

TUESDAY, JUNE 4, 2019

11:47 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 Monday, June 3rd.

Mrs. Peoples-Stokes.

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

dispense with the further reading of the Journal of Monday, June the 3rd and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, pleased to have the opportunity to share a quote of the day with colleagues and guests and staff that are in the Chambers [sic]. This one is from Sydney Harris, who is an American journalist and worked for decades with the *Chicago Daily News* and the *Chicago Sun-Times*. His quote is, "The two words 'information' and 'communication' are often interchangeable, but they signify quite different things. Information is giving out; communication is getting through."

We're going to get through a few things today, Mr. Speaker. We have a main Calendar on our desk. There is also a debate list. After any introductions and/or housekeeping, we will take up resolutions on page 3. And then we will continue to consent new bills beginning with Calendar No. 486, which is on page 36, and we will also take up some bills on debate. Members should be aware that there are going to be committees called off the floor today: Corrections, Labor, Tourism, Housing and Ways and Means. For our Majority colleagues, be advised that there is going to be a Democratic conference today at the conclusion of Session. And, of course, we will consult with our colleagues as well.

Mr. Speaker, if there are introductions or

housekeeping, now would be the appropriate time.

ACTING SPEAKER AUBRY: We'll start with housekeeping, Mrs. Peoples-Stokes.

On a motion by Mr. D'Urso, page 16, Calendar No. 212, Bill No. 154-A, it is returned to its original print.

On a motion by Ms. Seawright, page 21, Calendar No. 262, Bill No. A6650, amendments are received and adopted.

For the purposes of an introduction, Mrs. Barrett.

(Pause)

MRS. BARRETT: Sorry, I'm busy talking to my guests.

ACTING SPEAKER AUBRY: Well, you can introduce and talk.

MRS. BARRETT: All right. Thank you, Mr. Speaker. It's my great privilege to introduce a dear friend and a constituent and a former employee of the New York State Assembly, former Program and Counsel Staff, Carla Goldstein. Carla was -- is the just-appointed President of the Omega Institute, which is in my district, which is a spectacularly beautiful 250-acre site of programming and wellness, holistic health, sustainability. And they're -- they've just put Carla in this position in order to really expand their global footprint and their operation. They work online. It's really an extraordinary resource that's been in the region for 40 years, and the world has just more recently caught up with all of the things that they have put forward. And I'm thrilled to have Carla here. She said she

thinks she recalls actually sitting here with Pete Grannis at one point when she was Counsel for Housing. And so I'm thrilled to have her here joining us today, and I hope you'll extend the privileges of the floor to a former family member.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mrs. Barrett, the Speaker and all the members, Carla, welcome back. We are so pleased to have you, extend to you the privileges of the floor. So glad that you are doing well and doing such important work. Continue that great work, and you are always welcome here because you're not a former, you are family. Thank you.

(Applause)

Ms. McMahon.

MS. MCMAHON: Thank you, Mr. Speaker, for allowing me to introduce a special guest with us today, my friend, Amanda Irons-Rindfleisch. She is a constituent of mine from the Niagara County portion of my district. She's an investigator with the Niagara County Sheriff's Department. She's active in her union, the United Steelworkers, and she's here in Albany because she spoke this morning at the Women of Steel Leadership Conference. She's active in her community, and as a member of the Town of Pendleton Conservation Board, and she's Vice President of Membership for the United Way of Greater Niagara's Women United. She's a wife, a mother, a dear friend, and I would ask that you welcome her and afford her the cordialities of the House.

Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. McMahon, the Speaker and all the members, we welcome you here, Amanda, to the New York City -- I mean, to New York State Assembly -- it's been a long day already. We extend to you the privileges of the floor. And we commend you on so many diverse activities. It's a wonder how you have time to come and visit us, but we are so pleased that you've had that time. Know that you are always welcome. Thank you so very much.

(Applause)

Mr. DeStefano.

MR. DESTEFANO: Thank you, Mr. Speaker, for the opportunity to make an introduction. This morning I'd like to rise to introduce three fine young men from Cornell University with an initiative to steer New York youth population away from nicotine at-large. Some alternatives they propose are athletics, music and desire -- and to get that desired high from those particular things instead of nicotine. The group was founded by a gentleman by -- by the name of Jack Waxman. I understand from the Sergeant-at-Arms that he's been here a few times. And he's here with us today with Rohan Sasso from Long Island - my hometown - and Paul Agbaje from Maryland. Jack created a video called "Escape the Vape," and continued the message at Cornell where the club was officially recognized as the -- as the spring and continues to grow. The purpose of their visit today is to support Assembly Bill No. 47 which prohibits the sale of flavored e-liquid cigarettes and consequently lose the

appeal to youths. I would like to congratulate them on their efforts and participation in our democracy. If any of you get a chance to talk to these three fine individuals, you will learn that they're not about partisanship, they're about getting things done.

So I congratulate them, and I ask that you extend the cordialities of the House, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. DeStefano, the Speaker and all the members, gentlemen, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor, and commend you on the fine public service work that you are doing now, and anticipate that you will continue that work in your future. Thank you so very much for joining us.

(Applause)

Mr. Raia for the purposes of an introduction.

MR. RAIA: Thank you, Mr. Speaker, for allowing me to interrupt the proceedings for the purposes of an introduction. Over the last 17 years, I've introduced a lot of people on this floor. The one person I have yet to do is my mother, Jo-Ann Raia -- you can stand.

(Laughter)

Our -- our Town Clerk. Now, for 17 years many of you in this room have heard me invoke her name -- *Mom's not gonna like that* or *Mom's gonna like that*. But I do that because for the last 38 years she has been the Town Clerk from the Town of Huntington;

the longest-serving Town Clerk dating back to 1653. During her tenure, she's been elected -- nominated the New York State Town Clerk of the Year. Her resume is about 40 pages long, but just some of the highlights: She has an award-winning archives, preserving the Town's history dating back to 1653. And joining us also is her archivist, Antonia Mattheou, who's -- who's really put together that archives. So when you come to Huntington you can actually trace your -- the heritage right back to the Revolutionary War. But the list of accomplishments goes on and on and on. I'm just honored to be her son. If you don't like the way I turned out, I guess you can blame her, but --

(Laughter)

But I -- I -- I feel I've -- I've learned a lot of good things from her and have tried to use them wisely on the floor. She is retiring this year after 38 years. I may be retiring, too. Time will tell. But I just wanted to take this opportunity to introduce everybody to somebody that I am very proud of, and would ask that you offer them the cordialities of the House, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly. On behalf of your son, the Speaker and all the members, Mom, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. We are so pleased that you've had the chance to join us. What an extraordinary career you've had, and I'm sure you have made your son very proud, as I'm sure he has made you proud. And to your archivist, also welcome. We're happy to have you. Both

of you are extended the privileges of the floor. Thank you, and we hope to see you again before all things change. Thank you so very much.

(Applause)

Ms. Woerner for the purposes of an introduction.

MS. WOERNER: Thank you, Mr. Speaker, for allowing me to interrupt our proceedings to make an introduction of a truly exemplary leader who is joining us here today. Keith Koster is a constituent of mine and -- and is a Navy veteran. He is Chaplain of the Adirondack Legion Post 70 in Saratoga Springs, and is past State Vice Commander of the American Legion as well as past County and District Commander. You may wonder why he is here today for us to recognize him, and that is because he is a three-time 46er. He has climbed all 46 of the Adirondack high peaks three times, including once in the winter. He also completed the Centennial Challenge, climbing all 46 high peaks in one year, beginning on March 17, 2018 and finishing this year on March 15th. He did this to promote the American Legion's 100th anniversary, another -- another milestone in an -- in an important organization's history. He took photographs at the top of each peak, carrying the American Legion flag and he hopes that by completing this challenge he will inspire other, especially young veterans with -- dealing with PTSD to similarly reach high heights.

Mr. Speaker, if you will extend the cordialities of the House to this truly extraordinary man, it would be a great honor.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Woerner, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. Our gratitude for the service that you have provided to this country, and the service that you are now providing to veterans all over the State. Continue that. I'm in awe that you have climbed those. I hope you stay away from the Himalayas. I hear they're a little dangerous these days, and we want to keep you in New York State. Thank you so very much.

(Applause)

Mr. Sayegh for the purposes of an introduction.

MR. SAYEGH: Thank you, Mr. Speaker. I rise and -- and thank you for the opportunity to interrupt the proceedings to introduce a very good friend and someone who's here with many members of Transport Workers Union of Greater New York, part of the AFL-CIO Local 100. They're here in Albany to represent the rights of workers, primarily train and bus drivers. And I'd like to introduce Gus Moghrabi and the members of this group that have worked very hard and shown passion for the rights of workers and the right to proceed in the proper way.

So, I'd like you to please give them the cordiality of the court -- of the House today. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Sayegh, the Speaker and all the members, we welcome these great members of unions here to the New York State Assembly. We

extend to you the privileges of the floor. Thank you for working for your fellow members, and also for improving this State. Thank you so very much for your work.

(Applause)

Ms. Walker.

MS. WALKER: Thank you, Mr. Speaker, for allowing me to interrupt the proceedings for the purposes of an introduction. I, too, would like to extend a -- a raving introduction to some very important members of Local 100, which is a chapter of the Transport Workers Union of America which represents transportation workers and bus and subway lines and several airlines worldwide. The Local primarily represents workers in the New York City public transportation system, and at some private bus lines serving the New York City metropolitan area. They have about 41,000 members who are actively working, and about 26,000 retirees. TWU Local school bus drivers, school bus monitors, conductors and train operators, please allow me to introduce Mr. Gus Moghrabi, Barry Cohen, Jamille Abe, Orlando Vasquez, Jamiry Pabon, Laura McLaughlin, Charles Custdio, Louis Fernandez, Eric Loegel, Dave Scichilone, Raul Lugo, Rafael Lopez, and Zach Archidiacono. Please excuse me, Zach, for fouling up your name. But charge it to my head and not to my heart.

Mr. Speaker, please extend the cordialities and the privileges of the House to these fine men and women of New York City.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Walker, the Speaker and all the members, again, we welcome these union members here to the New York State Assembly, the People's House. We extend to you the privileges of the floor, and our thanks for the work that you do to move New York and keep New York safe. Thank you so very much. Continue that great work.

(Applause)

Mr. Pichardo.

MR. PICHARDO: Thank you, Mr. Speaker, for allowing me to interrupt the proceedings. I want to take this opportunity to introduce my neighbors from AARP who have done yeoman's work in making sure that the issues of our most experienced citizens go through in making sure that we advocate for them. And I just wanted to take this opportunity very quickly, Mr. Speaker, to introduce a few of my constituents and the folks that I have the honor of calling my bosses. Cheryl Chapman, Leol Phillips, Brenda Moultrie, Lillian Jones, Jean Covington, Randy Walker, Alice Holloway, Carol Scarerough, Carol Jennings, Stephanie Foster, Doris Bowens, Yvonne Hawkins, Florence Johnson, Ernestin Murray, Qulardean Brown, Lucille Downing Nash, Elva Warren, Cleo Hamilton and Jaqueline Hall. These folks advocate on behalf of our most experienced citizens here in the State, but more importantly, I am honored to represent them here in the New York State Legislature.

So please, Mr. Speaker, if you can extend to them the cordialities of the House, I most certainly will appreciate that, sir.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Pichardo, Mr. Barron, the Speaker and all the members, we welcome these distinguished members of AARP here to the New York State Assembly. We extend to you the privileges of the floor. We know that this is the People's House, you are always welcome here. We hope that your message has been heard this day in Albany, and continue that great work because some of us are members no matter what. Thank you so very much.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to introduce two very distinguished citizens of the State of New York that are in our Chambers [sic] with us today. They happen to be the children of our colleague, Michele Titus. So we have Justin -- Justin is a student at Cornell University -- and his sister, Sydney DeBerry, is a graduating scholar -- graduating this year from Schuyler's High School [sic] in the great Borough of Queens, I assume.

So, Mr. Speaker, if you would please extend the cordialities of the House to these brilliant students and young people that have joined us in our Chambers [sic] today.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mrs. Peoples-Stokes and your mother, the Speaker and all the members, we welcome both of you here to the New York State Assembly. You are family. You are always welcome here and you

always have the privileges of the floor. We are so pleased that you have joined us and joined your mom, obviously making her very happy today. Hopefully you enjoy and continue to be successful. And I have a son who is a graduate of Cornell, so go Big Red. Thank you so very much.

(Applause)

Mr. Palumbo for an introduction.

MR. PALUMBO: Thank you, Mr. Speaker, for allowing me to interrupt the proceedings for the purposes of an introduction. I'm honored to be joined in the Chamber today by Marlene Asulin, Mary Naer, Karen McLean, Lynda Nielson, Mickey Solan, Lillian Felicio and Maryellen Scarola. They're here in the Chamber for the first time, and they're advocating on behalf of school-related professionals and school staff and advocating for some legislation that is very important to them. And -- there they are. And if you -- if you would be so kind as to provide these fine folks with the cordialities of the floor as well as all the cordialities of the House.

Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Palumbo, the Speaker and all the members, we welcome you here to the New York State Assembly, to the People's House. We extend to you the privileges of the floor, hope your day of advocacy has been beneficial. Continue the great work that you're taking care of other folks who need to be taken care of. Thank you so very much for your help.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we can now do resolutions starting on page 3. And we want to start with Assembly No. 484 by Ms. Lupardo. On 485, our Member Glick would like to speak on, and that is it, Mr. Speaker. Resolutions on page 3.

ACTING SPEAKER AUBRY: Page 3, 484, the Clerk will read.

THE CLERK: Assembly Resolution No. 484, Ms. Lupardo.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 2019, as Dairy Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 485, Ms. Glick.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 2019, as Gay Pride Month in the State of New York.

ACTING SPEAKER AUBRY: Ms. Glick on the resolution.

MS. GLICK: Thank you, Mr. Speaker. This month

is a particularly poignant one for the LGBTQ community. It is the 50th anniversary of the Stonewall uprising. For many of us, that became the beginning of a resurgent LGBT community and activism. But it also reminds us that as far as we have come, it is only this past -- this particular Session just a few months ago, in which the transgender community was given its basic civil rights. I served in this House from 1991 to 2002 without my basic civil rights being recognized in the State of New York. While many jurisdictions would have recognized those rights, there were many that did not. And as a sitting member of this House, I could have been asked to leave a public accommodation without any recourse -- legal recourse up until the year 2002. So while this is a very big celebratory year as the 50th anniversary, it is also a reminder that as far as we have come, we are still fighting for basic recognition. And that includes recent attempts by the Federal Administration to end acceptance of transgender service people, many of whom have risked their lives and given their lives for this country. And still we face the continued hate crimes that are on the rise, not just for the gay community, but for people of different faiths and people of different races. So it is a reminder that while we are celebrating, it is just a -- a step in a longer journey.

And I thank you, Mr. Speaker, for your forbearance and I urge a very loud aye vote supporting this resolution.

