

TUESDAY, JULY 21, 2020

10:52 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, January [sic] 20th.

Mrs. Peoples-Stokes.

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

that we dispense with the further reading of the Journal of Monday, July 20th and ask that the same stand approved.

ACTING SPEAKER AUBRY: I'm sorry, Ms. Majority Leader. I want to start all over again.

(Laughter)

Certainly. On Mrs. Peoples-Stokes' motion, without objection, so ordered.

MRS. PEOPLES-STOKES: Thank you, sir. If I could offer an -- a quote this morning. I do want to start by just saying that we were scheduled to start at 10. We are a little delayed. I think that particularly given the fact that many of us are participating remotely as we are still in the middle of a pandemic, I would just ask if members could at least get online a little faster, come to the Chambers a little faster if you are going to participate. The earlier we start, the more work we can get done. There are a number of Rules bills that came out today, there are a number that came out yesterday. Everybody wants to see their bills done. I want to see everybody's bills done. But if we don't get the numbers in the base, we can't do it.

So with that, I want to bring this quote today. This one is from a former President, Mr. Speaker. It says, *Use power to help people. For we are given power not to advance our own purposes, nor to make a great show in the world, nor a name for ourselves. There is but one just use of power, and that is to serve the people.* Mr. Speaker, this quote comes from our former President George W. Bush. We want to thank him for his words because they

were appropriate when he said them, and they are appropriate today. With that I certainly want to welcome our colleagues here and anyone who has joined us in the Chambers. We ask the people who are going to be in here, if you're not going to be six feet apart that you do need to be masked. So you are welcome to be here, but appropriately so.

Members have on their desks or at their avail a main Calendar and an A-Calendar, as well as an updated debate list. At this time, Mr. Speaker, I would like to advance the A-Calendar.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you. Colleagues, I appreciate your cooperation on yesterday. I want to thank you for your cooperation on today, and I want to ask that -- let you know that we do have another very busy day. Today we're going to continue our work where we left off on the consent calendar on yesterday, beginning on page 8 of the main Calendar with Rules Report No. 190 through Rules Report No. 219, which is on page 13. We will continue to work off the debate list, and later on we will consent from the A-Calendar that was just moved forward. I would also like to remind members that we will be operating under the same rules and procedures as we did yesterday. And just as a reminder, those participating by Zoom should utilize the Zoom "raise hand" function when seeking to be recognized for debate purposes or to explain your vote. As in our previous remote Sessions, when we are on a fast roll

call or a Party vote, members wishing to be an exception should contact their respective Minority Leader's office or Majority Leader's offices.

With that, Mr. Speaker, I believe we are ready to proceed with considering the important business before us, and we will -- should start with the resolutions that are on page 3. Thank you, Mr. Speaker.

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

THE CLERK: Assembly Resolution No. 959, Rules/Mr. Thiele.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 13, 2020, as Dragonfly 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. 960, Rules at the request of Ms. Hyndman.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 15-19, 2020, as Sickle Cell Disease Awareness Week 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. 961, Rules at the request of Mr. Perry.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 2020, as Caribbean American 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. 962, Rules at the request of Ms. Richardson.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 2020, as African-American Music Appreciation 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. 963, Rules at the request of Ms. Melissa Miller.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim October 2020, as Cockayne Syndrome Awareness Month in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all those in favor --

Ms. Miller on the resolution.

(Pause)

MS. MILLER: As with any other rare disease, you -- they do not get enough research. So I am grateful to have an awareness month in the State of New York. There are several children from around the State who currently suffer from this disease, so I thank you for your awareness and recognition.

ACTING SPEAKER AUBRY: Thank you.

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

We will go to page 8, Rules Report No. 190. The Clerk will read.

THE CLERK: Assembly No. A09543-A, Rules Report No. 190, Epstein, Sayegh, Cruz, Mosley, Lavine, Taylor, DenDekker, Simon, Gottfried, L. Rosenthal, Jaffee, Reyes, Cook, Barron, Quart, Seawright, Weprin. An act to amend the Correction Law, in relation to including credits earned from a higher education institution as a condition on which the Merit Board may grant merit time.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 190. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mr. Epstein to explain his vote.

