. 538, Cahill. An act to amend the Financial Services Law, the Public Health Law and the Insurance Law, in relation to establishing protections from excess hospital charges; and to amend a chapter of the Laws of 2019, amending the Financial Services Law relating to establishing protections from excess hospital charges, as proposed in legislative bills numbers S.3171-A and A. 264-B, in relation to the effectiveness thereof.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00833-B, Rules Report No. 540, L. Rosenthal, Cook, Simon, Lavine, Dickens, Taylor, D'Urso, Seawright, Gottfried, Arroyo, Rivera, Crespo, Jaffee, Weprin, Quart, Ortiz, McDonald, Walker, Colton, Perry, Carroll, Richardson. An act to amend the Correction Law, in relation to the establishment

of a program for the use of medication assisted treatment for inmates; and to amend the Mental Hygiene Law, in relation to the implementation of substance use disorder treatment and transition services in jails.

ACTING SPEAKER AUBRY: On a motion by Ms. Rosenthal, the Senate bill is before the House. The Senate bill is advanced and the bill is laid aside.

THE CLERK: Assembly No. A02092-B, Rules Report No. 541, Braunstein, Benedetto, Mosley, Jaffee, DenDekker, Colton, O'Donnell, Kim, Fernandez. An act to amend the Real Property Tax Law, in relation to increasing the average assessed value threshold and to eligibility for J-51 tax abatements.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02577-B, Rules Report No. 542, Dinowitz, Gottfried, Paulin, Simotas, Cook, Colton,

Englebright, Gunther, Titus, Walker, Rodriguez, Malliotakis, L. Rosenthal, Cruz, Reyes, Hevesi, Simon, Dickens, Jaffee, Lifton, Smith, Seawright, McDonough, Taylor, Joyner, Ramos, Magnarelli, Mosley, Solages, Niou, Pichardo, Otis, Buttenschon, Jean-Pierre, Raynor, Lawrence, Kim, Rozic, Blake, Stern, Weprin, McDonald, Mikulin. An act to amend the Education Law, in relation to requiring a course of study in the prevention of child sexual exploitation and child sexual abuse.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Dinowitz to explain his vote.

MR. DINOWITZ: Thank you. This bill, "Erin's Law," is a natural follow-up and companion to the Child Victims Act by Ms. Rosenthal. We need to do more about child sexual abuse than merely teaching about stranger danger. Most child sex crimes are committed by trusted acquaintances, not strangers, and many young victims of sexual abuse or exploitations are unaware of when and from whom to seek help. It's essential that children be provided with vital safety information on child sexual abuse and exploitation, and

this bill requires that classes in prevention of child sexual abuse be given to all pupils K-8. And I just wanted to acknowledge Erin Merryn, who has gone around the country campaigning for this law in many, many other states, and New York is going to join most of the states around the country in having this as our law. And other people including Asher Lovy, Gary Greenberg, Steven Carpineta and many others strongly advocated for this. And I just want to also acknowledge Chancellor Betty Rosa, our Speaker Carl Heastie, and I especially want to acknowledge the Chair of our Education Committee, who was a champion for making sure that this got out of Committee and got to the floor, Mike Benedetto.

So with that, I am voting yes and I urge everybody else to vote yes.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03822-D, Rules Report No. 544, McDonald, Gunther, Pichardo, Seawright, Garbarino, Williams, Dickens, Lupardo, Fahy, D'Urso, Arroyo, Montesano, Cook, Gottfried, Lavine, Ra, Smith, Ashby, Reyes, Stirpe, Simon. An act to amend the Education Law, in relation to the delegation of certain professional responsibilities for instilling mydriatic or cycloplegic eye drops.

ACTING SPEAKER AUBRY: On a motion by Mr.

McDonald, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect in 546 days.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05990-A, Rules Report No. 546, Rozic, Abbate, Blake, Crespo, Cusick, Lawrence, Otis, Magnarelli, Lifton, Paulin, Simon, Quart, Ryan, Seawright, Mosley, Schimminger, Lupardo, Hunter, Taylor, Palmesano, Crouch, Finch, Jacobson, Norris, Buchwald. An act to amend the Highway Law, in relation to the rate paid by the State to a city for maintenance and repair of highways.

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

Read the last section.

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

ACTING SPEAKER AUBRY: Record the -- the Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06341, Rules Report No. 547, Manktelow. An act to authorize Jason Allen to receive certain service credit under Section 384-d of the Retirement and Social Security Law.

ACTING SPEAKER AUBRY: On a motion by Mr. Manktelow, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06547, Rules Report No. 548, Stern. An act to amend the Highway Law, in relation to limitations on amounts to be raised for the repair and improvement of highways in the Town of Huntington.

ACTING SPEAKER AUBRY: On a motion by Mr. Stern, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07114, Rules Report No. 550, Jones, Otis. An act to amend the Education Law, in relation to the attendance of minors upon full-day instruction and the conditions under which districts are entitled to an apportionment of State aid; and repealing certain provisions of the Education Law relating thereto.

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

Read the last section.

THE CLERK: This act shall take effect July 1st, 2019.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07265, Rules Report No. 551, Griffin. An act to amend the Retirement and Social Security Law, in relation to authorizing certain persons in an optional 20-year retirement plan for State University Police Officer Service and Regional State Park Police

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07578-A, Rules Report No. 552, Gottfried, Dinowitz. An act to amend the Public Health Law and the Social Services Law, in relation to automatic enrollment and recertification simplification for Medicaid-eligible recipients.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07592, Rules Report No. 553, Schmitt, Thiele. An act to amend the Town Law, in relation to authorizing the Town of Chester, County of Orange, to establish community preservation funds; to amend the Tax Law, in relation to authorizing the Town of Chester to impose a real estate transfer tax with revenues therefrom to be deposited in said community preservation fund; and providing for the repeal of certain provisions upon expiration thereof.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07711, Rules Report No. 554, Salka. An act to amend the Tax Law, in relation to authorizing the County of Madison to impose an additional mortgage recording tax; and providing for the repeal of such provisions upon the expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mr Salka, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07835-A, Rules Report No. 555, Carroll. An act to direct the Metropolitan Transportation Authority to examine, assess and report on potential hazardous structures and storage areas under the elevated train tracks; and the commuter notification system of such authority.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07906-A, Rules Report No. 556, Gottfried. An act to amend the Education Law, in relation to restricted clinical laboratory licenses in toxicology.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07914-A, Rules Report No. 557, Magnarelli, Stirpe, Hunter. An act to amend the Education Law, in relation to establishing the Syracuse City School District Regional STEAM High School to provide instruction to

students in the Onondaga, Cortland and Madison County BOCES and the Central New York region in the areas of science, technology, engineering, arts and mathematics (STEAM) areas.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07920-C, Rules Report No. 558, Abbate. An act to amend Chapter 504 of the Laws of 2009 amending the Retirement and Social Security Law and other laws relating to establishing police and fire retirement provisions, in relation to a special retirement plan for certain members of the New York State and Local Police and Fire Retirement System.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08008, Rules Report No. 559, Abbate, Reyes. An act to amend the Retirement and Social Security Law, in relation to transfer of retirement membership for certain employees of SUNY within the professional, scientific and technical bargaining unit.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08156, Rules Report No. 561, Byrnes. An act to amend the Highway Law, in relation to designating a portion of the State highway system as the "North

Dansville Veterans Memorial Highway."

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08195, Rules Report No. 562, Thiele. An act to amend the High -- the Town Law, in relation to the preservation of lands necessary to protect fisheries and water-dependent uses essential to maintain and enhance maritime heritage.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08211-A, Rules Report No. 563, Arroyo. An act to establish a commission for the educational advancement of multilingual learners in New York; and

providing for the repeal of such provisions upon expiration thereof.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08265-A, Rules Report No. 564, Brabenec. An act in relation to authorizing the Yeshivah Shaar Ephraim of Monsey to file an application for a retroactive real property tax exemption.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08293, Rules Report No. 565, Garbarino. An act to validate certain acts of the Islip Union Free School District with regard to certain capital improvement projects.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08312, Rules Report No. 566, Morinello. An act to amend the General Municipal Law, in relation to permitting the Grand Island Central School District to establish an insurance reserve fund.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08336-A, Rules Report No. 568, Thiele, Hunter, Walczyk. An act to amend the Local Finance Law, in relation to establishing an electronic open auction bond sale pilot program and providing for the repeal of such provisions upon expiration thereof.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08338, Rules Report

No. 569, Joyner, Griffin. An act to amend the Public Health Law, in relation to the Maternal Mortality Review Board.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08341, Rules Report No. 571, Abbate. An act to amend the Civil Service Law, the General Municipal Law and the Executive Law, in relation to the minimum qualifications to serve as a fire chief in any fire department, fire district or fire protection district that employs six or more paid firefighters.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08345, Rules Report No. 572, Lavine. An act to amend the Insurance Law, in relation to extending certain provisions related to medical malpractice insurers.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Garbarino to explain his vote.

MR. GARBARINO: Thank you very much, Mr. Speaker. This was created back in the 1980s when medical malpractice providers, there were only five in the State. There are now over 40 in the State. This was supposed to be a temporary program. It is -- we're now extending it again, even though I've spoken to several medical malpractice insure -- insurance companies and they don't want this extender. They think there's enough

competition. This is actually going to create higher rates for all New Yorkers because it does -- it messes with a reserve base, principles of insurance and also it -- it exempts some of these medical malpractice provide -- insurance companies from the Insurance Fund.

So I -- I -- I encourage a no vote and I hope we don't do this in three years. Thank you.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08347, Rules Report No. 573, Lupardo, Barrett, Buttenschon, Dilan, Epstein, Gunther, Jones, Lifton, Mosley, Santabarbara, Stirpe, Rivera, Williams, Woerner, L. Rosenthal, Blankenbush, Crouch, Finch, Fitzpatrick, Hawley, B. Miller, Crespo, Jacobson, Magnarelli, Otis, Norris. An act establishing the New York Task Force on Agricultural Investment; and providing for the repeal of such provisions upon the expiration thereof.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08383, Rules Report No. 574, Quart, Carroll, Seawright, Gottfried, Dinowitz, Malliotakis, L. Rosenthal. An act to amend the Real Property Tax Law, in relation to extending certain provisions relating to a partial tax abatement for residential real property held in the cooperative or condominium form of ownership in a city having a population of one million or more.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08405, Rules Report No. 576, Cymbrowitz. An act to amend the Private Housing Finance Law, in relation to increasing the bonding authority of the New York City Housing Development Corporation.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00445-A, Rules Report No. 581, Steck, Buchwald, Glick, Gottfried, Thiele, L. Rosenthal, Abinanti, Englebright, Jacobson, D'Urso, Colton, Epstein, Ortiz, McDonald, Simon, DeStefano, Raia, Galef, Fernandez, Jaffee, Dinowitz, Magnarelli, Lupardo, Lifton, Montesano, Schmitt, Fahy, Buttenschon, Weprin, Carroll. An act to amend the Executive Law, in relation to reducing the use of PFAS chemicals in firefighting activities.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Schmitt to explain his vote.

MR. SCHMITT: Thank you, Mr. Speaker. I wanted to commend the sponsor. In my district we are greatly impacted by PFOS, PFOA contamination from Stewart International Guard Base use of firefighting foam over many years. We are -- we are dealing with that currently in my district and across the eastern half of Orange County. So I'm proud to vote in support of this legislation and look forward to other actions going into next Session where we can continue the good work of remediating our area and making sure no further contamination occurs.

Thank you. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Schmitt in the affirmative.

Mr. Jacobson to explain his vote.

MR. JACOBSON: Yes, Mr. Speaker, to explain my vote. As many of you know, the City of Newburgh cannot use its water supply because of the contamination from PFOS and PFOA from fire foam at Stewart Airport and Stewart Air Force Base previously before that. So this is a very important bill. It's got a big write-up in the local paper. So I'm very happy this bill is passing and maybe it'll help us in the future.

And I vote in the affirmative. Thank you.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01329, Rules Report No. 582, Galef, Wallace. An act to amend the Real Property Tax Law, in relation to a residential revaluation exemption.

ACTING SPEAKER DENDEKKER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01526-A, Rules Report No. 583, Gottfried, Dinowitz, Colton, Cahill, Weprin, D'Urso. An act to amend the Uniform City Court Act, the Uniform District Court Act, the Uniform Justice Court Act and the New York City Civil Court Act, in relation to obtaining jurisdiction over certain defendants.

ACTING SPEAKER DENDEKKER: The bill is laid aside.

THE CLERK: Assembly No. A01967, Rules Report No. 584, Zebrowski, Jaffee. An act to amend the Domestic Relations Law, in relation to including acts of domestic violence in the criteria the court shall consider in determining the equitable disposition of

property during divorce proceedings.

ACTING SPEAKER DENDEKKER: On a motion by Mr. Zebrowski, the Senate bill is before the House. The Senate bill is advanced, and the bill is laid aside.

THE CLERK: Assembly No. A02079, Rules Report No. 585, Gunther, Jacobson, Schmitt. An act to amend the Agriculture and Markets Law, in relation to appropriation and apportionment of moneys for the promotion of agriculture and domestic arts in the county of Orange.

ACTING SPEAKER DENDEKKER: On a motion by Mrs. Gunther, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02224, Rules Report No. 586, Paulin, Buttenschon, Lavine, Englebright, McDonald, Cymbrowitz, D'Urso, Griffin, Gottfried, Arroyo, Dinowitz, Jaffee, Stern, Cruz, Zebrowski, Crespo, Burke, Lupardo, Colton, Jean-Pierre, Thiele, Cook, Dickens, Brabenec, Montesano, Schmitt, McDonough,

Galef, Sayegh, Simon, Ortiz, Hunter, Reyes, Byrne, Raia, Reilly, Walczyk, Smullen, Wright, Abinanti, Hyndman, Weprin, Jones, Buchwald, Mikulin, L. Rosenthal. An act to amend the General Business Law, in relation to enacting the "Nuisance Call Act."

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

Read the last section.

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

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02632-B, Rules Report No. 587, Dinowitz, Williams, L. Rosenthal, Ortiz, Seawright, Englebright, Hyndman, Barron, Blake, Glick, D'Urso, Dickens, Rivera, Galef, Arroyo, Cook, Stern, Richardson. An act to amend the Banking Law, the Uniform Commercial Code and the Civil Practice Law and Rules, in relation to reverse cooperative apartment unit loans.

ACTING SPEAKER DENDEKKER: On a motion by Mr. Dinowitz, the Senate bill is before the House. The Senate bill

is advanced.

Read the last section.

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

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Dinowitz to explain his vote.

(Members sigh)

MR. DINOWITZ: Aww. Do you know what I had to put with all evening?

(Laughter- Applause)

So, anyway, I -- I just want to thank everybody for voting on this important bill for those of us who have districts with lots of co-ops. But the main reason I wanted to get up is to read the following four lines into the record, so please listen carefully. This will clarify the legislative intent. *Regarding subdivision six of Section 6n, the intent of the exception of the minimum capital requirements for sales to the secondary market is that the Department of Financial services shall by regulation define what constitutes a financially-viable financial institution prior to the use of the exception rather than requiring the Department's approval on a sale-by-sale basis.* Would you like me to read that again in case you didn't understand it?

MEMBERS: No!

MR. DINOWITZ: Okay. Thank you.

(Applause)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03400-A, Rules -- Rules Report No. 588, Gunther. An act to amend the Vehicle and Traffic Law, in relation to the solicitation of donations on State highways.

ACTING SPEAKER DENDEKKER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04784-C, Rules Report No. 589, Fall, Glick, Hyndman, Taylor Sayegh, Cruz, Colton, Romeo, M.L. Miller, D'Urso, Cusick, Griffin, Pichardo, Stirpe, Arroyo, Cook, Richardson, Rivera, Buttenschon, Simon, Ortiz, Williams, Jean-Pierre, McDonald, Jaffee, Frontus, Niou, Burke. An act to amend the Domestic Relations Law and the Family Court Act,

in relation to sex offender's custody of a child.

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

Read the last section.

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

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Fall to explain his vote.

MR. FALL: Thank you, Mr. Speaker. I first want to thank all of my colleagues that cosponsored this piece of legislation, my immediate staff and the Program and Counsel Staff that worked tirelessly to get this bill before us, as well as the Senate sponsor. This bill is very close to me for two reasons: One, this issue was brought to my attention by one of my coll -- constituents who, along with her daughter, was directly impacted by the intent of my legislation. And two, this was the very first piece of legislation I introduced as a representative from the great Borough of Staten Island and I'm happy that we're actually voting on it today. The intent of this legislation is to address an existing loophole whereby former perpetrators of abuse who are related to and may come into contact with a registered offender and may gain access to his or her abuser. In this case, the grandfather was convicted of abuse, served time, and post-supervision

conducted an inappropriate act toward his granddaughter. From that incident it was clear that additional steps and guidelines are necessary to limit contact and restrict custody when a person related to such a sex offender has regular contact and may have access to a child. The moral of this legislation is that nothing can be deemed more important than the safety and welfare of our children and setting forth that responsibility. This legislation takes the necessary steps to help minimize contact between vulnerable children and persons who pose significant risks to their safety. There must be a collaborative effort from our courts, welfare agencies and law enforcement to prevent, at all costs, repeat offenses to minors. Thirteen states including Arizona, California and Oklahoma have passed similar legislation to protect children from being re-exposed to sexual assault and misconduct offenders. This bill will be also known as "Marie's Law" in honor of the victim.

I withdraw my request and vote in the affirmative.

ACTING SPEAKER DENDEKKER: Mr. Fall in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05035-B, Rules Report No. 591, Fahy, McDonald, Englebright, Steck, Burke, Griffin. An act to require the Office of Parks, Recreation and Historic Preservation to create a plan regarding non-motorized multi-use trails.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05605-B, Rules Report No. 592, Weinstein, Dinowitz, Gunther, Englebright, Weprin, Arroyo, Nolan, DenDekker, L. Rosenthal. An act to amend the Civil Rights Law and the Arts and Cultural Affairs Law, in relation to the right of privacy and right of publicity; and to amend the Civil Practice Law and Rules, in relation to the timeliness of commencement of an action for violation of the right of publicity.

ACTING SPEAKER DENDEKKER: The bill is laid aside.

THE CLERK: Assembly No. A06658-C, Rules Report No. 593, Woerner, Walsh, Fahy, Williams, Reyes, Hunter, Gunther, Jean-Pierre, Simon, Jaffee, Galef, Hyndman, Solages, Davila, Buttenschon, Seawright, Dickens, Glick, McMahan, M.L. Miller, Niou, Blake, Simotas, Quart, D'Urso, Cusick, Ashby,

Brabenec, Walczyk, Byrnes, Smullen, Friend, Montesano, Giglio, Crouch, Blankenbush, Stec, Lawrence, Manktelow, Hawley, Finch, Goodell, Byrne, DiPietro, Morinello, Rozic, Arroyo, Lupardo, Romeo, Raynor, Wright, Walker, Hevesi, Cook, Wallace, Weprin, L. Rosenthal, McDonald. An act to amend the Domestic Relations Law and the Family Court Act, in relation to establishing a living allowance for adults with developmental disabilities.

ACTING SPEAKER DENDEKKER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Woerner to explain her vote.

MS. WOERNER: Thank you, Mr. Speaker. I just want to rise to say thank you to Assemblymember Walsh who really was a strong partner in this endeavor. The idea for this legislation came out of a retreat that the bipartisan Women's Caucus had two summers ago, and a conversation about things that we could do to help families. And this idea to really help families -- the custodial parent who has -- whose -- whose child graduates from high school and doesn't have services anymore to help with financial support for these children came from a friend of Mary Beth's and a constituent of mine. So thank you to Eileen Hoff, who -- who inspired us and to Mary Beth for her great partnership in this.

Thank you so much. And I vote in the affirmative.

ACTING SPEAKER DENDEKKER: Ms. Woerner in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06683-B, Rules Report No. 594, Crespo, Gottfried, Griffin. An act to amend the Tax Law, in relation to a television writers' and directors' fees and salaries credit.

ACTING SPEAKER DENDEKKER: On a motion by Mr. Crespo, the Senate bill is before the House. The Senate bill is advanced, and the bill is laid aside.

THE CLERK: Assembly No. A06780-A, Rules Report No. 595, B. Miller, Morinello, DeStefano. An act to authorize Curt McDermott to take the competitive civil service examination and be placed on the eligibility list for appointment as a full-time police officer with the Town of Shawangunk.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06909-B, Rules Report No. 596, Weinstein, Jaffee, Colton, Galef, Abinanti, Zebrowski, O'Donnell, Fahy, Peoples-Stokes, L. Rosenthal, M.G. Miller, Dinowitz, Seawright, Glick, Weprin, Mosley, Taylor, Barron, Reyes, Ortiz. An act to amend the Civil Practice Law and Rules and the Judiciary Law, in relation to consumer credit transactions.

ACTING SPEAKER DENDEKKER: The bill is laid aside.

THE CLERK: Assembly No. A06968-A, Rules Report No. 597, Benedetto, McDonald, Hevesi, Sayegh, Mosley, Barron, Blake, Reyes, D'Urso, Jaffee, Simon, Gottfried, L. Rosenthal, Cruz, Buchwald, Raynor, Hyndman, DeStefano, Montesano, McDonough, Ashby, Morinello, Griffin. An act to amend the Public Health Law, in relation to requiring information on concussions to be provided to all parents of children playing tackle football.

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

Read the last section.

THE CLERK: This act shall take effect on the 90th

day.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06979, Rules Report No. 598, Stec. An act to authorize Jaime Laczko to elect to participate in the optional 25-year retirement plan for forest rangers in the service of the Department of Environmental Conservation.

ACTING SPEAKER DENDEKKER: Fiscal note --

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07058-A, Rules Report No. 599, Dinowitz, Wright. An act to amend the Real Property Actions and Proceedings Law, in relation to establishing the Uniform Partition of Heirs Property Act.

ACTING SPEAKER DENDEKKER: On a motion

by Mr. Dinowitz, the Senate bill is before the House. The Senate bill is advanced, and the bill is laid aside.

THE CLERK: Assembly No. A07414, Rules Report No. 600, Ryan. An act granting retroactive membership in the New York State and Local Employees' Retirement System to Adam Markel.

ACTING SPEAKER DENDEKKER: On a motion by Mr. Ryan, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07552, Rules Report No. 601, Thiele, Woerner, D'Urso, Raynor, Norris. An act to amend the General Municipal Law, in relation to the maximum contribution for certain service award programs.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07559-A, Rules Report No. 602, Fahy. An act to amend the Education Law, in relation to directing a study on the feasibility of adjusting the compulsory attendance age of minors attending full-time instruction.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07939, Rules Report No. 604, Jaffee. An act to amend the Family Court Act, in relation to adjustment of juvenile delinquency cases by local departments of

probation in the family court.

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

Read the last section.

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

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07944, Rules Report No. 605, Weprin, Colton, Blake. An act to amend the Correction Law, in relation to the designation of a substitute jail for programmatic purposes.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08006-A, Rules Report No. 606, Byrnes. An act to amend the Tax Law, in relation to authorizing the County of Livingston to impose an additional mortgage recording tax; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER DENDEKKER: On a motion by Ms. Byrnes, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08013-A, Rules Report No. 607, Ashby. An act to amend the Highway Law, in relation to designating a portion of the State highway system as the "Roger J. Mazal Memorial Bridge."

ACTING SPEAKER DENDEKKER: On a motion by Mr. Ashby, the Senate bill is before the House. The Senate bill is

advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08060-A, Rules Report No. 608, Jaffee. An act to amend the Social Services Law, in relation to the standard of proof for unfounded and indicated reports of abuse or maltreatment and the admissibility of reports of child abuse and maltreatment; and to amend the Social Services Law and the Family Court Act, in relation to the administration of the Statewide Central Register of Child Abuse and Maltreatment.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. I -- I voted the negative on this bill only because I just don't think that the current system needs to be reformed. I think it's working fine the way it is.

Thank you.

ACTING SPEAKER DENDEKKER: Ms. Walsh in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08082, Rules Report No. 609, De La Rosa, M.G. Miller, Simotas, Weprin, Dickens, L. Rosenthal, Barron, Gottfried, Braunstein, Cruz, Raynor, Frontus, Stern, Ortiz, Carroll, DenDekker, Pichardo, Reyes, Rivera, Hevesi, Barnwell, Perry, Niou. An act to amend the Real Property Tax Law, in relation to wages and supplements for building service employees employed at certain properties held in the cooperative or condominium form of ownership receiving a tax abatement.

ACTING SPEAKER DENDEKKER: On a motion by Ms. De La Rosa, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you very much, sir. This bill requires private employees occupy -- working in -- requires private employees working as building service employees in the City of New York to be paid prevailing wages. The requirement for prevailing wages is always applied only on municipal work, and that's because it's a constitutional requirement. It is not a constitutional requirement that the State impose prevailing wages in the private sector, nor should it.

Thank you, sir.

ACTING SPEAKER DENDEKKER: Mr. Goodell in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08083-A, Rules Report No. 610, Niou, Dinowitz, Simotas, Weprin, Reyes, Barron, Carroll, Ortiz, Raynor, Cruz, Pichardo, L. Rosenthal, Perry, De La Rosa. An act to amend the Labor Law, in relation to ensuring that utility employees receive the prevailing wage.