ACTING SPEAKER AUBRY: Thank you, Ms. Glick.

On the resolution, all those in favor signify by saying

aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 486, Mr. Fall.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 2019, as Volunteer Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 487, Mr. Cymbowitz.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 2, 2019, as Cancer Survivors Day in the State of New York.

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

THE CLERK: Assembly Resolution No. 488, Ms. Rosenthal.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 4, 2019, as Animal Advocacy Day in the State of New York.

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

THE CLERK: Assembly Resolution No. 489, Mr. McDonald.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim September 2019, as Prostate Cancer Awareness Month in the State of New York.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you would please call the Labor Committee to the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Labor Committee, Speaker's Conference Room. Please go there immediately.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If we can have colleagues -- now we're going to go to page 36. We're going to start with Calendar No. 486 by Mr. Cahill, who is right up there.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A02223-A, Calendar No. 486, Cahill, Fahy, Raia. An act to amend the Insurance Law, in relation to allowable expenses for title insurance corporations and title insurance agents.

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. Peoples-Stokes.

MRS. PEOPLES-STOKES: This is our first vote of the day, members. If you're in and around the Chambers [sic], please cast your vote. This is the first vote of today.

ACTING SPEAKER AUBRY: First of the day, members. Please cast your vote now.

Mr. Cahill to explain his vote.

MR. CAHILL: Thank you, Mr. Speaker. This legislation by Senator Breslin and I will provide a set of tools for the Department of Financial Services to appropriately and completely regulate the title insurance industry. As some of you may know, a regulation or two that were -- that was promulgated by the Department a few years ago became the subject of intense litigation, and it is currently in litigation. If this bill becomes law, it is hopeful that that can resolve the issue that is being litigated, and that once and for all the Department will have the tools it needs to appropriately provide guidelines to the title industry as to what they can and cannot do as a marketing activity, and will prevent the Department from having to -- as -- as it appears they have done in the past -- fill in the gaps in the law. The existing law regulates the relationship between title insurance companies and their customers. This regulates the -- the

activities of title insurance companies generally.

I withdraw my request and urge my colleagues to join me in voting yes.

ACTING SPEAKER AUBRY: Mr. Cahill in the affirmative.

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: The bill is laid aside.

THE CLERK: Assembly No. A02437, Calendar No. 488, Englebright, Lupardo, Crespo, Solages, L. Rosenthal, Galef, Lifton, Otis, Colton, D'Urso. An act to amend the Environmental Conservation Law and the Economic Development Law, in relation to establishing a State geological trail.

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. 489, Ms. Wallace --

I'm sorry. Assembly No. A02480, Calendar No. 489, Wallace, De La Rosa, Rozic, Ryan, D'Urso, Schimmlinger, Burke, Eichenstein, McMahon. An act to amend the Public Authorities Law, in relation to setting limits on severance packages for public at-will employees.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: If you could please call the Housing Committee to the Speaker's Conference Room. Mr. Cymbrowitz is ready. Thank you.

ACTING SPEAKER AUBRY: Housing Committee, Speaker's Conference Room immediately. Thank you.

The Clerk will read.

THE CLERK: Assembly No. A02539-A, Calendar

No. 490, Hevesi. An act to amend the Civil Practice Law and Rules, in relation to establishing an exception for victims of child sexual abuse to the trust exemption from application to the satisfaction of a money judgment.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02758-A, Calendar No. 491, Ortiz, Ramos, Cusick, Barrett, Colton, Weprin, Seawright. An act to amend the Mental Hygiene Law, in relation to creating a public education initiative designed to eliminate stigma and misinformation about mental illness and substance use among military service members; 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.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Ortiz to explain his vote.

But one minute, Mr. Ortiz. You're going to ask the member -- hello (pause) -- no, you're -- you're good, Mr. Ortiz. We're asking your colleague to sit, please. Okay, now.

MR. ORTIZ: Okay. Thank you. Thank you, Mr. Speaker, for allowing me to explain my vote. This legislation will create a public education initiative that will eliminate the stigma and misinformation about mental illness and substance use among service

members in the military, provide information regarding available resources and how to access them, as we are now 30 percent of active duty and reserve personnel deployed in Iraq and Afghanistan have a mental health problem requiring treatment. So we hope that this piece of legislation will be able to address these needs, and specifically the stigma that get created and our veterans will move forward to receive the services that they deserve.

Therefore, Mr. Speaker, I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Ortiz in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02835, Calendar No. 492, Lavine, Abinanti, Colton, Zebrowski, Seawright, Taylor, D'Urso, Galef, Stirpe, Simon. An act to amend the Public Health Law and the Insurance Law, in relation to health care professional applications and terminations.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02880, Calendar No. 493, Hunter. An act to amend the Insurance Law, in relation to denial of coverage of treatment related to health care services for which pre-authorization was granted.

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.

Mr. Goodell for the purposes of an introduction.

MR. GOODELL: Thank you very much, Mr. Speaker. It is really a great pleasure and honor for me to introduce Dylan Houseknecht, who is joined by his father, Chris, and his grandfather, Scott, and his coach Daniel Bathchelder. Dylan has the unique honor of being the New York State Champion high school wrestler in the 295 -- or 265-pound category. And I talked to him a little bit earlier. I think he could probably take me --

(Laughter)

-- but, fortunately, Dylan has a great disposition. He's doing fabulous in -- in high school, and he's looking forward to going on to -- to college here in New York State at SUNY Cortland. And he won the New York State championship here in Albany in front of a capacity crowd just over by the Times Union area.

And so if you would welcome this great high school wrestler - who I know could take me and maybe even all of us together - but let's keep him on our good side and extend the

cordialities of -- of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Palmesano, Mr. Goodell, the Speaker and all the members, we welcome you here to the New York State Assembly, extend to you the privileges of the floor, commend you on your athletic ability and the skill that it obviously takes to be a winner. We know that will continue on into college and in life. You will learn how to win in all different situations. Thank you for sharing this with us.

Congratulations.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A03235, Calendar No. 494, Dickens, Rodriguez, Wright, Taylor, Vanel, Fall, Perry. An act to amend the Banking Law, in relation to assessment of the record of performance of banking institutions in helping to meet the credit needs of local communities.

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.)

Ms. Dickens to explain her vote.

MS. DICKENS: Thank you, Mr. Speaker. Thank you so much for allowing me this time. This bill allows for the

inclusion of MWBEs to give the Banking Superintendent a broader view as to the lending practices of financial institutions in minority communities. Historically, there are fewer bank branches in minority neighborhoods where small businessowners can visit and receive counseling and assistance for qualifying for loans. This data will assist the Superintendent in determining the strengths and weaknesses of a financial institution's policies and efforts to enhance qualification opportunities for the minority businessowner. There will be no fiscal impact on New York State. Outside of notice to financial institutes, the Superintendent's review of financial institutions' lending practices will remain the same with the inclusion of MWBEs that apply for loans, and how many of those applications were approved or disapproved by said financial institution. This bill will also grant financial institutions the opportunity to report their efforts in assisting MWBEs' preparedness and submission of loan applications to enhance the possibility of being approved. For instance, my office met with a particular bank representative that informed us of the technical business center they will be opening up on 125th Street geared to assist small businesses and non-for-profits in augmenting their financial infrastructures so that they will be eligible for grants and small business loans. The banking institution will bear the cost of reporting this information to the Superintendent. This information is or should be presently stored and available for reporting in the financial institute's banking database. The report can be handled within the existing DFS appropriation. And it has -- we have not

received any indication of any opposition from either DFS or the New York Bankers Association.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Dickens in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Housing Committee having completed its work, can you please call Corrections to the Speaker's Conference Room immediately?

ACTING SPEAKER AUBRY: Corrections, Speaker's Conference Room immediately. Thank you.

The Clerk will read.

THE CLERK: Assembly No. A03556, Calendar No. 495, Dinowitz, Wright. An act to amend the Vehicle and Traffic Law, in relation to manipulation of traffic control signals.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A03673, Calendar No. 496, Englebright, L. Rosenthal, Glick, Colton, D'Urso. An act to amend the Environmental Conservation Law, in relation to prohibiting the issuance of permits authorizing the use of wild animals in circuses.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A03697, Calendar No. 497, Schimminger, Peoples-Stokes. An act to amend the Local Finance Law, in relation to the sale of municipal obligations by the County of Erie.

ACTING SPEAKER AUBRY: On a motion by Mr. Schimminger, 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. A03781, Calendar No. 498, Barrett, Ryan, Smullen, Otis. An act to amend the Education Law, in relation to coordinated project applications.

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. A04074-A, Calendar No. 499, Paulin, Otis, Galef, Abinanti, Byrne. An act to amend the Agriculture and Markets Law, in relation to municipal directors of weights and measures.

ACTING SPEAKER AUBRY: On a motion by Ms. Paulin, 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 PICHARDO: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04253-A, Calendar No. 500, Weprin, O'Donnell, Colton. An act to amend the Correction Law, in relation to confidential hearing records.

ACTING SPEAKER PICHARDO: The bill is laid aside.

THE CLERK: Assembly No. A04467-A, Calendar No. 501, Zebrowski, Jaffee, Fernandez, Reyes, Hevesi, Mosley, Barron, Finch, Ortiz, Colton, Morinello, Hunter. An act to amend the

Executive Law, in relation to the reporting of domestic violence incidents.

ACTING SPEAKER PICHARDO: Read the last section.

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

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Zebrowski to explain his vote.

MR. ZEBROWSKI: Thank you, Mr. Speaker. This bill would allow a victim of domestic violence to report the incident at a police department that may not be where the incident took place, therefore allowing someone to not have to go back to the area by which they were abused, and it provides a mechanism for which the police department to forward it on to where the incident happened and to allow them to conduct the investigation. I want to thank the victim in my home county who brought this situation to my attention, and I believe with this bill it will make New York a safer place for victims of domestic violence. And I encourage all my colleagues to vote in the affirmative.

Thank you, Mr. Speaker.

ACTING SPEAKER PICHARDO: Mr. Zebrowski in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04481, Calendar No. 502, Cusick, Ortiz, Abbate, Schimminger, Englebright, Perry, Otis. An act to amend the Public Health Law, the Tax Law and the State Finance Law, in relation to providing for taxpayer gifts for leukemia, lymphoma and myeloma research, education and treatment and establishing the Leukemia, Lymphoma and Myeloma Research, Education and treatment Fund.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

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 PICHARDO: The bill is laid aside.

THE CLERK: Assembly No. A04574, Calendar No.

504, Jean-Pierre, D'Urso, Steck, Gottfried, Thiele, Seawright, Montesano, Walker, Vanel, Ra, Otis, Epstein. An act to amend the Public Service Law, in relation to requiring utility companies to include a notice of public hearings concerning rate increases.

ACTING SPEAKER PICHARDO: The bill is laid aside.

THE CLERK: Assembly No. A04654-A, Calendar No. 505, Rozic, DenDekker, Griffin, Wallace, Ortiz, Lupardo, B. Miller, Ra, D'Urso, Colton, M.G. Miller, Gottfried, Mosley, McDonough, Reyes, Walsh, Hunter, Otis, Norris, Jean-Pierre. An act to amend the Education Law, in relation to authorizing and directing the Commissioner of Education to develop a program for certain veterans to receive high school diplomas.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04752-B, Calendar No. 506, Zebrowski, Woerner. An act to amend the Real Property Tax Law, in relation to requiring assessors using the comparable sales,

income capitalization or cost method for assessments to consider certain comparable properties in formulating the assessment.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04767, Calendar No. 507, Buchwald. An act to amend the Public Officers Law, in relation to authorizing a person to hold the office of Receiver of Taxes in the Town of North Castle while living outside of such municipality.

ACTING SPEAKER PICHARDO: 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 PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could please call the Tourism Committee to the Speaker's Conference Room immediately. Mr. O'Donnell is awaiting.

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

The Clerk will read.

THE CLERK: Assembly No. A04770-A, Calendar No. 508, Hunter, Steck, Arroyo, Quart, Wallace. An act to amend the Real Property Law, in relation to prohibiting mortgagees from requiring mortgagors of certain real property to purchase flood insurance exceeding certain limits.

ACTING SPEAKER PICHARDO: The bill is laid aside.

THE CLERK: Assembly No. A04853-A, Calendar No. 509, Jean-Pierre, Cook, M.G. Miller, Ortiz, Seawright, D'Urso, McDonough, Dickens, Raia, Montesano, Giglio, Ramos, Rivera, Titus, Quart, Lavine, Galef, Jaffee, Woerner, Lawrence, Ra, Niou, Barron, Bichotte, Dinowitz, Benedetto, Arroyo, L. Rosenthal, Byrne, Carroll, M.L. Miller, Garbarino, Pretlow, DiPietro, Johns, Barrett, Abinanti, Weprin, Walsh, Santabarbara, Cusick, Williams, Aubry, Hevesi, B. Miller, Mosley, Buchwald, De La Rosa, Brabenec, Colton, Solages, Perry, Stern, Stirpe, Walker, Steck, Hyndman, Tague,

Palumbo, Taylor, Smith, Fahy, Rodriguez, Finch, Pichardo, Hawley, Dilan, LiPetri. An act to amend the Navi -- Navigation Law, in relation to enacting Brianna's Law.

ACTING SPEAKER PICHARDO: On a motion by Ms. Jean-Pierre, sorry. 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 on the 365th day.

ACTING SPEAKER PICHARDO: 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. I would like to -- for you all to meet Gina Lieneck, who has joined us here in the Chamber today. I'm sure you all have met Gina many times. Gina has taken the personal tragedy of the loss of her young daughter, Brianna Lieneck, and turned it into a positive change that is going to truly save lives. It is because of Gina's steadfast [sic] and tenacity that we are all here voting on this today. We are here today to change the status quo, because the status quo says that if you're in New York and older than 23 years of age, you never need to take a boating safety course because operating these large motor-power -- motor-powered vehicles. Surrounding states like New Jersey and Connecticut have mandatory education for all power boaters, and it's

time for us to follow suit. With over 450,000 registered power boaters -- boats in New York State, it is essential that we do all we can do to make sure that all boaters are aware of the responsibilities that come with operating a boat on our waterways. I'd like to thank a few special people without whom we would not be here today. To Gina Lieneck, Brianna is looking down on this Chamber right now, beaming with pride because of your relentless efforts to make our waterways safer. There is no doubt in the world that Brianna's Law will save lives, and her legacy will now be codified into New York State's history for eternity. Thank you for all you did to get us here today. To my colleague, Assemblymember Sandy Galef, who sponsored the original legislation back in 2013 that paved the way for us to eventually get every New Yorker covered under this law, thank you for your leadership on making New York waterways safer. I would like to thank the -- I would like to also thank my colleague, Senator Brooks.

And I will be voting in the affirmative. Thank you.

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

Mr. Montesano to explain his vote.