MR. EPSTEIN: Thank you, Mr. Speaker. I rise to explain my vote. This bill amends the Correction Law and allows for people who need advanced education got a credit time while they're incarcerated to allow institutions of higher education to allow 18 credits to go to their credit time. The purpose of this bill is to say to people who are incarcerated, *If you go forward with some higher education, that will be considered merit time.* Today we see people who are in educational programs deciding to drop out because they need to go to, like, a beautician program because that would be eligible for their merit time so they can get earlier release. This promotes education.

I encourage all my colleagues to vote in favor of this bill. And thank you, I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Epstein in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09694, Rules Report No. 191, Arroyo, Reyes, Cruz, Mosley, Zebrowski, Seawright, Taylor, Sayegh, M.G. Miller, Jaffee, Walczyk, Darling, Gottfried, Dickens, Steck. An act to repeal Section 206-b of the Labor Law, relating to employment of females after childbirth prohibited.

ACTING SPEAKER AUBRY: On a motion by Mrs. Arroyo, the Senate bill is before the House. The Senate bill is

advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 191. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09749, Rules Report No. 192, Pretlow. An act to amend the Racing, Pari-Mutuel Wagering and Breeding Law, the General Municipal Law, the Alcoholic Beverage Control Law and the Administrative Code of the City of New York, in relation to implementing technical changes contemplated by Section 10 of Part A of Chapter 60 of the Laws of 2012 and making further technical changes.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 192. This is a fast roll call. Any

member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09874, Rules Report No. 193, Rozic, Abinanti, Barrett, Blake, Bronson, Buchwald, DenDekker, Fahy, Gottfried, Hunter, Joyner, Lifton, Lupardo, Magnarelli, M.G. Miller, Mosley, Otis, Ryan, Santabarbara, Seawright, Schimminger, Simon, Steck, Stirpe, Zebrowski, De La Rosa, D'Urso, Cahill, Ortiz, Wallace, Dickens, Vanel, Pheffer Amato, Wright, Barnwell, Pichardo, Cusick, Galef, Lavine, Jean-Pierre, Quart, Richardson, Niou, Kim, Bichotte, O'Donnell, Davila, Colton, Woerner, Lentol, L. Rosenthal, D. Rosenthal, Williams, Carroll, Dinowitz, Simotas, Paulin, Perry, Rodriguez, Jaffee, Jones, Weprin, Arroyo, Epstein, Barron, Cymbrowitz, Peoples-Stokes, Solages, McMahon, Byrne, Friend, Reyes, Cruz, McDonough, Montesano, Palmesano, Ra, Walsh, Lawrence, M.L. Miller, Brabenec, Eichenstein, Jacobson, Griffin. An act to amend the Transportation Law, in relation to a State transportation plan.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 193. This is a fast roll call. Any

member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09891, Rules Report No. 194, Magnarelli. An act to amend the Vehicle and Traffic Law, in relation to applications for licenses; and to repeal certain provisions of such law relating thereto.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 194. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09913, Rules Report No. 195, Gunther. An act to amend the State Finance Law, in relation to the New York State ALS Research and Education Fund.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 195. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09968, Rules Report No. 196, Jean-Pierre. An act to amend Chapter 122 of the Laws of 2015 relating to tax assessments for certain improved properties affected by Superstorm Sandy, in relation to extending the deadline for tax exemption applications.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10021-A, Rules Report No. 197, Englebright, Carroll, Simon, Jaffee, Williams, Blake, Seawright, L. Rosenthal, Hyndman. An act to amend the Education Law, in relation to continuing education for professional engineers, land surveyors and professional geologists; and to repeal Section 7212 of the Education Law relating to mandatory continuing education for land surveyors.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect January 1st, 2022.