ACTING SPEAKER DENDEKKER: On a motion by Ms. Niou, the Senate bill is before the House. The Senate bill is advanced. The bill is laid aside.

THE CLERK: Assembly No. A08145, Rules Report No. 611, Brabenec. An act in relation to authorizing Bais Trany of

Monsey, Inc. to file an application for certain real property tax exemptions.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08160, Rules Report No. 612, Simotas, O'Donnell, Blake, Quart. An act to amend the Criminal Procedure Law, in relation to the determination of youthful offender status.

ACTING SPEAKER DENDEKKER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08299, Rules Report No. 613, Gottfried. An act to amend the Hudson River Park Act, in relation to defense and indemnification obligations relating to the Route 9A Bikeway/Greenway adjacent to the Hudson River Park.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08318, Rules Report No. 614, Carroll, Dinowitz. An act to amend the Civil Practice Law and Rules, in relation to the statute of limitations for certain crimes related to fraudulent practices in respect to stocks, bonds and other securities.

ACTING SPEAKER DENDEKKER: On a motion by Mr. Carroll, the Senate bill is before the House. The Senate bill is advanced. The bill is laid aside.

THE CLERK: Assembly No. A08351, Rules Report

No. 615, Glick. An act to amend the Hudson River Park Act, in relation to development or redevelopment of Pier 40 in the Hudson River Park.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Gottfried to explain his vote.

MR. GOTTFRIED: Thank you, Mr. Speaker. My problem with this bill is that Pier 40, like other sites within the Hudson River Park that are -- undergo non-park development, are all counted on to contribute their fair share to the maintenance and development of the Park. And I believe this bill too severely restricts what can be done on Pier 40 to the extent that it will deprive the rest of the Park of a -- of an adequate amount of revenue which will significantly impair those other segments of the Park. And the representatives of those other segments, such as myself and Ms. Rosenthal, did not have an opportunity to participate in the development of this legislation.

And, therefore, I must vote in the negative.

ACTING SPEAKER DENDEKKER: Mr. Gottfried

in the negative.

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker. Briefly, I will -- just want to thank the Congress member, the Borough President, the Speaker of the City Council and my two colleagues in the Senate, all of whom represent the Pier 40 area, and the other representatives represent much of the other part of the Park. We worked for a period of six months. I want to thank the staffs that worked diligently with weekly meetings informing the Community Board, the Advisory Board of our progress. And we believe that we've crafted a reasonable measure that will create a tremendous amount of development in the Park for office space as opposed to park space. But that is to ensure that they can fund the entire Park.

So I withdraw my request and vote in the affirmative.

ACTING SPEAKER DENDEKKER: Ms. Glick in the affirmative.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08424, Rules Report No. 617, Simotas. An act to amend the Executive Law, in relation to increased protections for protected classes and special protections for employees who have been sexually harassed; and to amend a chapter of the Laws of 2019, amending the Executive Law relating to

increased protections for protected classes and special protections for employees who have been sexually harassed, as proposed in legislative bills numbers A.8421 and S.6577, in relation to the effectiveness thereof.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00590-A, Rules Report No. 618, L. Rosenthal, Stirpe. An act to amend the Mental Hygiene Law, in relation to establishing the Problem Gambling Advisory Council.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02404, Rules Report No. 619, Fahy, Schimminger, Stirpe, Magnarelli, Wallace, Bronson, Jones, Giglio, Dinowitz, Hunter, Santabarbara, Benedetto, D'Urso, Griffin, Buttenschon. An act to amend the Education Law, in relation to the New York State Masters-in-Education Teacher Incentive Scholarship program.

ACTING SPEAKER AUBRY: On a motion by Ms. Fahy, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04406-B, Rules Report No. 620, Lentol, McDonald. An act to amend the Tax Law, the Insurance Law and the Executive Law, in relation to enacting the Residential Structure Fire Prevention Act of 2019.

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

advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05874-A, Rules Report No. 621, Cusick, Barron, Cook, Crouch, D'Urso, Jean-Pierre, B. Miller, Pichardo, Ra, Seawright, Taylor, Thiele, Arroyo, Lavine, Blake, Woerner, Buchwald. An act to amend the Vehicle and Traffic Law and State Finance Law, in relation to establishing a pre-licensing course internet program; and providing for the repeal of such provisions upon expiration thereof.

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

Read the last section.

THE CLERK: This act shall take effect June 30th, 2020.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06157, Rules Report No. 622, Titus, Peoples-Stokes, Colton, L. Rosenthal, Cook, Lifton, Simon, Blake, Jaffee, Pichardo, M.G. Miller, Gottfried, Perry, Barron, Hevesi, Lupardo, DiPietro, Raia, Reyes, Santabarbara, Hunter, Jacobson, Ortiz, Ashby, DeStefano, Raynor, Cruz. An act to amend the Labor Law, in relation to developing and implementing programs to prevent workplace violence in public schools.

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

THE CLERK: Assembly No. A06540, Rules Report No. 623, Otis, Wallace, Buchwald, McDonald. An act to amend the Education Law, in relation to allowing polling places for school elections in city school districts of cities with less than 125,000 inhabitants to open at 6:00 a.m.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06977, Rules Report No. 624, Ryan. An act in relation to granting -- granting William J. Cooley additional service credit with the New York State and Local Police and Fire Retirement System.

ACTING SPEAKER AUBRY: On a motion by Mr. Ryan, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06998, Rules Report No. 625, Burke. An act to authorize Patrick Humiston to receive certain service credit under Section 384-d of the Retirement and Social Security Law.

ACTING SPEAKER AUBRY: On a motion by Mr. Burke, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07544, Rules Report No. 626, Stirpe, McDonald, McMahon, Steck. An act to amend the General Municipal Law, in relation to including lakes in adopt-a-municipal park shoreline or roadway programs.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07710, Rules Report No. 628, Griffin, Solages, Braunstein, O'Donnell, Cook, Williams, Ortiz, D'Urso, Hyndman, Titus, Ra. An act to direct the Department of Environmental Conservation, with the assistance of the Department of Transportation, to conduct a study on the environmental and human health impacts of John F. Kennedy International Airport and LaGuardia Airport.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Griffin to explain her vote.

MS. GRIFFIN: Thank you, Mr. Speaker, for letting me explain my vote. This bill requires the New York State Department of Environmental Conservation and the New York State Department of Transportation to conduct a study of airplane noise, pollution at JFK and LaGuardia Airports and the effects of the actual impacted area. The study will describe the environmental noise and human health impacts of runway and air traffic. Previous studies have been performed by the Port Authority of York and New Jersey. In the 21st AD, of one of these previous -- one of those previous studies reviewed Wurtsboro, Cedarhurst and Valley Stream, but did not include areas in my district that are severely impacted by this noise, which are Malverne, Lynbrook, Rockville Center and West Hempstead. Another issue with previous data is the practice of averaging the decibel levels of planes during a given time period. These averages do not accurately reflect the disruptive and deafening noise each plane can make on an individual flight averaging masks the true impact on humans. For far too long my constituents have continued to experience a diminished quality of life from the excessive daily noise on air traffic above their homes. This nuisance has continued unabated for decades. While air traffic is primarily a Federal jurisdiction, this State study will scientifically validate what

residents already know: The noise is excessive, harmful to humans and needs to be better regulated and mitigated. Although we will always endure a level of airplane noise, this study will illustrate that many residents are faced with excessive noise way above the acceptable level.

I thank my colleagues for passing this bill, and I look forward to the Governor signing it into law. Thank you for letting me explain my vote.

ACTING SPEAKER AUBRY: Ms. Griffin in the affirmative.

Ms. Solages.

MS. SOLAGES: I'd like to just commend the sponsor on this bill. You know, the airplanes are getting heavier, they're getting louder and they're coming closer to our homes. And so as a representative of the -- of a community outside of JFK -- one of the communities outside of JFK, we really need to know what the effects of these planes and the noise and the pollution from these planes do to our communities. So we hope that the Governor signs this bill because we need to know. The asthma rates in our area are so high, the plane noise is a nuisance. Every three minutes you hear the planes coming. And so, you know, we need relief. And so hopefully this bill can provide us with relief. And, once again, I'd like to thank all my colleagues who have stood by us, and also congratulate the sponsor for getting this through so quickly because we have -- we cannot wait. We need to know the answers now.

ACTING SPEAKER AUBRY: Mr. Braunstein to explain his vote.

MR. BRAUNSTEIN: Thank you, Mr. Speaker, to explain my vote. I want to thank the sponsor for passing this legislation. My district in Northeast Queens suffers from airplane noise from LaGuardia Airport. They changed the departure procedures from LaGuardia Airport in 2012. And like many of my colleagues in this House, at some times my district suffers one plane every minute from 6:00 o'clock in the morning till midnight. It's gotten so bad that I have a two-year-old son and a three-year-old son, and I've had to buy a noise machine for their room because I have concerns about the noise impact that these airplanes are having on their health. So it's important for us to get a study to understand what the health consequences are from this increased airplane noise, and I look forward to the Governor signing this legislation so we can get a handle on what is actually going on in our community.

I vote yes. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Braunstein in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08057, Rules Report No. 629, Otis. An act to amend the Vehicle and Traffic Law, in relation to authorizing the issuance of number plates to manufacturers

of motor vehicles.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed

THE CLERK: Assembly No. A08139, Rules Report No. 630, Ryan. An act to amend the General Municipal Law, in relation to permitting the Frontier Central School District to establish an insurance reserve fund.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08278-C, Rules Report No. 631, Weprin, Colton, Ra, Barron. An act to amend the Retirement and Social Security Law, in relation to disability retirement benefits for certain participants in World Trade Center rescue, recovery or cleanup operations.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Weprin to explain his vote.

MR. WEPRIN: Thank you -- thank you, Mr. Speaker. This issue was called to my attention by a constituent of mine in eastern Queens, Artie Sagan. Artie was a DHCR employee during 9/11, and he was assigned to survey Battery Park City and to participate in the cleanup at Battery Park City. But because Artie was not a uniformed responder at 9/11, he fell into a gap of State employees that were not entitled to three-quarter disability. This bill corrects that inequity which affects a small number of individuals, but a significant number. Artie suffered from lung cancer, had his thyroid

removed. He's a member of DC 37 and he has been fighting for this legislation for a number of years.

I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Weprin in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08340, Rules Report No. 632, McMahon. An act to authorize the Town of Amherst, County of Erie, to alienate and discontinue the use of certain parklands.

ACTING SPEAKER AUBRY: On a motion by Ms. McMahon, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08344, Rules Report No. 633, Wright, Dinowitz. An act to amend the Family Court Act

and the Domestic Relations Law, in relation to establishment and modification of child support orders; and to amend the Social Services Law, in relation to an increase in the annual service fee for child support services.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

On behalf of Mr. Steck, Bill No. 445-A, motion to reconsider -- the Clerk will read the title of the bill.

THE CLERK: An act to amend the Executive Law.

ACTING SPEAKER AUBRY: Motion to reconsider the vote by which the bill passed the House. The Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

The bill is before the House.

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

(Pause)

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(Pause)

The roll call will be withdrawn until we have managed some computer problems. Thank you.

You've been working this machine mighty hard, guys.

(Pause)

Mr. Ramos.

MR. RAMOS: Mr. Speaker, while we resolve the technical issues can you please call on Mr. Otis?

ACTING SPEAKER AUBRY: Mr. Otis informs us that there will be a Democratic Conference in the Speaker's Conference Room.

MR. RAMOS: Can you please call on Mr. Crouch at this time?

ACTING SPEAKER AUBRY: Mr. Crouch.

MR. CROUCH: Yes. Thank you, Mr. Speaker.

There's going to be an immediate Republican Conference in the Parlor.

ACTING SPEAKER AUBRY: Rep -- immediate Republican Conference in the Parlor.

Mr. Ramos.

MR. RAMOS: We now stand in recess until the conclusion of respective conferences.

ACTING SPEAKER AUBRY: The Assembly will stand at recess.

(Whereupon, at 1:21 a.m., the Assembly stood in recess.)

\* \* \* \* \*

**AFTER THE RECESS**

**2:19 A.M.**

ACTING SPEAKER AUBRY: The House will come to order.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, we're going to start with Rules Report No. 622, page 37, Titus.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A06157, Rules Report No. 622, Titus, Peoples-Stokes, Colton, L. Rosenthal, Cook, Lifton, Simon, Blake, Jaffee, Pichardo, M.G. Miller, Gottfried, Perry, Barron, Hevesi, Lupardo, DiPietro, Raia, Reyes, Santabarbara, Hunter,

Jacobson, Ortiz, Ashby, DeStefano, Raynor, Cruz. An act to amend the Labor Law, in relation to developing and implementing programs to prevent workplace violence in public schools.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 28, Rules Report No. 581, the Clerk will read.

THE CLERK: Assembly No. A00445-A, Rules Report No. 581, Steck, Buchwald, Glick, Gottfried, Thiele, L. Rosenthal, Abinanti, Englebright, Jacobson, D'Urso, Colton, Epstein, Ortiz, McDonald, Simon, DeStefano, Raia, Galef, Fernandez, Jaffee, Dinowitz, Magnarelli, Lupardo, Lifton, Montesano, Schmitt, Fahy, Buttenschon, Weprin, Carroll. An act to amend the Executive Law, in relation to reducing the use of PFAS chemicals in firefighting activities.

ACTING SPEAKER AUBRY: On a motion by Mr. Steck, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, can we call Rules Report No. 614, page 35, Carroll?

ACTING SPEAKER AUBRY: Page 35, Rules Report No. 614, the Clerk will read.

THE CLERK: Assembly No. A08318, Rules Report No. 614, Carroll, Dinowitz. An act to amend the Civil Practice Law and Rules, in relation to the statute of limitations for certain crimes related to fraudulent practices in respect to stocks, bonds and other securities.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, can we now call up Rules Report No. 610, page 34, Niou, and Calendar No. 516, page 63, Weprin.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A08083-A, Rules Report No. 610, Niou, Dinowitz, Simotas, Weprin, Reyes, Barron, Carroll, Ortiz, Raynor, Cruz, Pichardo, L. Rosenthal, Perry, De La Rosa. An act to amend the Labor Law, in relation to ensuring that utility employees receive the prevailing wage.

ACTING SPEAKER AUBRY: Read the last section.

Oh, thank you, sir.

An explanation is requested, Ms. Niou.

Shh.

MS. NIOU: Thank you, Mr. Speaker. Current law excludes public utility services, including electric, light and power, water, steam and gas from the definition of building service work performed by building service employees under the New York State Labor Law. This bill would remove this exemption by requiring privately-owned public utility companies regulated by the Public Service Commission pursuant to a franchise granted under the New York State Public Service Law to pay prevailing wage to building service employees performing work in connection with the care and maintenance of the facilities used in the generation or distribution of gas, electricity and steam by such companies.

This proposal would ensure that the standard set in

Article 9 of the New York State Labor Law continue to promote the public policy that workers who perform building service work for entities providing public services receive the prevailing wage, thus maintaining worker standards and bringing money directly into low-income communities across the State.

ACTING SPEAKER AUBRY: Mr. Palmesano.

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

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

MS. NIOU: Yes, sir.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. PALMESANO: Thank you, Ms. Niou. I have some questions on this legislation. First one is a point of clarification, if you could. I know there are some questions relative to this one aspect, are -- it's my understanding that rural cooperatives would be exempt from this bill because they are not regulated by PSC; is that correct?

MS. NIOU: That is correct.

MR. PALMESANO: Okay, great, thank you. My second question is right now under current law, prevailing wage is paid when State funds are provided to an entity for like a development project or something of that sort; is that not correct?

MS. NIOU: That is correct.

MR. PALMESANO: Now, a utility is an

invest-to-own company, it's a private company that's not receiving any State-owned funds. And so, how can we impose a prevailing wage mandate on a private business that's not receiving any State-owned funds -- State funds?

MS. NIOU: So right now, every single one of these companies gets monopoly rights, and that restricts access by potential -- restricts access by potential competitors and provides a guaranteed return on investment with no worker standards attached.

Privately-owned utility companies are franchised by the State, and that provides -- to provide services to the public at certain rates in exchange for a return on investment, and they operate as monopolies and are regulated by the Public Service Commission.

MR. PALMESANO: With regard to that, I know you mentioned about because they have franchise rights, personally I think that's kind of a stretch because these businesses, these utilities pay a substantial amount in property taxes, they're paying, they're a private business. But also, these utility rates and their return on investment is specifically regulated by the Public Service Commission so to -- I think there's really no parallel between the utility motto and the grant of a significant public benefit like a developer. So, that's where I have some questions, because it's specifically regulated. The rate of return is regulated, it's not like they can just do what they want, it's regulated, it's controlled. So, it's not getting any public taxpayer subsidy, it's mandated; what they can receive is dictated by the Public Service Commission. So, they're not receiving any funds -- public funds. So,

that kind of runs into some challenges, I think, from a Federal perspective, too, because again, you're putting -- this -- this is a dangerous precedent because you're putting a mandate on a private company.

So, that's -- that's my question. Isn't that what this is? Because, again, when it's privately regulated -- when it's regulated by the Public Service Commission, they're paying property taxes, they're paying taxes, but they're not making the rates whatever they want to do because it's being regulated. So there's no -- there's no subsidy that's coming from the State for them to operate.

MS. NIOU: Well, privately-owned utility companies are guaranteed these profits and monopoly status allows companies like Con Edison to earn a profit of \$1.32 billion, for example, in 2018. This proposal would just basically ensure that the standards set in Article 9 of the New York State Labor Law continue to promote the public policy that workers who perform building service work for entities providing public services, which they do, receive the prevailing wage, thus maintaining worker standards, and it brings money directly into our communities.

MR. PALMESANO: So basically we're creating a -- a -- a prevailing wage benefit for one class of workers for one industry in the City of New York.

MS. NIOU: It's actually one class of workers. It's basically providing the same benefits for all building service workers.

MR. PALMESANO: I know -- I know a lot's been

discussed -- earlier we talked about a consumer advocate to represent ratepayers, and aren't you concerned about the impact this is going to have on the ratepayers and the consumers in New York State relative to this issue? Because this is something that is certainly going to be borne by the ratepayer, and I think some estimates are saying this is going to cost Con Edison anywhere from \$15- to \$20 million. That's a specific pass-through that's going to get put on the ratepayer or the customer. That's going to be significant increase to their rates, is it not?

MS. NIOU: Well, so -- it's funny because, I mean, if they do -- first off, they make a ton of money. They make billions. They make, you know, like I was saying \$1.32 billion just in 2018. But if they do happen to pass on the costs and, you know, and the Public Service Commission actually approves it, then New York State residential customers pay an average of 18.03 cents per kilowatt hour. For example, in New York City, if the cost of the prevailing wage bill is passed onto consumers, the impact would actually be negligible. Customers would pay only two-hundredth of a cent more per kilowatt hour. Assuming the average household in New York State uses approximately 572 kilowatt hours per month, this would literally result in an increase of 12 cents per monthly bill, and/or \$1.44 -- \$1.44 per year.

MR. PALMESANO: So you're saying -- but you said New York State and this is going to be specifically in New York City relative to the impact of this bill. So, those numbers are for New York

City, or those are for New York State? Because that would be a difference.

MS. NIOU: Well, I was just using New York City as an example --

MR. PALMESANO: Okay.

MS. NIOU: -- because, you know, we have a certain rate that's a little bit higher so it would give you a little bit more ease of mind.

MR. PALMESANO: Sure.

MS. NIOU: But I'm saying that in New York State, residential customers pay an average of 18.03 cents per kilowatt hour.

MR. PALMESANO: And plus, Ms. Niou, you understand right now, the ratepayers already are paying a significant number of different taxes, fees and assessments for the Clean Energy Fund, the renewable portfolio standards, reforming energy vision; the bill we passed last night was readily admitted it's going to cost billions of dollars each year that's going to be borne by the consumer, by the ratepayer. Now, this is something else that's going to add additional costs onto the ratepayers in New York City and this -- are you not concerned about the ratepayer?

MS. NIOU: All rates have to be approved by the Public Service Commission.

MR. PALMESANO: All right. Thank you, Ms. Niou, for your time.

Mr. Speaker, on the bill.

Mr. Speaker, and my colleagues, I understand the intention behind this legislation, but I -- I personally believe this is seriously flawed legislation. First, you're creating a prevailing wage benefit for one class of employees working under one industry. Some estimates that it's going to cost \$15- to \$20 million more per year, which will be borne by the ratepayer. In -- and under New York State law, prevailing wage benefits are paid to a company -- to an organization that is receiving State taxpayer dollars, State dollars, to -- for their operation, like a private development that's doing an economic development problem. They're receiving State dollars, yes, they pay prevailing wage. It is not meant to be imposed on a private company, Con Edison and all our individual utilities are private businesses, stock-owned businesses. It's not meant to mandate a wage benefit on these businesses. I think it's going to pose some serious problems from -- from a legal perspective, especially with Federal law. And already, retail rates and returns on investments are already regulated by the PSC, so there's no benefit to -- these utilities are getting.

The second big problem in this issue, as well, is the fact that this is significantly going to result in higher costs for our utilities. If it's higher costs for our utilities, my colleagues, it's higher costs for your ratepayers that are paying that bill. And the fact of the matter is right now, they're already paying higher utility costs because of the clean energy standard, the Clean Energy Fund, the renewable portfolio standard, the reforming energy vision. Higher fees, taxes

and assessment, your ratepayers are already paying. The bill we passed last night, as much as you like that bill, make no doubt about it, your ratepayers are going to be paying higher, much higher utility costs. The one estimate I was going to say was going to cost \$8.7 billion per year just to comply with the renewable energy targets.

If you're increasing costs to the utilities, we know it's going to increase costs to the ratepayers, but you better be ready -- also ready, it's going to result in fewer jobs because of the cost imposed, because we can't pass on that cost through your rates, they have to cut their costs which means people, jobs, employers are going to get laid off, employees in the City, your residents are going to get laid off. So, your residents are going to get hit twice. You're going to have fewer jobs and they're going to have higher utility bills because of a mandate that you're putting on a private company, which you should not be doing, which is not allowed under New York State law because they're not getting a public subsidy.

This is a dangerous bill. This is a dangerous precedent. It should not go through, because if you vote for this bill, you're voting for higher utility costs for your -- your residents, your ratepayers, and you're also voting for jobs to be lost because, again, if you can't increase rates, they're going to cut costs. The best way to cut costs is to lay off employees. And it's already been estimated this is going to cost Con Edison and the utilities \$15- to \$20 million a year. That's not just some little dollars, ladies and gentleman. Those are going to be jobs -- that's going to result in lost jobs and higher utility

bills. Mr. Speaker, my colleagues, for that reason, I'm going to be voting in the negative and I really urge my colleagues to do the same thing, because this is not a good bill.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Garbarino to explain his vote.

MR. GARBARINO: Thank you, Mr. Speaker, for letting me -- for allowing me to explain my vote. I have grave concerns about this legislation. It specifically targets a private -- private companies in specific region of the State, and only targets specific employees of that -- of that company. Previous bills like this -- previous legislation like this has been determined -- has been deemed unconstitutional because of there's, you know, there's no, under the Equal Protection Clause, when there is no rational basis -- no rational basis has been spoken about tonight as to why this is necessary. I have grave concerns that this is going to also increase rates for consumers in the -- in the City of New York and for those reasons, I encourage my colleagues to vote in the negative, and I will be doing the same. Thank you.

ACTING SPEAKER AUBRY: Mr. Garbarino in the

negative.

Ms. Niou.

MS. NIOU: Thank you, Mr. Speaker, for allowing me to explain my vote. I actually met the -- a couple of the gentlemen who worked in -- in Lower Manhattan and -- and they had worked for Con Edison for almost 20 years as contract workers. And they were -- they were very dedicated employees. Their tags that they wore around their neck proudly said Con Edison on them. And -- and they had never gotten benefits in all the years that they were working there.

Increasing the wages for service workers to prevailing rates in New York City and Hudson Valley would cost only \$13 million. This would represent just over one-tenth of 1 percent of Con Edison's, you know, gigantic \$12.337 billion revenue in 2018. Furthermore, this estimate would represent less than 1 percent of Con Edison's 2018 net income of \$1.382 billion.

As I said before, \$1.44 -- \$1.44 is all it would cost a person to have the peace of mind knowing that these folks are getting their benefits and being able to get paid a living wage. I think it's worth it. I personally have an electric bill, have a gas bill, and I would gladly pay the same amount that anybody else would pay to make sure that these folks have benefits. It is not even enough to buy a cup of coffee. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Niou in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05254-C, Calendar No. 516, Weprin, Rozic, Wright, Perry, D. Rosenthal. An act to amend the Administrative Code of the City of New York, in relation to repair or replacement of damaged residential lateral sewer and water pipes.