MR. MONTESANO: Thank you, Mr. Speaker. I just want to commend and thank the sponsor for this bill. I have the pleasure of cosponsoring this bill. It's long overdue, it's very necessary. Out on Long Island we have about 100,000 registered boats that operate at any given time, especially now in the summer in the busy season. And -- and you could see just from the past history

the law enforcement personnel from all the towns, the Bay constables from Huntington, Oyster Bay, Glen Cove, Hempstead, the Coast Guard, the Nassau County Police, they will tell you the way people operate these boats with reckless abandon. Or they don't even understand the concept of operating a boat. They don't know the rules of the water, who has the right-of-way. Speed, the weight they carried. And a lot of people just don't basically realize boats don't have any brakes on them. And so it's very essential that people that operate these vessels have some least basic training and qualifications, they're tested on their training and there's verification of that training. You know, there was some resistance in the beginning from the boating industry about this, and that we've seemed to overcome that and to educate people more about their responsibilities and actions when operating a -- a watercraft on our waters.

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

ACTING SPEAKER PICHARDO: Mr. Montesano in the affirmative.

Mr. Raia to explain his vote.

MR. RAI: Thank you, Mr. Speaker. I rise to explain my vote. Last year I had to give a rather lengthy debate on this, but as -- as you can see, it's passing with consent and that's because of the hard work that Gina Lieneck has done over the past couple of years, literally meeting with every legislator, doing what needed to be done to make sure that everyone in New York State that uses our waterways will have to get a license. Congratulations to you,

my friend. You did a good job.

But I just want to speak in -- the fact that -- the matter -- the fact of the matter is, people die every year in boating accidents, and -- and we also -- I want to give a shout-out to Lisa Gaines, who lost her daughter, Victoria, in a boating accident as well. As well as a number of people that have died in and around my Assembly District.

So, I'm glad to be voting yes on this piece of legislation. We're going to join the states that are around us, and our waterways will be safer as a result of this. And thank you, Kimberly Jean-Pierre and Senator Brooks in the Senate for getting it across the finish line. Thank you, Mr. Speaker. I vote in the affirmative.

ACTING SPEAKER PICHARDO: Mr. Raia in the affirmative.

Mr. Stern to explain his vote.

MR. STERN: Thank you, Mr. Speaker. We know that far too many families throughout the entire State of New York have suffered the tragic loss of loved ones as a result of reckless, negligent or intoxicated boating. I had the privilege of working with Gina Lieneck to author and pass the Suffolk County Safer Waterways Act years ago, to require boating safety education and to raise awareness of the role that we all need to play in helping to ensure safer waterways for all of us and our families. And so today is a special day. Today I proudly stand with Gina Lieneck in support of Brianna's Law, named in loving memory of Breezy Lieneck, who lost her life at 11 years old. Thank you, Gina, for your passion, for your unwavering

commitment to make Breezy's legacy one of safer waterways for all of us, and to help ensure that a day on the water with family and friends are enjoyable and memorable and not one that ends in tragedy.

Mr. Speaker, I'll be voting in the affirmative and I ask all of my colleagues to do the same because Brianna's Law will save lives. Thank you.

ACTING SPEAKER PICHARDO: Mr. Stern 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: Assembly No. A04898, Calendar No. 510, Blake, Barron, Buchwald, Cook, Mosley, Ortiz, Pichardo, Simon, Taylor, Arroyo, De La Rosa, Reyes. An act to amend the Private Housing Finance Law, in relation to additional information required in annual reports for limited-profit housing companies.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Mr. Blake to explain

his vote.

MR. BLAKE: Thank you, Mr. Speaker and -- and colleagues. Very briefly, thank you for your -- your support on this bill. For anyone that has a -- a Mitchell-Lama within their district, this is about ensuring that HCR actually provides the information as to what's going on within your residence and development. Many times we're not aware about dissolution that is happening. Tenants are not aware as it relates to the funding and the decisions of the board. And this is about actually making sure that you have the opportunity to have the protection on your home and what's happening within your home. Anyone that's a part of middle-income housing across the City and State definitely can appreciate the necessity of this. And without that information, we all understand knowledge is power.

So we thank you for your support on the bill, and I'm clearly voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. -- Mr. Blake in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, could you please call the Ways and Means Committee to the Speaker's Conference Room immediately?

ACTING SPEAKER AUBRY: Ways and Means

Committee, Speaker's Conference Room. Please go immediately.

Thank you.

The Clerk will read.

THE CLERK: Assembly No. A04914, Calendar No. 511, Titus, Lavine, Perry, Cook, Barron, Paulin, Peoples-Stokes, Hyndman, Romeo. An act to amend the Executive Law, in relation to creating regional minority- and women-owned business enterprise advocate.

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. A04944, Calendar No. 512, Stern. An act in relation to legalizing, validating, ratifying and configuring -- confirming a transportation contract of the Cold Spring Harbor Central School District.

ACTING SPEAKER AUBRY: On a motion by Mr. Stern, 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. A04983, Calendar No. 513, Buchwald. An act to amend Chapter 507 of the Laws of 2016, relating to the imposition of an occupancy tax in the Village of Harrison, in relation to extending the effectiveness thereof.

ACTING SPEAKER AUBRY: The Home rule message is at the desk.

The bill is laid aside.

THE CLERK: Assembly No. A05006, Calendar No. 514, Abinanti. An act to amend the Tax Law, in relation to authorizing the Town of Mount Pleasant to adopt a local law to impose a hotel/motel occupancy tax for hotels not located in a village; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Home rule message is at the desk.

The bill is laid aside.

THE CLERK: Assembly No. A05153, Calendar No. 515, Schimminger. An act to amend the State Administrative Procedure Act, the Executive Law and the Legislative Law, in relation

to the transmittal of certain records by electronic means.

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 120th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05254-B, Calendar No. 516, Weprin, Rozic, Wright, Perry. 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 CRUZ: The bill is laid aside.

THE CLERK: Assembly No. A05419, Calendar No. 517, Salka. An act to amend the Public Health Law, in relation to the fee charged for the issuance of birth and death records.

ACTING SPEAKER CRUZ: The bill is laid aside.

THE CLERK: Assembly -- Assembly No. A05424, Calendar No. 518, Crespo, Solages, D'Urso, Pichardo, Seawright. An

act to amend the Judiciary Law, in relation to providing an exemption from jury duty for breastfeeding women.

ACTING SPEAKER CRUZ: 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 CRUZ: 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, Madam Speaker. It's my honor on behalf of Assemblyman Dave DiPietro to introduce a special guest. I'm not sure how she made it here today with all the activity outside, but it is our honor to welcome Lynne Kinsella. Lynne is from East Aurora, which is just outside of Buffalo. She's the proud owner of the historic Aurora Theater, which has been in numerous movies and TV commercials. Lynne is a Trustee with the historic Roycroft [sic] Inn Foundation, which is the home of the arts and crafts movement worldwide, and has also been a leader and Chairwoman of the "Toystock" parade, a weekend event which she helped organize with Fisher-Price toy company, which is also headquartered in East Aurora.

Lynne is the de facto Mayor of the Village as she helps everyone she can. That's where you get all the work and none of the accolades, except here on the floor of the Assembly.

So, if you would please welcome Lynne Kinsella on behalf of Assembly DiPietro, I would certainly appreciate it.

ACTING SPEAKER CRUZ: On behalf of Mr. Goodell and Mr. DiPietro, the Speaker and all the members, we welcome this distinguished guest to the Chamber, extend the privileges of the floor and hope you enjoy the proceedings. Thank you for joining us.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A05456, Calendar No. 519, Goodell. An act to amend the Public Health Law, in relation to the fee for issuance of birth and death records in the City of Jamestown.

ACTING SPEAKER CRUZ: The bill is laid aside.

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. 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 CRUZ: The bill is laid aside.

THE CLERK: Assembly No. A05477-C, Calendar No. 521, Thiele, Stern, LiPetri, Englebright, Lavine, D'Urso, Montesano, Mikulin, Raia, Ra, Gottfried, Colton, Zebrowski, McDonough, Schmitt, DeStefano, Jean-Pierre, Ortiz, L. Rosenthal, Magnarelli, Reyes, Jacobson, Stirpe, McDonald, Lifton, Weprin, Mosley, Galef, Carroll, Perry, Lupardo, Griffin. An act to amend the Civil Practice Law and Rules, in relation to the statue of limitations for public water suppliers and wholesale water suppliers to commence an action for injury to property.

ACTING SPEAKER CRUZ: 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 CRUZ: The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Mr. Ra to explain his vote.

MR. RA: Thank you very much, Mr. Speaker. I just want to commend the sponsor and -- and thank him for his work on this issue. In many places throughout this State, and particularly on Long Island, we're struggling to find ways to address new contaminants that are being found in our water supplies, and this is something that many of our local water districts have been asking for

so that as they try to find ways to remediate and new technologies come about to remediate these contaminants in our water supply, they can hold the polluters responsible, rather than our taxpayers on Long Island.

So I'm casting my vote in the affirmative and I urge my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Mr. Ra in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05716, Calendar No. 522, Fitzpatrick, Englebright. An act in relation to authorizing the Town of Smithtown, County of Suffolk, to alienate and convey certain parcels of land used as parklands.

ACTING SPEAKER AUBRY: On a motion by Mr. Fitzpatrick, 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. A05764, Calendar No. 523, Williams, Arroyo, D'Urso, M.G. Miller, B. Miller. An act to amend the Environmental Conservation Law, in relation to shellfish regulations.

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. A06019-A, Calendar No. 524, Ortiz, Seawright, D'Urso, Arroyo, Blake, Cook, Epstein, Jean-Pierre, Sayegh, Dickens, McDonald, Gottfried, Jaffee, M.G. Miller, Hyndman, Cruz, Gunther, Rivera, Williams, Reyes. An act to amend the Agriculture and Markets Law, in relation to expanding the production of fresh fruits and vegetables by community gardens.

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.)

And Mr. Ortiz to explain his vote.

One minute, Mr. Ortiz. I think we need to please keep those doors closed while the member is speaking. Whoever that is, hold them outside. Tell them that.

Go ahead, Mr. Ortiz.

MR. ORTIZ: Thank you, Mr. Speaker, and thank you for allowing me to explain my vote. This bill -- the purpose of this bill is to have an expansion of the production of the -- production of the fresh and fruits and vegetable by community gardens. As we all know, Mr. Speaker, obesity is a growing epidemic, especially in children, and obesity also is a cause of cancer in -- in our State.

According to the New York State Department of Health in 2016, 60.8 percent of New York State adults are overweight or obese. In order to promote healthy eating and the ability [sic] of fresh produce, this legislation will increase the amount of fruits and vegetables produced by community gardens so that more people will benefit from it. As you know, Mr. Speaker, we have a lot of our underserved community who suffer for healthy and good vegetable and fruits in our community. So, therefore, this bill will encourage the relationship between buyers, the State Department and community garden to involve more people and encouraging healthy lifestyle for all.

And I will be voting in the affirmative, Mr. Speaker, and thank you very much for allowing me to explain my vote.

ACTING SPEAKER AUBRY: Mr. Ortiz in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06062, Calendar No. 525, Ryan. An act to amend the Insurance Law, in relation to prohibiting the exclusion of coverage for losses or damages caused by exposure to lead-based paint.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06212-A, Calendar No. 526, D. Rosenthal, Hyndman. An act to amend the General Municipal Law, in relation to the operation of certain bingo games.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for an opportunity to interrupt our proceedings, once again,

to introduce some brilliant scholars from the great Borough of Queens on behalf of Ms. -- Member Pheffer Amato and Mr. Mike Miller. We have some students who are from the St. Mary Gate of Heaven Catholic Academy. It's located in Ozone Park, Queens, in the 23rd Assembly District. We are pleased to have them here with us.

Mr. Speaker, would you please welcome these scholars to our Chamber.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Pheffer Amato and Mr. Miller, the Speaker and all the members, we welcome these students here to the New York State Assembly. We extend to you the privileges of the floor. Hope that you have had a great trip and enjoyed your time with us. Thank you also to your supervisors. And I remember that school because we used to play them in CYO. Thank you so very much. Nice to have you.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A06240, Calendar No. 527, Magnarelli. An act to amend the Civil Practice Law and Rules, in relation to the venue for certain special proceedings.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 365th 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. A06295, 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. 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 AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06331, Calendar No. 529, Gunther. An act to legalize, validate, ratify and confirm the actions of the Monticello Central School District notwithstanding the failure to timely file final building cost reports with the Education Department.

ACTING SPEAKER AUBRY: 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 AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Palmesano to explain his vote.

MR. PALMESANO: Yes, Mr. Speaker, my colleagues. I'm very happy to support this legislation. I know we all are. I -- I just want to urge my colleagues to think about this for a second as we move forward. There are a series of bills like this that school districts around the State - some on your side of the aisle, some on our side of the aisle - that are being penalized millions of dollars. Last year we had a series of bills that the Governor vetoed, that we didn't get a chance to take up. The thing I would just urge you all to consider, why not put all these bills, all these school districts -- I think there's 15 to 20 school districts, some of yours, some of ours -- that are being penalized millions of dollars? The Governor wanted -- when he vetoed it, said they want to take it up in budget negotiations, but they don't. They never do. So why not -- here's a thought -- why not take up a bill with all these bills in one? Pass the bill, send it to the Governor. And you know what? If he wants to veto it, that's his prerogative. That's his constitutional authority. But after he vetoes that bill, call us back here and override that veto and tell our children and our schools, our administrators and the taxpayers that we stand with our kids. We stand with our school districts. We are not going to let our schools and our kids be penalized over some technical glitches or lateness of filing things. It makes no sense. We should be standing up for our kids. So let's just do an omnibus bill, put all of these in one language, let the Governor over -- let the Governor veto it and let's

override his veto so we could provide this money to our schools, to our kids and to our taxpayers because they deserve it. It's the right thing to do. So please consider this as we move forward.

I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Palmesano in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06357, Calendar No. 530, Woerner. An act to amend the Public Officers Law, in relation to waiving the residency requirement for the city attorney in the City of Mechanicville, Saratoga County.

ACTING SPEAKER AUBRY: On a motion by Ms. Woerner, 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. A06463, Calendar No.

531, Fahy. An act to amend the Public Health Law, in relation to the fee charged for the issuance of birth and death records.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06520, Calendar No. 532, Englebright, Lavine, Barnwell, D'Urso, Ramos, Raynor, Jean-Pierre, Glick, Thiele, Griffin, Solages, Stern, Ortiz, Colton, Otis. An act to amend the Environmental Conservation Law, in relation to establishing the Marine Mammal and Sea Turtle Protection Area; and providing for the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Read the last section.

(Pause)

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. A06554, Calendar No. 533, Otis. An act to amend Chapter 381 of the Laws of 2010 amending the Tax Law relating to the imposition of an occupancy tax in the Village of Rye Brook, in relation to extending the expiration thereof.

ACTING SPEAKER AUBRY: Home rule message is at the desk, and the bill is laid aside.

THE CLERK: Assembly No. A06593, Calendar No. 534, Zebrowski, Jaffee. An act to amend Chapter 329 of the Laws of 2009, amending the Family Court Act and the Social Services Law relating to removing special powers granted to the Society for the Prevention of Cruelty to Children, in relation to the effectiveness of the provisions thereof.