ACTING SPEAKER AUBRY: The Clerk will record

the vote on Rules Report No. 197. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10097, Rules Report No. 198, Darling. An act in relation to authorizing the Town of Hempstead to grant Southern Tier Environments for Living, Inc. a property tax exemption.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 198. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10119, Rules Report

No. 199, Stirpe. An act to amend the Executive Law, in relation to directing Empire State Development to publish and maintain a list of available programs to assist small businesses.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 199. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10156, Rules Report No. 200, Stirpe. An act to amend the New York State Urban Development Corporation Act and the Economic Development Law, in relation to the creation of micro-business worker cooperatives upon transfer of ownership.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 200. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10193, Rules Report No. 201, Abinanti, Buchwald, D'Urso, Buttenschon, Wallace, Fall. An act in relation to providing that certain schools shall experience no financial harm for reduced enrollment or inability to operate for the full 180 session days due to the outbreak of coronavirus disease 2019 (COVID-19).

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 201. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10222-B, Rules Report No. 202, Bronson, Kolb. An act to amend the Alcoholic Beverage Control Law, in relation to licensing restrictions for manufacturers and wholesalers of alcoholic beverages on licensees who sell at retail for on-premises consumption; and to repeal certain provisions of such law relating thereto; and providing for the repeal of certain provisions upon the 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 on Rules Report No. 202. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If we could please list our colleague Mr. Barron as a negative on this one.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10307, Rules Report No. 203, Cruz. An act to amend the Executive Law, in relation to the reimbursement of employment-related transportation expenses

necessary as the result of a crime.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 203. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record Mr. Montesano as a no vote on this piece of legislation. Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10349, Rules Report No. 204, Frontus, Barron, Lentol, Ortiz, Mosley, Reyes, Seawright, Gottfried, Pichardo, Griffin, Darling, D'Urso. An act to amend the Labor Law, in relation to requiring employers to warn employees of potential hazardous environmental and health conditions in the workplace.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 2004 [sic]. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10353-A, Rules Report No. 205, Aubry. An act to amend the Labor Law, in relation to requiring employers to notify employees if they come into contact with other employees who have been diagnosed in relation to a disease outbreak causing a public health emergency.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 205. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10464-A, Rules Report No. 206, Committee on Rules (Gunther, Lupardo, Paulin, Buttenschon, Mosley, Simon, Thiele, Englebright, Barrett, Jaffee, DiPietro, DeStefano, Finch, Crouch, Montesano, B. Miller, Woerner, Goodell, Colton, Tague). An act to amend the Agriculture and Markets Law, in relation to land used in agricultural production; 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 on Rules Report No. 206. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10467, Rules Report No. 207, Committee on Rules (Fernandez). An act to amend the Criminal Procedure Law, in relation to preventing temporary questioning of a person solely because such person is wearing a mask during a state of emergency for an epidemic or pandemic.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10500-C, Rules Report No. 208, Committee on Rules (Gottfried, Paulin, Dinowitz,

Jaffee, McDonald, Galef, Simon, Solages, Bronson, Hunter, Niou, Zebrowski, Quart, Cruz, Ashby, Lentol, Weprin, Epstein, Mosley, Abinanti, Perry, Pichardo, Blake, Englebright, Seawright, Ortiz, Reyes, L. Rosenthal, Fernandez, Simotas, Cahill, Jacobson, Frontus, McMahon, Smith, Thiele, Colton, Stern, Rodriguez, Dickens, Taylor, Otis, Lupardo, Fahy, Steck, Lavine, Cymbrowitz, Wright, Ramos, Walker). An act to amend the Public Health Law, in relation to the confidentiality of contact tracing information.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 208. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mr. Gottfried to explain his vote.

MR. GOTTFRIED: Thank you, Mr. Speaker. There are three points in the bill where I need to make clear the legislative intent. First, Section 2181, subdivision 2, paragraph (a) provides that a waiver of confidentiality may be made by a person authorized to consent to healthcare for a person or a legal representative. Paragraph (b) says that a waiver for providing of support only applies if the individual consents to the providing of the support. While the sentence does not, on its face, refer to consent by another person where the individual lacks capacity, it is clear that this is intended.

Otherwise it would create an irrational and unintended result, making it effectively impossible to provide consent to enable support services for a person who lacks capacity to consent.

Second, Section 2181, subdivision 6 begins saying, quote, "no contact tracer or contact tracing entity may provide contact tracing information to a law enforcement agent or entity or immigration authority," unquote. It ends with a statement, quote, "however, this subdivision does not restrict providing information relating to a specified principal individual or contact individual, where and only to the extent necessary for a permitted purpose", unquote. This creates an exception to and modifies the opening statement, specifically for information about a specified individual and confined to what is necessary for the "permitted purpose." This is plain language.