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

MR. WEPRIN: Thank you. This bill adds two sections to the Administrative Code of the City of New York, in relation to repair or replacement of damaged residential lateral sewer and water pipes. This bill would in cases where they are at least three properties within a radius of 750 feet to have been issued a three-day notice to repair a damaged residential lateral water pipe. It directs the City Department of Environmental Protection to conduct a study determining the cause of such leak, and in the cases where it is determined that a public utility, as defined by Section 2 of the Public Service Law, has caused significant damage to such residential lateral sewer pipes, such public utility company shall be responsible for the repair or replacement of such pipe, as well as the cost of the investigation.

This bill was introduced as a result of a water leak in my Assembly District that affected over 30 homes on a single street

and required each homeowner to shell out tens of thousands of dollars in repair costs when their homes were flooded as a result of a leak. I understand that this has also happened in Brooklyn. In my district, the problem was caused by stray voltage, which occurred after a public utility had conducted expansive work in the area, and a DEP investigation indicated that it was a private utility, Verizon, who was the source of the damages; yet, despite this evidence, Verizon did not take corrective action to either repair the leak or reimburse the homeowners for the repair costs, forcing residents to hire private attorneys in an attempt to recoup the costs. And then after months of delay and the introduction of this bill, which Verizon has admitted to us, forced them to contact the homeowners. In an attempt to stave off this legislation, Verizon set up a claim service to evaluate claims of damage while not technically admitting liability. However, in order to receive a settlement, Verizon is forcing homeowners to sign a release of all claims of future damage against the company.

This is unacceptable. Private utility companies like Verizon cannot go around damaging people's homes and leaving them with the cost for cleanup. Residents, homeowners in New York City do not have the same access, level of expertise, time or financial equity to recover damages as a large public utility like Verizon, and this bill would ensure that public -- public utility companies are held responsible in cases where it has been determined that they are the cause of the damage.

ACTING SPEAKER AUBRY: Mr. Ra.

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

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

MR. WEPRIN: Yes, I will.

ACTING SPEAKER AUBRY: Mr. Weprin yields.

MR. RA: Thank you, Mr. Weprin. So, I'm just going to start with that piece you talked about with the three homes being damaged; that's an amendment that was added after we considered this in the Codes Committee, correct?

MR. WEPRIN: Yes, it has.

MR. RA: Okay. So you talked about this process and going into the DEP. Now, you -- you mentioned the -- the homeowners within your district who were impacted by an event similar to what this would cover, but my -- my question is so currently when something like this happens, the opportunity to address the issue falls on each individual homeowner filing, I guess, a court action; is that correct?

MR. WEPRIN: Each homeowner was told by DEP that they had to lay it out themselves or else their water would be turned off.

MR. RA: Okay. And the question really I think comes to well, really a few issues, but does the DEP have the expertise to investigate and determine who was at fault here? You know, because this is a change and it's something that would be

unique to these entities, you know, if -- if a situation occurs where say a private contractor of some type or -- or maybe the City of New York is digging for some reason. This wouldn't apply to them, it just applies to utilities, correct?

MR. WEPRIN: Yes, correct.

MR. RA: So, is -- is there -- does the DEP have some expertise to be able to investigate and determine who is responsible for this leak?

MR. WEPRIN: They do, and they did in this particular case after an extensive investigation made the determination who was -- who was at fault.

MR. RA: So if they do currently and they did, why is this legislation necessary?

MR. WEPRIN: The legislation is necessary because in this case, Verizon still does not admit liability and they have made no attempt before this legislation to reimburse homeowners or settle with the homeowners. They now all of a sudden at the Eleventh Hour decided to try to settle with the homeowners once this legislation was moving through the process.

MR. RA: Okay. And so -- so then why not, you know, if this is something that happens, and you mentioned at least two different instances, why not make this more widespread? If they're the ones that have the expertise, you know, why not include the City of New York or -- or other contractors?

MR. WEPRIN: Well, this is the start. In this

particular case, it was clear after an extensive investigation that it was Verizon was the only entity working on that particular street. And, by the way, it's only one side of the street. It's a -- it's a street in the middle of my district, but - 188th Street in Fresh Meadows - but it's only one side of the street in about a four-block radius.

MR. RA: Okay. I -- I -- I think -- I think the concern that has been raised by, you know, Verizon and other entities, as well, whether -- have raised a concern that this does kind of change a process they would normally go through, which would be within the judiciary, to go and seek -- a homeowner could go seek the opportunity to hold them responsible and, you know, have the opportunity, both sides obviously would have to present facts forward and determine who is at fault.

But I want to ask, too, about what is the duty of care that is set forth here? You know, we -- I think we all know whether it's in New York City or on Long Island or anywhere in the State there's a lot of different utilities and entities that are constantly, you know, digging up our streets to repair various things. So, what -- what is the duty of care that's -- that is being put on -- on a -- on an entity under this bill?

MR. WEPRIN: Well, it was proven by substantial evidence under this investigation that they were the responsible entity for the damage.

MR. RA: Okay, but does -- does it require that they be negligent in their actions? You know, I -- I know that there's

different things that people go through when they're -- when they're digging up a street. You know, they have other entities that may have infrastructure on the street, do some type of mark-out and things of that nature. If they go through a duty of care, you know, and they go and they have, you know, the water department mark out where their pipes are and they have other entities mark out what they may have under the ground, and maybe that entity does something incorrectly. So, they have exercised due care, but if their actions still cause -- cause some type of issue, are they responsible for it?

MR. WEPRIN: Well, only after this extensive investigation, and in this particular case it was about six months of investigation, they were determined to be the -- the party at fault.

MR. RA: Okay. Thank you, Mr. Weprin.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: You know, the concern again here is this is a -- this is a change that is being made unique to public utilities. There are other entities that are working in -- in the streets, whether it's the City of New York, and I've heard of situations where they've caused damage and, you know, homeowners had issues seeking -- seeking a remedy, or other third-parties, other private contractors who may be going into the streets. And I don't think the concern is -- when there's negligence, you know, there's negligence and -- and they should take responsibility and there are different avenues to ensure that the utility does take responsibility.

But I think the duty of care that is being put on them here is -- is rather broad and they may have gone through all those things that an entity goes through before they dig up a street, getting things marked out and things of that nature, and then something happens that is not the result of their negligence, but by a mistake of another entity and suddenly they're being put through this process that -- that I think, you know, is -- is going to hold them responsible under the broad language of this bill. And -- and we all know that whether it's like the previous bill or other things, if municipalities are being subjected to additional costs -- I'm sorry, if utilities are being subjected to additional costs, we know who's ultimately going to -- going to pay those, and it's the ratepayer. So for that reason, I'll be casting my vote in the negative. Thank you.

ACTING SPEAKER AUBRY: Mr. Garbarino.

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

MR. WEPRIN: I'd be happy to yield.

ACTING SPEAKER AUBRY: Mr. Weprin yields.

MR. GARBARINO: Thank you, Mr. Weprin. I'm going to follow up on some of what my colleague discussed with the -- the process here. What -- so right now in this action -- or in this instance you described in Queens, the residents to get the money from Verizon would have had to sue in a court?

MR. WEPRIN: They would have to have hired a lawyer and sued in court.

MR. GARBARINO: Did they do that here, did they go to court?

MR. WEPRIN: They did not.

MR. GARBARINO: Is there a reason they didn't do that?

MR. WEPRIN: Yeah, because they -- they didn't know who was at fault until an extensive investigation by DEP.

MR. GARBARINO: So they know whose at fault now. According to what you're saying, DEP determined that they -- that Verizon's at fault, so why didn't the residents sue now?

MR. WEPRIN: Why should it be on the burden of the residents? They've already laid out thousands of dollars, in some cases twice. I know one resident on the block, and it's not a very wealthy community, it's a middle-class community, and one homeowner actually laid out \$10,000 twice for that same damage.

MR. GARBARINO: But right -- currently in all of New York State when there's a property damage issue, it is handled in the court of law, and it currently could be handled in the court of law in New York City. Why give this power over to the DEP?

MR. WEPRIN: I'm told that DEP does -- does administrative hearings on a regular basis and the utilities have an opportunity to be heard.

MR. GARBARINO: So this is -- this is going to be -- there's going to be a hearing in this situation?

MR. WEPRIN: Yeah, my understanding is DEP will

have an administrative hearing.

MR. GARBARINO: It doesn't say that in the -- in the legislation. It says that they'll do an investigation and that they will -- if the Department concludes based on substantial evidence, then -- that there was a cause of significant damage, then the utility has to pay. So where is --

MR. WEPRIN: In this case -- in this case, Verizon was heard during the investigation. They -- they had access to the investigation, they were consulted, they were the only utility working on that side of the street during the time period in question. And there were only 22 homes on one side of the street on a, you know, in a three- or four block radius that were affected by this.

MR. GARBARINO: I understand, but I'm -- I'm talking -- I'm not just talking about here, I'm talking about what this bill is going to do generally. You now have a court of law where there's a hearing, there's a judge, evidence is presented. Here, I see that evidence is collected and the utility is required to assist in the investigation, but I don't see -- I don't see that there's a judge, I don't see that there is a hearing, I don't see an appeals process. I mean, what happens here? Is there an appeals process?

MR. WEPRIN: The finding has to be based on substantial evidence and it's -- the utility can bring an Article 78 and appeal that ruling.

MR. GARBARINO: It can -- it can bring an Article 78? So, you just mentioned --

MR. WEPRIN: Also, in the case of the utilities, they're in a better position to bring an Article 78 and they have many attorneys representing them, as opposed to the individual homeowner who has suffered this extensive damage and has no choice, because otherwise they would have had their water turned off.

MR. GARBARINO: Okay. All right. Thank you. You just mentioned "substantial evidence." In criminal court we have beyond a reasonable doubt, in civil court we have preponderance of evidence. Where does substantial evidence fall? I -- I don't know what that definition is, that 51 percent --

MR. WEPRIN: CPLR 7804.

MR. GARBARINO: So what -- okay. So, what is that -- what is "substantial evidence?" What is it?

MR. WEPRIN: Well, it's open to interpretation, but it's after --

MR. GARBARINO: If it's in CPLR whatever section you said, I don't think it's open to interpretation. Usually it's a -- if it's in the statute, it says what it is.

MR. WEPRIN: In an Article 78 proceeding would determine whether the City's determination was based on substantial evidence and, in this particular case, that was the determination.

MR. GARBARINO: So, D -- okay. So, DEP is going to decide -- they're going to come up with what they think is substantial evidence and rule. Now does it concern you that, you know, and also -- what here is significant damages? You know, that's

-- that's another factor, there has to be significant damage. What's that? It's not defined here in the bill. Is that also something DEP is going to determine?

MR. WEPRIN: Well, in this case it was pretty obvious in the case of thousands of dollars.

MR. GARBARINO: I'm not talking about this case, I'm talking about under this bill. I'm not talking about this case. It was determined in this case, you said DEP said significant damage. This bill talks about all instances, not just the one case. "Significant damage"; what -- what does that mean? It must mean something because they found significant damage in this case. So, what is DEP's standard for significant damage?

MR. WEPRIN: Yeah. It has to be significant enough for DEP to trigger a three-day shutoff notice, for one, and it's up to DEP to make that determination. But in the case of thousands of dollars by homeowners, I would consider that significant.

MR. GARBARINO: Okay. Now, if the DEP determines under -- after its investigation that the utility was found to have caused significant damage, the utility is required to pay for all the cost, not just for the repair, but all the costs associated with the investigation. Does that concern you a little that the DEP can charge the utility for any of the investigations that it has where it determines significant damage? It just seems to me that if I could get somebody else to pay for the investigation, I'm always going to find significant damage and then, at the end of the day, then I'm going to have to --

they'll have to Article 78 to overturn me.

MR. WEPRIN: Well, they're certainly in a better position to -- to do that than the homeowner is. The homeowner is an innocent victim here who is not in a position, you know, to afford to lay out thousands and thousands of dollars for something that was clearly not their fault.

MR. GARBARINO: Doesn't -- and just another question. You're sending this -- you're creating this whole new authority with the DEP for this hearing, or this investigation, because we're not sure that a hearing even occurs here, because it doesn't say so in the legislation. You know, they don't have the previous experience, why not -- why not have the New York City Office of Administrative Trial and Hearings handle this, because they're the ones, I believe, who handle the DEP hearings now, not DEP itself. So why not -- why are you not giving this authority to that office, because it seems like they already have the staff, they already have the hearing officers, they've already done all of these things for many different departments in the City. Why not just give it to them? If you want to take it out of the court's hand, why not just give it to somebody whose already been doing it in the City for awhile?

MR. WEPRIN: Well, these amendments were drafted with the assistant -- or suggestions by the City of New York. But DEP has thousands and thousands of employees. DEP is certainly an agency that is capable of conducting the investigation.

MR. GARBARINO: No, I understand that, but we're

now giving them something totally different than what their thousands and thousands of employees have done. There already are, probably in the New York City Office of Administration -- Administrative Trial and Hearings, there are probably thousands of employees there that actually do this already. So, I'm just wondering, you know, I feel like it would have been --

MR. WEPRIN: Actually -- actually the agency does not have thousands of employees, it's actually a small agency.

MR. GARBARINO: But they still do this job for the DEP and other agencies already, so I feel like, why wouldn't you have put it there?

MR. WEPRIN: Well, you know, DEP works in conjunction with OATH so it's very likely that the hearing would be done with -- with OATH.

MR. GARBARINO: Well, there is no hearing under this law -- under this, right, that we're passing today, so I don't think OATH is included at all. I feel like maybe a -- if that's -- if that's the way you want to go and you actually want to make sure a hearing's going -- going to happen, maybe a Chapter Amendment putting this with -- you know, let DEP do the investigation, but the hearing be held under OATH? Maybe that'll make things a little clearer.

MR. WEPRIN: Well, I would consider that. This is the last day of Session, I hope, but I would certainly consider a Chapter Amendment.

MR. GARBARINO: All right. Thank you, Mr.

Weprin.

On the bill.

ACTING SPEAKER AUBRY: On the bill.

MR. GARBARINO: I'm just very concerned about this legislation. Right now, property damage disputes are handled in a court of law with a judge. You know, New York City has plenty of judges. Taking this and giving it to an administrative agency who has -- we're not even sure there's going to be a hearing that has the proof that's set -- that has to be determined, you know, what substantial evidence is, what significant damage is. These are things that they're just words, they don't have any definition to them here. And it's very concerning. There's already case law for what happens in New York City courts. I think that this bill is a big -- is just a big mistake and it should be left with the court of law and the courts in New York City, and I can't support this bill and I encourage my colleagues also to vote in the negative.

ACTING SPEAKER AUBRY: Mr. Palmesano.

MR. PALMESANO: Thank you, Mr. Speaker. Will the sponsor yield just for a couple quick questions?

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

MR. WEPRIN: Certainly.

MR. PALMESANO: Thank you, David. Just one thing I want to clarify, because when I read the language, it talks about how liability for a utility, if its infrastructure, electric current or

other activity was a cause of significant damage to residential water or lateral lines. And to me, reading it, and I'm not an attorney, it seems like more of a vague standard that raises the possibility of really, who is at fault, because whether it results in -- if it's a result of negligence or error by the utility, or taking into account because I think from what I understand from research I've done, pipes are damaged from a variety of reasons. It could be negligence on behalf of a private contractor or a -- someone using an excavator. It could happen because the City didn't mark the lines properly.

So, in that example where it might be the pipes, the way I read this that if a private contractor's coming in there to do work and does some work and they hit the lines because the City marked it incorrectly, now from reading with this language, it sounds like -- that the City wouldn't be at fault. It says the utility has to pay for the investigation, the utility has to pay for all the costs, but if the City's at fault because they didn't mark it properly and for a private contractor, it seems like it's only applying to a utility and not other third-parties like the City or State, or a contractor who might be working that situation. It seems like it should be more of an umbrella rather than just the utility.

MR. WEPRIN: Well, that would only be decided after the extensive investigation. You know, it's only after that particular utility is determined to clearly be at fault. In this particular case is a classic case where, you know, they basically admitted that they're at fault, they were the only entity in that area. It's -- it's more

than a coincidence that it's only 22 homes on one side of the street and they were the only ones working in that area for that period of time. That was part of the investigation, so...

MR. PALMESANO: And I'm not questioning that specific case, I think I was just -- and I think some of us are just trying to get clarity. If this goes through, this is going to affect future things, future cases, and I guess the way we read the language, it sounds like the responsibility falls all on the utility. If, like I said, if it was a cause, but not the actual cause or the primary cause. Again, so would DEP, who is a City entity, would they make that determination if the City was involved because they went through and marked the wrong side so they dug the wrong way, something happened. So -- or does it -- so could the City be found liability -- liable and would they have to pick up the cost of the investigation and the cost, or the private contractor who was using the excavator? Could they be determined and have to pick up the cost through this process? Or would it still just fall on the utility is the way we read the language, that's, I think, where we have some confusion.

MR. WEPRIN: Well, I think it would be, you know, after an extensive investigation, a decision would be made. Certainly, the utility is in a position to appeal it, to bring an Article 78, you know, and -- and have a -- have a hearing. So they're certainly best situated if they were the ones that were determined after an extensive investigation to be at fault over the homeowner, because obviously the alternative is the homeowner, and the homeowner is already

out-of-pocket thousands of dollars, or in this case, and, you know, however much they're out of pocket, but they clearly were not at fault.

MR. PALMESANO: Thank you, David.

Mr. Speaker, on the bill.

ACTING SPEAKER PICHARDO: On the bill, sir.

MR. PALMESANO: I can certainly understand the -- what the sponsor is trying to do. I think the concern some of us have relative to this bill is some of these cases in the past have been handled through the judicial process, through the courts, and there are some concern rather than -- rather -- whether due process and the right to be heard and -- is going to be part of this process. I know the sponsor talked about there's the possibility for Article 78 proceeding. I think that's something we weren't seeing relative to the language, but, if that's the case, that's better than not. But I think there's -- you know, some concerns regarding this and, certainly, on the liability side whose -- what defines the cause, if it's a primary cause or if there's negligence. There's just some -- certainly some gray areas in this legislation that we have concerns about. So, that's what we wanted to bring on the record. So, Mr. Speaker, for those reasons, I'll be voting in the negative and urge my colleagues to do the same. Thank you, Mr. Speaker.

ACTING SPEAKER PICHARDO: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will

record the vote.

(The Clerk recorded the vote.)

Mr. Perry to explain his vote.

MR. PERRY: Thank you, Mr. Speaker.

ACTING SPEAKER PICHARDO: Quiet, please.

MR. PERRY: I just want to congratulate my colleague, Mr. Weprin, the sponsor of this bill, who has worked so hard to bring this to a vote. I have a lot of constituents in my district, and I'm sure I have colleagues here who share the same concern and problem where the utility companies, Con Ed, Verizon, National Grid, they operate underground not only in the activities to provide the service, but also in dealing with claims that they're responsible for. And considering spending a lot of money to repair plumbing and other utility lines that supply service to their homes because they don't know who is responsible. The City can't easily detect that without a long investigations. By the time they reach some conclusion, it's a long period, even a year or more, and the constituent has already spent the money and has no way to recoup their funds because of the current laws, they're not -- you can't sue the City after -- if you don't submit your claim within a very short period.

So there has to be a process and a way for constituents who have been forced to spend money, not because of their negligence or wrongdoing, but because of the utility company that, in many cases, have been -- has been clearly proven that they are responsible and should not be allowed to get away with this. So, on

behalf of all those constituents who -- many of who have paid. And this bill asks for a three-year period; it should go back ten years, because I think when you have to pay for all these --

ACTING SPEAKER PICHARDO: Mr. Perry, your time is up. How do you -- how do you vote, sir?

MR. PERRY: Mr. Speaker, I withdraw my request and vote yes.

ACTING SPEAKER PICHARDO: Mr. Perry in the affirmative.

Ms. Malliotakis to explain her vote.

MS. MALLIOTAKIS: Thank you, Mr. Speaker. I find it interesting that the City of New York wants to put the DEP in charge of making these determination of who's responsible to repair the sewer and the pipes. I had a constituent that had no water for six months. This was a senior citizen. He had stage 3 lung cancer. It was the DEP that broke a pipe in front of his home, left him without water for six months. And it wasn't until I got involved and we got a non-profit to pay the \$3,000 cost of making that repair that he got his water on. And then to add insult to injury, the DEP sent him a \$950 service charge bill for the period that he had no water, which we also got waived.

So, I don't -- I don't trust the DEP to make this determination. I do sympathize with the sponsor, but I think the DEP needs to be included and there needs to be an independent office that's going to be making these decisions, because DEP is just as guilty as

those utilities that you're talking about. Thank you.

ACTING SPEAKER PICHARDO: Ms. Malliotakis in the negative.

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

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, there will be an immediate meeting of the Ways and Means Committee in the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Ways and Means, Speaker's Conference Room. Ms. Weinstein awaits.

MR. RAMOS: Mr. Speaker, we'd like to call up Rules Report No. 594, page 31, Mr. Crespo, and Calendar No. 387, page 57, Galef.

(Pause)

THE CLERK: Assembly No. A06683-B, Rules Report No. 594, Crespo, Gottfried, Griffin. An act to amend the Tax Law, in relation to a television writers' and directors' fees and salaries credit.

ACTING SPEAKER DENDEKKER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will

record the vote.

(The Clerk recorded the vote.)

Mr. Lalor to explain his vote.

MR. LALOR: Thank you, Mr. Speaker. This film tax credit's been around for many years now. It's an example of the State Central Planning. We're going in and choosing one relatively small industry to give this most generous of subsidies. This bill goes a step further into micromanagement. Now we're going into one industry and we're choosing certain people within that industry to share in this generous \$420 million-a-year tax credit. Also, the film tax credit is for below the line costs, which are production costs, the blue collar workers in the film industry. This bill now expands that to above the line costs, to the creative side of things, which is not the intent, spirit or letter of the Film Tax Credit -- Credit. The writers and producers were not supposed to benefit from the Film Tax Credit, and now we're allowing them to do so. For this reason, the bill has been vetoed in the past and I think it's going to be vetoed again. I'm voting against it and I encourage my colleagues to do the same.

ACTING SPEAKER DENDEKKER: Mr. Lalor in the negative.

Mr. Crespo to explain his vote.

MR. CRESPO: Thank you, Mr. Speaker, just briefly. We are -- we have a very good tax credit program that has expanded opportunities in film -- in the film industry in the State of New York, and all regions in the State and has created good paying jobs and --

and -- and investments and economic development in a lot of our neighborhoods. I know in the Bronx I have new studios opening up because of all of the work that the industry has expanded; however, there continues to be a problem with diversity within the industry.

This would capture from the existing pot of money of resources, \$5 million to be invested into the diversity of writers and directors. And while it is above the line, my understanding of the initial intent of the Program was to have above and below the line. It was -- the above the line was excluded to avoid a famous star or a multi-million dollar actor from tapping into the credit, and focusing on the blue collar jobs. But when you think about writers and directors, they play an important role in the messaging that goes out into our neighborhoods. There's a serious lack of diversity within the field. We want to make sure that those opportunities are provided within the generosity of our Tax Credit Program, and we believe this bill achieves that goal.

So, I'll be voting in the affirmative and encourage my colleagues to do the same.

ACTING SPEAKER DENDEKKER: Mr. Crespo in the affirmative.

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. A02047-A, Calendar

No. 387, Galef, Buchwald, Simon, M.G. Miller, Dinowitz, Jaffee, Zebrowski, Magnarelli, Thiele, Pichardo, Peoples-Stokes, Rivera, Abinanti, Woerner, Mosley, L. Rosenthal, Benedetto, Cahill, Friend, Steck, Ashby, Jacobson, D'Urso. An act to amend the Election Law, in relation to prohibiting the name change of any independent body making nominations.

ACTING SPEAKER DENDEKKER: On a motion by Mrs. Galef, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you very much, Mr. Speaker. This is a very simple bill. It says that once a party is formed in New York State, they can never change the name of their party. And I kind of like the bill in its simplicity, but I think there's a fundamental Constitutional right of free speech that we're kind of frosting over. I mean, imagine if this had been in play, we could be talking about the Bull Moose Party, or the Whigs or the Tories, or anything else. But I think when a group of people get together, under the First Amendment of the Constitution they pretty much have the right to call themselves any name they want to, as long as it doesn't conflict with some public policy like -- that would be confusing or

fraudulent.

So, I really do like the bill. I just don't think there's any way we can say you can't call yourself what you want to call yourself as long as the name that you want to call yourself isn't obscene or contrary to some stated public policy. Thank you, sir.

ACTING SPEAKER DENDEKKER: Mr. Goodell in the negative.

Mrs. Galef to explain her vote.

(Pause)

Mrs. Galef to explain her vote.

MRS. GALEF: I guess I'm -- I'm going to take a little time at 3:28 in the morning to explain this vote -- this bill. Of course you can choose whatever party name you want, you just, as the political organization is putting together a ballot during a gubernatorial period of time, and if you want to be named whatever party it is, the Goodell Party, you can -- you can do that. You have to get 50,000 people to vote on that line when you run for Governor, and then other people can be candidates on that line, also.

But this bill just says you've chosen the Goodell Party, you can't in the middle of the four years say, I'm the Galef Party, you can't do that -- and do a different emblem and everything else, because it's kind of like bait and switch for the voters that went out there and voted for the Goodell Party. They certainly don't want to be on the Galef Line.