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. A06751, Calendar No. 535, Gunther. An act to amend the General City Law, in relation to limiting the applicability of plumbing and drainage provisions to the City of Middletown.

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. A06983-A, Calendar No. 536, Gottfried, Paulin, Niou, Fahy, Hevesi, Sayegh, L. Rosenthal, Simotas, Kim, Quart, Epstein, Mosley, Aubry, Jaffee, D'Urso, Walker, Cruz, Steck, Perry, Dickens, Hunter, Arroyo, Crouch, Ortiz, Reyes, Cook, Simon, Raynor, Walczyk, Rivera, Seawright, Lifton, Fernandez, Glick, Blake. An act to amend the Criminal Procedure Law, in relation to vacating convictions for offenses resulting from sex trafficking, labor trafficking and compelling prostitution.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07056, Calendar No. 538, Jacobson, Schmitt. An act to validate certain acts of the Newburgh Enlarged City School District and the Chester Union Free School District with regard to certain capital improvement projects.

ACTING SPEAKER AUBRY: On a motion by Mr. Jacobson, 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. Schmitt to explain his vote.

MR. SCHMITT: Thank you, Mr. Speaker. I want to commend the sponsor for helping shepherd this legislation through in

bipartisan fashion. This -- this bill will help relieve these fines on two districts that I represent part or a whole of. And it's -- it extends well beyond my time here. It's well -- well before I came here. This has been an issue. As a colleague previously mentioned, some of these issues we're seeing Statewide with these bills getting vetoed. I hope the Executive Branch will look kindly on this now and move forward and help students and taxpayers who are the only ones who suffer. The State doesn't need to do this to the students and taxpayers. They need to give the relief that is wholeheartedly deserved.

I'm proud to vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Schmitt in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could turn our attention to our debate list, and we're going to start with Calendar No. 5 which is on page 5 of our -- and then Calendar No. 114, Calendar No. 178 and Calendar No. 227, as well as 445.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A00318-A, Calendar No. 5, Paulin, Gottfried, Galef, Arroyo, Barron, Blake, Dickens, D'Urso, Colton, Cook, Epstein, Seawright, Taylor, Woerner, McDonough, Jean-Pierre, Fernandez, Walker, Hyndman, Wright,

Buttenschon, Simotas, Jacobson, Griffin, Ashby, Simon. An act to amend the Public Health Law, in relation to informing maternity patients about the risks associated with cesarean section.

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. A04109-B, Calendar No. 114, Gunther. An act to amend the Social Services Law, in relation to the Community Guardianship program.

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. A01370-C, Calendar No. 178, Abinanti, Thiele, Weprin. An act to amend the Mental

Hygiene Law, in relation to duties of providers of service to people with developmental disabilities.

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.

THE CLERK: Assembly No. A02106-A, Calendar No. 227, Kim, Mosley, Jaffee, Crespo, Steck, Fahy, Friend, Jean-Pierre, Niou, Cruz, Raynor. An act to amend the Social Services Law, in relation to enacting the New York State Reuniting Families Act.

ACTING SPEAKER AUBRY: On a motion by Mr. Kim, 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. A07502, Calendar No. 445, Abbate, Jacobson, Reyes, Colton. An act to amend Chapter 695 of the Laws of 1994 amending the Civil Service Law relating to injunctive relief in improper practice cases, in relation to extending the effectiveness of provisions contained therein.

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.

We will go to Calendar No. 133, Bill No. A03050-A, page 10, Ms. Simon, on debate.

THE CLERK: Assembly No. A03050-A, Calendar No. 133, Simon, Arroyo, Blake, Barrett, Braunstein, Colton, Cook, Dinowitz, Gottfried, Jaffee, Joyner, M.G. Miller, Otis, Perry, Steck, Mosley, Abinanti, L. Rosenthal, Carroll, D'Urso, Barron, Ashby, Davila, Ortiz. An act to amend the Public Health Law, in relation to specifying procedures for the closure and/or decertification of assisted living residences.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. SIMON: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Simon yields.

MR. GOODELL: Thank you, Ms. Simon. As I understand it, this bill imposes various restrictions on an assisted living facility or a nursing home that wants to close. Is that correct?

MS. SIMON: I'm sorry. I'm not able to hear you entirely. Could you repeat what you said?

MR. GOODELL: It's my understanding that this bill imposes various restrictions and requirements for an assisted living facility before it can close, correct?

MS. SIMON: Correct.

MR. GOODELL: That's really the thrust of this.

MS. SIMON: Yes.

MR. GOODELL: And the concern that we've raised in the past is what happens if an assisted living facility is going out of business? It's running out of money, it's facing potential bankruptcy.

MS. SIMON: Well, the bill only provides fees or charges from being implemented prior to the Department's approval of the closure. But it would be likely that the Department would provide an expedited review for a facility that's in financial distress once they're made aware of the situation.

MR. GOODELL: And does the Department have discretionary funding that could provide for financial assistance to keep such a facility open?

MS. SIMON: I'm not aware that the Department has a pot of money for that particular purpose, but I'm sure that they would be willing to work with the -- the operator.

MR. GOODELL: Now, this -- if you're -- if you're -- if you're running a facility and it's going out of business, it's out of money, it's facing bankruptcy, there's a number of approaches you can take to extend the life expectancy, if you will, or keep the facility open. And some of those activities might include raising the fees, might include trying to recruit new residents so you reduce the vacancy rate. It might also include reducing your cost by shifting high-expense residents out of the facility, as an example. Am I correct that this bill prohibits a facility from raising their rates or allowing new residents to come in even if they're facing a potential bankruptcy, if that bankruptcy is forcing them to close?

MS. SIMON: Well, they would not be able to increase the rent or fees prior to the approval of the plan. But they could thereafter. And they, of course, can increase it by the amount, for example, of somebody's Supplemental -- Supplemental Security income or -- or, you know, other benefit increases. They could increase their rent to -- to absorb that.

MR. GOODELL: So, the only -- okay, so --

MS. SIMON: The same thing with new residents.

MR. GOODELL: So, if you submit an application to the Commissioner of Health and the Commissioner of Health has 120 days to review it?

MS. SIMON: Under this, yes. Currently it's 90.

MR. GOODELL: So this would increase --

MS. SIMON: They still have to do that currently.

MR. GOODELL: So, the Commissioner of Health has four months to review it, and during that four-month period you cannot fill any vacancies?

MS. SIMON: I'm sorry, you cannot what?

MR. GOODELL: You cannot fill any vacancies in the assisted living facility during that four-month period?

MS. SIMON: Right, prior to the approval of the closure.

MR. GOODELL: Okay. So you can't accept new residents and you can't raise any fees. You can't raise any charges, and you can't increase the rent. How does it make payroll?

MS. SIMON: Well --

MR. GOODELL: I mean, isn't this is a recipe for a guaranteed bankruptcy?

MS. SIMON: So currently, Mr. Goodell, they -- the -- the nursing -- the assisted living facility would have 90 days -- would have to file in 90 days in advance of a closure. They could clearly agree with the Department for a closure that would be an expedited review of that proposal. But the reality is, if they are in that

type of financial distress, they should be -- and -- and it is something that they're not able to address, they should be filing for a closure and they should do it at a time when they're still able to make payroll. I mean --

MR. GOODELL: So, is it your --

MS. SIMON: -- the reality is that so many of these institutions are closing for reasons that have nothing to do with their financial ability to run the -- the facility. The vast majority of them are actually being closed because there's a better real estate deal to be had.

MR. GOODELL: Last year, how many facilities closed?

MS. SIMON: I do not have that data with me.

MR. GOODELL: And do you know how many of those closed because -- even though they were making money?

MS. SIMON: I don't have those numbers, so I -- I wouldn't have that one either.

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

On the bill, sir.

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

MR. GOODELL: I certainly appreciate the sponsor's desire to have an orderly closure, if you will, of an assisted living facility, and under current law, as the sponsor noted, a facility that desires to close needs to give 90 days advanced notice to the

Department of Health so that under current law there's an orderly closure. The irony in this bill is that it provides no funding whatsoever. No additional funding for a nursing home or an assisted living facility, and it eliminates all the practical options for that facility to maintain a positive cash flow while waiting for the Department of Health - that can take up to four months - to review an application. So think about this. Assume for just a moment that you run an assisted living facility, and you are facing the possibility of bankruptcy. If this bill passes, you give notice to the Department of Health at least four months in advance. As your patients move or die, this bill makes it illegal for you to fill the vacancy. And it makes it illegal for you to raise any rent or fee or make any other financial adjustment. If you weren't facing bankruptcy when you filed the notice, after four months of your facility becoming empty and your revenue crashing and burning with no financial support from the State, you are facing the real possibility that your suppliers will no longer send you the critical medical supplies that you need for your residents, and your staff will long ago start looking for a new job because the handwriting's on the wall. And so while I appreciate the desire, the best way to solve that issue is for us, as part of the budget process, to provide the interim financing we need to ensure an ordinary transition. Not cut the legs off from the un -- from underneath an assisted living facility and expect them to run the marathon that we're setting up.

So while I appreciate the objective, in the real world you can't run a facility if you can't fill the vacancies and you can't

charge enough to cover your costs. Thank you, sir.

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.)

Ms. Simon to explain her vote.

MS. SIMON: Thank you, Mr. Speaker. As you consider this bill, I would like to just remind folks that this was -- the bill is the outgrowth of a closure of 1 Prospect Park West, which had 125 seniors, many of whom were over the age of 90, that were summarily kicked out of their assisted living facility. Quite a number of them were people with dementia as well. And as you know, it's very hard sometimes to find an appropriate location. And within the -- the 90 days, it became much more difficult to find spaces for this 125 people. Five of them stood their ground and eventually left a couple of years later after they were able to settle with the -- the owner of the property, who had just gotten their license finalized. They sold that building for \$84 million, and today the condos that have been built there are now going for a -- a minimum of \$2 million. This was a real estate deal. It had nothing do with the services or the -- the financial wherewithal of the -- the operator of the assisted living facility at that time. And this is an increasing problem, where owners of these facilities are looking out to make a buck by selling to redevelopment projects, and our seniors are going wanting for appropriate places to

live.

Thank you very much for your -- for what I hope will be your vote in the affirmative.

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.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to interrupt our proceedings briefly to introduce another guest that we have in our Chambers [sic]. He is the guest of our colleague, Mr. Sayegh. His name is Brett Scudder. Mr. Scudder is the President, Chairman and Founder of Suicide Institute in Yonkers' Emotional Pain and Wellness Center. He is the Chairman of the New York State Human Suffering Wellness Coalition, Co-Chair of Bronx Number [sic] Not62, and West -- Co-Chair also of the Westside -- member of the Westside Suicide Task Force -- the Westchester Suicide Task Force, Mr. Speaker, my apologies -- and the Westchester Opioid Response Team and the New York State Chaplain Task Force. Mr. Speaker, if you would please welcome this very esteemed guest to our Chamber and offer him the cordialities of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Sayegh, the Speaker and all the members, we welcome you here, sir, to the New York State Assembly, extend to you the

privileges of the floor. The Speaker himself is going to come out and do that. But please, you are always welcome here. This is the People's House. Thank you very much.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If we could now go to Calendar No. 164 by Ms. Solages.

ACTING SPEAKER AUBRY: Thank you.

The Clerk will read.

THE CLERK: Assembly No. A02315-A, Calendar No. 164, Solages, Barron, Vanel, Raynor, Ortiz. An act to amend the New York State Urban Development Corporation Act, in relation to evaluation and assistance to increase access to child care.

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

An explanation is requested, Ms. Solages.

MS. SOLAGES: Yes, Mr. Speaker. The purpose of this bill would require the Urban Development Corporation to select five -- five economically-diverse areas to evaluate child care programs intended to serve low-income families. The information gathered will help identify and develop strategies for the expansion and creation of a child care program -- of child care programs through the various programs of UDC. The study would also continue -- complete in collaboration with the Office of Children and Family Services, the

Office of Temporary Disability Assistance and, if needed, local social service districts.

ACTING SPEAKER AUBRY: Mr. Friend.

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

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

MS. SOLAGES: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. FRIEND: I understand that your bill is going to go ahead and assess child care throughout the State, according to line 13 of page 2. But we're picking five economically-distressed areas to do this. Are they going to be extrapolated in that data from those five chosen regions, or how are they going to extrapolate across the rest of the State?

MS. SOLAGES: Well, you know, there's a growing awareness of a link between access to child care, parental employment and overall economic growth. And so we want to look at several areas with the criteria below to look at and -- and confirm. So if you -- you go back to where you read, it's, you know, different criteria, which means a high unemployment rate, percentage and number of low-income persons. And we're looking at municipalities, cities, corporations and other areas. And it would be per capita.

MR. FRIEND: Okay. And you've chosen the UDC to put this bill under. How come -- why were they chosen?

MS. SOLAGES: You know, we -- we want to make sure that we capture not only the need for child care, but also the need to know -- the need to know that economic development is linked with child care. We know that the lack of affordable child care is at -- is at crisis levels, and overwhelming families in persistent poverty do not have access to high-quality child care. And this really threatens the child's intellectual and -- and emotional development. So we really want to tie this all together and ensure that we're looking at it from a lens of economic development as well as empowering parents and -- and caregivers.

MR. FRIEND: Okay. And do you have any plans to do any hearings, roundtables, or maybe a task force on child care throughout the State, access to child care or the education opportunities that you're looking at to include in child care?

MS. SOLAGES: Yes. Currently -- well, our great Chairwoman of the Family -- Children and Families Committee is actually a part of a task force looking at different areas of child care. But we shouldn't put all our eggs in one basket. We need to attack this issue at any lens possible. And so we're doing hearings, we have a task force. We're -- we're going to implement this piece of legislation. So, you know, we're looking at it from all points and we're using every tool in our toolkit to ensure that we have access to high-quality child care for all regions, especially those who are economically-depressed because we know the -- the costs of poverty.

MR. FRIEND: Thank you very much.

On the bill.

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

MR. FRIEND: Child care access across the State definitely is a -- is a concern. We have many child care agencies and services, but most of the times when families are looking to get their children in, it's usually after you have the child, they're two, three years old, and you're looking to then go back to work at that point. And you then realize that there's a waiting list to get into that child care service. We definitely need to encourage more people to start providing child care services, whether it's at the home or whether we're able to encourage through some sort of tax credit to encourage businesses to provide support to our child care agencies in the -- in the communities. However, I do have some concern about picking the UDC to lead this study. They don't have the money, time or the resources, and we haven't allocated the funds for them to go ahead and do this study. And I'd like to make sure that this study is done appropriately, that it does come out with the best result -- result possible. I am -- I'm encouraged about the hearings that are going to be occurring that will help to aid in the study that's going on. The availability of child care and educational content that's not included in the purview of the UDC and that's not part of their current mission. The current mission of the UDC that's now doing business as Empire State Development is to promote a vigorous and growing State economy and job creation through the efficient use of loans, grants

and tax credits. And that's currently -- if you look at the laws under the UDC, that's typically what they're doing. They're issuing loans and grants. They're -- they were imparted with trying to do more economic development, and child care definitely is part of that piece, but doesn't really fall under their purview, and they don't have that money or resource. So I'm a little concerned about how the result would come out. It might've been better to put this under the Office of Children and Family Services or another agency similar. I -- I do appreciate what the sponsor is trying to accomplish here and I will support the bill. I just want to have the best outcome for our children and our State to be able to have these access, and those of our workers that are trying to get back into the job force, also.