Three, Section 2181, subdivision 7, paragraph (b) deals with contact tracing information that is "possessed or controlled" by a non-governmental individual or entity. Within 30 days after that individual or entity gets the information, it must return it to a governmental contact tracing entity, expunge it or de-identify it.

New York City uses a private company to house its contact tracing information. The City says the information is fully encrypted, is only accessible by the governmental contact tracing entity, and that the company has no access to or control of the information. The company is not able to deliver it to anyone. Only the governmental contact tracing entity can do that. This is like

property being in a sealed container in a bank safety deposit box or a locked mini-storage space, where only the City has the key.

Where this is in fact the case, it is clear, and is the legislative intent, that this contact tracing information would not be considered to be "possessed or controlled" by the non-governmental individual or entity, for purposes of paragraph (b). It would be "possessed or controlled" by the governmental entity.

It is important to note that the bill requires the State and City Health Departments to adopt very stringent regulations to secure all contact tracing information.

Thank you very much, and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Gottfried in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10513, Rules Report No. 209, Committee on Rules (Hevesi, Jaffee). An act to amend the Social Services Law, in relation to reporting data on child welfare preventive services.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10563-A, Rules Report No. 210, Committee on Rules (Buttenschon, Braunstein, Cusick, Griffin). An act to credit days to retail on-premises licensees that were unable to operate as a result of the COVID-19 pandemic;

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 on Rules Report No. 210. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Ms. Buttenschon to explain her vote.

MS. BUTTENSCHON: Thank you, Mr. Speaker. New York State is among the hardest hit for the COVID-19 pandemic, both in the number of infections and deaths as well as economic impacts. Small businesses including our restaurants and bars are struggling or still attempting to reopen. We must do everything in our power to protect and support New York's small businesses. Enacting this legislation would provide the State Liquor Authority with the necessary statutory authority to provide a credit on liquor license renewals for bars and restaurants that in the direct proportions to the amount of time in which they would shut down due to the COVID-19 pandemic.

According to an April 2020 survey by the National Restaurant Association and the New York State Restaurant Association, sales were in the losses of billions. In addition, well over 500,000 restaurant employees have been laid off or furloughed, which

equates to about 80 percent of all employees in this industry. This loss of business necessitates that New York State and the State Liquor Authority should provide a credit to these small business owners who have been greatly impacted on their next liquor licenses. This legislation will allow any on-premise licensee and any manufacturing licensee with the premises retail privileges that (unintelligible) in pursuit of the Alcohol [sic] Beverage Control Law to receive a credit on the next renewal of their license on a prorated basis for the inactive days that the COVID-19 crisis affected them, up to 90 days.

I urge my colleagues to support this legislation.

Thank you. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Buttenschon in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10607-A, Rules Report No. 211, Committee on Rules (Lupardo, Barrett, Rozic, Griffin, Buttenschon, Stern, McDonald, Cahill, Woerner, Magnarelli, Dickens, Thiele, Seawright, Galef, Reyes, Stirpe, L. Rosenthal, Fahy, Simon, Gottfried, Lifton, Crouch, McDonough, Tague, Palmesano, Rodriguez, Manktelow). An act to amend the Agriculture and Markets Law, in relation to establishing a New York food supply working group.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 211. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10628, Rules Report No. 212, Committee on Rules (Hyndman, Simotas, Perry, Lupardo, Schmitt, Buchwald, Rodriguez, Reyes). An act to amend the General Construction Law, in relation to designating June 19th as a public holiday.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10629-A, Rules Report No. 213, Committee on Rules (Gunther, Wallace). An act to amend the Mental Hygiene Law, in relation to establishing the Frontline Workers Trauma Informed Care Advisory Council.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 213. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10653-A, Rules Report No. 214, Committee on Rules (Jaffee). An act to amend the Highway Law, in relation to designating a portion of the State highway system as the "Sandra L. Wilson Memorial Highway."