So, this is just having consistency and if you want to

start a new party, you can start with a new name, everybody has the ability to do whatever they'd like to do, and I've just used a little time so we stretch it out and hopefully more people will be coming in to vote and that's it. Thank you very much.

ACTING SPEAKER DENDEKKER: Mrs. Galef in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, there we will an immediate meeting of the Rules Committee. The Speaker is already in the Conference Room.

ACTING SPEAKER DENDEKKER: Immediate meeting of the Rules Committee in the Speaker's Conference Room. The Speaker is waiting.

Mr. Ramos.

MR. RAMOS: We'd like to call up Rules Report No. 599, page 32, Dinowitz, followed by Calendar No. 487, page 62, Dinowitz.

ACTING SPEAKER DENDEKKER: The Clerk will read.

THE CLERK: Assembly No. A07058-A, Rules Report No. 599, Dinowitz, Wright. An act to amend the Real Property Actions and Proceedings Law, in relation to establishing the Uniform

Partition of Heirs Property Act.

ACTING SPEAKER DENDEKKER: Mr. Goodell.

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

ACTING SPEAKER DENDEKKER: Will the sponsor yield?

MR. DINOWITZ: I will.

ACTING SPEAKER DENDEKKER: The sponsor yields.

MR. GOODELL: Thank you, Mr. Dinowitz. As you know, this bill changes substantially partition actions for some, but not all partitions.

MR. DINOWITZ: I can't hear you through the rubber bands.-

MR. GOODELL: It is -- it is that time of night apparently.

As you know, this bill changes the partition process that's used when tenants in common, that'd be two or more people own the same property, if they want to split it up or sell it. The current process is very straightforward. If you have tenants in common, any one of the tenants can bring an action for partition. They don't have to show cause. The court makes an initial evaluation whether the property can be physically split in an equitable manner. If so, it can order the property to be physically split. If not, it orders that it's sold at a public auction. At the public auction, of course, anyone

can bid, including the other co-tenants. The auction closes, the property is sold, the money is split between the parties in proportion to their interest. Very clean, simple process, typically takes a few months.

This changes it not for everybody, but just for some people. If one of the co-tenants is related to a different co-tenant and they own 20 percent, then this process is triggered, as I understand it; that's your understanding as well?

And the problem, and maybe you can address it, I just want to walk through it. So on a normal partition process, you serve an answer, the other side has 20 or 30 days to respond. This one, you start it the same way, then once you start it, the plaintiff has to post a notice, right, on the property, saying this property is the subject of a partition action, which could be really awkward if one of the tenants -- one of the co-tenants lives in the house. So, you put a big sign on your brother's house saying this is subject to a co-tenant, and that sign stays up, right? It announces to the world that there's some lawsuit. Why would we force -- why would we force a plaintiff to put up a sign on the house announcing the partition?

MR. DINOWITZ: Well, I'll give you the long answer in a minute, but the short answer is we don't.

MR. GOODELL: Well, I'm looking at page 2 --

MR. DINOWITZ: Right.

MR. GOODELL: -- line 37.

MR. DINOWITZ: Right.

MR. GOODELL: "If the plaintiff in a partition action seeks an order of notice by publication, then the plaintiff, not later than ten days after the court's determination, shall post and maintain while the action is pending, a conspicuous sign on the property."

MR. DINOWITZ: Well, I'm looking at line 34 and it says, "This Section shall not limit or affect the method by which service of a complaint in a partition action may be made."

But let me -- let me back up a little bit, because what you described is not exactly what the bill is aimed at and, in fact, this bill is aimed at helping people probably more likely to be in your district than mine. Because what's happened in recent years is that predatory -- predatory real estate speculators have taken advantage of the current law by purchasing a stake in a property such as this. And then once they -- so let's say you have five people, 20 percent each, for example, who have a stake. You know, brother, sister, cousin, whatever, and then one of them sells to this predatory real estate speculator. Then once that person is in, he can try to force the other people out, in essence, because with a partition action, it could be the case that he forces them to sell pennies on the dollar.

MR. GOODELL: Well, is this limited --

MR. DINOWITZ: And I know you don't support predatory real estate speculators.

MR. GOODELL: No, and we -- I've never run into it in my nearly 40 years of practice doing real estate. But --

MR. DINOWITZ: Well, there's always a first time.

MR. GOODELL: -- I understand that there may be a different issue somewhere else, but is this limited to situations where the plaintiff or one of the parties buys an interest and is -- and the plaintiff themselves is unrelated?

MR. DINOWITZ: No.

MR. GOODELL: So, this applies to everybody. And the most common situation, by the way, doesn't involve predatory lending - I understand that's a unique situation in some areas - but most common situation is where you have brothers and sisters that maybe inherited the house from their parents.

MR. DINOWITZ: That's certainly one possible scenario.

MR. GOODELL: So let me follow this through. So, the first thing if you do -- if you have to do a notice by publication, you have to post and maintain a sign on the house even though your brother or sister might be living in the house, it has to be conspicuously posted throughout the whole time period --

MR. DINOWITZ: Yeah.

MR. GOODELL: Then there's a mandatory settlement conference, right, and that's on, at least, mandatory within 60 days. So, now we're out three or four months and then you have to post this settlement conference notice on the house your brother or sister is living in, as well, and maintain that. And then you go to the settlement conference and it's possible that one of the other parties haven't answered. Normally, that's the end of their involvement,

they're in default, but this says that they can answer at any time, right, including after the settlement conference. So they might -- instead of answering in the 20 days, they might not answer for 30, 40, 50, 60, maybe 90 days. And normally, by the way, you can file a late answer under normal law, but in order to do that, you have to establish good cause. This doesn't establish good cause, it says the fact you showed up 90 days late, 120 days late, itself is good cause. Why are we eliminating any good cause requirement for not showing up and answering in a timely manner?

MR. DINOWITZ: Well, I think you're missing -- if you would refer to page 3, line 16, it says, "At the first" - and I emphasize the word "first" - "settlement conference held pursuant to this section, if the defendant has not filed an answer or made a pre-answer motion to dismiss, the court shall" - and then it gives a list of, you know, section 1, 2, 3, 4, 5. So, I think that probably addresses the issue that you raised.

MR. GOODELL: Right. And I'm looking at, right after that, line 24, "A defendant who appears at the settlement conference but failed to file a timely answer shall be presumed to have a reasonable excuse." So, you can wait, you know, 100 days, 120 days, whenever they schedule that conference because it's after the first 30 if it's a publication, and then it's -- they have to schedule it with the court and that's in another 60 days, so you're out 90, 120 days. And you're automatically presumed to have a good reason for being late?

MR. DINOWITZ: Well, again, looking up on page 2, it says, as far as the settlement conference, it says within 60 days. But the purpose here --

MR. GOODELL: By the way, that 60 days is measured from when a -- from when a note of issue is filed, isn't it?

MR. DINOWITZ: It's from when the RJI is filed.

MR. GOODELL: Yeah, the Request for Judicial Intervention, and that doesn't -- you don't file the Request for Judicial Intervention until the issue is joined, right? I mean -- you can't file an RJI until the issue is joined.

MR. DINOWITZ: Are you going to let me -- I'm sorry. I'm being hit by a rubber band. Excuse me.

MR. GOODELL: I apologize.

MR. DINOWITZ: The purpose of this is to try to protect some of the people who live there. And I would think that that would be a concern of yours, but you seem mostly focused on protecting the person who is trying to push them out.

MR. GOODELL: No, actually --

MR. DINOWITZ: Let me finish, please. And I think what we're trying to do here is to sort of balance things a little better. Because under the current scheme, in the current law, the people in the partition action who are essentially being sued are really at a big disadvantage. And so, we're just trying to balance the scales here, and I'm sure that that's something you'd want to do for your constituents.

MR. GOODELL: Well, before we talk about, you

know, what my purpose may or may not be, I just want to make sure we understand, you file the notice, you file the petition. Typically you have 20 or 30 days to answer depending whether it's personal service. You can do discovery if you want, maybe some of the people answer, some don't. You can do discovery if you want. Eventually after the issue is joined, you file a Request for Judicial Intervention called an RJI, right, and that's typically a couple months into the action. And then that triggers the 60 days for a settlement conference. And the person who didn't show up at the beginning, didn't file an answer during discovery, walks in, then, to that settlement conference, it could be four, five, six months later, automatically presumed to have a good excuse for being five or six months late. Why should they be automatically presumed to have a good excuse for not doing anything and not filing an answer on time?

MR. DINOWITZ: Well, I -- I think, as I alluded to a moment ago, I think we want to do everything we can to protect the people who, in fact, may be losing their home. And if -- if your concern is that this process might be a little bit longer than the current process, I'm not going to say that that's not necessarily the case, but I don't know that that's really the main point here --

MR. GOODELL: Well, keep in mind the person bringing --

MR. DINOWITZ: -- I think the main point is we want to protect everybody involved, not just one side of it.

MR. GOODELL: The person bringing the petition

may be the person who's living in the home and they may be the person that's the one-fifth owner and, therefore, brothers don't live in the house and they're not getting along, or it could be someone outside the house; there's no real correlation, necessarily. I've done more than one of these partition actions and I'm happy to share some of those details, but going through this process, you now have the settlement conference, right, and -- and if you reach agreement, great. If you don't, the court has the authority to order an appraisal, right?

MR. DINOWITZ: I'm sorry, the court has what?

MR. GOODELL: The authority to order appraisal -- an appraisal.

MR. DINOWITZ: Yes, that's right.

MR. GOODELL: Who pays for that?

MR. DINOWITZ: Who pays for the appraisal?

MR. GOODELL: Right.

MR. DINOWITZ: Well, let me check what it says.

(Pause)

Well, I actually can't find it at the moment. Perhaps you've noticed it since you've studied this as well as I have.

MR. GOODELL: Well, actually it's -- as far as I know, it's silent. It just says the court orders an appraisal. And I assume the State's not paying for it, so I would assume someone's got to pay for it. Is it coming out of the proceeds of the sale?

MR. DINOWITZ: Perhaps.

MR. GOODELL: Perhaps. So an appraisal typically

takes anywhere from a few weeks to a few months to obtain, depending on the real estate season.

MR. DINOWITZ: It -- it could certainly take a few weeks, but here's the thing: We want to make sure that if this property is sold, it's sold for what it's really worth and that the people who are being sold out, in essence, are not getting, you know, getting a terrible loss because they're getting pennies on the dollar as a result of the current law, which is very unfavorable to the other people who live there. And, by the way, they're not always, you know, siblings or close relatives, they could be distant cousins, for example, so...

MR. GOODELL: I -- I agree, but, you know, having delayed the process for several weeks until you get an appraisal, which can be anywhere from several hundred to thousands of dollars, this bill doesn't require that the appraisal be actually used, right? It's only used to calculate a right of first refusal. It's not used to determine the final price, right? So you could spend all this time, all this money and the appraisal ends up on the shelf, right? It doesn't guarantee anybody any money.

MR. DINOWITZ: Well, there are no guarantees in life.

MR. GOODELL: I would agree. So now you get the appraisal. If people don't like the appraisal, they have 45 days to bring, in essence, a lawsuit within the lawsuit to challenge the appraisal.

MR. DINOWITZ: Sometimes due process is a bit of

a burden, but most of the time it's, I'm sure, well worth it.

MR. GOODELL: And the reason they might bring that lawsuit within the lawsuit is because the appraisal, the only purpose of the appraisal is not to guarantee the price at the end, but it triggers the right of first refusal, right?

MR. DINOWITZ: Okay.

MR. GOODELL: And so then, if you have -- if you have multiple tenants, that right of first refusal is kind of a cascading right, if you will, until you finally, if ever, come to somebody owning the property. None of whom, by the way, could be the plaintiff, because the right of first refusal applies to everybody except the plaintiff, correct?

MR. DINOWITZ: So, what exactly is the point you're trying to make?

MR. GOODELL: Well, we take a very simple, easy process that applies to everybody and we replace it with an extraordinarily complex, expensive, time-consuming process that can take years. Why would we --

MR. DINOWITZ: Well, I think your description, your adjectives are a little harsh. It's not necessarily "extraordinarily expensive"; it's not necessarily "extraordinarily time-consuming." But what it does do is it helps protect people and sometimes we want to protect the rights of people, maybe it does takes a little longer, but it will -- that's how we have to do things sometimes. And there's a reason why this particular legislation has the support of the New York

City Bar Association, the Uniform Law Commissioners and others, and that's because the issue of predatory real estate speculators has been a serious one in a lot of cases around the entire State. And so, this is meant to address a problem that exists and I would -- I would say that this is going to make things better.

ACTING SPEAKER AUBRY: So, Mr. Goodell, 15 has elapsed.

MR. DINOWITZ: Wow, time flies.

MR. GOODELL: Is there a long line behind me on this fascinating real estate issue?

ACTING SPEAKER AUBRY: Look behind you. No. There's a -- a second 15 is always available to you.

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

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: The typical partition, and I would say this is probably 95 percent, are kids that have inherited property from their parents for whatever reason. It's not that they're fighting, but maybe one no longer has an interest in the house, wants to get out, wants to cash out or whatever. The current process is fairly quick and reasonably inexpensive. And what we're being asked today is to approve a process that is very expensive, because it involves a lot of legal time, a lot of lawyer time, mandatory settlement conferences, mandatory appraisals which, by the way, don't actually end up settling

everything, because at the end of the day after spending a year, year-and-a-half on lawyer fees, the property ultimately goes up for sale.

Now, of course this is supported by my colleagues, and I have to make a pitch for them, because they all have mortgages to pay and kids to send to school, and this is, indeed, a real estate lawyer's full employment act. But, unfortunately, life doesn't stop when you start a petition. And in the meantime, someone has to keep paying the property taxes. And someone has to keep paying the utilities, and the homeowners' insurance and all the maintenance and repair. So when this goes on for a year-and-a-half, if there's nobody paying that stuff, you're looking at a tax foreclosure, you're looking at utility bills, possible damage to the house. That's the kind of situation I've run into in my practice. And I've had situations where one brother's living in the house, he can't afford it. They had to do a partition action, and before they could complete the partition action, they had to pay off all the back taxes.

So my friends, before we take a very simple, straightforward process that's been serving New York residents for about 200 years and replace it with a lawyer-intensive expensive process that will take a year-and-a-half to two years to complete, we really need to ask: Why do we need this unique process that's very time consuming and expensive, as a burden to everyone, when there is such a limited problem in the first place.

Thank you, sir. I would recommend a vote against

this bill.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02372, Calendar No. 487, Dinowitz. An act to amend the General Obligations Law, in relation to settlements in tort actions; and to repeal Section 15-108 of such law relating to release or covenant not to sue.

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

MR. DINOWITZ: Okay. This bill amends Section 15-108 of the General Obligations Law, and that law applies to where a plaintiff has reached a settlement with at least one, but not less -- well, than all of the tort fees as in a civil tort action. Now, under current law, when there's more than one defendant in a tort case, if one defendant settles, but the remaining defendants hold out, forcing the injured plaintiff to prosecute an expensive trial, the remaining non-settling defendants must decide how they want to reduce their liability after a verdict. And, often, this leads to very unjust results.

So, this bill attempts to address that situation. Would you like me to explain how?

ACTING SPEAKER AUBRY: Mr. Palumbo.

MR. PALUMBO: Yes, now that I've been called on. Good morning, Mr. Dinowitz. Yes, will the sponsor yield, please, Mr. Speaker?

MR. DINOWITZ: Of course.

ACTING SPEAKER AUBRY: Mr. Dinowitz yields.

MR. PALUMBO: Thank you, Mr. Dinowitz. And, you know, I vote for this bill, but I think that we just wanted to alleviate some concerns and questions that some of the -- some opposition memos were given to us about. So, if you wouldn't mind, please, complete your thoughts.

MR. DINOWITZ: I don't mind in the least.

MR. PALUMBO: What's that; I'm sorry?

MR. DINOWITZ: I don't mind in the least; in fact, I look forward to it.

MR. PALUMBO: Thank you. Thank you. So, I think the questions were -- or the concerns were that this would provide a windfall for plaintiffs, where it would create a situation if the settling defendant were to offer, say, an example, and I know there was one example that was given, that the settling defendant would pay, say, \$200,000. The defendant who chooses to go to trial would then -- there would be a verdict, a 50/50 split and a \$300,000 verdict. Their proportion of liability would then be half of that, which

would be \$200,000 more. So, even though the jury rendered a verdict of \$300,000, if they were to have to elect that option first, then it would be a windfall to the plaintiff. So, can you please explain that and maybe alleviate some of these concerns?

MR. DINOWITZ: Sure. Well, I think -- I think "windfall" is really not how I would describe that. The way this bill would change the statute could very well work in favor of the plaintiff, in terms of the amount of dollars that the plaintiff might get, but not necessarily. But the real point here is that under the current set up, defendants can -- can choose which way to go at any time. And what this would involve, and I'm just going to look at it here, the defendant would have to make a choice early on in the going rather than get -- get a windfall themselves if things kind of go their way after the verdict.

So, under the bill, the non-settling -- the non-settling tort fees would be allowed to choose whether he or she would prefer to deduct the settler's equitable share of the culpability, or whether it would, instead, prefer a credit equivalent to the amount which the settler paid. And such choice must be made prior to the first opening statement of trial. That's what this bill would provide. In the current law, the non-settler would no longer - as compared to the current law - the non-settler would no longer be able to pick with the benefit of hindsight and thus be assured of a windfall.

So, you call the -- you describe the windfall one way, and -- I'm suggesting that, really, the windfall goes with the defendant,

because the defendant would be able to make that decision with the hindsight, being able to look, see what happened. So what the bill does is it says you've got to make your choice at the beginning, not after you know what's, you know, all the other information.

MR. PALUMBO: And what the numbers are, right.

So, in that circumstance, instead of the defendant -- well, let me say it this way: The defendant still gets to entirely make that choice on their own, the only difference is that this bill makes them make that decision prior to the opening statement, verses after the verdict, right?

MR. DINOWITZ: Yes.

MR. PALUMBO: And is that basically the only change in this bill that ultimately makes this modification?

MR. DINOWITZ: I think that's pretty much it. The purpose of this, in essence, is to encourage settlements, saving -- saving the taxpayers money, obviously. We don't want the courts always clogged up. If -- if defendants are given an incentive, but not a club over their head, but an incentive to settle, that's -- that's a good thing in most cases. So, that's what this bill does.

MR. PALUMBO: Certainly. And the choice is still entirely theirs. And in that example I gave, in the other direction, say, for example, there was -- defendant one settled for \$200,000; defendant two decided to go to verdict and damages were still \$300,000, but defendant two was only found to be 25 percent liable, the -- under this -- under this particular situation, the plaintiff would

then only receive \$275,000 instead of the full \$300,000 they were awarded at the trial; is that accurate?

MR. DINOWITZ: Yes.

MR. PALUMBO: So it's basically -- this just basically -- this now shifts the ability for the defendant to always choose the lesser amount, which sometimes does not make the plaintiff whole, but still now gives them the fully autonomous decision, but at the beginning of the trial; is that fair -- is that an accurate way to describe it?

MR. DINOWITZ: I could not have said it better myself.

MR. PALUMBO: Thank you very much.

Thank you, Mr. Speaker, and thank you, Mr.

Dinowitz.

MR. DINOWITZ: Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect January 31st.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, at this time if we could

begin consulting the -- the A-Calendar, page 3 -- consenting, sorry, the A-Calendar, page 3.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A00292-A, Rules Report No. 635, Steck. An act to amend the Civil Rights Law, in relation to the imposition of penalties and remedies in suits brought for the vindication of civil rights or human rights.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01130-A, Rules Report No. 636, Gottfried, Weprin, L. Rosenthal, Ortiz, Simon, Dickens, Arroyo, Jaffee, D'Urso, De La Rosa, Abinanti, Lavine, Peoples-Stokes, Mosley, Aubry, Wright, Pichardo, Steck, Cook, Wallace, Williams, Davila, Bichotte, Taylor, Niou, Seawright, McDonough, Montesano, Barron, Fernandez, Sayegh, Raynor. An act to amend the Public Health Law, in relation to expanding Health Department review of correctional health services.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: Excuse me. We will withdraw that.

On a motion by Mr. Gottfried, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01906-A, Rules Report No. 637, Zebrowski, Jaffee, Gottfried, Thiele, L. Rosenthal, Cook, Galef, Dickens, D'Urso, Bronson, Solages, Montesano, Raia, Colton, Norris, Manktelow. An act to amend the Education Law, in relation to fire inspections of public and private schools.

ACTING SPEAKER AUBRY: On a motion by Mr. Zebrowski, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect in 60 days.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02373, Rules Report No. 638, Dinowitz. An act to amend the Civil Practice Law and Rules, in relation to permitting a plaintiff to recover against a third party defendant in certain cases.

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

advanced. The bill is laid aside.

THE CLERK: Assembly No. A04294, Rules Report No. 639, Cusick, L. Rosenthal, Ortiz, Colton, Englebright, Hunter, Thiele, Griffin Sayegh, Simotas, Dickens, Crespo, D'Urso, Taylor, Arroyo, Simon, Gottfried, Cook, Fernandez, Carroll, Dinowitz, Quart, Raia, DeStefano, Crouch, Stern, Galef, Steck, Fall, Reyes, Abinanti, Barron, Lupardo, Paulin, Perry, Fahy, D. Rosenthal, Mosley, Walczyk, Jones, McDonald, Lifton, Solages, Zebrowski. An act in relation to maintaining the continued viability of the State's existing large-scale, renewable energy resources.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Palmesano to explain his vote.

MR. PALMESANO: Yes, thank you, Mr. Speaker. This issue certainly I can understand, there's good arguments and arguments to be made on both sides of this legislation. I've talked with the sponsor of the bill and the Chairman of the Energy Committee and really, this issue centers around subsidies for our renewables that are paid for by the ratepayers, basically how long,

how much, at what level. A Tier 1, which is for new renewables that are getting added to the system, or a Tier 2, which this legislation creates, which is at a -- 75 percent of the Tier 1.

Some of the arguments against this bill are, number one, it doesn't add new renewables to the system to help increase us getting towards our goals. Another argument against it would be some of these facilities have already have a ten year subsidy contract to cover their capital costs and construction costs. So, at some point they should be able to go and compete on their own without the subsidy. And if you provide the subsidy, it's going to increase costs for ratepayers by continuing it further.

But some of the arguments for it, certainly with the new climate bill we passed, regardless of your view of the legislation, there's an argument to be -- argument to be made that should we keep the renewables we have in the system to keep them going to help us get towards our goal, because there have been concerns raised that if some of these facilities were to close or if they were to sell their power outside the State, we would lose that and then that generation towards that amount. And then if we did that, we'd have to replace that existing with the new again, which would be a higher subsidy compared to the Tier 2. So the argument can be made that if you're doing a Tier 2 versus new you're saving the tax -- the ratepayers some money, and we also know it's not always easy to site a wind farm or a solar farm, so that can be a challenge. And certainly, for some of my colleagues who might have a facility in their district that's providing

jobs and adding to the tax base, I know there are some members on our side and some members on your side, I know it's important to you and to your districts.

So I guess just in regards to this discussion, I just want to add to the perspective from the broader theme regarding the subsidies, whether we're doing Tier 1 or Tier 2. At some point, Mr. Speaker, and my colleagues, we have to have an end date and time on these subsidies, they can't be permanent. And at some point, these facilities are going to have to be able to survive and compete on their own in the marketplace and not continue to ask the rate -- ratepayers to subsidize their operations. And, again, when we talk about the ratepayers, we're talking about seniors, families, businesses, farmers, high intensity energy users like our manufacturers.

So in the hope -- so, Mr. Speaker and my colleagues, in the hopes of keeping this issue in this perspective and part of the discussions as we move forward on this issue, I'm going to be voting no on this legislation. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Palmesano in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04431, Rules Report No. 640, Abbate, Colton, Woerner, Ramos, Wallace, Steck, McDonough, Weprin, Griffin, Buttenschon, Benedetto, Jacobson,

Santabarbara, Jaffee, Jones. An act to amend the Retirement and Social Security Law, in relation to establishing a 20 year retirement plan for members or officers of law enforcement.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04748-A, Rules Report No. 641, Crouch. An act authorizing the Town of Hancock, County of Delaware, to alienate and convey certain parcels of land used as parklands.

ACTING SPEAKER AUBRY: On a motion by Mr. Crouch, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record

the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06373, Rules Report No. 60 -- 643, Englebright, Peoples-Stokes, Palmesano, L. Rosenthal, Colton, Ortiz, Abinanti, Epstein, Barron, Lifton, Carroll, Griffin, Thiele, Gottfried, D'Urso, Stern, Steck, Reyes, Mosley, Otis, Paulin, Perry, D. Rosenthal, Fahy, Wallace, Simon, Jones, Solages, Stirpe. An act to amend Environmental Conservation Law, in relation to establishing a postconsumer paint collection program.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06556-A, Rules Report No. 644, Buchwald. An act to amend the Lien Law, in relation

to notice of enforcement of a lien on the goods in a self-storage facility.