Thank you very much.

ACTING SPEAKER EICHENSTEIN: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER EICHENSTEIN: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I -- I rise to explain my vote and to commend the sponsor of this piece of legislation. Clearly, Mr. Speaker, dollars are not endless in this State or anywhere else. And so it really does makes sense to do a sort of comprehensive study to see where the most value for the

dollars that we have accessible to us could be expended in the child care area. Clearly, people are not able to work and/or continue higher ed if they don't have access to good, quality affordable child care. So I think that the sponsor has done a huge -- provided a huge opportunity to the workforce community, the economic development community in general, by helping to figure out how do we identify where those dollars that provide quality child care should be.

So I want to thank her for that, and I am very pleased to cast my vote in the affirmative.

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

Ms. Solages to explain her vote.

MS. SOLAGES: UDC is currently giving out many of these grants and loans to small businesses, and we want to ensure that small businesses realize that when women -- when parents know that their children are in a safe space, they are better employees, they are more likely to stay in -- into employment. And so we want to make sure that we bring everyone together. We use all our resources, including the business realm, to look at and to analyze child care.

So I urge my colleagues to vote yes on this initiative. It's only going to make our -- our State stronger, because we do have a child care crisis here in New York State and we need to solve it today.

ACTING SPEAKER EICHENSTEIN: Ms. Solages in the affirmative.

Ms. Walker to explain her vote.

MS. WALKER: Thank you, Mr. Speaker, for allowing me the opportunity to explain my vote. Child care, I believe, is something that is an issue that's near and dear to my heart. We recognize how important it is in this Body in order for us to do a universal pre-K program throughout New York City. And not only was it a welcoming experience for my four-year-old at the time, but having access to early childhood education really changed the course, I -- I believe, of her future and definitely that of my family's. It's important for us to recognize, though, that four years old is just not early enough, and that our zero to three-year-olds need to have the same level of access to important and very vital educational opportunities. It helps them developmentally, not necessarily just physically. Not just educationally, but also emotionally.

So I want to commend the sponsor for introducing such an important piece of legislation, and I proudly vote in the affirmative.

ACTING SPEAKER EICHENSTEIN: Ms. Walker in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could now continue on our debate list and go to Calendar No. 233. It's on page 18, it's by Mr. Dinowitz. And then we'll go to Calendar No.

284. It's on page 23 and it's by Mr. Otis. In that order, Mr. Speaker.

ACTING SPEAKER EICHENSTEIN: The Clerk will read.

THE CLERK: Assembly No. A02667, Calendar No. 233, Dinowitz. An act to amend the General Obligations Law, in relation to prepayment penalties for mortgages secured by real property owned in a cooperative form of ownership.

ACTING SPEAKER EICHENSTEIN: An explanation has been requested.

MR. DINOWITZ: This bill would forbid prepayment penalties and fees from being charged or collected on a loan or forbearance secured by real property owned in a cooperative form ownership where over 50 percent of the units are shareholder-occupied, and will make such prepayment penalties unenforceable.

ACTING SPEAKER EICHENSTEIN: Mr. Goodell.

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

ACTING SPEAKER EICHENSTEIN: Will the sponsor yield?

MR. DINOWITZ: It would be my pleasure.

ACTING SPEAKER EICHENSTEIN: Yes, Mr. Dinowitz yields.

MR. GOODELL: Thank you, Mr. Dinowitz. When would this bill become effective if it's signed by the Governor?

MR. DINOWITZ: This act shall take effect immediately. The answer is immediately.

MR. GOODELL: So, it would be your intent, then, that if this bill becomes law that existing contracts that have a prepayment penalty would be legislatively ruled null and void?

MR. DINOWITZ: Yes.

MR. GOODELL: And would that then enable the mortgage company to call the mortgage due and payable since material element of their contract has been changed by the Legislature?

MR. DINOWITZ: I'm sorry the -- the mortgage will be made -- I didn't hear that word.

MR. GOODELL: Would that then enable the mortgage company to call the loan and make it immediately due and payable on the grounds that a material condition was changed by the Legislature?

MR. DINOWITZ: No.

MR. GOODELL: And is there any compensation to any of the lenders for any losses that they would sustain in the event that a subsequent event would have triggered a prepayment penalty but for this law?

MR. DINOWITZ: Well, the -- we don't know what subsequent events might have taken place since it would be in the future and there's no way to predict the future.

MR. GOODELL: Now as you know, the U.S. Constitution prohibits State legislatures from passing any law that

impairs the effectiveness of an existing contract. How is it that we can strike an existing clause in an existing contract consistent with a constitutional prohibition?

MR. DINOWITZ: Well, the -- the mortgage would still be in effect. The -- the payments would still have to be made. They'd have to be made on time. The banks presumably will be still making profits hand-over-fist, as they usually do. But they simply wouldn't be able to deny a co-op that's more than 50 percent owner-occupied the ability to pay off their mortgage early without a -- a prepayment penalty. So the -- the banks are doing fine just with the payment of the mortgage, and they would no longer be able to get this huge windfall profit that they don't deserve.

MR. GOODELL: And what due process rights are included in this bill for mortgage companies who no longer can collect on a contractually agreed-upon fee?

MR. DINOWITZ: Well, I mean, it -- it's my opinion that these prepayment penalties are really very much against what I consider appropriate public policy. We have many co-ops in my district, and sometimes they want to pay off their mortgage early, just like individuals who live in the co-op can do. I know in my case that's exactly what we did. In the case of the co-op, though, where you have the majority of the units owner-occupied, there's no reason in the world that I can think of that they shouldn't be able to pay off their mortgage early in order to be able to do some of the other necessary things that the co-op has to do and be able to preserve this housing

stock. After all, we want to be able to continue to maintain good housing for the people in our communities.

MR. GOODELL: Now, this would be triggered if 50 percent or more the units are owner-occupied, which means up to 49.99 percent could be non-owner-occupied, correct? I'm just running the rough numbers. Does this apply to mortgages that are given to individuals for a non-owner-occupied unit?

MR. DINOWITZ: This applies to the underlying mortgage of the co-op itself, of the building.

MR. GOODELL: I see. All right. Thank you very much. I appreciate that.

MR. DINOWITZ: You're welcome.

MR. GOODELL: On the bill, sir.

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

MR. GOODELL: For those of us who have been involved in the banking industry, we understand that oftentimes, particularly on larger transactions, a bank will give a lower interest rate -- or, I apologize, a lower up-front charge, lower fees, lower processing fees, and in return they ask for a prepayment penalty over the first couple of years, recognizing that the way they're going to cover all their closing expenses is with the interest that they collect during that time period. And that if the individual who took out the loan with them turns around and refinances with their competitor, they ask the person, the borrower, to pay a prepayment penalty to reimburse

the first bank for the costs incurred in processing that loan. So if we ban a prepayment penalty, what will happen in the banking industry is that they will charge more fees up front because they do not have any longer the opportunity to recover those processing costs over the term of the loan. And so what we are being asked to do today from a financial perspective is to outlaw the existing process that allows consumers the option of paying a higher fee with one bank and having no prepayment penalty, or paying lower up-front fees with a different bank and have a prepayment penalty. So this eliminates options for the consumers, and forces all those banks that are financing these types of projects to charge all their costs for the closing up front, and those costs are substantial. And so while I appreciate the desire of the sponsor to enable these cooperatives to refinance as often as they want without paying prepayment penalties, what will really happen in the real world in the banking industry is when you eliminate the prepayment penalty, the up-front costs go up. And it's simple finances. As I mentioned in the questioning and as you may have already gathered, this Legislature is also prohibited by the Federal Constitution from changing existing contracts and the term of that contract to hurt one party or change a material term and condition of that contract. That's exactly what this does. It doesn't apply to new contracts, it applies to existing contracts. And there's no due process, no remuneration, and so it violates the Constitution on both the contract clause and the due process clause.

So, because I want to see options for consumers and I

want consumers to be able to close with lower closing expenses and finance those closing expenses over the term of a loan through a prepayment option, I will be voting in favor of the consumer, in favor of consumer options, in support of the U.S. Constitution, in support of due process and against 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.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to interrupt our proceedings once again today to introduce some very honored guests that are in our Chambers [sic] today. Mr. Speaker, we have with us Al Harrington, formerly with the Indiana Pacers; J.R. Smith, who is currently with the Cleveland Lakers [sic]; Nasi Taylor; and Dan Pettigrew. Mr. Speaker, these are not only accomplished athletes, but they're also very inspiring businessmen entrepreneurs. Would you please welcome them to our Chambers [sic].

ACTING SPEAKER AUBRY: Certainly. On behalf of Mrs. Peoples-Stokes, the Speaker and all the members, we welcome

you here to the New York State Assembly. We extend to you the privileges of the floor. This is the People's House. You guys are always welcome here. Thank you for sharing this time with us.

Thank you.

(Applause)

The Clerk will read.

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

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

MR. OTIS: Thank you. This legislation would restore what has been the law in New York State since 1968. A very important law based upon a Court of Appeals decision that protected commercial tenants from arbitrary and -- arbitrary eviction and termination of their leases without due process. That decision, the Yellowstone decision, has protected small businesses and commercial tenants for over 50 years. Two years ago, the Appellate Division -- one of our Appellate Divisions overturned that precedent, and the Court of Appeals a couple of weeks ago, in a split decision, decided with the Appellate Division. But both courts said that the Legislature could clarify this issue with action that hopefully we'll be taking here today. Why is this important? Because businesses that have leases

should not be thrown out because property values go up and a landlord want to take advantage of rising real estate values and find a -- a technical violation of a lease may not even be a violation. What the law has allowed for 50 years is that they could go to court and find out whether or not -- seek a declaratory judgment and an injunction before termination to make sure that the facts are right before they have to make a decision to cure the -- the issue or to find out maybe it was the landlord's duty to cure the issue, or to go ahead with termination of the lease.

So, this is a good bill if you like small business and you like commercial tenants, and it's a good bill for business continuity in the State. So I think we want to keep that precedent there that we've enjoyed for the last 51 years. Thank you.

ACTING SPEAKER AUBRY: Mr. Montesano.

MR. MONTESANO: On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MONTESANO: Thank you. In contrast to some of the comments by the -- the sponsor of the bill, so in the commercial lease many factors are put in there about defects and the time to cure. And there's a whole litany of them, the different types of defects that could exist and what time the landlord gives you to cure that defect, and if you don't, he could commence a landlord-tenant proceeding to evict you from the premises. What has happened over the years, a landlord -- a tenant would be -- have a violation, the landlord would serve him with the notice to cure. The tenant would

then run into court and get what we call the "Yellowstone injunction" and say, *Look, I don't agree with this. And while we play this disagreement out in court, I want you to enjoin the landlord from evicting me*, and the courts would do that. And so now you have a tenant who is already in default of the lease, gets months and sometimes years, and never cures a defect until he tires out the landlord and they go back forth and argue over this, and then sometimes that defect is cured, sometimes it's not. The eviction goes through and the commercial tenant's evicted. So what had happened was the landlords then started putting clauses in their leases, having the tenants waive the provision of this Yellowstone injunction. And that's what went up to the courts. And the trial court said that it's not against public policy to have a tenant waive the injunctive relief and it wasn't void against public policy. There was nothing illegal about it and it -- it was okay. It went up to the higher courts, as the sponsor just indicated, the higher courts ruled in favor of the landlord and said it's not against public policy to have this waiver provision in a commercial lease. And rightfully so, because a lease, whether it be for a commercial premises or a residential premises, is a contract. It's a contract negotiated between two parties. Especially in the commercial setting, these commercial leases always have attorneys on both sides. The tenant has his attorney, and the landlord has his attorney. If the tenant doesn't like a provision of the lease, he can negotiate it out. It's very simple. Whether it's the waiver on the Yellowstone injunction or if he doesn't like the time to cure. Sometimes a landlord will give you

30 days to cure a defect. If you don't think that's enough time to cure a defect, ask for 60 days, ask for 90 days. Everything is negotiable in leases, especially in commercial leases, based on the amount of money that people pay for them to begin with. And commercial landlords are not that quick, especially in today's market and economy, to throw out commercial tenants, especially in malls, strip malls and places of that nature, because they're hard to replace. I think what we do with this piece of legislation, we interfere with the contract negotiating process that's really guaranteed to parties, the freedom to negotiate. There's nothing secretive about it. There -- and the court made in its comments since the Legislature hasn't addressed the validity of any of these things, it ruled that the provisions for the waiver were sound and proper negotiating tools. So I -- I think what we have to do is allow the market to dictate itself. We have to allow landlords to be able to regulate their premises, and if they have a tenant that's not complying with the terms of the lease - which is, again, a binding contract - they should be able to take the action necessary. Even in the case where a landlord brings a notice of -- of default. He tells you you have a problem; you didn't replace the windows, you've got plumbing you didn't fix. Whatever the issue is that the tenant's responsible for. There's a defect, he hasn't cured it. If you feel you're not responsible for it as the tenant, or you did it the wrong way, whatever the issue be that causes the eviction process to take place, you're still able to challenge that eviction in court. You're not being deprived of your day in court to go in and challenge the eviction proceeding. You're only

being -- losing the ability to get injunctive relief to stop the lawsuit. And that's the key here. The tenant's looking to stop the lawsuit before it occurs, depriving the landlord of his ability to cure these defects, which sometimes he becomes liable for. Because if there's a dangerous condition at a commercial location and customers become injured or some tragic event occurs -- there's an explosion, there's a gas leak, there's a fire, and tragedy ensues, there's a loss of life -- not only is the tenant going to be responsible under his insurance policies, you could rest assured the landlord is going to be ultimately responsible, also. So they have a right to -- to seek these -- the cure of these defects. And again, the tenant can challenge this in court in the context of the landlord-tenant proceeding.

So for that reason, I would encourage my colleagues to vote no on this particular bill, as I will. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Montesano.

Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker. Briefly, I want to just suggest that my colleague has put forward a very important bill. I'm not sure about other districts, but I know what's happened in mine, and we have had many longstanding businesses that are vital and important to our community, and while it's bad enough that the rents have been jacked up dramatically, we do have, unfortunately, some bad actors that have unduly challenged their commercial tenants over a large number of, I would say, spurious

allegations of violations of leases. And as a result, yes, they can go to court. But they know they -- they're trying to run a business. They don't have time, they don't have a lawyer on retainer in the same way that many of the commercial landlords do. And so I think it's important to provide a modicum of protection for small businesses that are struggling. And they're struggling because they're competing not just with a business down the block, but they are, in many instances, competing with online behemoths like Amazon. And adding this minor protection I think is vitally important to our small businesses that seem to be under attack from all sides.