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 214. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10707, Rules Report No. 215, Committee on Rules (Peoples-Stokes). An act to amend the Alcoholic Beverage Control Law, in relation to a license to sell liquor at retail for consumption on certain premises.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record

the vote on Rules Report No. 215. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I actually would like to ask you to record our colleague Member Barron in the negative on this piece of legislation.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10769, Rules Report No. 216, Committee on Rules (Stirpe). An act to amend the State Administrative Procedure Act and the Economic Development Law, in relation to requiring the Division for Small Business to publish a small business compliance guide.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 216. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact

the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10786-A, Rules Report No. 217, Committee on Rules (Stern). An act in relation to establishing a Caumsett State Park fire readiness study.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 217. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10798, Rules Report No. 218, Committee on Rules (Barnwell). An act to amend the General Business Law, in relation to requiring contractors and subcontractors to disclose the existence of property and casualty insurance.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10807, Rules Report

No. 219, Committee on Rules (Taylor). An act to amend the Election Law, in relation to requests for absentee ballots.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 219. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

One minute. Mr. Goodell. I'm sorry.

MR. GOODELL: Thank you. Before you announce the vote, Mr. Schmitt will be no on this. Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Mr. Schmitt a no.

Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you. Colleagues, if we could now turn our attention to our debate list. We're going to start with Calendar No. 216 which is by Ms. Weinstein, followed by 226 by Ms. Weinstein, 228 by Mr. Ryan and 235 by Ms. Williams. In that order, Mr. Speaker. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Rules Report -- Calendar No. 216, page 38, the Clerk will read.

THE CLERK: Assembly No. A05630-A, Calendar No. 216, Weinstein, Lupardo, Zebrowski, Taylor, Bronson. An act to amend the General Obligations Law, in relation to reforming the statutory short form and other powers of attorney for purposes of financial and estate planning; and to repeal certain provisions of such law relating to statutory gift riders.

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

MS. WEINSTEIN: Okay. Here we go. So, the -- this bill was drafted on behalf of the New York State Bar, and it would simplify the current power of attorney form which is been proven to be too complex and prone to improper execution. So, this would allow any power of attorney which substantially complies with the statute that will be considered a valid power of attorney. The current law requires an exact match and has -- that's proven unduly burdensome and has invalidated a number of people who (unintelligible) slightly off (unintelligible) -- an aggregate (unintelligible) \$500 limit to \$5,000 which -- without requiring modification (unintelligible). So that's the -- a short explanation and I'm happy to answer any questions.

ACTING SPEAKER AUBRY: Mr. Montesano.

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

the sponsor yield?

MS. WEINSTEIN: Yes, I'm happy to.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. MONTESANO: So, first I'm glad to see that we're going to have some modification to this power of attorney because it is very cumbersome and lends itself to some procedural errors if you're not -- if the drafter is not very careful. I just have a couple of concerns, and one of them is as -- I want to visit the -- the execution of the power of attorney. So if the principal is for some reason physically disabled or in some matter of form is unable to sign the power of attorney themselves, is it my understanding from this bill that the agent for that principal is permitted to sign the power of attorney in the principal's place?

MS. WEINSTEIN: I -- I believe so.

MR. MONTESANO: Okay. So what this bill allows is so if I'm doing a power of attorney and I'm going to be the principal and I'm going to name you as my agent, right, because I have some physical incapacitation, I'm going to allow you, as the agent, to sign my name to that power of attorney giving you the authority as my agent?

MS. WEINSTEIN: Yes.

MR. MONTESANO: Okay. Because I remember that issue came up a long time ago, and it presented a problem because it's like self dealing. How would you know the integrity of

that document if you're allowing the purported agent to sign the name of the principal appointing them as the agent? To me, that's a serious flaw. And, I mean, this bill has to remedy that because that's the dangerous precedent to lend itself to fraud and abuse. And I understand the bill says that someone else has to witness that signature, but I don't have to tell you, we're all in the legal profession, how many times people are the victims of fraud because people collude to defraud them. What do you think about changing that portion, the signing of the document?