ACTING SPEAKER AUBRY: On a motion by Mr. Buchwald, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06592, Rules Report No. 645, Ryan, De La Rosa, Wallace, Colton, Carroll, Reyes, DenDekker, Taylor, McMahon, Ramos, Nolan, Jaffee, DeStefano, Bronson, Perry. An act to amend the Labor Law, in relation to decreasing the length of the suspension period applicable to certain striking workers who seek to obtain unemployment insurance benefits.

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

THE CLERK: Assembly No. A06738, Rules Report No. 646, DiPietro. An act to authorize Dustin Waldron to receive certain service credit under Section 384-d of the Retirement and Social Security Law.

ACTING SPEAKER AUBRY: On a motion by Mr. DiPietro, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07172, Rules Report No. 647, Gunther, Gottfried, Bronson. An act to amend the Public Health Law, in relation to orders not to resuscitate; and to repeal Article 29-B of the Public Health Law relating to orders not to resuscitate for residents of mental hygiene facilities.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07202, Rules Report No. 648, Simon, Woerner, Buttenschon D'Urso, Cruz, Blake, Jean-Pierre, Sayegh, Fernandez, Jaffee, Ashby, Montesano, DeStefano, Giglio, Stirpe, Griffin. An act to amend the State Finance Law, in relation to establishing the Civic Education Fund.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07215, Rules Report No. 649, Smullen. An act to amend the County Law, in relation to the full-time status of the District Attorney of Hamilton County.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record

the vote.

(The Clerk recorded the vote.)

Mr. Smullen to explain his vote.

MR. SMULLEN: Thank you, Mr. Speaker. And good morning.

MEMBERS: Good morning.

MR. SMULLEN: Good morning. This is a great bill for Hamilton County and the people of the 118th Assembly District. They're in the hunt to get a full-time District Attorney. I really want to say thanks to a couple of people. Thank you to the Chairman of the Local Governments Committee for moving this bill. I want to say thank you to all the staff who made it possible. I also want to make sure that I mention the Chairman of the Hamilton County Board of Supervisors, Chairman Bill Farber, he'll be very happy that this bill is -- is moving forward this morning. And I want to say thank you to all my colleagues on the board who are supporting this measure to ensure that the people who enjoy liberty in Hamilton County are now going to enjoy the justice from a full-time District Attorney. Thank you all very much.

ACTING SPEAKER AUBRY: Mr. Smullen in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Smullen, is this the first bill that you passed on

the last day of the world? Thank you.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A07431-B, Rules Report No. 650, Rozic, Fahy, D. Rosenthal, Wallace, McMahon, De La Rosa, Blake, Ryan, Crespo, Simotas, Vanel, DenDekker, Pheffer Amato, Lupardo, Santabarbara, Hyndman, Mosley, McDonald, Jacobson, Fernandez, Sayegh, Colton, Cruz, DeStefano, Ortiz, Woerner, Reyes, Barron, Lavine, Hunter, Bronson, Morinello, Stern, Raynor, Burke, McDonough, Rodriguez, Romeo, Buttenschon, Jean-Pierre, Pichardo, D'Urso, Weprin, Dickens, B. Miller, Jones, Griffin, Steck, Lifton, Solages, Buchwald, Cusick, M.L. Miller, Paulin, Simon, Walker. An act to amend the Vehicle and Traffic Law, in relation to bicycles with electric assist and electric scooters; and providing for the repeal of certain provisions upon the expiration thereof.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Kim to explain his vote.

MR. KIM: Thank you, Mr. Speaker. I support this bill because I believe once it becomes law, it will help a number of my constituents, our constituents who have suffered by being pulled over by the NYPD as they're riding their e-bicycles and being fined hundreds and hundreds of dollars. But for days, I had some hesitations around the e-scooters portion of this legislation because I couldn't figure out why we would have to include that portion of this bill. And when some of these companies came into our community and offered solutions to help some of the low-income communities and some of the folks that really desperately need micro-mobility solutions, I couldn't find any data that would prove that they would actually have a positive impact on low-income communities who did -- who did not have capacity to actually pay for some of these sharing bicycles. But with -- with the help of the sponsor, we were able to figure out that this is the low -- the cities and localities have full discretion of whether allowing these e-scooters and e-bicycles to exist, and the City of New York has committed to working with us to make sure that it has a positive impact in our City of New York. So, I look forward to continue to monitor the status of this and make sure that all of our communities in a safe way is taking care of moving forward. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Kim in the affirmative.

Ms. Niou.

MS. NIOU: Thank you, Mr. Speaker. When e-bike crackdowns began in 2017, the primary targets of the law enforcement were our delivery workers who are immigrant, low-income people of color with limited English proficiency. Our delivery workers provide 24/7 food delivery in brutal weather conditions, working long hours and still making less than minimum wage. Right now, delivery workers face a \$500 ticket for simply having an e-bike. Our workers face hundreds if not thousands of dollars in fines and often, the outright confiscation of their e-bikes for simply working.

With this bill, the legal clarification on e-bikes is needed, but our workers will still face tremendous under fare fines. Many e-bikes remain impounded with no set reclaiming process. There is no moratorium in place on further ticketing while the bill takes effect, and the legislation also only legalizes throttle bikes up to 25 miles per hour; most of our workers utilize bikes that go up to 28 miles per hour. This means that our workers will be responsible for converting the e-bikes, which can be expensive. In addition, the upcoming label requirement for e-bikes is unclear, and we hope this does not lead to more tickets.

That said, the legalization of e-bike usage is long overdue and I thank the sponsor for providing that. But we also have to recognize and address what the former speaker just said that we have to address the fact that this bill serves very two very separate sets of interests from two very different groups of stakeholders. E-scooter companies have now, in this bill, tied their agenda to our delivery

workers without the same necessary processes. There are still environmental accessibility concerns that are not addressed. E-scooters aren't used for work, e-scooters aren't replacing cars in our City as the companies want us to believe. They replace walking, biking and public transit, leaving a higher Carbon footprint. The usage of e-scooters actually puts more cars on the streets, picking up their scooters. Their batteries are also non-recyclable and require special processing centers to dispose. All the while, our disability community and seniors continue to have major concerns with the current lack of accessibility in the City.

I want to say on the record that if e-scooter companies fail to address the issues they bring to local cities, our workers cannot be a scapegoat for their failure. My community cannot continue to take the hits. So even with these concerns, I want to vote in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Niou in the affirmative.

Mr. DenDekker.

MR. DENDEKKER: Thank you, Mr. Speaker. I'd like to commend the sponsor on this bill. I think it's very important for areas like mine where we have the issue with the last mile of getting people to and from public transportation because our bus systems are not working as well as they should. They don't come often enough and people are getting tired of waiting. And having alternative transportation like taking e-bicycles or e-scooters to mass

transit will be, I think, of a great need and a great help to my constituents so I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. DenDekker in the affirmative.

Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker. I will briefly explain my vote. While I am going to vote in the affirmative, I have concerns about the e-scooters that have proliferated in other jurisdictions. But in view of the fact that Manhattan has been carved out from the e-scooters -- and people, we have a great deal of public transit and I believe that people should actually spend more time working -- walking - and working, here we are - but should spend more time walking and getting the exercise. And in a congested part of town, I don't think we have the space to deal with e-scooters, especially on sidewalks, which we have a lot of cobblestone streets, so it's very hard for somebody to ride an e-scooter on those cobblestone streets, so they pop onto the sidewalk. So they're existing, but we at least will not have the companies setting up shop and having them tossed around on the sidewalks. Thank you. I withdraw my request.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Ms. Fahy.

MS. FAHY: Thank you, Mr. Speaker, I rise to explain my vote. And I want to start by commending the sponsor. I've co-sponsored a number of bills over the years to promote e -- the

bikes, now certainly e-scooters. And there's a whole host of reasons on why to do this. But I agree with the number of speakers, it's also an important piece here that there will be local control, local management of the e-bikes and e-scooters. But just as we passed the climate bill yesterday, to me this is another climate bill. This is about helping the environment while helping workers, helping tourists and helping on that last mile. This is a critical piece of transportation alternative, especially for workers who often have limited, limited options. At the same time, this is also great for small businesses because the more we have people out of their cars and walking, biking or scootering, the more we are supporting local businesses in our down -- in our central business districts, whether it's in towns or cities. So, this is a terrific bill and I, again, commend the sponsor. Thank you, Mr. Speaker, and with that I'm in the affirmative.

ACTING SPEAKER AUBRY: Ms. Fahy in the affirmative.

Mr. Epstein.

MR. EPSTEIN: Thank you, Mr. Speaker, I rise to explain my vote. I want to thank the sponsor for moving this thing forward. I hope that when we -- this program rolls out, we think about our values, we think about MWBE and making sure that we hire the companies that are putting forward these programs are minority- and women-business owned. I also want to make sure that we think about prevailing wage and these companies ensure that they pay their workers prevailing wage. Our localities have a lot of control over this

industry and in doing that, we should express their values that we continue to express here in the Assembly. I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Epstein in the affirmative.

Ms. Rozic to explain her vote.

MS. ROZIC: Thank you, Mr. Speaker. I know it's late, or early, however you want to see it, but I do want to rise to explain my vote on this important legislation. New York is one of the last states left in this country that has yet to legalize and define electric bikes and scooters, which has created confusion over how these devices should be regulated. In New York City, this has resulted in the ongoing criminalization of delivery workers, the majority of whom are predominantly low-wage immigrant New Yorkers frequently targeted by police, hit with fines and at risk of having their e-bikes confiscated, resulting in lost wages.

Not only is this bill a matter of economic justice for delivery workers whose job security is under constant threat, it's also about investing in sustainable and affordable modes of transit. In communities like the ones that I represent in Eastern Queens, transit riders are in need of improved connectivity to get around. I really believe that these could -- these could serve as a viable solution in transit deserts across New York and could mitigate Carbon pollution and ease congestion on our streets.

This bill takes a consensus approach like other states

have taken in regulating e-bikes and scooters by treating them similar to bikes, which grant all the rights and duties of bikes. It also preserves local -- local control and authority so that cities, towns can do what works for them. I want to thank the Speaker, his entire staff, the Chair of the Transportation Committee for his vision on this bill, Julie Barney and the entire Transportation team who worked tirelessly into the wee hours of the night to make this happen, all of the advocates and the coalition of organizations that joined us today and over the last couple of months in getting this done and, of course, to the incredible Senator Ramos for always delivering on -- on this bill and on many bills that we've seen come through. So with that, I will cast my vote in the affirmative. Thank you so much.

ACTING SPEAKER AUBRY: Ms. Rozic in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, there'll be a meeting of the Rules Committee in the Speaker's Conference Room.

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

The Clerk will read.

THE CLERK: Assembly No. A07434, Rules Report No. 651, Stec, Ashby, Woerner. An act to allow Deputy Sheriffs

Matthew Ashton, Bradley Hamilton, and Joshua Whitney to join the optional 25-year retirement plan, County of Washington.

ACTING SPEAKER AUBRY: On a motion by Mr. Daniel Stec, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07569-B, Rules Report No. 652, Galef, Brabenec, Jacobson, Byrne, Simon. An act requiring the payment of prevailing wages to affected employees of the Indian Point Nuclear Power Plant and for the Department of Labor to oversee the hiring of new employees at such power plant.

ACTING SPEAKER DENDEKKER: On a motion by Mrs. Galef, the Senate bill is before the House. The Senate bill is advanced and the bill is laid aside.

THE CLERK: Assembly No. A07620-A, Rules Report No. 653, Abbate, Cruz, Rozic, Pheffer Amato, D'Urso, Solages, Braunstein, Ortiz, Colton, Perry, Barnwell, D. Rosenthal,

DenDekker, Lentol, Weprin, M.G. Miller. An act to amend the General Municipal Law, in relation to allowing certain members of the New York City Police Pension Fund to receive a membership date in the New York City Police Pension Fund attributable to service in the titles of Police Cadet Program or Police Cadet Program II in the New York City Police Department Cadet Program.

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

Read the last -- read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07715-B, Rules Report No. 654, Salka. An act to amend the County Law and the Tax Law, in relation to communications service surcharges applied to Madison County; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER DENDEKKER: On a motion by Mr. Salka, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07716-A, Rules Report No. 655, Reyes, Cruz, Braunstein, De La Rosa, Ramos, M.G. Miller, Dickens, Griffin, Colton, Simon, DeStefano, Lawrence, Ortiz, Sayegh, L. Rosenthal, Raia, Mikulin, Raynor, Dinowitz, Weprin, Solages, Cook, Malliotakis, Hevesi, Fernandez, Buttenschon, Pfeffer Amato, Quart. An act to amend the General Municipal Law, in relation to disabilities of certain retired firefighters caused by cancer.

ACTING SPEAKER DENDEKKER: On a motion by Ms. Reyes, the Senate bill is before the House. The Senate bill is advanced. Home Rule message at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07795, Rules Report No. 656, Bichotte. An act to amend the Public Authorities Law, in relation to the award of contracts to small businesses, Minority-owned Business Enterprises and Women-owned Business Enterprises; and providing for the repeal of such provisions upon expiration thereof.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Bichotte to explain her vote.

MS. BICHOTTE: Thank you, Mr. Speaker, for allowing me to explain my vote. This bill here would -- would amend the Public Authorities Law to authorize establishment by the Dorm Authority of the State of New York, DASNY, of a four-year procurement pilot program which would expand contracting opportunities for small businesses and Minority-owned [sic] Women Business Enterprise, MWBE. This pilot program would also -- it would consist of an annual amount not to exceed \$20 million or 5 percent of its revenue, of all the DASNY construction contracts award -- awarded.

To authorize State authorities and agencies, this program will develop a mentorship program that will foster a relationship, a development relationship between the big companies, the mentor firms and the small business -- small businesses and Minority- and Women [sic] Business Enterprise. It's supposed to be creating target -- targeted competitive procurement opportunities that would be expected to further improve the success of small MWBEs that contract with DASNY.

I do want to say that DASNY has been one of these authorities that's, for a very long time, has been promoting opportunities for our small businesses and MWBEs through their bond surety program, but that program was dismantled and I'm really happy that now they're, you know, putting this program forward to build capacity. I want to thank the President of DASNY, which is President and CEO Dr. Gerrard Bushell, and his team and, in particular Michael Clay, on being diligent and making sure that this program moves forward. So I will be voting in the affirmative. Thank you.

ACTING SPEAKER DENDEKKER: Ms. Bichotte in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07797-A, Rules Report No. 657, Wright, Peoples-Stokes, De La Rosa, Sayegh, Reyes, Simon, Niou, Gottfried, Fernandez, O'Donnell, D'Urso, Jean-Pierre,

Frontus, L. Rosenthal, Epstein, Jaffee, Dickens, Pichardo, Glick, Joyner, Barron, Cook, Bichotte, Hyndman, Williams, Hunter, Richardson. An act to amend the Executive Law and the Education Law, in relation to prohibiting race discrimination based on natural hairstyles.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Wright to explain her vote.

MS. WRIGHT: Thank you, Speaker. I am proud to be associated with this legislation, which across the nation is being characterized as the CROWN Legislation -- I'm sorry, the CROWN Act, Creating a Respectful and Open Workplace and that -- for Natural hair. And equally important, I'm glad to be associated with the national movement led by the CROWN Coalition to make it clear and under no uncertain terms that racial discrimination based on natural hair and hairstyles is prohibited in New York State.

Through this legislation, race is defined to include, but not be limited to, ancestry, color, ethnic group identity and ethnic background, and to include traits historically associated with race

including, but not limited to, hair texture and protective hairstyles. Very often, school and workplace grooming policies are on their face race-neutral, but these policies assume normalized and make straight hair the standard. It is the reason a young wrestler was recently forced to cut his locks or forfeit a match. It's the reason that Destiny Tompkins, a 19-year-old SUNY sophomore was told by her employer, Banana Republic, that her braids were too urban and too unkempt, and that she would not be scheduled for any more shifts unless she removed them. And while these examples are two of the most overt and egregious displays available, most black people experience a battery of microaggressions which amount to harassment and bias -- I'm sorry, and bias-based profiling.

Race discrimination based on hair and hairstyles most closely associated with black people has caused significant physical and psychological harm to those to which -- I'm sorry, those who wish to maintain natural hair. They are forced to choose between their livelihood or education and their cultural identity and/or hair health. Today, New York State has taken a necessary step to move past racist grooming standards that terrorize our children, men and women. I want to thank the California Senator Holly Mitchell who first introduced this legislation in California --

**ACTING SPEAKER DENDEKKER:** Ms. Wright, how do you vote?

**MS. WRIGHT:** I'll be voting in the affirmative. And I also just wanted to thank the Speaker and staff here, as well as the

CROWN Coalition. Thank you.

ACTING SPEAKER DENDEKKER: Ms. Wright in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07800-A, Rules Report No. 658, Gottfried, Ortiz, Palmesano, Raia, Peoples-Stokes. An act to amend the Public Health Law, in relation to definitions and conforming changes pertaining to anatomical gifts (Part A); to amend the Public Health Law, in relation to changes in anatomical gift revocation and amendment; and to repeal certain provisions of such law relating thereto (Part B); to amend the Public Health Law, in relation to uses and dispositions of anatomical gifts; and to repeal certain provisions of such law relating thereto (Part C); to amend the Public Health Law, in relation to delivery of documents of gift (Part D); to amend the Public Health Law, in relation to rights and duties of donees at death (Part E); to amend the Public Health Law, in relation to interactions between advance directives and anatomical gifts (Part F); and to amend the Public Health Law, in relation to prohibition of sales or purchase of human organs (Part G).

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07804, Rules Report No. 659, DenDekker, Mosley, Crespo, Weprin, Seawright, Cruz, Pichardo, Lentol, Fall. An act to amend the Tax Law, in relation to requiring medallion agents to manage payments of the congestion surcharge.

ACTING SPEAKER DENDEKKER: On a motion by Mr. DenDekker, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07856-B, Rules Report No. 660, Pichardo, Reyes, Weprin, DenDekker, Crespo, Cruz, Lentol. An act to amend the Tax Law, in relation to credit card

processing fees.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. 078 -- Assembly No. A07919, Rules Report No. 661, LiPetri. An act in relation to authorizing the Good Samaritan Hospital Medical Center to file an application for a real property tax exemption.

ACTING SPEAKER DENDEKKER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08159, Rules Report No. 662, Garbarino. An act to amend the Criminal Procedure Law, in relation to granting peace officer status to uniformed members of the Bureau of Fire Prevention in the Town of Islip.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08215, Rules Report No. 663, McDonough. An act to amend the Highway Law, in relation to designating a portion of the State Highway System as the "Detective Betsy Horner-Miller Cutrone Memorial Bridge".

ACTING SPEAKER DENDEKKER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08238, Rules Report No. 664, Pheffer Amato. An act to amend Chapter 239 of the Laws of 1995, relating to authorizing the City of New York to sell waterfront property including the land under water appurtenant thereto owned by or which may be acquired in the future by such city in the lands known as Broad Channel in the Borough of Queens, in relation to sale of certain land.

ACTING SPEAKER DENDEKKER: On a motion by Ms. Pheffer Amato, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. The bill is laid aside.

THE CLERK: Assembly No. A08262-A, Rules Report No. 665, Abinanti. An act in relation to authorizing the Comptroller of the Town of Mount Pleasant to refund fees, fines, penalties and interest to certain real property taxpayers.

ACTING SPEAKER DENDEKKER: On a motion by Mr. Abinanti, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08273, Rules Report No. 666, Buchwald. An act to amend the Alcoholic Beverage Control Law, in relation to a license to sell liquor at retail for consumption on certain premises.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08348, Rules Report No. 667, Ortiz, Griffin. An act to amend the Military Law, in relation to age requirements applicable to appointments or promotions of public employees who have been absent on military duty.

ACTING SPEAKER DENDEKKER: On a motion by Mr. Ortiz, the Senate bill is before the House. The Senate bill is

advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Ortiz to explain his vote.

MR. ORTIZ: Thank you -- thank you, Mr. Speaker, I will be very brief. Currently, the age limit to apply to the Fire Department is 29 years old. But those that serve in the military are permitted to apply up to the age of 35, as they volunteer in their early years to defending our country.

By now, many of you have might have heard about Shaun Donovan, a Navy SEAL who served four combat tours in Iraq and Afghanistan, and he applied to FDNY at the age of 35 and after passing all the tests, then they -- he got a notification that he had missed the cutoff by just six months and 25 days. I think we can all agree that we owe a debt to our veterans and they should not be penalized for their extended service to our country.

With -- with support from our City and our FDNY, this bill will add an extra year of eligibility for appointment or promotion for position in public service for our military service members like Shaun Donovan that -- when nothing more than to serve our City that he didn't want nothing more than to serve our City and, therefore, Mr. Speaker, you know, here is an example of somebody

who defended -- went out there for our country and he still was short in time to serve in where he would love to have done the best, which is the FDNYC. So, therefore, this bill will help him and protect other veterans who serve this country. Thank you very much for allowing me to explain my vote -- my vote and I will be voting on the affirmative.

ACTING SPEAKER DENDEKKER: Mr. Ortiz in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08362, Rules Report No. 668, Burke, Wallace, McMahon, Ryan. An act to amend the County Law, in relation to authorizing Erie County to waive certain fees for veterans' organizations.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. 80 -- A08420-A, Rules Report No. 669, Peoples-Stokes, Walker, Wright, Gottfried, Mosley, D. Rosenthal, McDonald, Kim, Dinowitz, DenDekker, Bronson, Quart, Burke, Hevesi, Abinanti, Zebrowski, Joyner, Cahill, Perry, Williams, Reyes, Vanel, Rodriguez, Taylor, Frontus, Jean-Pierre. An act to amend the Penal Law and the Criminal Procedure Law, in relation to vacating records for certain proceedings; and to amend the Public Health Law, in relation to the definition of smoking.

ACTING SPEAKER DENDEKKER: On a motion by Mrs. Peoples-Stokes, the Senate bill is before the House. The Senate bill is advanced. The bill is laid aside.

THE CLERK: Assembly No A08425, Rules Report No. 670, Lifton. An act to amend the Judiciary Law, in relation to increasing the number of Supreme Court Judges and County Court Judges in certain jurisdictions.

ACTING SPEAKER DENDEKKER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Pause)

THE CLERK: Assembly No. A08430, Rules Report No. 671, Rozic. An act to amend the Vehicle and Traffic Law, in relation to making technical corrections to provisions relating to bicycles with electric assist and electric scooters.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Ramos.

MR. RAMOS: Mr. Speaker, I'm going to refer to the A-Calendar on debate, Rules Report No. 669, page 10, Peoples-Stokes, followed by Rules Report No. 698, page 6 on the C-Calendar, Peoples-Stokes.

ACTING SPEAKER DENDEKKER: I'm sorry, Mr. Ramos. Hang on.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Okay. Do Rules Report No. 669,

page 10 on the A-Calendar, Peoples-Stokes, followed by Rules Report No. 698, page 6 on the C-Calendar, Peoples-Stokes.

**ACTING SPEAKER DENDEKKER:** The Clerk will read.

**THE CLERK:** Assembly No. A08420-A, Rules Report No. 669, Peoples-Stokes, Walker, Wright, Gottfried, Mosley, D. Rosenthal, McDonald, Kim, Dinowitz, DenDekker, Bronson, Quart, Burke, Hevesi, Abinanti, Zebrowski, Joyner, Cahill, Perry, Williams, Reyes, Vanel, Rodriguez, Taylor, Frontus, Jean-Pierre. An act to amend the Penal Law and the Criminal Procedure Law, in relation to vacating records for certain proceedings; and to amend the Public Health Law, in relation to the definition of smoking.

**ACTING SPEAKER DENDEKKER:** Stand by one second, please.

An explanation has been requested, Ms. Walker.

**MS. WALKER:** Mr. Speaker, I would like to acknowledge the sponsor of this bill, Madam Majority Leader Peoples-Stokes, and graciously agree to deliberate the contents of the bill on her behalf.

Over 40 years ago, New York decriminalized non-public possession of small amounts of marihuana making marihuana possession a non-criminal violation punishable by only a fine; however, provisions of this law still allow minimal possession amounts to be charged as a misdemeanor in certain situations. Despite initial steps to decriminalize in New York, a

disproportionately high number of black, Hispanic and Latino people continue to be arrested for marihuana-related offenses, particularly those in public view, which often results in a criminal record that can prevent gainful employment, access to Federal student loans, public housing, housing, economic opportunities, joining the military, among a number of other opportunities, as well as full participation in society.

This bill would reduce penalties for marihuana possession, establish expungement in New York State for the first time, create processes by which individuals would have certain convictions for low-level marihuana offenses automatically expunged, allow individuals to request an individual vacatur of their convictions, automatically suppress certain marihuana crimes from appearing in a criminal history record search, and require the establishment of an education campaign to alert individuals of these changes.

ACTING SPEAKER DENDEKKER: Mr. Ra.

MR. RA: Thank you, Mr. DenDekker. Will Ms. Walker yield?

ACTING SPEAKER DENDEKKER: Will the sponsor yield?

MS. WALKER: I'll be pleased to.

ACTING SPEAKER DENDEKKER: The sponsor yields.