So I hope everybody will stand up for small business and vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Otis.

MR. OTIS: I would -- I would just add that what my colleague Assemblywoman Glick talked about is exactly what is at issue here. In the case that went to the Court of Appeals, the business was only given a ten-day notice to terminate their lease. And what this bill does is protect against something we would not want. It protects against businesses being deprived their day in court to have these issues heard and resolved with knowledge of what's really involved and who's really responsible for what. What the bill does, it restores the law to what has been the law for 50 years, and declares those kinds of waiver provisions that are in question here as null and void against public policy. And I suggest everyone support this effort, which is good for commerce, good for business, good for neighborhoods, and

prevents people and businesses in neighborhoods that are gentrifying and our values are going up, where the Court of Appeals decision that we are correcting here today leaves them vulnerable to a landlord who wants to get somebody out and get somebody else back in for a higher rent when they're in the middle of a lease term, middle of a contract term.

So I ask for your support for the bill, and I thank you for the floor.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I want to interrupt our proceedings again to introduce some very special guests in our Chambers [sic] this evening. They are in the podium over your head, Mr. Speaker. They are -- take very good care of our furry friends. They're veterinarians from across the State. We have Dr. Jennifer Conrad, Jim Jensvold, Dr. Gretchen Cohen, Dr. Susan Woodard, Dr. Holly Cheevers [sic], Dr. Eileen Jefferson, and Roberto Bonetti. If you could welcome these fine professional

citizens to our Chambers [sic], Mr. Speaker, it would be very much appreciated.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mrs. Peoples-Stokes, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor, even if you are above us today. We thank you for the work that you do to take care of the animals of this State, our pets and some of our most beloved friends. And we hope that you continue that great work and that you will always feel comfortable here. This is your House. Thank you so very much.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Now Mr. Speaker, if we can continue our -- our debate list with 191 by Ms. Glick.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A04538, Calendar No. 191, Glick, Hevesi, Stirpe, Wallace, Lifton, Colton, Griffin, Epstein, Steck, Lupardo, DiPietro, Reyes. An act to amend the Education Law, in relation to the cumulative grade point average admission requirement for graduate-level teacher and educational leader programs.

ACTING SPEAKER AUBRY: An explanation is -- oh, one minute.

On a motion by Ms. Glick, the Senate bill is before the House. The Senate bill is advanced, and an explanation is

requested, Ms. Glick.

MS. GLICK: This simply adjusts an ill-conceived change in, I think, 2015 that required all graduate education programs to -- for a Master's in education to require an accumulative 3.0 as a baseline for admission to a Master's of education program. And clearly, there are reasons why someone's cumulative GPA would be below that. It could be that they took courses that they decided they were not interested in. It might have been a -- a science course, it might have been a music course and they were tone deaf and they -- and that particular course dragged down their cumulative GPA. It's no -- it's not indicative of one's ability to be a fine teacher, and we believe that we -- this is micromanaging programs and not allowing them to make determinations on a range of criteria for which they may determine someone is an excellent teacher.

ACTING SPEAKER AUBRY: Mr. Ra.

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

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

(Pause)

(Laughter)

Well?

MS. GLICK: Yes.

ACTING SPEAKER AUBRY: Ms. Glick yields.

MR. RA: Thank -- thank you very much. And, you

know, I know this is something you've -- you've tried to put forward for the last several years since the Governor made what I would agree with you is a, you know, an ill-designed attempt here to control who and who could not go into these programs. But basically, my questions were with regard to -- I know we passed a bill earlier this Session that also made changes to this criteria. And if you can just, for the benefit of the members, explain what the differences are between those two different approaches. And, I mean, are we abandoning that -- that other approach or are you pursuing --

MS. GLICK: Well --

MR. RA: -- either or?

MS. GLICK: That was -- if -- if memory serves me, that referred to allowing for alternative criteria. But this is an explicit marker in law that says it must be a 3.0, and so we're eliminating that hard number based on its being a specious arbitrary determinant. And the other one was a little more about allowing for a broader range of criteria, but this is a hard number and -- they're companion pieces, so...

MR. RA: Okay. So -- so one is not mutually exclusive of the other. We could, perhaps, do this and still put in that alternative criteria?

MS. GLICK: Yes.

MR. RA: Okay. Now, under the language of this, I see it takes out the 3.0 but it puts in the word "minimum." So it would say, *the achievement of a minimum grade point average in the candidate's undergraduate program.* So is that -- that's a minimum

determined by the institution?

MS. GLICK: Yes. That -- that -- you know, we -- we like to return to the institutions of higher education the autonomy to make determinations for themselves based on their own experience as to what would be, for them, an appropriate minimum. You know, all of our colleges have, for even basic admissions as an undergraduate, they have a different range of requirements, and we don't micromanage those. We don't tell one school you have to do this, and another school -- we're just suggesting that they should have some minimum standard, we just don't say what that should be.

MR. RA: Okay. Now my last question is, would that institution have to actually, you know, set forth and say, *We require a minimum GPA of 2.5, we require a minimum -- or -- or is it just, you know --*

MS. GLICK: Well, it might change. So we don't ask them to set it a specific number because that could change over time, and it does change with the marketplace. I think after the crash in 2008, a -- a lot of the -- our public colleges saw a shift in the number of applications they were getting. And so what had once been an acceptable GPA at Cortland or at Oneonta changed. And they do change with the market. And so we would like to return that flexibility to the institutions, particularly as we face a teacher shortage in the coming years.

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

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.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we can continue on our debate list, if we could go to Calendar No. 476. It's by Ms. Rosenthal. Immediately following that, we'll go to Calendar No. 334. It's by Ms. Fahy.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A01303-B, Calendar No. 476, L. Rosenthal, Dinowitz, Mosley, Gottfried, Galef, Raia, Lupardo, Quart, Seawright, Santabarbara, Rivera, D'Urso, Williams, Blake, Glick, Carroll, Benedetto, Stirpe, Gunther, Niou, Epstein, Fernandez, Buttenschon, Ortiz, Perry, Weprin. An act to amend the Agriculture and Markets Law, in relation to prohibiting the declawing of cats.

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

An explanation is requested, Ms. Rosenthal.

MS. ROSENTHAL: Umm -- oh, I'm sorry. Okay.

This bill would ban declawing, except when necessary of -- declawing of cats except when necessary for therapeutic purposes.

ACTING SPEAKER AUBRY: Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker. I was wondering if the sponsor would yield?

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

MS. ROSENTHAL: Yes, I will.

ACTING SPEAKER AUBRY: The sponsor yields, sir.

MR. MANKTELOW: Thank you, ma'am. Just a couple of questions on the bill.

MS. ROSENTHAL: Sure.

MR. MANKTELOW: I see in the bill there's the new Section 381 --

MS. ROSENTHAL: I can't --

MR. MANKTELOW: I'm sorry.

MS. ROSENTHAL: Can you talk louder?

MR. MANKTELOW: Can you hear me now?

MS. ROSENTHAL: Yes.

MR. MANKTELOW: Okay. Section 381, there's -- in that portion there's no exemptions except for the therapeutic provision in the law.

MS. ROSENTHAL: Yes. Yes.

MR. MANKTELOW: Could you -- or could you tell me why there's no other exemptions within there?

MS. ROSENTHAL: There -- there is no reason other than medical necessity to remove or amputate the -- the bone up to the first knuckle off the -- off a cat. There's no other reason. Except if the cat needs it for medical purposes, sickness, injury, cancer. Things like that.

MR. MANKTELOW: Okay. So, a question I have for you. So, I have -- I have a senior citizen that just had a -- a valve replacement done in her heart. Okay? She's now on blood thinners, and it would be the recommendation of her doctor to suggest having that cat declawed for the safety of his or her patient. Are there any -- are there any options of putting an exemption in there?

MS. ROSENTHAL: Actually, the National Institutes of Health, the Centers for Disease Control and Prevention, the United States Public Health Service and the Infectious Diseases Society of America have published a joint statement stating that declawing is not advised.

MR. MANKTELOW: Not a what, ma'am?

MS. ROSENTHAL: Is not advised in any of these -- any circumstances.

MR. MANKTELOW: So, if -- if her doctor says, *If you want to keep your cat within your home, I recommend it being declawed --*

MS. ROSENTHAL: Well, you know --

MR. MANKTELOW: -- there are no options there.

MS. ROSENTHAL: I don't -- I don't know that --that a doctor would recommend that. There -- you know, we have -- for example, in London, there are many elderly people who have cats. Declawing is banned over there, and -- and they both manage to survive quite comfortably together.

MR. MANKTELOW: Okay. So, if we go ahead and pass this bill, what's to take an individual or stop an individual from taking their cat to another state to have this done?

MS. ROSENTHAL: Well, you know, when we pass laws in New York they tend to have a domino effect, and other states like to follow New York's lead. So, my hope is that after we pass this and the Governor signs it into law, more and more states will pass identical language. And there really is never a good reason for a cat to be declawed, from the cat's point of view. They are born with the claws and they need their claws to stretch, to defend themselves out in the wild or wherever they may find themselves. To walk properly; their gait is often disturbed when they're amputated, when their claws are amputated. There is never a good reason, unless as I said, injury, a tumor, other medical necessities. So, if a person has an issue with a catch scratching, well, first of all, I'd advise them don't get a cat because that is the very nature of a cat. But secondly, there are ways to change cats' behavior. Get scratching posts. There are vinyl sheathes that could be placed on the nails. And there's -- there's many

ways to address that behavior. The cat's just doing what a cat does.

MR. MANKTELOW: Okay. So, you -- you talked about the cat's point of view.

MS. ROSENTHAL: Yeah.

MR. MANKTELOW: So, on the cat's point of view, when a cat's either neutered or spayed, do you think the cat's point of view of that is good?

MS. ROSENTHAL: A cat is spayed or neutered for their own -- for their own health. To prevent overpopulation of animals. And if you have looked in any animal shelter lately, they are overflowing with kittens, with dogs, with bunnies. It's an overabundance of animals out there, and so we -- we really don't need more to be reproduced.

MR. MANKTELOW: No, absolutely. I've seen that first-handed. Our -- our animal shelters, our humane societies are -- are over full --

MS. ROSENTHAL: Yes.

MR. MANKTELOW: -- with animals. So, that's -- that's really my point. However, my concern is if I have an elderly patient who had a heart valve, or is on a blood thinner and the doctor recommends that that cat not be allowed in there so the cat doesn't scratch or cut or hurt the -- the patient, the resident, the owner of the cat, then her options -- his or her options really are limited. I -- I hope that we don't send that cat to a humane society or a shelter because the chances of that cat being euthanized are very high at that point.

MS. ROSENTHAL: I think that's theoretical. I've never heard of a doctor recommending that someone's cat be declawed. I've never heard of a human doctor recommending that -- that procedure.

MR. MANKTELOW: Well, I've met with two of my veterinarians in my -- back in my district, and there's been a case where the doctor talked to the patient and recommended that that cat be declawed. And I know the veterinarians that I spoke to, they do not take this very lightly. They totally discourage declawing as much as they possibly can. But at the same time, there are times when it is recommended to do. And -- and I'm not a doctor. I'm not an expert. But I'm only going by what the veterinarians are telling me. They're -- they're the experts.

MS. ROSENTHAL: Well, what -- what the human doctor, the doctor for humans may not understand is that cats whose claws are amputated often turn to biting. Bites are -- are so much more serious to a human than a scratch. And so, perhaps there needs to be an education campaign out there after this becomes law to say declawing is never a good option except for medical necessity.

MR. MANKTELOW: So -- so doctors are aware of this?

MS. ROSENTHAL: Well, apparently that doctor isn't. But others -- you know, once this becomes a law, they will be educated that it's not a good idea. Bites, as I said, are much more serious than scratches. And when cats have their claws removed, they

often turn to biting because you're interrupting their -- the natural way of being.

MR. MANKTELOW: So a cat -- a cat that's already declawed at this point in time, okay, and the owner decides to get rid of the -- the cat --

MS. ROSENTHAL: Uh-huh.

MR. MANKTELOW: -- it's declawed. We can't just put it out in the open because it has no way --

MS. ROSENTHAL: You can't what?

MR. MANKTELOW: We can't just let it go outside because it has no way to defend itself.

MS. ROSENTHAL: Absolutely.

MR. MANKTELOW: So, what's the recommendation for the cat that's already been declawed?

MS. ROSENTHAL: For a cat that...

MR. MANKTELOW: Has already been declawed.

MS. ROSENTHAL: Well -- and the person wants to relinquish it? Is that what you're saying?

MR. MANKTELOW: Yes.

MS. ROSENTHAL: Well, I would hope --

MR. MANKTELOW: Or has to.

MS. ROSENTHAL: I would hope they would not do that, since when you adopt an animal, you -- you take responsibility for their care and well-being for their entire life. You know, people who change their mind in the middle of this really, you know, need to

think twice before doing it. However, cats are sometimes relinquished to shelters. Cats that are declawed have a harder time being adopted out of a shelter because they show other behaviors that owners don't like. So my advice would be to find a rescue or a shelter that will take care of that animal and make sure that they get adopted by a good family that won't throw them out.

MR. MANKTELOW: And I -- I agree with that 100 percent. My only concern is, these shelters, as you said earlier, are already overburdened --

MS. ROSENTHAL: Yes, they are.

MR. MANKTELOW: -- with cats. So, I'm concerned that because the owner is not allowed to deal with this in the way they choose, that cat's going to be euthanized eventually.

MS. ROSENTHAL: Well, you know -- you know, in Los Angeles -- and by the way, I have the support of the City of Los Angeles, which banned declawing more than ten years ago --

MR. MANKTELOW: I -- I saw that same report.

MS. ROSENTHAL: And they -- and they found that in the -- in the five years after the declaw ban was enacted, far fewer cats were relinquished. So, I think it's actually going to help this issue of relinquishment of cats. And by the way, there are many rescues around the State that make sure that animals are not euthanized. They take -- they pull them and they take care of them and they adopt them out.

MR. MANKTELOW: I know in my district we have

so many cats, so many feral cats --

MS. ROSENTHAL: Yes. This is different.

MR. MANKTELOW: And because we have so many feral cats, they try to adopt them out first.

MS. ROSENTHAL: Well, feral cats are feral. So, the -- the best procedure for a colony of feral cats is to track them, to neuter them, and then to put them back where they came from. They will be unable to reproduce, they will have their normal lifespan and no one will bother them. You can't adopt a feral cat because they're already feral. You can't change them into a house cat, for most of the time.

MR. MANKTELOW: No, and I understand. And that -- and that's what we do back home. But at the same time, that cat just was neutered or spayed and --

MS. ROSENTHAL: Say -- talk louder. I can't -- I couldn't hear that.