MS. WEINSTEIN: Well, this is a project that's been worked on, getting to this amendment - as you say, and I agree with you - to simplify the form. (Unintelligible) commission -- a blue ribbon group of attorneys. There were -- the trial lawyers have considered this issue and the State Bar feels that the -- there are enough protections because -- in particular we have the issue with presentation to a bank where now some banks require their -- their own form, which is a problem because if the person's already incapacitated --

MR. MONTESANO: Right. All the rest of that I understand. I just have a very serious problem with the person who is being designated the agent of this power to be able to sign the principal's name, giving themselves that power. I just think it's a -- it's a real conflict. But I'll move on.

MS. WEINSTEIN: Yes.

MR. MONTESANO: So let me ask you, how many

witnesses are now required on this new power of attorney?

MS. WEINSTEIN: We eliminate the need on the -- on the gift rider. We eliminate that -- that whole situation of needing two additional witnesses, which has proven --

MR. MONTESANO: But is the gift rider still a separate document from the power of attorney itself?

MS. WEINSTEIN: No, it's a modification form within -- within the form.

MR. MONTESANO: Okay. So and that modification form has to be executed -- prepared and executed the same time the power of attorney is, correct?

MS. WEINSTEIN: Yes.

MR. MONTESANO: All right. So then we just have two witnesses to the document? Right?

MS. WEINSTEIN: Yes.

MR. MONTESANO: Just one witness.

MS. WEINSTEIN: Yes. It's (unintelligible) separate.

MR. MONTESANO: Now I want to talk about this Governor's Executive Order that was out there about this virtual notarization. There's -- are you looking -- does this bill now incorporate that to become permanent that these documents can be signed and notarized virtually?

MS. WEINSTEIN: No, it doesn't. However, you point out part of the important need to --to make these changes, particularly in nursing homes and assisted living facilities where

visitors are -- are limited. It's difficult to get additional witnesses sometimes in person. But the Executive Order regarding remote signing notarization is -- would -- would be dealt with under current -- under the Executive Order, but we do not make it permanent in (unintelligible).

MR. MONTESANO: Fair enough. Now just to talk about the -- the gifts, you know, to the agent and others. So I know some of the concerns we've had in the past was, you know, there's a -- if this bill passes, there's a \$5,000 limitation on gifts versus the current \$500. So if this has to be used for estate planning, right, in order to, you know, to do a Medicaid trust or qualify for Medicaid, the agent can transfer the assets of the principal to a trust or to some other individual holding person, and -- would that be considered a gift or just a transfer in anticipation of Medicaid?

MS. WEINSTEIN: No, it would not be considered a gift.

MR. MONTESANO: Okay. And as far as the financial institutions and other, you know, places, whether it be hospitals or whatever, to look at -- to accept this power of attorney. I understand now that this new document doesn't have to read verbatim what the statute provides, as long as the language shows the intent of what the principal would like to do?

MS. WEINSTEIN: You're correct. The wording is "substantially complies."

MR. MONTESANO: Okay. And if the financial

institution or other facility unreasonably denies acceptance of this power of attorney, the principal or the agent would have a cause of action against them?

MS. WEINSTEIN: Well, yes. We -- we -- potentially we provide a safe harbor for the institution where they can ask for a letter of counsel verifying that the agent has the authority to -- to make this -- make the transaction and if that isn't accepted by the institution, there is a process to be able to go into court and get damages if -- if it's been proven to be willfully withheld.

MR. MONTESANO: And I understand that title companies also are going to be bound by these, so I presume the smart practitioner or whoever prepares this power of attorney in the modifications section would spell out the authority for real estate transactions. Because there's still going to be the box to initial, am I correct, for real estate transactions? Those boxes are still going to be there?

MS. WEINSTEIN: Yes. They're still going to have that.

MR. MONTESANO: Okay. Thank you.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MONTESANO: Thank you. Thank you, Ms. Weinstein. You know, I'm -- I'm happy of the fact, as my opening comments were, that we're able to streamline and modify this power of attorney. My years in practice I've seen a shift in the way they're