MR. RA: Thank you very much. So -- so just for, I guess your -- your planning purposes, what -- what I think I'm going to

do is just ask some questions about the offenses that are being changed and then our -- our colleague may have some questions on the expungement, but he's going to save that for the Chapter Amendment because I know that's what puts in place a little more detail with regard to that -- that portion.

Basically, you know, my -- my -- my questions are with regard to there's two offenses that are being changed here in terms of, A, you know, their degree, and how somebody would violate them; is that correct?

MS. WALKER: That is correct.

MR. RA: Okay. So we have Unlawful Possession in the Second Degree and currently that is punishable by a \$100 fine?

MS. WALKER: Currently it is punishable by a \$100 fine, correct.

MR. RA: Okay. And it's a violation?

MS. WALKER: And it is a violation.

MR. RA: And under this, it would become a \$50 fine, correct?

MS. WALKER: Under this, it will be reduced from a \$100 fine to a \$50 fine.

MR. RA: Okay.

MS. WALKER: Correct.

MR. RA: Now, that -- that offense would be applicable really in -- in any situation when somebody possessed under, I guess under current law, but really under -- under the

amended law, anything under the one ounce which is going to be the new standard for the -- for the other violation under -- under this new law, correct?

MS. WALKER: If I understand you correctly, Mr. Ra, if someone is in possession of marihuana under one ounce, they will have committed a violation, which is punishable by a civil penalty and not be subjected to any criminal liability, and that penalty is the amount of \$50.

MR. RA: Okay. Now, the -- the current unlawful possession charge, is that under the Bail Reform statute that will go into effect in January? Is that subject to arrest or just summons?

MS. WALKER: So, there are two different unlawful possession charges so I'm not which one you're referring to.

MR. RA: The one that is being changed in -- in this first section of this bill.

MS. WALKER: So it is subjected to a desk appearance ticket.

MR. RA: Okay.

MS. WALKER: If they can confirm their identity.

MR. RA: Okay. And when -- one of my questions with regard to this, because I know one of the other pieces of this is an amendment with regard to the Clean Indoor Air Act so that smoking marihuana would be, you know, it updates that definition a little bit so that -- so those provisions would be applicable to somebody smoking marihuana, correct?

MS. WALKER: Well, one of things that we've encountered -- or so many people have encountered is that they've been going through this sort of test as to whether or not their smoke -- whether it was burning, whether it was in plain view, whether it wasn't; we know that this was subjected to a number of individuals under Stop and Frisk. This bill has eliminated those distinctions, correct.

MR. RA: Okay, so -- because I know the other -- which used to be criminal possession, but it's now going to be the Unlawful Possession in the First Degree under this -- gets rid of that -- that piece that talks about burning or open to public view.

MS. WALKER: It gets rid of burning, open in public view, and it also gets rid of sort of these stepped-up penalties, as well. So, it's a proud piece of legislation.

MR. RA: So once this goes into effect, if somebody is burning in public view, are they violating the law or are they just violating the -- the health -- Public Health Law?

MS. WALKER: If it's under one ounce, then they are violating this particular provision.

MR. RA: So it -- it would just be that -- that \$50 fine, correct?

MS. WALKER: Yes.

MR. RA: And --

MS. WALKER: If it's under one ounce.

MR. RA: Yes. And they could theoretically be

violating, depending on where they were, could be violating the Public Health Law, but I don't believe that is enforced by police, I think that is enforced by Public Health sanitarians.

MS. WALKER: Well, most respectfully, Mr. Ra, this bill doesn't deal with the Public Health Law.

MR. RA: Well, it -- it does in terms of those changes to the Clean Air Indoor Act, that's who would enforce that violation, I believe.

MS. WALKER: Well, at the very end, we do make that distinction, but it's treated like tobacco.

MR. RA: Yes. Well -- well, the point being, the enforcement of that isn't done by law enforcement.

MS. WALKER: That's correct.

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

Mr. Speaker, on the bill.

ACTING SPEAKER DENDEKKER: On the bill.

MR. RA: Just quickly, I -- I -- you know I just wanted to go through that because there are -- there are a lot of changes in this and -- and like I said my colleague, Mr. Palumbo, who knows this stuff better -- better than I do based on his past life as a prosecutor, is going to go through the expungement portion of it, but, you know... we've been talking about this issue often, you know, throughout this legislative Session. I know many expected to be dealing with both the criminal side of it and perhaps, you know, a -- a new regulatory structure in New York State with regard to marihuana.

I -- I myself still have, you know, concerns with where we're ending up here. I -- I understand the efforts and I also understand that in many parts of the State, you know, there have been lots of different efforts whether they're from law enforcement, from District Attorneys to cut down on the arrests. You know, right here in Albany, they're -- they're not -- they're not prosecuting them and if you don't have more than two ounces. So, the -- the arrests are way down.

So, I understand what this is intending to accomplish, but if you're smoking marihuana in public under this, you know, I mean, depending on where you are, you might violate the Public Health Law, but you're -- the only thing you're subject to is a \$50 fine unless you are smoking more than an ounce, I guess, which would probably be a -- one very big joint, but...

(Laughter)

I don't think that would quite work. But I -- I thank my colleague for answering my questions, because I know she is very knowledgeable about these topics, as well. So with that, Mr. Speaker, I'm going to be casting my vote in the negative. Thank you.

ACTING SPEAKER DENDEKKER: Mr. Raia.

MR. RAIA: Thank you. Will Ms. Walker yield?

ACTING SPEAKER DENDEKKER: Ms. Walker, will you yield?

MS. WALKER: Certainly.

ACTING SPEAKER DENDEKKER: Ms. Walker yields.

MR. RAIA: Thank you for those kind words earlier.

My -- two questions. One, we're dealing -- when we're talking about the one ounce amount, does that -- is that specifically referring to just flower or "bud" as it's called? Or does that also apply to the other variance like vape oil, hash, shatter or resin, which tend to be super uber concentrated.

MS. WALKER: It doesn't make any distinctions, so -- it's just one ounce and it's...

MR. RAIA: Because the way I read it, I under -- under the current law, those concentrates, which I -- I mean, if you had an ounce of "hash", that's the equivalent of probably like five ounces of -- of "bud".

MS. WALKER: Well --

MR. RAIA: And it is my understand -- hold on, just wait -- it was my understanding that if -- if you're in possession of those, that that -- those are actually considered a controlled substance.

MS. WALKER: Well, Mr. Raia, this does not deal with those types of marijuana-based options, this deals with the leaf.

MR. RAIA: Excuse me, the?

MS. WALKER: The leaf.

MR. RAIA: The leaf. Well, part of the problem is where you talk about kids vaping, nicotine, the big thing is vaping pot and I'm just concerned how does that -- if someone gets caught with a vape pen, is it possible that they could wind up being charged with a controlled substance, you know, there's -- technology changes. The

days of people just smoking a joint is very different now. They have all these different compounds, particularly in the medical marijuana side because you need to ingest a lot less of it because it's three, four times as powerful as -- as the leaf. So, we do nothing to address that. So, if someone gets caught with that, they're still facing a serious penalty, correct?

MS. WALKER: Well, that would -- now likely to be the subject matter of another bill, which this bill doesn't address.

MR. RAIA: I'm -- I'm asking that because you're dealing with one part of the problem and -- and more and more, the common thing are the vape pens and you very well could now have a young person getting nailed for possession of a controlled substance when, essentially, it's the same thing as leaf, just in a different form and more powerful. So, I would ask in the future if you could unify all that. Massachusetts has figured out a formula that, you know, a little bit of -- of resin equals the same amount as a quarter ounce of leaf, so they found a unified standard. And I would just hate -- you know, we're trying to solve a problem, which I like, but I don't want a whole other group of people that are doing things in the modern age, like using vape pens, all of a sudden get jammed up. So, if you could, you know, look into those I'd be more than happy to work with you. I still am going to be here for a while and -- but I'd like to see something that goes across the board that protects people.

Number two, we change a lot of the stuff -- we take a lot of the things out of the criminal acts and put it into -- into Public

Health Law. Traditionally, Public Health is enforced by health sanitarians. So, who is able to write you that -- that -- that summons? Is it a police officer, is it only a health sanitarian because it's now been moved to the Public Health Law? Many instances, police officers cannot write tickets for stuff that's based on Public Health Law.

MS. WALKER: Well, this is still possession of marihuana and a police officer can write that.

MR. RAIA: They can. So both the health sanitarian or a police officer could give you a ticket. Okay. Thank you very much. But we don't want to give people a false sense of security here if all of a sudden they think it's been decriminalized and they're carrying a different type of -- of product and all of a sudden they wind up getting hit with a controlled substance. So, I would hope you'd have a Chapter Amendment on that pretty soon in order to unify everything. Thank you.

MS. WALKER: Well, most respectfully, Mr. Raia, there is another component of this bill that provides for an information campaign where it would be up to the Office of Court Administration, in conjunction with the Division of Criminal Justice Services, to develop an affirmative information campaign and widely disseminate to the public through website, public service announcement and/or other means in multiple language and outlets information concerning this new piece of legislation.

MR. RAIA: Thank you very much.

MS. WALKER: Thank you.

ACTING SPEAKER DENDEKKER: Mr. Palumbo.

MR. PALUMBO: Thank you, Mr. Speaker. Would Ms. Walker yield, please?

ACTING SPEAKER DENDEKKER: Ms. Walker, will you yield?

MS. WALKER: Yes.

ACTING SPEAKER DENDEKKER: Ms. Walker yields.

MR. PALUMBO: Good morning, Latrice. This is a quick and coordinated attack by the three of us, right?

(Laughter)

MS. WALKER: As usual.

MR. PALUMBO: You know, I'm only teasing; I'm only teasing.

(Laughter)

We're always pleasant. So I just have a few questions regarding the Chapter Amendment that we received. And it does indicate now that we do have on the first page of that Chapter Amendment, if you have it handy, I'll just read, that the judgment -- are you there? I just wanted to make sure --

MS. WALKER: I'm here.

MR. PALUMBO: Okay, good. That basically if the judgment occurred prior to the effective date of this paragraph and is a conviction for an offense as defined in subparagraph 1 or 2 of K of the new subdivision 3 of Section 160.50 - and this is really the section I'm

-- I would like to focus on - in which case the court shall presume that a conviction by plea for the aforementioned offenses was not knowing, voluntary and intelligent, and if it has severe or ongoing consequences, including by not limited to potential or actual immigration consequences, and shall presume that a conviction by verdict for such as the aforementioned -- aforementioned offenses, constitutes cruel and unusual punishment under Section V of Article I of the State Constitution, based on those consequences, and the people may have an opportunity to rebut those consequences.

So, my question is, obviously that's self-explanatory and is that just I -- I guess the question would be, was that inserted in the Chapter Amendment so that it would not be a deportable offense for someone who may be undocumented and have convictions with respect to those both now violations?

MS. WALKER: Well, it is one of your ways, and one of the things that we recognize is that there are many individuals who are subjected to deportation based on pleas or convictions regarding low-level possession charges of marihuana. And when it is their opportunity, in order to overcome those convictions, they have to make a -- they have to make a statement with respect to the unconstitutionality of the underlying conviction. So basically what that bill does is it takes the burden off of the defendant for having to make those affirmations and there is a rebuttable presumption that the underlying conviction is, on its face, unconstitutional.

MR. PALUMBO: Gotcha. And -- and, in effect, it

nullifies those convictions and that would -- that's going to lead me into the second aspect of this, regarding the nullification of the other charges for -- for citizens or people who don't have that particular immigration issue. But in that regard, has there been any discussion or concern regarding potential liability for the municipalities, now, that it's deemed -- they're deeming to now have been involved in an unconstitutional plea that was not knowing and voluntary. And I don't even know the answer to that, but do you have any information in that regard that now that every single one of these convictions will now be deemed to be unconstitutional, not knowing and voluntary, that's something -- and also deemed by statute cruel and unusual punishment. Will that have any effect on municipalities? I don't know, I haven't even researched it, I just looked at it a little while ago and thought I'd ask that question.

MS. WALKER: Well, one would have to bring a malicious prosecution charge based on your fact pattern, and the likelihood of success on those merits I believe would be as null as the -- as the underlying expungement.

MR. PALUMBO: Great. And since it's retroactive, I think just for the purposes of legislative intent on this record, that that's certainly something that was -- that would not be the intent that it would ultimately make the municipalities liable --

MS. WALKER: That is not the intent of this legislation.

MR. PALUMBO: Of course. Understood.

Now, regarding the second page of that Chapter Amendment, it says here, *That all such records*, and this is at line 33, *for offense described in this paragraph, where the conviction was entered on or before the effective date of the Chapter of the Laws of 2019, that they would all be expunged promptly. In any event, no later than one year after such effective date.* So, is that everyone who has ever been convicted of the 221.05 and 221.10 charges is now going to have all of those charges rendered in nullity?

MS. WALKER: Well, this -- for the record, let me please make it clear to everyone, that by expungement, the accused is restored to the status it had been in prior to the arrest, and all of the records with the underlying arrest will be destroyed and/or returned back to the defendant. We allocated this one-year timeline because we recognize that there are probably hundreds of thousands of cases that OCA or DCJS would have to address. So, we give -- we've given them this opportunity in order to get their record straight, and during such time there may be an opportunity for someone to have -- have this -- have this case come up and there is a -- a sealing or a suppression of this arrest and the underlying conviction until such time as that one-year opportunity has elapsed and expungement is effective.

MR. PALUMBO: Understood. And is that by motion of the defendant, or is that -- are the courts required to do this on their own?

MS. WALKER: It's automatic.

MR. PALUMBO: It's automatic. Is there any money appropriated to OCA or to any of the other agencies with respect to the time and -- and -- and costs associated with that expungement? Or we could -- go ahead, I'm sorry.

MS. WALKER: We believe that they have their sufficient resources in order to accomplish this given the elongated time period they have in order to make it happen.

MR. PALUMBO: Now, prospectively, from new cases forward, and this would be back, I guess, to the bill-in-chief where we have that new Section 45 of Section 120 of the Criminal Procedure Law, the subdivision regarding this expungement. And it appears as though this is going to happen for every plea or conviction or trial verdict for the 05 and .10 subdivisions of this, right now which are just violations, that every single one of these is now going to be expunged?

MS. WALKER: Yes, every single one of them will now be expunged.

MR. PALUMBO: Is that by motion -- it appears that now -- within the Chapter Amendment, as well. That's not by motion of the defendant, either, that's automatic?

MS. WALKER: It's a part of the disposition of the case and it's automatic.

MR. PALUMBO: In the event that there's a fine that needs to be paid and there is -- there is a time period given for that fine, is it -- is it the intent of this bill that the court would have to

expunge that disposition right then at the time of the -- at the time of the plea, or can they wait until they've satisfied any obligations if they have a \$50 fine that still needs to be paid and the court says, *I'll give you 30 days to pay it?*

MS. WALKER: Wow, that was very insightful, Mr. Palumbo, and you're absolutely correct. If more time is needed to pay a fine, the court would likely adjourn the case to the payment date or delay entry of the expungement order until the fine is paid.

MR. PALUMBO: Where'd you see that? Is that in here? I didn't see it. Oh, good, thank you. I'm sorry; I wouldn't have asked if I had read it.

MS. WALKER: It's discernment.

MR. PALUMBO: Great. And now there's just one other aspect of this and I think we're done, there's -- on this, I guess this is page 3 of the bill-in-chief at line 5: "No defendant shall be required or permitted to waive eligibility for sealing pursuant to this paragraph as part of a plea of guilty." So, this can't even be pled down to, as part of the bargain in disposition that they -- they -- it must be waived -- it must be sealed is really the bottom line; is that accurate?

MS. WALKER: It must be sealed.

MR. PALUMBO: Even by way of a plea? Okay, thank you so much.

MS. WALKER: Thank you.

MR. PALUMBO: And just very briefly on the bill, please, Mr. Speaker.

ACTING SPEAKER DENDEKKER: On the bill.

MR. PALUMBO: And that last section is what's -- is what is of concern to me, and I've mentioned this before regarding other things, that when you make these mandatory, this could be counterintuitive to the criminal justice process. If someone's charged with a higher level misdemeanor or felony, for example, you would also oftentimes plead them to a lesser included offense. Sometimes you would give someone a violation if they have, say, even multiple violations, they would have a -- you'd plead them to a violation and say you're going to waive sealing so the next time you come in, the law enforcement agencies will have this available to them, and then it may be a little bit more of a severe penalty. So, I think that's somewhat counterintuitive that we would take some -- not allow the opportunity for someone to plead to a violation and not have it expunged by way of the plea process, because then the alternative will be, well, now you take a misdemeanor instead because we're not going to give you that nice -- that much of a deal.

That's just a concern to me practically speaking, and I know there are some other concerns where there are unlimited expungements available since now you can, every single day, get -- you'll be given tickets for it, because they're violations, but you can be caught smoking pot every day, every day go back to court, and then every single one of them gets expunged, regardless of the number of times that you're violating this aspect of the law.

So I think there are some problems with this, but I do

appreciate your time --

ACTING SPEAKER DENDEKKER: Ms. Walker, why do you rise?

MS. WALKER: Well, I rise because I would like to ask Mr. Palumbo a question.

MR. PALUMBO: Sure. I yield.

ACTING SPEAKER DENDEKKER: Mr. Palumbo, will you yield?

MR. PALUMBO: Yes.

ACTING SPEAKER DENDEKKER: Mr. Palumbo yields.

MR. PALUMBO: Of course.

MS. WALKER: So as a part of your deliberation, Mr. Palumbo, you indicated that there is an opportunity for on a plea to offer someone a lesser charge. Are you aware of perhaps Section 240.20, disorderly conduct, Mr. Palumbo?

MR. PALUMBO: I certainly am, of course. And I know that that's usually a nice vanilla plea, but it's -- strictly speaking, I don't believe that would be considered even a lesser included offense of a more serious marihuana offense. So, it is something that could be an alternative --

MS. WALKER: Well --

MR. PALUMBO: -- but technically speaking, I don't know if that could actually be an option and I think that sometimes in my experience even as a prosecutor and a defense attorney, that they

want to keep it in the same area of law, but that's a very valid point and that would be a violation that they could weigh sealing on.

MS. WALKER: Well, it's definitely -- it's definitely an option. So, these other two new violation opportunities, 221.10 and 221.05, just presents another level of availability. But if the two parties agree to plea to some other offense, some other violation, perhaps a disorderly conduct, they still do have that opportunity to do so. Thank you.

MR. PALUMBO: Terrific. Thank you. Thank you, ma'am; thank you, Mr. Speaker.

ACTING SPEAKER DENDEKKER: Read the last section.

THE CLERK: This act shall take effect Friday.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Dickens to explain her vote.

MS. DICKENS: Thank you, Mr. Speaker, for allowing me this time and opportunity to explain my vote. I want to commend my colleague on bringing this bill to the floor for a vote. Many say our justice system is broken, but I disagree. It is not broken; in fact, it functions as it was designed to, to remove black and brown people from our society. But today, New York is about to take the huge step in the right direction, signaling to the country that New York is the model for justice minded reform.

This bill will eliminate criminal penalties that have placed generations of black and brown youth, adults, and family, men and women, in jail; mass incarceration. This legislation will replace low-level criminal charges with civil tickets and low-level pot convictions, vacated, dismissed and removed from their records. I look forward to the legalization of adult use marihuana for those 21 years of age or older; however, for me, it will be mandatory that an MWBE clause for manufacture, deliver and sales is included and enforced, as well as a percentage of revenues generated by the legal sales of marihuana reinvested back into the communities of color that for decades have been negatively impacted by drugs, and grant subsidized licenses made available, while nothing can ever right the wrong that people of color have suffered disproportionately so.

Today, we're taking the step in the right direction. I encourage my colleagues to vote in the affirmative. I withdraw my request and vote in the affirmative.

ACTING SPEAKER DENDEKKER: Ms. Dickens in the affirmative.

Mr. Blake to explain his vote.

MR. BLAKE: Thank you, Mr. Speaker. First, in her absence, to the sponsor, Member Peoples-Stokes, who obviously has been a champion on this and obviously we commend Member Walker for what she has done just now.

Just for us to appreciate, you know, this bill is making it very clear that we should be helping someone have what

they need in a bookbag rather than try and arrest them and put them away for a dime bag. To put it into better context, black and Latino, our communities represents 32 percent of the population in New York State. The PL 221 that was referenced, that arrest, 82 percent are black and Latino. This is a game changer that will create opportunities for us to have a second chance. Too many people are afraid that they won't have a job, they won't be able to get home, they won't have a second chance because of what's happening right now on the law. And when we think about what's happening, the fact that you could have marihuana and it could be determined that it's open at some point, should not be what leads to you not having a job or a home or a second chance.

To the staff for all that they have done, we thank them immensely, especially the portion that's referenced in the Chapter Amendment, that people should not be afraid that you could possibly be deported by what is going on. Your immigration status should have nothing to do in any regard in this way.

Lastly, for our colleagues, specifically from our home Boroughs of the Bronx or Brooklyn and Manhattan, just for us to understand the impact: One out of seven people in the Bronx make up the PL 221 arrests. Out of Brooklyn, it's one out of ten; in Manhattan, it's one out of eight. I just want us to underscore, if you recognize that one out of seven are being lost because of marihuana, something need to change. If one out of eight are being lost because of marihuana, one out of ten are being lost because of marihuana, something needs

to change and that's exactly why we had to focus on decriminalizing. I definitely agree that we should've gone further, and the reason why we did not is that there are too many allies in this building that didn't want to invest in communities of color, but this is making sure we're making the change and I proudly vote in the affirmative to decriminalize marihuana in our State. Thank you, Mr. Speaker.

ACTING SPEAKER DENDEKKER: Mr. Blake in the affirmative.

Mr. Mosley to explain his vote.

MR. MOSLEY: Thank you, Mr. Speaker. First and foremost, I would like to thank our Majority Leader who has, over the many, many years, has been championing this cause. Our prayers and thoughts are with her and her family. To Assemblywoman Walker for standing in her place this evening, or this morning, I want to thank her. Likewise, I want to thank the staff for their diligent work over these past few years and days leading up to this moment.

And although we did not get what we wanted in terms of adult use and legalization of adult use in New York State, I believe that this piece of legislation as it relates to our Penal Code, as it relates to the decriminalization of Cannabis here in New York State, will be the first step in what I believe to be many future steps in the right direction, as we get to that ultimate goal of adult use in New York State.

To me, this is personal. I've had family members arrested for this -- this crime. Like many of us, we know so many

people who have had their lives changed for the worst because of the acts of those who wish to criminalize the behavior that now so many people are becoming millionaires and billionaires throughout this great land. So I just want to say that although we have exhaled just a little bit, that we can exhale all the way because we know we have so much more work to do when it comes to the reinvestment of those revenues that are going to be coming into our State as we get to the portion of adult use. But ultimately understanding that if we are going to make whole those individuals who wish to make a profit off of this industry, we have to make sure that we reach backwards and behind us for those who have been criminalized and whose lives have been changed, not for the better, but for the worse.

So, I thank you for this enormous effort, Madam Speaker -- Speaker and to our -- our Majority Leader, and I proudly vote in the affirmative.

ACTING SPEAKER DENDEKKER: Mr. Mosley in the affirmative.

Mr. Barron to explain his vote.

MR. BARRON: Thank you, Mr. Speaker. The 13th Amendment said slavery shall be abolished except, except as a punishment for crime. We went from the plantation to the penitentiary. The prison industrial complex. Then they came with the Black Codes to make sure after we got out of slavery that we would be able -- we would commit crimes to go to the penitentiary, because why did they bring us here in the first place? For our labor. And what

they do in prisons to make profits is incredible. You would not believe what goes on in the penitentiary.

So, when we were taking -- smoking marihuana, it was the worst thing that anybody could do. It was low-life black people smoking marihuana. Now, when whites want to do it to make money off it, they sanitize it. It was weed, now it's Cannabis. They sanitized it so that they can make profits off of it. This is a good step in the right direction. Didn't go far enough, yes, but we need to look at what's going on here. We need to look at what's going on here. This is about profits for a greedy, racist, parasitic, capitalist system and they want to use black -- the war on drugs was a war on black people.

When white children start taking opiate, all of a sudden it was a health issue. When we were doing marihuana and crack, it was a criminal issue. We are criminals when we're taking drugs, and when white children start taking drugs, now we have a problem. We don't have a problem when our children are taking it. It's not a problem, those are just a bunch of criminals. But when white children take it, we have a problem. And in this Chamber here, we had so many white groups coming together around the opiate issue to get money to do things.

I vote in the affirmative. Didn't go far enough, but I think it went in the distance it needed to go. We need to end the war on black youth and stop disguising it as a war on drugs.

ACTING SPEAKER DENDEKKER: Mr. Barron in

the affirmative.

Mr. Rodriguez to explain his vote.

MR. RODRIGUEZ: Thank you, Mr. Speaker, for giving me the opportunity to explain my vote. And I want to thank the sponsor and -- for introducing this legislation. And I want to look back and recognize those who have carried this legislation to this point, those are not with us any longer like Congressman Jeffries and Corrine Camara who fought the battle to bring us to this point where we're actually able to decriminalize the possession of marihuana.