MR. MANKTELOW: I'm sorry. At the same time, back home those -- those cats that we do take in are either spayed or neutered, and I'm sure the cat's not happy about that as well. But we do that to protect the cat from --

MS. ROSENTHAL: I think, you know, the female cats, I'm sure, are very happy not to have their monthly period --

(Laughter)

And, you know, we're doing it -- we're doing this to stop the overpopulation of animals.

MR. MANKTELOW: Yes. But -- but my point is, who -- who makes that decision that it's okay to stop them from overpopulating? But at the same time that person doesn't have the choice to say, *I would like my cat declawed.*

MS. ROSENTHAL: It -- they -- they have nothing to do with each other. Declawing is a barbaric, inhumane guillotining of the first -- up to the first knuckle. It -- it leaves bone shards, it leaves pain within -- within what's left. It leaves phantom pain. It leaves cats with a painful road for the rest of their lives. It's not fair to do that to them, and that's why we need to ban declawing of cats.

MR. MANKTELOW: Okay. So, basically it's not fair to the cat.

MS. ROSENTHAL: It's not what?

MR. MANKTELOW: It's not fair to the cat to be declawed, is basically --

MS. ROSENTHAL: It's not fair to the cat?

MR. MANKTELOW: Yes.

MS. ROSENTHAL: No, it's inhumane. It's barbaric. It is unnecessary. It is done for the vanity and the protection of a human's couch or furniture. I don't think any of that is a good idea to foist on a cat.

MR. MANKTELOW: Okay. I think that's all the questions I have. Thank you --

MS. ROSENTHAL: All right.

MR. MANKTELOW: -- so much for your time.

MS. ROSENTHAL: Thank you.

ACTING SPEAKER AUBRY: Mr. Speaker --

Madam Speaker, on the bill, please.

ACTING SPEAKER ROZIC: On the bill. But before you start, could we have some quiet in the Chamber, please? Thank you.

MR. MANKTELOW: So, after doing a little research on this and getting some information, this is what I found out. Our veterinarians take the issue of declawing very seriously, and believe that it should be done and in -- as an available option when the alternative -- alternative is abandonment or euthaniz -- euthanization. Many -- many doctors do direct their patients that have cats to be declawed when they are immunocompromised, diabetic, hemophilic or immune-suppressing medication or a various of other medical reasons. While medical literature does not recommend declawing in all circumstances, in practice some doctors will not take the risk with their patients' health or order the patient to remove the cats with claws from their home. And that was my point; the doctor does not want to do that. These cat owners should not need to face relinquishment or euthanization of their pet because the option of declawing was taken away. Cats that would lose their home if not declawed face a higher risk of euthanization than if their owner was able to care for them long-term. They also exchange a life of comfort and care to potentially spending years in conditions that may be far from ideal for long-term living. The New York State Veterinary and Medical

Society believes that veterinarian, as a licensed medical professional with an education of knowledge to safety -- safely perform medical procedures to animals should be permitted to make a medical decision after direct consultation with a client and through an examination of the patient and its home circumstances. It is a veterinarian's obligation to consult with a client regarding the normal scratching behavior of cats, alternatives to declawing, the procedure itself and the potential risks to the patient. The decision to declaw a cat is a medical decision, not a legislative decision, that should be made by the owners in consultation with a trained, licensed and State-supervised veterinarian operating within the appropriate standards of the practice. Declawing of a domestic cat should be considered when its clawing presents an above-normal high health risk to its owners, or after attempts have been made to prevent the cat from using its claws destructively.

I -- I truly do want to support this bill, but I cannot support it totally without an option in there where we have an option to declaw, if necessary. Thank you, Madam Speaker.

ACTING SPEAKER ROZIC: Ms. Glick.

MS. GLICK: Thank you, Madam Speaker. I don't know many -- how many cats the gentleman has had. And I consider myself a minor expert. And I disagree with Ms. Rosenthal on only one point, and that is that you actually can take a feral cat in. It's not easy, but you can, and you should. This bill is really important. First of all, it is giving to veterinarians the ability to make a medical determination as to whether or not there is a medical reason for

declawing a cat. In the same way that we would not have a child who's climbing up on things and just say, *Well, you know, if they didn't have those first -- that opposable thumb, they just might not get into trouble, so let's take the opposable thumb off.* So, cats can become biters if they are not -- if they don't have the ability to scratch. But you can, in fact, clip their claws, in which case what actually cuts -- causes the scratch is the point of the claw. So, if you trim your cat's claws regularly, then they won't have that sharp point and you won't actually suffer a scratch. And you should start that process early. I've had cats that aren't pleased with having their claws trimmed, but I've had others that view it as beauty day and enjoy actually getting their claws trimmed. I am mystified that the way we would deal with people's health issues -- and, in fact, if you have a pregnant woman they will tell -- an obstetrician will tell a pregnant woman not to be the one to clean the litter box because of a particular.... toxoplasmosis, I am advised. Which isn't to say that pregnant women get rid of the cat. In fact, I think my sister had two cats and her daughter had asthma and the doctor advised her getting rid of the cats. And she got rid of the new cat, but she said the other cat had been there longer than the child. And my niece actually managed to not only be fine, but to have the joy of having a -- a cat while she was growing up. I don't think there's any reason to disable a cat because you have a fear of scratching. If you have that fear, you either clip the claws, use the vinyl tips, or cats aren't for you. You're not obligated to have a cat. If you have a cat and you develop a medical condition, there are ways of dealing with it

without deforming your cat's feet.

So, I think that this is a great bill. It would be a great step forward for our furry friends, and I hope everybody will vote in favor of this very appropriate measure. *Meow.*

(Laughter)

ACTING SPEAKER ROZIC: Ms. Rosenthal.

MS. ROSENTHAL: Thank you. On the bill. Today is a "cataclysmic" day in the State of New York for our four-legged felines and the people who love them. With today's vote in both Houses, New York takes one giant leap off the cat tower toward becoming the first state in the nation to ban declawing. Let's set one thing straight: A declaw procedure is not like getting a mani/pedi at the spa. It's a surgery which nearly all of cats -- which removes nearly all of the cat's first toe bones, tendons and muscles. This brutal permanent disfigurement leaves many cats experiencing chronic lifelong pain, much like an amputee who experiences phantom pain associated with their lost limb. Unlike human amputation, which is most often performed to save a life, cat toe amputation is performed to save a couch, the curtains or other pieces of furniture, for the most part. Hardly comparable. Cats scratch. Like purring, meowing and rubbing your legs for treats, scratching is an instinct, something cats are born to do. Denying cats the ability to satisfy one of their most basic and natural biological urges is cruel, and causes cats to act out in a variety of ways. Declawed cats often resort to biting and litter box avoidance, or both, to express their frustration about not being able to

scratch. Now that the claws are gone, should we also remove their teeth? My cats, Kitty and Veda, are part of my family. They are not property over which I may exert my dominion. I am not entitled to disfigure them or cause them pain for my convenience or to suit my lifestyle. This is simply not the deal you make when you bring an animal into your life. And when so many alternatives to declawing exist, there's no reason to declaw. Instead of declawing, your kitten should wear mittens, or you can provide your cats with scratching posts and constructive outlets for their energy.

Now, over the years the opposition to this effort has been formidable among some veterinarians who offer two-for-one declaw and spay and neuter procedures, like a wash and wax at the car wash. But those days are over.

I want to pause here to thank the advocates who have been like a dog with a bone - I had to get one dog pun in - in their advocacy over the years to see this bill become law. Dr. Jenny Conrad and Jim Jensvold of the Paw Project, who started this effort, along with Dr. Susan Whittred of the Paw Project, Alley Cat Allies, Brian Shapiro of the Humane Society, and Humane Society Veterinarian Medical Association. My colleague, Chair of the Assembly Agriculture Committee, also deserves a lot of kudos for advancing this bill. So, while the cats of New York may prefer to laze their days away in a sunny spot near the window, you have been tireless. Luckily, the cat never had your tongue so you were able to be the voice for the voiceless, and the victory is yours. So, cats of New

York, show me your claws. I want to thank my colleagues who should never be confused with scaredy-cats for their votes. Now that New York has led the fully-clawed cat out of the bag, it's time we take this movement to every state in the nation.

Thank you.

ACTING SPEAKER ROZIC: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ROZIC: Let's have some quiet in the Chamber, please. Keep the cat calls to a minimum.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Lentol to explain his vote.

MR. LENTOL: Thank you, Mr. [sic] Speaker. I rise to support my feline friends all over New York. I also agree with one of my colleagues who suggested that a -- a feral cat can be house-trained, because I know for a fact because I've had one. And unfortunately, I lost her about two years ago. But I just want to comment on this bill because it's really an either/or prospect for people who want to have a cat. You either want to have a cat, or you want to take away its ability to defend his or herself because you want to protect your furniture. And I understand that people want to protect their furniture, then they shouldn't have a cat. They should get a dog. And even then, that's not so safe. But I know as a longtime cat lover that my cats did some damage to my furniture, and I lived with it. And I live with it happily because I've had two wonderful kitties for -- that

lasted -- one had a lifetime of 18 years and the other one had a lifetime of 16 years. And I was very pleased to have both of them in my life because as the sponsor has suggested to us, it's just like a part of your family. And of course they're going to get into all kinds of mischief, not only scratching. But I tell you that if you take away a cat's defense mechanism that she or he has in her paws, you're ruining that cat's life psychologically. I know that for a fact, because I've seen other cats.

ACTING SPEAKER ROZIC: How do you vote, Mr. Lentol?

MR. LENTOL: I vote in the affirmative, Madam Speaker.

ACTING SPEAKER ROZIC: Mr. Lentol in the affirmative.

Ms. Linda Rosenthal to explain her vote.

MS. ROSENTHAL: Thank you, Madam Speaker, to explain my vote. I'd like to stand corrected for the record. One can adopt a feral cat. You need patience and you need fortitude, but there are feral cats that have been successfully adopted and are the joy of someone's life.

So, I would like to thank my spectacular staff for devoting endless hours to this. It was, you know, a major work for my office. Lauren, Gus, Erica, Caitlyn, Nick, interns. Over the years we've gotten so much support and I'm "pawsitively" thankful to them, and I vote in the affirmative.

ACTING SPEAKER ROZIC: Ms. Rosenthal in the

affirmative.

Mr. DenDekker to explain his vote.

MR. DENDEKKER: Thank you, Madam Speaker. I also wanted to thank the sponsor of this bill. I had a similar bill. We had a constituent come in that was told that in order for them to renew their lease that they would have to have their cat declawed. And we just thought that was absolutely insane and horrible, that a landlord would do that to somebody who had this pet for so many years. And -- and we put a bill in to say that you couldn't make that a -- a reason to renew a lease, to declaw a cat. I also have my own cat. I agree with everything that my colleagues have said. Doing surgery onto a cat because you're concerned about your furniture, you should maybe not have a cat, then. In fact, I prefer that you don't have a cat. Because obviously, you don't understand how a cat operates. If you're lucky enough, you get to live in their house after you bring them in. They will tell you what you are allowed to do and when you are allowed to do it.

So, on behalf of Autumn DenDekker, I am 100 percent behind this bill and I will be voting in the affirmative.

ACTING SPEAKER ROZIC: Mr. DenDekker in the affirmative.

Mr. Lavine to explain his vote.

MR. LAVINE: Sincere thanks to the sponsor and everyone else who fought for this bill. In the end, we'll all be judged by the way we treat each other, and we will also be judged by the way

we treat our fellow creatures. So I'm going to be very happy to vote for this bill. And I'm thinking of Mr. Kitty, who was my cat, was actually -- some of you met him when you visited my home. And Mr. Kitty was actually supposedly found by my daughter at the University of Vermont. Mr. Kitty had a very good life. Mr. Kitty lived in Burlington, Vermont; Oakland, California; San Francisco, California; and then spent most of his years in my house, helping me at the computer where he was always quite agile with his -- with his paws. Mr. Kitty, sadly, is today in the big litter box in the sky. But I'm sure that Mr. Kitty would be very, very pleased with this -- with this bill. And it actually is - all kidding aside - this is a major step for us as human beings and a major step for the State of New York.

So, Linda, and everybody else, sincere and great thanks.

ACTING SPEAKER ROZIC: Mr. Lavine in the affirmative.

Can we have some quiet in the Chamber, please?

Mr. Dinowitz to explain his vote.

MR. DINOWITZ: I don't have a cat. I've never had a cat and I'm never going to have a cat.

(Laughter)

However, I think the declawing of cats is disgusting and barbaric, just like I think, by the way - and there's another bill out there - I think devocalization of dogs is similarly barbaric.

I want to thank the sponsor of this bill. I think this is

a really great bill. I appreciate it and it's -- I'm glad that we are finally doing this. So, I vote in the affirmative.

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

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, if we could now go to Calendar No. 334. It's on page 25 and it's by Ms. Fahy.

(Pause)

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A02432, Calendar No. 334, Fahy, Barrett, Ortiz, Magnarelli, Gottfried, Englebright, Thiele, Simon, D'Urso, Glick, Lupardo, Jaffee, Zebrowski, Santabarbara, Colton, Cahill, Galef, Mosley, Arroyo, Seawright, Pichardo, Lifton, Dinowitz, Vanel, Stirpe, L. Rosenthal, Steck, Abinanti, Richardson, Wright, Wallace, O'Donnell, Taylor, Niou, Quart, Carroll, De La Rosa, Reyes. An act to amend the Public Service Law and the State Finance Law, in relation to instituting internet service neutrality.

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

MS. FAHY: Yes, thank you, Mr. Speaker. Happy to. This bill on net neutrality is one that was initiated a year-and-a-half ago after the FCC, the Federal Communications Commission, changed

their rules and essentially dropped their net neutrality principle. So, my bill would deny State contracts to Internet service providers - otherwise known as ISPs - that publicly disclose, as required by the FCC, that they engage in practices such as throttling or paid prioritization. It would also authorize the PSC, which is the Public Service Commission, to strip any ISP - again, or an Internet service provider - of their State contract if they do not meet previous net neutrality standards in their recording requirement. Again, at the heart of the bill is that every New Yorker would -- ensuring that every New Yorker would not be prevented from continuing to have access to a free, open and equitable Internet, and access to that Internet.

Thank you.

ACTING SPEAKER AUBRY: Mr. Palmesano.

MR. PALMESANO: Yes, Mr. Speaker. Will the sponsor yield for some questions?

MS. FAHY: Sure.

ACTING SPEAKER AUBRY: The sponsor will yield.

MS. FAHY: Sure.

MR. PALMESANO: Thank you, Pat. I have some questions. I know you've stated that this legislation deals with -- specifically with prohibiting State contracts. Is that correct?

MS. FAHY: Yes.