designed, and we went from the one- and two-page form to this 14-15 page form. So they are very confusing, very difficult to -- to work with. However, my biggest concern -- and this - I raised this concern a couple years ago when this bill came up - is that I find it absolutely, absolutely ridiculous that people from a Bar Association that were involved in this blue ribbon panel that was involved in doing the changes to this document would actually stand there and say it's okay for the designated agent to sign for the principal, thus giving themselves the power to act on behalf of the principal. That's the most self-serving thing that I've ever seen. It leaves itself for fraud and abuse, for people to be threatened. You know, for all kinds of things to go wrong. And it just escapes my mind how they would think of this. And even they say, *Well, if the agent's going to sign in place of the principal it has to be witnessed by someone else*. Listen, we've all been around, especially those of us in the legal profession. How many times are wills produced in an area of fraud where people collude together to execute wills fraudulently? What's to stop people in the same family from getting together and colluding to create this power of attorney and -- and defraud the principal? So -- and, you know, I thought this went away the last time, this provision, when I saw these new amendments coming out. I really thought they got rid of this. And it just -- it just shocks my mind that -- that attorneys that were involved in this would actually condone this kind of behavior. And for that reason alone it's really upsetting to me that we can't -- that I can't support this bill because it serves other good purposes that are

absolutely needed. It is that this part is still a stumbling block for me, and for that reason I will not be able to support it. I would have to vote in the negative. And I would encourage all my colleagues in this House to pay close attention to that provision, because a long time ago this bill was knocked off a committee calendar for that very reason. And those of us in this House who have a background in the law should really see this problem for what it is and not support this bill until that particular provision is taken out.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Garbarino.

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

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

MS. WEINSTEIN: Sure, I'm happy to.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. GARBARINO: Thank you very much, Ms. Weinstein. I just have a couple questions. I want to follow up on something that my colleague brought up. I agree that this -- there are some good changes in this bill, the \$500 to \$5,000 gift -- gift limit, that's -- that makes a lot of sense. The substantial conformance -- compliance with the -- that makes a lot of sense. But I don't understand. When I graduated law school in 2009 and become an --

and taking the bar, this had just passed, the new statutory -- the new form just passed. And I remember the boss at the firm said, *You're going to go to the CLE and learn how to do these new power of attorney forms.* And when I went there they talked about the reason for the change was they wanted to make sure that the elderly people that were signing these things in the past had been taken advantage of by agents, and now that's why we changed the form. It seems like we're -- we are getting -- we're taking back some of those changes that were -- were done to protect the principals. Specifically, the -- getting rid of the statutory gift rider. The power of attorney I believe currently, under current law, only needs the principal and the agent to sign and both of those signatures need to be notarized, correct?

MS. WEINSTEIN: Yes.

MR. GARBARINO: Okay. And then if there's a statutory gift rider, one, the principal has to initial that there's a statutory gift rider attached in the power of attorney, then there's the separate -- then there's the rider, which to my belief needs a signature, notarization and two witnesses.

MS. WEINSTEIN: Correct.

MR. GARBARINO: Okay. And -- and a lot of -- a lot of people use this for estate planning, as -- as my colleague said. You know, if they want to create -- they want to make transfers so they can qualify for Medicaid. You know, a lot of times we have a spousal exception in New York so people can transfer -- spouses can transfer assets between each other and qualify for Medicaid within 30

days. There's a specific section that requires the agent if, you know, say you have your spouse's power of attorney, in that gift rider now there's a specific section that makes you initial in that gift rider so this -- the agent can make a transfer to themselves, correct?

MS. WEINSTEIN: Right.

MR. GARBARINO: Are we getting rid of that protection here?

MS. WEINSTEIN: Well let me just say that part of the issue with the gift rider is I think we ended up going a little too far by needing the extra -- the -- the two witnesses, once that became law we started to hear from particularly Elder Law attorneys that it was difficult if someone was homebound, if someone was in a facility, to be able to have the additional witnesses. So in putting in the protection we ended up creating a situation where it was difficult to even get the power of attorney signed. So some of the -- some of the protections are now in that the institution can ask for a letter -- a letter from counsel that the agent has the legitimate power to act on behalf of -- of the principal, and can have a court proceeding to actually determine if -- if there's still concern about accepting that -- that power. But we don't -- we still have now in the one form the ability to have -- I think the question was also about having the agent be able to transfer property to -- resources to themselves. There's not a prohibition about that, but you would have to indicate that on -- on -- on this changed power of attorney.