And to bring people back historically to the many people in my districts to the fact that we were arresting 50,000 people a year in New York City for possessing marihuana. This came at the height of "stop and frisk", but these were 50,000 people. And while those numbers have gone down, you're still -- we were still seeing in 2016 18,000 people a year being stopped and arrested as a result of possession of marihuana. And that continues today in smaller numbers.

The only reason that we have seen that number decrease is because a policy shift happened where District Attorneys have chosen not to prosecute this as frequently. But we knew when we created this legislation and where we are today is that we could not rely on the policy decisions of District Attorneys and the lack of clarity in the law to decide whether or not black and brown people are going to be arrested and their lives changed forever. As the result of this legislation, we are able to move ahead, make sure that there is

clarity and people are not going to be victimized and their lives ruined as a result of something that is only and should be a violation. Now that is clear. The law makes and sets that standard and we will make sure that moving forward, members of our community are not victimized.

So, I want to thank the sponsor and the Speaker for moving this legislation, and cast my vote in the affirmative.

ACTING SPEAKER DENDEKKER: Mr. Rodriguez in the affirmative.

Mr. Raia to explain his vote.

MR. RAIA: Thank you. I get what all my colleagues are talking about, and I understand that, and I sympathize, and the criminal aspect of this and expunging the records is very important. But this bill is half baked; it's not ready for prime time. And by sitting here and saying to the public, the newspapers today or whatever are going to report that we decriminalized marihuana. We did not. We only decriminalized one aspect of marihuana.

This is not the '60s, ladies and gentlemen. People don't just smoke bud. They use different forms of it. Ten years ago we were talking about young people smoking cigarettes. We're not talking about that anymore, we're talking about young people vaping. And you're going to send a false message to people that think that, oh, they decriminalized marihuana, they're going to walk down the street with a vape pen and they're going to get nailed with a D felony.

Make it crystal clear that this is only one aspect of

marihuana. We need to fix this bill or you're going to turn a bunch of young people into -- they're going to have worse charges than what we're talking about. You need to fix this and let everyone know it only applies to the leaf or the bud, but that's not what people smoke these days. We need to keep -- keep up with technology.

I will be voting no because this sends a very bad message when people read this is oh, it's decriminalized, it's cool; I can walk down the street until the cop says, well, that's if you're smoking a joint. So, I will be voting no and I hope you fix this before too long.

ACTING SPEAKER AUBRY: Mr. Raia in the negative.

Ms. Wright to explain her vote.

MS. WRIGHT: Thank you, Speaker. I would like to commend the sponsor of this bill and all that have -- all of the members that have worked on it and brought us this far. And also to our colleague tonight who led through the discussion so that we can all understand the terms of what's in this proposal before -- this legislation that's before us.

I am very happy that we are moving to further decriminalize marihuana. I understand the concerns that have been voiced in this Chamber tonight wherein we have not made it legal, and that is one of the things that we are challenged with, whether or not we will continue to push forward to legalize marihuana. Yes, we are still in the same space that we have been in since 1977 wherein, it's

only decriminalized and we know that there's still possibility for people to be arrested and for it to be used to create unnecessary police interactions with people. And since we know that and we know that the problems exist and they have existed for over 40 years, I know that we all can agree, and I challenge all of us to work together, because our work here is not finished.

This -- we know that this has harmed communities disproportionately and it has over-criminalized our people for far too long. But tonight, we are making a step in the right direction and together, we can continue to draw attention to the cultural and racial discrimination that plagues our State and it plays itself out in our criminal policies. But, we can create a more equitable and inclusive experience for all New Yorkers by taking this step tonight and continuing to work to legalize marihuana. Thank you. I vote in the affirmative.

ACTING SPEAKER DENDEKKER: Ms. Wright in the affirmative.

Ms. -- Ms. Bichotte to explain her vote.

MS. BICHOTTE: Thank you, Mr. Speaker, for allowing me to explain my vote. I first want to commend the sponsor of this bill, Crystal Peoples-Stokes, for carrying this piece of legislation with all her heart. I also want to recognize Assemblymember Dick Gottfried for decriminalization of the non-public possession of small amounts of marihuana; I want to thank you for that. And I also want to thank my sister, my seat mate,

Assemblymember Latrice Walker, for speaking on this bill and debating on it so eloquently.

As we move forward towards the legalization of adult use of marihuana, I do -- I do believe that this is the first step in the right direction in terms of decriminalization of marihuana. We want to recognize all the injustices and the arrests that were made, again, to black and brown members of our community which have impacted them in terms of job opportunity, education, joining the military and so forth. And -- and now, as you heard from my colleague, this is becoming a capitalistic opportunity for those who cause these injustice in our community -- against our community. I do hope that part of the next step is to find reparation, okay, seek reparation for the black and brown members who were impacted and as an MWBE Chair, we hope that the black and brown communities are the benefactors of what's going to be a multi-billion industry.

So, again, I'm -- you know, this is a great day and I will be voting in the affirmative. Thank you.

ACTING SPEAKER DENDEKKER: Ms. Bichotte in the affirmative.

Mr. Gottfried to explain his vote.

MR. GOTTFRIED: Mr. Speaker, it was 42 years ago almost to the day when we enacted the Marijuana Reform Act of 1977. I sponsored it in our House and Assemblyman Barclay's father carried it in the Senate. One of the provisions that we had to accept in that legislation in order to make it acceptable to the Senate was

knocking the -- the decriminalized possession quantity down to below an ounce, which is why we came up with the odd quantity of 25 grams. And the other was the misdemeanor penalty for open display in a -- in a public place.

For the first 21 years of the life of the statute, it turned out to be of no consequence. And then around 1998 under Mayor Giuliani, the police discovered that if you stop young men of color on the street and order them to empty their pockets, they would pull out a joint and could you bust them for open display and collect a lot of overtime. And so, there were 50,000 such arrests a year as a result, where there had been almost no arrests for the first 21 years of the statute. It's taken a long time to undue that damage and, tonight, we are finally repealing that provision of the law and creating the opportunity for cleaning up those criminal records that should never have been there in the first place. It's -- it's wrong that it has taken so long to clean this up, but it's good that we're finally doing it. Thank you.

ACTING SPEAKER DENDEKKER: Mr. Gottfried in the affirmative.

Ms. Walker to explain her vote.

MS. WALKER: Thank you, Mr. Speaker, for allowing me the opportunity to explain my vote. I want to thank Madam Majority Leader Crystal Peoples-Stokes for entrusting this very important piece of legislation to me temporarily. It brings me back to my days living in Glenmore Houses where parents would

come knocking on my door because their kids' pockets were being searched and they were being hauled off to the 73rd Precinct and having to go back and forth to 120 Schermerhorn in order to argue whether or not something was in plain view or if it was in their pockets, or whether or not they were smoking, or -- and -- and having to go through this song and dance, because so many people believe that marihuana is a gateway drug to other drugs. But for us, marihuana was a gateway drug to the criminal justice system.

And today, we took on this measure which provides a restorative justice model and mechanism for all of the years of injustices and criminal injustices that were lodged against our communities. What I want to really mention, though, is the fact that expungement, expungement is something that we had not had the opportunity to avail ourselves of. That today, that we can say when someone is undergoing a criminal background search, give me back my name. Give me back my fingerprints. Give me back my life. And it's that that I am the most proud of, because we recognize just how detrimental this mark, this scarlet letter is for so many individuals who are just trying to even get a job with the City of New York, all right?

Today, there's an opportunity for all of those individuals to start all over again. This is their second chance. This is their opportunity that they have in order to say give me back my name, give me back my life, give me back my prints; they don't belong to you, and they're not going to be utilized as a vehicle for you to exhort some other level of justice that you think is right, but we've

seen under the Central Park Five cases, that there's so many things that people have to go through, or so many people in my community who have spent 27 years in the criminal justice system wrongfully convicted, just because their prints are in the wrong place. And now, there's a situation where if you're even at a -- at a community park and there are people with the Police Department who says come and put your fingerprints on these things, bring your five-year-old. We want you to do this because in case your kid is lost we'll know how to find them. But instead of those records going to the Office of Children and Family Services, those records go to the Department of Criminal Justice Services. And I want those kids' prints back, too, just in case they ever availed themselves of the criminal justice system under some of this type of legislation.

It is about time. I am proud to vote in the affirmative. I know that this is a step in a good direction, but I agree with my colleagues that there's so much for us to do. Thank you.

ACTING SPEAKER DENDEKKER: Ms. Walker in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

MR. RAMOS: Mr. Speaker, I'd like to advance the C- and D-Calendar.

ACTING SPEAKER DENDEKKER: Mr. Ramos.

MR. RAMOS: I'd like to advance the C- and

D-Calendar, beginning on the C-Calendar with Rules Report No. 698, page --

ACTING SPEAKER DENDEKKER: On a motion by Mr. Ramos, the C- and D-Calendar are advanced.

MR. RAMOS: -- page 6, Peoples-Stokes. Thank you.

ACTING SPEAKER AUBRY: Page 6, Rules Report No. 698, the Clerk will read.

THE CLERK: Assembly No. A08432, Rules Report No. 698, Peoples-Stokes. An act to amend the Criminal Procedure Law, in relation to vacating records for certain proceedings; and to repeal certain provisions of such law relating thereto.

ACTING SPEAKER AUBRY: On a motion by Mrs. Peoples-Stokes, the bill -- 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: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Walker to explain her vote.

MS. WALKER: Yes, for purposes of an explanation, I just wanted to note that the bill that we are voting on at the moment is what clarifies the opportunities for expungement as indicated during our last deliberations on Bill No. A08420-A. So, thank you again for your vote. I proudly vote in the affirmative.

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

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, before we continue on to the C-Calendar, we're going to do three bills from the A-Calendar in this order: Rules Report No. 638, page 3, Dinowitz; Rules Report No. 645, page 5, Ryan; Rules Report No. 652, page 6, Galef.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A02373, Rules Report No. 638, Dinowitz. An act to amend the Civil Practice Law and Rules, in relation to permitting a plaintiff to recover against a third party defendant in certain cases.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you. What a beautiful morning. As I understand this, may -- on the bill, sir.

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

MR. GOODELL: I'll keep this very brief. Basically

when there's a lawsuit brought between a plaintiff and a defendant and there's an action by the defendant for contribution to a third-party, this bill would allow the plaintiff to bypass any judgment that they receive from the defendant and go directly to the third-party. And the problem with that is it can take all the collection efforts that the plaintiff normally would be obligated to pursue against the defendant and allows the plaintiff to bring a collection action -- collection action directly against a third-party who may have deep pockets. And sometimes that third-party is a municipality, those that are easiest to collect from.

And so what it does is it makes it much easier for a plaintiff to collect not against the tort fees or that they actually sued, but against a third-party. For that reason, many people will have problems with this bill. Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06738 -- A06592, Rules Report No. 645, Ryan, De La Rosa, Wallace, Colton, Carroll, Reyes, DenDekker, Taylor, McMahon, Ramos, Nolan, Jaffee,

DeStefano, Bronson, Perry. An act to amend the Labor Law, in relation to decreasing the length of the suspension period applicable to certain striking workers who seek to obtain unemployment insurance benefits.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: It's -- it's hard to say anything sometimes, you know --

(Laughter)

-- after being up this long. This bill allows striking workers to start collecting unemployment within one week after they begin to strike. And under the current law they have to wait, unfortunately I don't have it exactly in front of me -- oh, seven weeks, before they can collect. And so normally when you're working for an employer and you voluntarily leave, if it's without good cause, you're not eligible for any unemployment. And we've considered as a matter of policy that if you go out on strike and you're out on strike for an extensive time period, seven weeks, then you should be eligible for unemployment benefits.

By reducing that waiting period from seven weeks to one week, it changes the negotiating balance, if you will, that we've had in the past and it forces the employer to, in effect, pay the employees 50 percent of their wage starting in one week after they strike -- went out on strike. And the -- it just changes the entire competitive balance. So, many people will be concerned about this because of the way it will impact our economy. Thank you very

much, sir.

ACTING SPEAKER AUBRY: You're welcome, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07569-B, Rules Report No. 652, Galef, Brabenec, Jacobson, Byrne, Simon. An act requiring the payment of prevailing wages to affected employees of the Indian Point Nuclear Power Plant and for the Department of Labor to oversee the hiring of new employees at such power plant.

ACTING SPEAKER AUBRY: Mr. Palmesano.

MR. PALMESANO: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Certainly to the sponsor, and I had a chance to talk to her, I don't need an explanation of the bill, I understand why you're doing this. I don't question your intentions on this legislation. Certainly when the announcement -- there was an announcement that they were closing Indian Point, it was and is devastating for many reasons. It would take too long to get into it here

and I'm not going to do that.

Quite frankly, I think the blame falls squarely on the lap of this Governor. He denied and blocked the necessary permits for them to continue their operation, and then the economic climate caught up with them. Had those permits been approved, we wouldn't be talking about this bill here tonight. And, certainly, I agree with the sponsor from the perspective, we need to do what we can to help the employees in that community; however, I sincerely believe this bill is not the answer and creates some bigger problems.

First and foremost, this legislation conflicts with and is preempted by Federal law and I think would establish a dangerous precedent for businesses of all size. In an earlier discussion tonight, we talked about the -- the use of prevailing wage and under existing law, prevailing wage is paid -- paid rate of work on public projects that are receiving a subsidy or assistance from the State. And power plant owners that aren't receiving a subsid -- assistance from the State are not required to pay prevailing wage. Now -- and from the conversation that I had with the sponsor I know Entergy does have facilities Upstate that are getting a subsidy. I understand that. If we were talking about them, this wouldn't even be a question because -- but the facility at Indian Point is not receiving a subsidy and I think the concern I have on this legislation is putting a mandate on a company, a private company, for a facility that they own that's not getting -- receiving that subsidy, we shouldn't be doing that. We can't be doing that.

In 2017, there was an agreement between the State of New York and Entergy Corporation entering into a legally-binding agreement to retire Indian Point facility. And that agreement came with some clauses that need to be addressed. But in April -- to complicate matters even further, in April of this year, Entergy announced that Indian Point facility is being sold to Holtec International for decommissioning, and the standards for the application of prevailing wage do not apply -- do not apply. The announcement of that agreement included, one, a commitment to hire Entergy's employees at Indian Point whose services are required for decommissioning. And, two, for those employees, under a collective bargaining agreement, to be assumed and honored by Holtec International.

Again, with this legislation, Mr. Speaker, and my colleagues, again, we're setting a dangerous precedent by mandating a prevailing wage rate on a private company that is not getting a subsidy from the taxpayers of this State at that location. The new company, the new owners who are assuming that, are not getting a subsidy, will not be getting a subsidy. And for those reasons, we can't be putting legislation on them to mandate this. So, Mr. Speaker, my colleagues, although I'm very sympathetic to the -- to the plight of the employees at Indian Point, we need to be doing all we can to help them, but this legislation is too far-reaching, too much of an impact and can set a dangerous precedent to impact other private businesses around the State. We shouldn't be doing it and that -- for those reasons, Mr.

Speaker, I'm going to be voting in the negative and I would encourage my -- my -- my colleagues to do the same. Thank you very much.

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.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, we will now go to page 3 of the B-Calendar, starting with Assembly No. 632, resolutions.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly Resolution No. 632, Mr. Heastie. Assembly Resolution establishing a plan setting forth an itemized list of grantees for a certain appropriation for the 2019-20 State Fiscal Year for grants in aid to certain school districts, public libraries and not-for-profit institutions, as required by a plan setting forth an itemized list of grantees with the amount to be received by each, or the methodology for allocating such appropriation. Such plan shall be subject to the approval of the Speaker of the Assembly and the Director of the Budget and thereafter shall be included in a resolution calling for the expenditure of such monies, which

resolution must be approved by a majority vote of all members elected to the Assembly upon a roll call vote.

ACTING SPEAKER AUBRY: On the resolution, the Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The resolution is adopted.

THE CLERK: Assembly Resolution No. 633, Mr. Heastie. Assembly Resolution amending Assembly Resolution No. R1425 of 2018 establishing a plan setting forth an itemized list of grantees for certain appropriations for additional grants-in-aid to certain human services organizations in the 2018-2019 State Fiscal Year relating to such itemized list of grantees.

ACTING SPEAKER AUBRY: On the resolution, the Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The resolution is adopted.

THE CLERK: Assembly Resolution No. 634, Mr. Heastie. Assembly Resolution establishing a plan setting forth an itemized list of grantees for a certain appropriation for the 2019-20 State Fiscal Year for grants in aid for services and expenses of substance use disorder programs and services, as required by a plan

setting forth an itemized list of grantees with the amount to be received by each, or the methodology for allocating such appropriation. Such plan shall be subject to the approval of the Speaker of the Assembly and the Director of the Budget and thereafter shall be included in a resolution calling for the expenditure of such monies, which resolution must be approved by a majority vote of all members elected to the Assembly upon a roll call vote.

ACTING SPEAKER AUBRY: On the resolution, the Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

The resolution is adopted.

THE CLERK: Assembly Resolution No. 635, Mr. Heastie. Assembly Resolution establishing a plan setting forth an itemized list of grantees for a certain appropriation for the 2019-20 State Fiscal Year for grants in aid for school based health centers, as required by a plan setting forth an itemized list of grantees with the amount to be received by each, or the methodology for allocating such appropriation. Such plan shall be subject to the approval of the Speaker of the Assembly and the Director of the Budget and thereafter shall be included in a resolution calling for the expenditure of such monies, which resolution must be approved by a majority vote of all members elected to the Assembly upon a roll call vote.

ACTING SPEAKER AUBRY: On the resolution,

the Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

The resolution is adopted.

The Clerk will read.

THE CLERK: Assembly No. A06669, Rules Report No. 672, Brabenec, DeStefano, McDonough, Salka, B. Miller. An act in relation to authorizing Cong. K'hal Yereim of Woodridge to file an application for a retroacting real property tax exemption.

ACTING SPEAKER AUBRY: On a motion by Mr. Brabenec, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07624-A, Rules Report No. 673, Abbate, Simon, Santabarbara, DeStefano, Raynor, Reyes, Cruz, Ashby. An act to amend the Civil Service Law, in relation to hearing procedures for certain public employees.

ACTING SPEAKER AUBRY: On a motion -- on a

motion by Mr. Abbate, the Senate bill is before the House. The Senate bill is advanced. The bill is laid aside.

THE CLERK: Assembly No. A08019-A, Rules Report No. 674, Crespo, Dickens, Cruz, De La Rosa, Colton, Blake, Reyes, Ortiz, Cook, Simon, Frontus, Barron, Gottfried, Niou. An act to amend the Public Housing Law, in relation to requiring a conspicuous memorandum regarding the disruption of vital services.

ACTING SPEAKER AUBRY: On a motion by Mr. Crespo, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08167, Rules Report No. 675, Pretlow. An act to amend the Racing, Pari-Mutuel Wagering and Breeding Law, in relation to regulation and sale of alcoholic beverages at certain tribal casinos.

ACTING SPEAKER AUBRY: On a motion by Mr. Pretlow, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08193, Rules Report No. 676, Schimminger, Gottfried, Lupardo, Abinanti, Sayegh, Dinowitz. An act to amend the Public Health Law, in relation to promoting efficient and effective oversight of continuing care retirement communities; and to repeal certain provisions of such law relating thereto.

ACTING SPEAKER AUBRY: On a motion by Mr. Schimminger, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08276-A, Rules Report No. 677, Lentol, Eichenstein. An act directing a study on the

impact of increased minimum wage on eligibility for income-based services, programs and subsidies.

ACTING SPEAKER AUBRY: On a motion by Mr. Lentol, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08280-A, Rules Report No. 678, Walker, Carroll, Ortiz, Stirpe, L. Rosenthal, Jean-Pierre, Colton, Perry, Lifton, Reyes, Hyndman, Gottfried, Mosley, Simon, Weprin, Wright, Bichotte, Joyner, Frontus, Taylor, Jacobson, Seawright, Blake. An act to amend the Election Law, in relation to establishing an automatic voter registration process integrated within designated agency applications.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A08287, Rules Report No. 679, Pretlow. An act to amend the Vehicle and Traffic Law, the General Municipal Law and the Public Officers Law, in relation to adjudications and owner liability for a violation of traffic-control signal indications; and providing for the repeal of such provisions up

expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Pretlow, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. The bill is laid aside.

(Pause)

Mr. Ramos.

MR. RAMOS: Mr. Speaker, we will now advance the C-Calendar, page 3, but before we start at Rules Report No. 680, I just want you to note that Rules Report No. 682 is on there by error. So, we will begin at Rules Report No. 680 on page 3, Dinowitz.

ACTING SPEAKER AUBRY: On Mr. Ramos' motion, the C-Calendar is advanced.

The Clerk will read.

THE CLERK: Assembly No. A02299-B, Rules Report No. 680, Dinowitz, Englebright, Ortiz, Rivera, Jaffee, Lifton, Fahy. An act to amend the Public Health Law, in relation to prohibiting smoking in certain outdoor areas.

ACTING SPEAKER AUBRY: On a motion by Mr. Dinowitz, the Senate bill is before the House. The Senate bill is advanced and the bill is laid aside.

THE CLERK: Assembly No. A04757-A, Rules Report No. 681, Gottfried, Raynor, Perry. An act to amend the Public Health Law, in relation to enhancing transparency and oversight of residential health care facilities.

ACTING SPEAKER AUBRY: On a motion by Mr.

Gottfried, the Senate bill is before the House. The Senate bill is advanced. The bill is laid aside.

THE CLERK: Assembly No. A05464, Rules Report No. 683, Goodell. An act to amend the Criminal Procedure Law, in relation to designating uniformed court officers in the Town of Busti, County of Chautauqua, as peace officers.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05575-A, Rules Report No. 684, Goodell. An act to amend the Highway Law, in relation to designating a portion of the State Highway System as the "Private Charles S. Cooper, Jr. Memorial Highway".

ACTING SPEAKER AUBRY: On a motion by Mr. Goodell, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06219-A, Rules Report No. 625, Ryan, D'Urso. An act to amend the Environmental Conservation Law, in relation to certain misdemeanors involving the revocation and suspension of hunting, trapping or fishing licenses.

ACTING SPEAKER AUBRY: On a motion by Mr. Ryan, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06464, Rules Report No. 686, DiPietro. An act in relation to creating the Jamison Road Volunteer Fire Benevolent Association, Inc.

ACTING SPEAKER AUBRY: On a motion by Mr. DiPietro, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06923-C, Rules Report No. 687, Raynor. An act to authorize the Assessor of the County of Nassau to accept a retroactive application for exemption from real property taxes from the First Reformed Church of Jamaica.

ACTING SPEAKER AUBRY: On a motion by Ms. Raynor, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06994-A, Rules Report No. 688, Reilly, Cusick, Fall, Malliotakis. An act directing the Port Authority of New York to study the alignment of the Outerbridge Crossing, in order to widen the bridge and increase the flow of traffic.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

Well, what do you know?

(Applause)

Mr. Reilly, first vote [sic], Mr. Reilly.

(Applause)

Congratulations, sir.

The Clerk will read.

THE CLERK: Assembly No. A07062, Rules Report No. 689, McDonald, Otis, Jacobson. An act to amend the Local Finance Law, in relation to allowing certain school districts to deduct State apportionments for debt service in the calculation of limits for bonded indebtedness.

ACTING SPEAKER AUBRY: On a motion by Mr. McDonald, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07610-A, Rules Report No. 690, Schmitt. An act alienating certain parklands in the Town of Stony Point, County of Rockland conveyed to said Town pursuant to Chapter 851 of the Laws of 1973.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07648, Rules Report No. 691, Goodell. An act to amend the General City Law, in relation to a residency exemption for plumbing inspectors in the City of Jamestown.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07680-A, Rules Report No. 692, Lupardo, Peoples-Stokes, Gottfried, Romeo, Blake, McDonald, Cruz, Simon, Norris, Buttenschon, Schmitt, Glick, Jaffee, Lifton, Stirpe, Smullen, Crouch, Giglio, B. Miller, L. Rosenthal, Pichardo, Jacobson, Bronson, Fahy. An act to amend the Agriculture and Markets Law, in relation to the growth of industrial hemp and the regulation of hemp extract; and to repeal certain provisions of such law relating thereto.

ACTING SPEAKER AUBRY: On a motion by Ms. Lupardo, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07819-A, Rules Report No. 693, Pheffer Amato, DenDekker, Reyes, L. Rosenthal, Malliotakis, Weprin. An act to amend the General Municipal Law

and the Administrative Code of the City of New York, in relation to sick leave for officers and employees with a qualifying World Trade Center condition; to amend the Civil Service Law, in relation to the review of certain claims; and to amend Chapter 273 of the Laws of 2017 amending the General Municipal Law relating to granting sick leave for officers and employees with a qualifying World Trade Center condition, in relation to the reimbursement of any public authority or municipal corporation in a city with a population of less than one million people for the cost of certain line of duty sick leave.

ACTING SPEAKER AUBRY: On a motion by Ms. Pheffer Amato, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07829, Rules Report No. 694, Palmesano. An act in relation to legalizing, validating, ratifying and confirming certain transportation contracts of the Corning City School District.