MR. PALMESANO: Where my question comes into play is the language in the bill, the beginning where it says broadband

services, line -- I think it's line eight -- it says, broadband Internet services shall mean a -- a mass market retail service. And from my understanding, mass market retail services is exactly what ISPs offer to all consumers. So not just those that are working on State contracts. And also, if you go down a little farther, it said broadband internet services provider shall mean any person, business, organization qualified to do business in the State, including municipal broadband providers that provide to individuals, corporations. So, when you say *individuals*, that's not State contract, that's everybody. So this legislation is much more impactful than just dealing with State -- those who are participating for a State contract. This is going to have an impact across the board on all Internet operations altogether, correct? Based on that language that's in this bill.

MS. FAHY: Let me -- let me clarify. Essentially what this is getting at is that we're using the New York State "power of the purse," if you will. We have a \$175 billion annual budget, and the -- the ripple effect, if you will, of the fact that it is the State does -- most businesses that contract with the State turn around and contract with many others, like our -- our school districts, our libraries and a host of other companies that may rent, or individuals that use the services. So, I think -- I think it is just the -- the fact that it's -- the ones who would be directly impacted are those who would be seeking contracts from the State. And by the way, I should give a shout-out. Charter Communications, when this came up a year or so ago, when they were in dispute with the State on their State contract, they came

back to the PSC and have already certified that they would maintain the principles of a net neutrality and free and open access to the internet. So AT&T, as a result of this legislation, also came out and said that they would abide by the net neutrality principles as well. And as you know, that has a huge ripple effect beyond State contracts since many individuals have AT&T services. So it -- it's, I think, the -- the ripple effect of this, is what it's implying.

MR. PALMESANO: So, I guess my question -- because I know you said -- like you said, this is more to get a ripple effect for beyond just State contracts, and I think that's a concern I have, given the marketplace that we have. Because this stems back to the FCC order. And didn't that order restore jurisdiction to the Federal Trade Communication [sic] to act when broadband providers engage in anticompetitive or unfair or deceptive practices? So the FCC's empowered right now to go after any conduct that's inappropriate. Right now, that's what that order did. That's the case as we have right now, but this is going beyond that. Correct?

MS. FAHY: The -- you know, indirectly I guess they could, you could read it that way. However, since the FCC is the one who made the ruling to abandon the principles, the net neutrality principles, and therefore not -- the only thing that they are enforcing is that they ask for the public disclosure of companies who are not abiding by it. But there's no enforcement mechanism. We have seen legislation move in the U.S. House of Representatives. However, the Senate, the U.S. Senate, has said that they do not plan to move similar

legislation. So we do feel it's within -- it's important for the states to speak up on this and continue to prevent -- as you know, we saw some egregious examples of some Internet service providers doing the paid prioritization or the throttling -- we saw it in Mendocino last year with firefighters losing access to their Internet in -- in the height of some of the California fires. So, we have seen some abuses here and we do think it's important that states speak out. Since this bill was introduced a year-and-a-half ago, we have since seen about five other states pass legislation to protect this net neutrality.

MR. PALMESANO: Another question. Right now, under the law, doesn't New York's Attorney General -- General -- our Attorney General have the power and authority to enforce consumer protection laws and its applicability against broadband providers, as it does any other business entity in the State that's not abiding by the laws and consumer fairness and deceptively acting? Right now, there are Federal and State laws already in place that addresses this issue. We -- the Attorney General has the -- the authority in the State right now to do this. So why is this even that much more necessary?

MS. FAHY: Again, I think if the -- if the FCC has abandoned the principles, and that is that the ruling that stands right now, the only thing they are requiring is that they be disclosed, that companies disclose if they are doing throttling or paid prioritization or any other things that would slow down access or -- or prioritize access to -- to those who pay more. So I don't -- I'm not sure where the AG, then, would have that authority without us taking legislative actions,

since the FCC has abandoned, but let me... (sidebar).

Yeah. I -- I think -- right. I think leaving this to companies and corporations to self-report or trying to track what they may report to the FCC since we have don't the cooperation there right now. I think it is important that we take this -- this step to show that New York State, through the power of its purse, will continue to abide by the principles.

MR. PALMESANO: Are -- are there any examples that you're aware of that you could share with us about this -- examples of throttling and blocking that are going on right now that are being addressed? Because I haven't been made aware of anything since --

MS. FAHY: Well, again, the most egregious one is the -- is the -- is the -- Mendocino last year with the fire -- the height of one of the California fires, where they -- they were throttling and blocking the Internet access for the Mendocino firefighters. And afterwards when it was publicized that they were doing that, they ended up restoring it, but then charging more. And that was only after a public outcry. The other thing that's been disturbing is one of the reasons the FCC said that they were going to drop the -- the principles and -- and drop the requirement, is they anticipated that it would lead to more investment in -- in infrastructure. And since then -- in the network infrastructure. And since then, the *Financial Times* reported earlier this year that it's actually led to significantly less investment in network infrastructure than before they repealed the net neutrality

principles. So, it's -- it's actually -- and again, New York, not only in New York City, but throughout Upstate, we are an entrepreneurial hub. Our creative economy has been the lifeblood of our Upstate economy, and the fact that we are really -- that we have this shadow now over the possibility of -- of the ability for some ISPs to either throttle or do paid prioritization will have a chilling effect for entrepreneurs and others. So -- so we do think it's an important principle to reaffirm and to help enforce through -- again, through the power of the State purse.

MR. PALMESANO: I -- I want to get to the investment part in a little bit.

MS. FAHY: Sure.

MR. PALMESANO: I do want to ask a question about -- really, I think some concerns I have relative to the constitutionality of this. Because I know the FCC order in the 2015 decision reaffirmed that broadband is an interstate and global service, and preempted states and localities from regulating that arena. So aren't you concerned that this might be a violation of the Constitution and the Interstate Commerce Clause? Because I am.

MS. FAHY: Yeah. We -- we have carefully crafted this, again, a year-and-a-half ago - in fact, quite carefully - to avoid the Federal preemption. And we're -- we've done it kind of through a side-door way, if you will. In other words, we're -- we're not saying -- we're not mandating that any business have to do this, we are just -- nor are we adding in any type of requirement or -- what we're saying

is, you can do -- *You, as a private business or as an Internet service provider, you can do what you'd like. However, you would not then be eligible for any State contract.* So it's -- it's a way of trying to enforce net neutrality principles through the power of the State purse. And -- and we have since run this -- we've run this by a -- a host of constitutional lawyers and -- and quite frankly, we shared our draft with a few other states. And again, this has been -- very similar legislation has been adopted in about a half-dozen other states, including New Jersey and California, even if they've, you know, may have slightly different language. But -- but we do think we have fully addressed any concerns about Federal preemption.

MR. PALMESANO: Getting -- shifting to the investment part that we were talking about a little bit earlier -- or you were talking about a little bit earlier. Wouldn't you agree, when you want to create investment, the best way to create investment is if there's some sort of certainty in the private sector so they know what the investment is getting into? And if we -- if each state is doing different things on this issue and creating -- we're creating a patchwork of different rules and regulations and laws, isn't there a concern on your part that -- wouldn't this be better to do at the Federal level? I know this is all being done because of what happened at the Federal level, so the State wants to kind of change because they didn't like the order was done at the Federal level. But if the states are making these different changes to what was done at the Federal level, that's going to create more of an uncertainty in the -- in the framework,

which will discourage investment. Don't you agree?

MS. FAHY: It -- that's a great question. And thank you for asking that. Initially, when ourselves and a whole host of other states were raising this, it was really to try to send the message that we need to do this across the country. And that was one of the first bills -- the former Majority Leader actually told me it was the very first bill he cosponsored when he went to Congress earlier this year. So we are trying to send a message that we need to abide by the principles and sending these messages -- the fact that California, New Jersey and I hope New York will do this, it is sending the message that -- to -- to companies that we want to abide by these principles and we want that stability. We had that stability for a couple of decades -- sorry, for -- for a number of years. In 2010 -- let me just -- in 2004, there were -- the FCC first issued four freedoms about keeping the Internet open. That was on content, application, attached devices and transparency, right? In 2010, they issued their ruling that the four freedoms and laid the groundwork at that time for net neutrality, which in 2015 they fully adopted that -- where they -- they affirmatively stated that there would be no throttling, no paid prior -- prioritization and no blocking. It was only after a very controversial ruling at the end of 2017 when the FCC abandoned those principles. So, we actually think it would restore some stability, and that's why you've since -- because of all the outcry from so many states, that's why you've seen AT&T come out and say they would still abide by the principles. You've seen Charter Communications do it. And we

want to send that message. So, I think the -- again, the power of the State actions here is really -- would help restore some of that stability and predictability within the marketplace.

MR. PALMESANO: And -- and Pat, I just -- in addition at this point, because I -- obviously we know that the telecommunication industry is a major economic force in our State. By my -- the numbers I have, the wireless industry contributes about \$29 billion to our State's GDP. We have over 2,400 employees -- or I'm sorry, 2,400 companies, telecom businesses in this State, and about wireless-related jobs we're talking about 200,000. And the concern I have is when the change that happened when they -- when it came under the previous administration at the Federal level, which -- which basically put net neutrality in place, what we saw at -- across the board was a big decrease in that private-sector investment. From 2014, that the -- the -- the decline in capital expenditures went from \$32 billion in 2014 to \$26.4 billion in 2016. So that was -- that was a decline in capital expenditures because of those regulations that were placed at the Federal level, and again now we're just trying -- we're -- we're -- we have that new order that takes that away, but now we're going to put this in in different states. And my concern is, based on the impact we have on the State market that I just talked about with the -- I told you, I brought up those statistics, that's going to depreciate more capital expenditure investment in the State, which would, I think, hurt our economy, create job losses, and I just think that's kind of sending a bad message.

MS. FAHY: Yes, I hear you on -- on that, and that was one of the rationales that was used by the FCC Chairman to again abandon the -- the principles and -- and roll this back. However, since then -- and there's been a few articles on this. I've -- I've only got the -- the *Financial Times* in front of me. But again, this happened now just over -- just about a year-and-a-half ago, the end of 2017, and since then, as best as *Financial Times* and a few other related entities have been recording, that they're saying that they're -- not only are telecom companies not investing more in improvements and upgrades, they're actually less. They're investing significantly less than before this repeal, the net neutrality repeal. So -- so I hear you that -- that there may have been some decrease before then, and that was supposed to be the reason for doing this, but it's actually led to less. So that's -- that is really -- that theory has been debunked, if you will.

ACTING SPEAKER AUBRY: Mr. --

MR. PALMESANO: My time is up?

ACTING SPEAKER AUBRY: Your time has elapsed.

MR. PALMESANO: All right. I'll just come back and explain my vote after.

ACTING SPEAKER AUBRY: Well, no one else in front of you, so you can restart.

MR. PALMESANO: All right. I just want to thank the sponsor.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Yes, I just want to thank the sponsor for your time and the questions you answered.

Mr. Speaker and my colleagues, I have concerns relative to this -- this legislation. I think we're looking at piecemealing patchwork of regulations and laws around this country that I think is going to provide a -- a decrease in investment. I think businesses want certainty. And I think when you see different states doing different things on this issue after the Federal order that was put in place, I think that's going to cause a problem. I think it's going to create -- be more burdensome, it's going to be more costly to our business community. It's going to be more cost, which is going to lead to increased costs for our customers. It's going to lead to litigation. I think it's going to certainly create a lot of uncertainty, stifle innovation, stifle private-sector investment at a time when we need it most. I think it's going to put us more in a competitive disadvantage with other -- other states that are open up for investment. And as we talked about, right now we have 24 companies that are providing telecom broadband services in this State. We have over 200,000 wireless-related jobs in our State, and the wireless industry contributes \$29 billion to our GDP. And we talked about the decrease that we saw from 2014 to 2016, a decrease from \$32 billion to \$26 billion in capital expenditures. That's not a good sign. That doesn't provide certainty. That doesn't lead to increased investment. That's going to be people taking a pause to invest. And I think with legislation like

this in our State and other states, it's just going to create more uncertainty. I think this is just creating -- in my opinion, creating a problem where none exists. We had the Federal Trade Commission, the FCC, that has jurisdiction over this issue. The Attorney General has the power to investigate where there are providers that are not being fair and deceptive in their practices. Just like any other provider or business entity in the State, the Attorney General has that right right now. But I just don't see the -- the need with this legislation to create more patchwork of -- of language that basically impacts everyone, not just State contracts through the language where it did talk about retail mass market, which is everybody. We're just talking about providing the individuals which is everyone, not just State contracts. That's a concern I have. And again, at the end of the day, I'm just worried about this being a drain and hurting our business investment. The drain on the economy is certainly hurting a very important industry in our State, the telecom industry that contributes a lot. I -- I know that the sponsor has well -- is well-intentioned with it, I just think it's going in the wrong direction and it's not the right way to go, given what our State faces from a business climate perspective.

And for that reason, Mr. Speaker and my colleagues, I'll be voting in the negative and encourage my colleagues to do the same. Thank you very much.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Fahy to explain her vote.

MS. FAHY: Thank you, Mr. Speaker. I rise to further explain my vote as well as this bill. Again, in 20 -- at the end of 2017, December 2017, the FCC, the Federal Communications Commission, surprisingly repealed the net neutrality rules that had been aimed at preventing Internet service providers - or ISPs - from throttling speeds of connections or doing any type of paid prioritization which would hinder free and open access to the Internet, which has fueled the economy to a large degree in the last 10 to 15 years. This bill, my bill, would deny State contract to those ISPs or Internet service providers that publicly disclose, as required, if they publicly disclose to the FCC that they are engaging in practices that would hinder access to the Internet, such as throttling or paid prioritization. Again, the heart of the bill is keeping the Internet free and open using the power of the State purse in order to do that. And I thought it was particularly important because we are a State that is the hub of entrepreneurship, especially small businesses and startups. As a part of the creative economy, they need a predictable and reliable Internet and they need it as accessible as possible. As do our local libraries, as do our school districts who rely on it for learning. This -- this ruling has not paid out to the degree that the FCC Chairman had hoped, and -- because they had hoped that it would lead to more

investment in the network, the Internet network infrastructure. And it has actually led to significantly less. Again, since this bill was introduced, a few other states have passed similar laws, including California and New Jersey. And again, this bill is about maintaining the four freedoms of the Internet, and with that I rise in support.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Fahy in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: We have both, Mrs. Peoples-Stokes.

On a motion by Ms. Simotas, page 13, Calendar No. 176, Bill No. A01047-A, amendments are received and adopted.

On a motion by Mr. Blake, page 19, Calendar No. 246, Bill No. 5175-A, the bill is returned to its original print.

We have numerous fine resolutions, we'll take up with one vote.

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

(Whereupon, Assembly Resolution Nos. 490-492

were unanimously adopted.)

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: Mr. Otis for the purposes of an announcement with no regrets.

MR. OTIS: We will have a meeting of the Democratic Conference in the Speaker's Conference Room immediately following the conclusion of today's Session.

ACTING SPEAKER AUBRY: Democratic Conference immediately after Session.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I now move that the Assembly stand adjourned until 11:00 a.m., Wednesday, June the 5th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 5:18 p.m., the Assembly stood adjourned until Wednesday June 5th at 11:00 a.m., that being a Session day.)