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

advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07851-A, Rules Report No. 695, B. Miller. An act to authorize the Town of New Hartford, in the County of Oneida, to alienate certain parklands and to dedicate other lands as parklands.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08150, Rules Report No. 696, Malliotakis. An act to amend Chapter 759 of the Laws of 1973 relating to the transfer of lands to the United States for the

establishment of the Gateway National Recreation Area, in relation to the time period in which lands may be conveyed.

ACTING SPEAKER AUBRY: On a motion by Ms. Malliotakis, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08261, Rules Report No. 697, Hawley. An act granting retroactive Tier III membership in the New York State and Local Employees' Retirement System to Steven R. Grice.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08433, Rules Report No. 699, Weinstein. An act to amend the Public Authorities Law, in relation to performance metrics of the MTA (Part A); to amend the Vehicle and Traffic Law, in relation to the description of the central business district (Part B); to amend the Public Authorities Law, in relation to the MTA's reorganization plan (Part C); to amend the Vehicle and Traffic Law, in relation to removing caps on automated enforcement cameras for bus lanes in the City of New York and creating a graduated schedule of fines for repeat offenders and to amend Part II of Chapter 59 of the Laws of 2010, amending the Vehicle and Traffic Law and the Public Officers Law relating to establishing a bus rapid transit demonstration program to restrict the use of bus lanes by means of bus lane photo devices, in relation to the effectiveness thereof (Part D); to amend the Public Authorities Law, in relation to the membership of the Metropolitan Transportation Authority (Part E); intentionally omitted (Part F); to amend the Real Property Tax Law and the Tax Law, in relation to switching from the STAR tax exemption to the STAR tax credit (Part G); to amend the State Finance Law and the Tax Law, in relation to establishing the Empire State Entertainment Diversity Job Training Development Fund (Subpart A); and to amend the Tax Law, in relation to amending the definition of a qualified film production facility (Subpart B) (Part H); to amend the Tax Law, in relation to exempting from tax a portion of global intangible low-taxed income (Part I); to amend the Tax Law,

in relation to the definitions of vendor and marketplace provider (Part J); to amend Chapter 329 of the Laws of 1991, amending the State Finance Law and other laws relating to the establishment of the Dedicated Highway and Bridge Trust Fund, in relation to the issuance of certain bonds or notes; to amend the Public Authorities Law, in relation to the issuance of certain bonds or notes; to amend the New York State Urban Development Corporation Act, in relation to the issuance of certain bonds or notes; to amend Chapter 63 of the Laws of 2005, relating to the composition and responsibilities of the New York State Higher Education Capital Matching Grant Board, in relation to increasing the amount of authorized matching capital grants; and to amend the Private Housing Finance Law, in relation to housing program bonds and notes (Part K); to amend the Public Health Law, in relation to award dates for certain Statewide II applications (Part L); to amend the Infrastructure Investment Act, in relation to the definition of an authorized entity that may utilize design-build contracts (Part M); to amend the "Jose Peralta New York State DREAM Act", in relation to making certain technical corrections (Part N); to amend the Highway Law, in relation to mass transit access for LaGuardia Airport (Part O); to amend the Public Authorities Law, in relation to the acquisition and disposition of real property; and providing for the repeal of such provisions upon expiration thereof (Part P); to amend the Administrative Code of the City of New York, to amend the Emergency Tenant Protection Act of 1974, and to amend Part C of chapter 36 of the Laws of 2019,

amending the Administrative Code of the City of New York and the Emergency Tenant Protection Act of 1974 relating to vacancy of certain housing accommodations and to amend the Emergency Tenant Protection Act of 1974 and the Administrative Code of the City of New York relating to prohibiting a county rent guidelines board from establishing rent adjustments for class A dwelling units based on certain considerations, in relation to rent guidelines boards; to amend Part D of Chapter 36 of the Laws of 2019 amending the Emergency Tenant Protection Act of 1974 relating to vacancies in certain housing accommodations, in relation to making certain technical corrections; to amend the Emergency Tenant Protection Act of 1974 and the Administrative Code of the City of New York, in relation to vacancy decontrol; to amend the Administrative Code of the City of New York, the Emergency Tenant Protection Act of 1974 and the Emergency Housing Rent Control Law, in relation to recovery of certain housing accommodations by a landlord; to amend the Emergency Tenant Protection Act of 1974, the Administrative Code of the City of New York, the Emergency Housing Rent Control Law, and to amend Part K of Chapter 36 of the Laws of 2019, amending the Emergency Tenant Protection Act of 1974 and other laws, relating to a temporary increase in rent in certain cases, in relation to rent increases in certain cases; to amend the Public Housing Law, in relation to annual reports by the State Commissioner of Housing and Community Renewal; to amend the Real Property Law, in relation to notices required to tenants; to amend Part M of Chapter 36 of the

Laws of 2019, amending the Real Property Law, and other laws, relating to enacting the "Statewide Housing Security and Tenant Protection Act of 2019", in relation to the effectiveness of certain provisions thereof; to amend the Real Property Law, in relation to the content of rent-to-own contracts pertaining to manufactured or mobile homes; to amend the Emergency Housing Rent Control Law, in relation to adjustments of maximum rent; and to repeal certain provisions of the Emergency Housing Rent Control Law and the Administrative Code of the City of New York relating to vacancy decontrol (Part Q); to amend the Tax Law, in relation to operational expenses of certain gaming facilities (Part R); to amend the Tax Law and the State Finance Law, in relation to video lottery gaming in Orange county (Part S); and to amend the Judiciary Law, in relation to increasing the number of Supreme Court Judges and County Court Judges in certain jurisdictions (Part T).

ACTING SPEAKER AUBRY: On a motion by Ms. Weinstein, 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: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08434, Rules Report No. 700, Weinstein. An act to amend Chapter 54 of the Laws of 2019, enacting the Capital Improvements Budget, in relation to the support of government.

ACTING SPEAKER AUBRY: On a motion by Ms. Weinstein, 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: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Epstein to explain his vote.

MR. EPSTEIN: Thank you, I rise to explain my vote. I support moving forward on this capital needs, New York City Public Housing Authority is in a dire state. And we've talked about this for years and how much money they need. And we've allocated \$100 million, which is really a drop in the bucket to what it really needs. You know, while I appreciate that, I would encourage us to continue to go back and figure out how we can find additional funding for our

public housing, to ensure that the 400,000 residents in New York City public housing have the adequate services that they deserve, and I hope the State steps up to its responsibility. I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Epstein in the affirmative.

Mr. Rodriguez.

MR. RODRIGUEZ: Thank you, Mr. Speaker. And I want to, again, highlight the importance of public housing and the \$100 million that's in here. When we look at and evaluate the needs, in particular, in East Harlem, we have 36,000 units of -- of public housing that is in decrepit conditions. And it's only because of the commitment of our Speaker and, really, of the Assembly in terms of showing leadership and us supporting public housing as a State that we continue to make the contributions that are necessary just to even begin to make an impact on the -- on the states of lead and heat and hot water outages that our residents are suffering from. So, this is an important way that we are paying forward that obligation, but then also making sure that we all come together to -- to recognize the needs of public housing in the City and -- and throughout the State. So, I thank the Speaker for this bill and encourage everyone to vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Rodriguez in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08129-A, Rules Report No. 701, Rodriguez, Perry. An act to amend the Executive Law, in relation to the authority of the New York Black Car Operators' Injury Compensation Fund, Inc.

ACTING SPEAKER AUBRY: On a motion by Mr. Rodriguez, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, before we go to the D-Calendar, we will go to Rules Report No. 681, page 3, Gottfried.

THE CLERK: Assembly No. A04757-A, Rules Report No. 681, Gottfried, Raynor, Perry. An act to amend the Public Health Law, in relation to enhancing transparency and oversight of residential health care facilities.

ACTING SPEAKER AUBRY: Mr. Raia.

MR. RAIA: Thank you, Mr. Speaker. Believe me, I

don't want to be doing this, but unfortunately, some special interests have forced everybody's hand on this. And this is a bill that has nursing homes and assisted living and a lot of other groups extremely, extremely concerned and I have to ask a few questions. So, I'll be as brief as I can. The last thing I wanted you all to hear was my voice on the way out the door. Will Mr. -- will Mr. Gottfried yield for some questions?

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

MR. GOTTFRIED: Well, certainly, and we won't take back any of the nice things we said.

(Laughter)

MR. RAIA: Thank you, Richard. For those that have no idea what we're talking about, obviously nobody wants their -- their loved ones in a nursing home or assisted living to be mistreated or abused, and I -- and I certainly agree with that, but I have some questions and number one being the current law deals with physical abuse when you're talking about a resident of a nursing home, correct?

MR. GOTTFRIED: Well, physical abuse, mistreatment, neglect, et cetera, yes.

MR. RAIA: Right. So now this changes it to just abuse, correct?

MR. GOTTFRIED: That is correct.

MR. RAIA: So that abuse could mean mental, you know, screaming at somebody, yelling at them, berating them; it's just

not -- it could be many things other than a touch, correct?

MR. GOTTFRIED: Yes.

MR. RAIA: My concern is is in many assisted living facilities they have special wings for people with Alzheimer's and Dementia. I've toured a number of facilities. They take great pains to make sure that the -- the residents stay in -- in -- in their designated areas with locked doors, but every once in a while, unfortunately, somebody that shouldn't be roaming around winds up escaping. And -- and these people are of limited mental capacity. And my concern would be if a -- if a resident got out and had to be, you know, somewhat forcibly brought back or gently brought back or what have you, the concern would be that that resident would feel they, you know, maybe they feel they are being abused and now the nursing home has a -- a complaint against them by somebody of limited mental capabilities. Your response to that would be?

MR. GOTTFRIED: Well, actually the -- the circumstance you're talking about it, if it were -- if it gave rise to a claim of abuse, would probably be covered under the current law of physical abuse because it would involve restraining someone. But I think it would -- it could also as logically under the current law have given rise to a complaint of mistreatment or -- or neglect. And nursing homes have -- and their employees have lived with that language for many, many years. So, I don't think there's a -- a real concern about ambiguity.

There is, though, a real concern that limiting the def

-- the term "abuse" to physical abuse does leave nursing home residents open to -- to treatment that can be, in many ways, much more damaging than physical abuse. You know, psychological abuse, mental abuse can be extremely destructive to people. And let me just clarify one thing, and that is that this bill deals only with nursing homes, also known as residential health care facilities. It does not deal with adult homes.

MR. RAIA: Right, my apologies.

MR. GOTTFRIED: Yeah.

MR. RAIA: Yes, you're correct, but maybe I should have been a little more definitive, but my brain is cooked just like everybody else's here. So that resident that may have escaped, what if they're -- they're talking to them and, *Please don't do this again*, and that resident obviously wanted out, and they interpreted that as -- as psychological or threatening speech. It's still that individual. And so, that concerns me. But next question. This -- the bill increases mandatory reporters to the point where a contractor working in the facility, the person filling the soda machine or candy machine or something like that, delivering towels, they're now a mandatory reporter and they have no clue of -- of -- of health care or -- and they're going to make a judgment call that might, you know, not be the right call because they don't have the expertise to -- to know what they're talking about. So, is -- is -- am I right in saying that a contractor such as that does become a mandatory reporter?

MR. GOTTFRIED: They may well, but what they

would be reporting on is not something that requires any particular clinical knowledge. I think a -- a lay person knows abuse and mistreatment and neglect when they see it. And the worst that might happen is that they might overreact to something and make a report, and that would have to be -- and that would then be dismissed. But there is a real danger in our facilities today of mistreatment and abuse and neglect going underreported. You know, we like to think that we're New York so we're special, we must be better than every place else in the country, but every year when various professional organizations put out report cards of quality of care in nursing homes, including, by the way, the Federal government, put out report cards on quality of care in nursing homes around the country, New York is not only not near the top in quality, but year after year is pretty far down towards the bottom. We like to convince ourselves that that couldn't possibly be true, but unfortunately, it is.

MR. RAIA: Okay. Rectification, that's a process where a hospital or another type of health facility does something wrong and they have a certain amount of time to -- to fix it. Does the rectification process for, say, a hospital differ from one of these facilities that we're talking about?

MR. GOTTFRIED: Well, first of all, this is not the Adult Home Bill that we've talked about in the Health Committee previously --

MR. RAIA: Right.

MR. GOTTFRIED: -- that did make changes or

would have made changes relating to the question of whether penalties can be imposed, even where there has been rectification of a -- of a violation. I don't think this bill - I mean, I haven't read every word of it in awhile - I don't think this bill makes changes dealing with the rectification question as to nursing homes.

MR. RAIA: Gotcha. Mr. Chairman, thank you. It's been an honor serving with you and I have no further questions.

MR. GOTTFRIED: And -- and if it hasn't been said often enough, the honor is -- and pleasure has been mutual.

MR. RAIA: Thank you, Richard.

SPEAKER HEASTIE: Read the last section.

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

SPEAKER HEASTIE: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, we will now advance the D-Calendar on consent.

SPEAKER HEASTIE: The Clerk will read.

THE CLERK: Assembly No. A03552, Rules Report No. 702, Cusick, Bichotte, Cook, Magnarelli, Zebrowski. An act to

amend the State Finance Law and the General Municipal Law, in relation to payment in construction contracts.

**SPEAKER HEASTIE:** On a motion by Mr. Cusick, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

**THE CLERK:** This act shall take effect immediately.

**SPEAKER HEASTIE:** The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

**THE CLERK:** Assembly No. A06701-A, Rules Report No. 703, Schimminger, Abbate, Quart, Braunstein, Hevesi, Hyndman, B. Miller, Montesano, Raia, Zebrowski, Pheffer Amato, Aubry, Perry, Morinello, Brabenec, Norris, Jean-Pierre, Solages, Pichardo, Stern, Cruz, Griffin. An act to amend the Alcoholic Beverage Control Law, in relation to authorizing retail licenses to purchase beer, wine or liquor with a business payment card.

**SPEAKER HEASTIE:** On a motion by Mr. Schimminger, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

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

**SPEAKER HEASTIE:** The Clerk will record the

vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07132-B, Rules Report No. 704, Abbate, Palumbo, DenDekker. An act to amend the Retirement and Social Security Law, in relation to allowing retired public employees who participated in World Trade Center rescue, recovery or cleanup operations to seek subsequent employment with the State or a municipal corporation without diminution of retirement benefits.

SPEAKER HEASTIE: Read the last section.

THE CLERK: This act shall take effect immediately.

SPEAKER HEASTIE: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, we have reached the end of the line and --

(Applause)

-- before I ask you to introduce Mr. Kolb, I just want to thank everybody for their cooperation, for their patience, for their diligence. To my friends in the Minority and the consummate professionals in the Leadership, I want to thank you all. So, we had a particularly cordial Session this year, and very civil, and I want to thank you -- thank you for that.

And with that, Mr. Speaker, I ask to you to introduce Mr. Kolb.

SPEAKER HEASTIE: Mr. Kolb for some closing comments. Brief closing comments.

(Laughter)

MR. KOLB: Really? Well, good morning. I am not going to address the myriad of issues and concerns that I have with this Session, because I'm proud of my members who throughout this Session have stood up, they've worked hard to represent their constituents. And in Committee, on debate, in discussions, in their votes, they really made a phenomenal commitment on behalf of our State to offer their ideas, their solutions and also to suggest things that we could do better. So, I'm not going to go to any of those details because they've done it all, and I just want to say thank you to each and every one of you.

(Applause)

This Session has been focused on a political agenda, agendas that do not represent many of our constituents across this great State. This has to change or our future will not be the best it can

be. Hopefully next year or whenever -- if we do return before the end of this year, we start making sure that we're looking out for all 19 million New Yorkers throughout the entire State and the issues that really matter to them, besides the issues that have been addressed in this Session.

So with that, I'm just going to switch gears, say Mr. Speaker, and to all the members on the other side of the aisle, I want to -- I appreciate your efforts in this Session, but most importantly, what I'd like to close is on is to thank, first of all, the entire staff that works on behalf of the Assembly Republican Conference. They have done a phenomenal job, and I just want to recognize them first.

And secondarily, I'd like to recognize the staff that works for me directly with 933 and 340. They do an outstanding job, especially with all the things that take place inside and outside of this building. I would like to also recognize, in particular, some of those key staff: Jason Kehoe, Kevin Engel, Ed Wick and, of course, the rock, the hub, my Chief-of-Staff, Judy Skype.

(Applause)

And in closing, I would like to recognize the lady that has kept all of us in line on the floor here, Michelle Pellegrini, who has done a fantastic job. And also, she is a saint because she gets to deal with Brian Coyne each and every day.

(Applause)

And last but not least, I would also like to certainly recognize the two gentlemen to my left who have led the debate, that

led our Conference in a very professional manner all year long, and I just wanted to extend my personal appreciation and friendship to each and -- to both of you, Ed Ra and Andy Goodell for a great job on behalf of our Conference.

(Applause)

With that, Mr. Speaker, your turn. Thank you.

**SPEAKER HEASTIE:** Thank you, Mr. Kolb.

Well, for years, the Assembly Majority has laid out a progressive agenda that puts families first. As I pointed out when we opened this legislative Session, many of the issues that have taken center stage started right here in the People's House. Over the course of our work this year, we heard a lot about progressive values, but here in the People's House, we have never questioned our priorities or our values. Though it is not without its challenges, we didn't need anyone to tell us what to do -- tell us to do what was right. And this year our goals were finally within reach. And alongside our new like-minded partners in the State Senate led by the wonderful Andrea Stewart-Cousins, much of our bold and visionary agenda was finally realized. And all of you know I like to make references to who I believe was the greatest artist ever, Prince. When I look at this, it's like I must feel like he must have felt before he decided to have a concert, to decide which of your greatest hits you were going to sing at a particular concert.

So I want to say this: First off, we started by updating our antiquated election systems, led by Assemblymembers

Lavine, Vanel, Carroll, Dinowitz and Simon. Protecting LGBTQ New Yorkers in GENDA, led by Gottfried, and ending gay and trans -- defenses by Danny O'Donnell. Safeguarding women's reproductive rights and RHA, led by Assemblymembers Glick, Cahill and Jaffee. Breaking down barriers to education for immigrant children by passing the DREAM Act by Carmen De La Rosa; giving victims of child sex abuse the justice they deserve, CVA, Assemblymember Rosenthal; passing common sense gun legislation, Assemblymember Simon, Paulin, Hunter, Griffin, Fahy and Rosenthal; critical criminal justice reforms, ending cash bail for low-level offenses, and updating New York's discovery laws by Assemblymembers Walker and Uncle Joe Lentol; developed the sustainable revenue stream for the MTA with congestion pricing - we can all take credit for that - delivering the strongest tenant protections in history led by our wonderful Chair, Steve Cymbrowitz and all of the members of the Conference; allowing immigrants to obtain a driver's license, Assemblyman Marcos Crespo; and passing sweeping reforms to protect New York -- New York's from workplace harassment with Aravella Simotas; protecting our environment by banning offshore drilling, banning plastic bags and passing the Climate Leadership and Community Protection Act, Professor Englebright.

We have a lot to be proud of, but none of it would have been possible without the tireless work of our members and our staff, and I just want to run through them.

In absence, our wonderful Majority Leader, Crystal

Peoples-Stokes, who did a -- who did a tremendous job in her first year of Session as Majority Leader.

(Applause)

And before I continue, let me give a little shout-out for our Deputy Majority Leader who stepped in like a champion today. Phil, you did a wonderful job representing us today.

(Applause)

You may have to sit in that chair a little -- a while longer so we can give Crystal some more breaks, so you did a good job there.

But let me also give a shout-out to Minority Leader Brian Kolb who, as I said, oftentimes we may not agree on policy, but, Brian, you and I have grown to become very, very good friends and someone that I know that I can trust, that even when we have conversations on issues that we disagree, that I know that the conversations that we have stay between you and I, and I appreciate that friendship and trust that we have.

(Applause)

To my taller twin, Speaker Pro Tem Jeff Aubry, who always represents this House with distinction, I want to thank you as always, Jeff, for being who you are.

(Applause)

To Mr. Coyne, to Mary-Anne Dandles, Deb Miller and the entire Legislative Services team, I want to thank you for always being the engine that keeps us running here in Session every

single day. So, thank you for that.

(Applause)

To Randy Bluthe who has really had a tough going, but if you see Randy in passing, you can't even tell it on his face, but Randy has always been a good team player, and even though, like I said, he's had some tough time, his heart has always been here in the Assembly, so I want to thank Randy and the entire bill drafting commission and the Assembly Revision staff for always being there for us in the Assembly. I don't know where Randy is, I think he may have left, but I do want to give a special tribute to him.

(Applause)

Now to the person who probably always gets most of the cheers, Blake Washington and the Ways and Means staff.

(Applause)

Why is it the money guy -- I said why is it the money guy is the one who often gets the most cheers.

To Lou Ann Ciccone and the Program and Counsel staff, I want to thank them.

(Applause)

And before I get to the rest of the staff, I forgot to say something. To all of the wonderful Committee Chairs who did a fabulous job in -- in running the Committees and, of course, I mean, it seems like she's been a long time veteran, but -- and that's because she's been doing such a good job, but I don't want to -- I would be remiss if I didn't mention our wonderful Chair of Ways and Means,

Helene Weinstein.

(Applause)

And then my Counsels, Howard Vargas, Kathleen O'Keefe, Joanne Barker, and Mr. Brian Haak, here. I want to give them a big thank you.

(Applause)

To Mike Whyland and Kerri Biche and the entire press staff, particularly for reminding me and forcing me to stay off Twitter when people are trying to beat us up, they keep me in line to keep me off Twitter, most of the time.

(Applause)

To Morgan Weinberg, Katie Bender in Conference Services, I want to thank you, as well.

(Applause)

To Joe Garba and our Intergovernmental staff.

Where's Joe?

(Applause)

My own staff here in Albany, Paul Upton - Paul's not here.

(Applause)

Isa Puello, John Knight, Anita Wilson and Kim Muller.

(Applause)

And I'd say everybody's favorite, Mr. Wayne Jackson.

(Applause)

Boo.

And, of course, to all of our other Chamber  
Sergeant-at-Arms.

(Applause)

And finally, I want to say a special thank you to our wonderful and super staff in John Wellspeak, who has decided to retire, where's John -- John, come out here. You know, when you become Speaker and you look at trying to run I'd say an agency, a department with hundreds of employees, the person who runs the Human Resources Department is more important than probably than you think. And the wealth of knowledge that years and decades of knowledge that John Wellspeak had, I just wanted to thank him for that. I begged him not to retire and as I said at our DAC event, he chose his wife over me, so I can't be --

(Laughter)

-- that upset. But, John, I just really want to thank you for all that you did for helping us, being probably a little more generous to the Minority than you should have, but that's okay; I'm kidding, I'm kidding about that. But, John, enjoy your retirement. I know if I ever need you, you'll always only be a phone call away. But you deserve the respect of all of the years of service that you gave to this institution. So, I just wanted to say thank you.

(Applause)

Now before I let everybody go home, I promise this will be it, I just want to mention three members, one of which we

know for sure is not returning, and two we hope won't return --

(Laughter)

-- but for good reasons, because they're trying to do other things, one of which is Michele Titus who is going to become the Honorable Michele Titus. She will become a judge. She doesn't have a primary and in the City, there's no such thing as General Elections, so I just want to say to Michele, she's been a wonderful colleague. She's just the most recently been the Chair of Gov Ops. So, I just want to wish her well when she becomes -- and I can't to attend her swearing in, as the Honorable Justice Michele Titus.

(Applause)

Now I can't get too political in here, but another long-time friend and someone -- I served with his father and -- and people in this place, this is the best training ground when you want to go on and do bigger and better things, so we wish you the best of luck next week, Ken, and if you win we'll be happy, and if -- I don't even want to say if you don't, but you know that the Assembly is always going to be your home. So, best of luck next week to you.

(Applause)

And to my friend, Mr. Raia, who over the years he and I have gotten to become very, very good friends and so, you know, even as a Democrat, I have to say, you know, I'm actually rooting for a Republican, only because I don't want you to disappoint your mother.

(Laughter)

But, Andy, you've served this House well and we're going to miss you, and good luck to you as -- in your race later on this year.

(Applause)

And with that, thank you to each and every one of you for all the hard work, and may God bless you all and enjoy your summer and your fall and your winter and hopefully we don't have to see each other work-wise until -- until January.

So with that, I will go to you, Mr. Ramos.

MR. RAMOS: Mr. Speaker, I just -- I want to thank you. When I -- when I came into work at 10:00 in the morning, I had no idea I'd be pinch-hitting for 20 hours.

(Laughter)

But I want to thank you for that great honor.

And with that, Mr. Speaker, I ask do we have any further housekeeping or resolutions?

SPEAKER HEASTIE: We have neither.

MR. RAMOS: I now move that the Assembly stand adjourned until Saturday, the 22nd, tomorrow being a legislative day, and that we reconvene at the call of the Speaker.

SPEAKER HEASTIE: The House stands adjourned.

(Applause)

(Whereupon, at 7:20 a.m., the House stood adjourned until Saturday, June 22nd, Saturday being a legislative day, and to reconvene at the call of the Speaker.)