MR. GARBARINO: So they would -- instead of just

initialing a box now that says the agent can -- because in the -- in the gift rider -- the specific section that's part of the gift rider that says my agent can make gifts to themselves. Now you have to specifically take that and add that into the modification section of the power of attorney?

MS. WEINSTEIN: Let me -- let me check my notes on -- on that.

(Pause)

Yes, I believe so.

MR. GARBARINO: Okay. So I -- I remember when this first came out there were -- it did include -- include a lot of people for execution. The notary -- you had to have two witnesses and a notary. I believe we changed it to make it -- to make it so that the notary could also be one of the witnesses because they were providing services so that dropped it down by one person. You know, I'm -- I'm an attorney, I'm a notary, so I've done -- I've done plenty of these. And I -- I do understand, you know, getting everybody together and -- and it takes a long time because there's initialing, a lot of initialing that has to go on, the signatures. But I do believe that there -- the protections that were intended in 2009 that, you know, I learned about in that CLE course about what the Legislature was doing were, you know, they are -- those -- those items are met under the current form. And by getting rid of the statutory gift rider which required additional witnesses to make sure -- because, you know, this wasn't just normal, you know, okay, you can -- you can go and help with a banking

transaction, you can go and do an estate transaction. This specifically said, you know, to be able to take more than \$500 out of somebody's account and make a transfer, you had to have this additional rider. It was just that additional protection so somebody couldn't be taken advantage of, which was the whole reason we changed the form to begin with. But now, as my colleague brought up, we are getting rid of the statutory gift rider, and now we're also getting rid of -- we're allowing the agent to be able to sign for the principal. So the agents -- there's a situation where the agent could sign for the principal, sign for them self, and initial the section that allows the agent to make transfers to the principal to them -- to themselves. All in one big form without any other witnesses other than a notarization which now can be done -- you know, by Executive Order we can do it virtually. I just think, especially with what's going on right now, this is getting rid of a lot of protections that we had to protect against bad actors and we're giving them a foot back in the door after -- and I'm -- I'm concerned that -- you know, like I said, I think a lot of the bill is good and it makes sense. I just don't know the reason for getting rid of the additional protections, you know, when it deals with transfers of assets.

I -- I thank you, Ms. Weinstein. I do appreciate you answering the questions.

MS. WEINSTEIN: If I could just -- because you're talking about how you got to learn about the changes. I just wanted to point out that, in fact, I sponsored that bill. So a lot of these issues

were discussed when we went there, and there had been concern that perhaps we were going too far, though the State Bar was supportive of -- of that bill and really helped -- effectively drafted it. But experience has shown us that it's become a trap for the -- for the unwary that were having powers of attorney rejected, and we now have principals who are not -- don't have the capacity to execute new powers of attorney. Particularly what was recognized by the failure to be recognized by the banks I think is a very substantial change that we make in this bill. But, you know, I hear your -- your comments and it's something that we're going to monitor as we go forward, and if there is a need to make additional changes, we (unintelligible) those changes.

MR. GARBARINO: You know, I mean, like you just said, the old form before you did this was a -- was a front-page legal-size document. It was front and back. You know, this turned it into an 11, 12-page document depending on how many modifications, you know, which -- which were good because it spelled everything out. And you know, when I do it at least with my clients, you know, you go through each section; this says this, this says this. And I -- I agree. You know, a lot of attorneys who might not -- who might not do -- do a lot of these could have made mistakes, you know, and I believe you do address those with the -- with -- with some of the parts of this section here. I'm just mostly concerned about the principals being able to be taken advantage of without having that extra witnessing with the transferring of assets because a lot of the elderly, you know, it --- it -- it -- who these are for, they only have so much.

And, you know, I thought that having that extra protection is something that should be -- should be left alone.

But thank you very much, Ms. Weinstein.

MS. WEINSTEIN: Sure.

ACTING SPEAKER AUBRY: Mr. Abinanti.

MR. ABINANTI: Thank you Mr. Speaker.

Assemblywoman Weinstein, would you yield? Mr. Speaker, will the sponsor yield to some questions?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields, Mr. Abinanti.

MR. ABINANTI: Yes. Ms. Weinstein, I'm a little confused by the discussion that just was -- which we just had. When we discussed this bill in committee several years ago, I, too, was very concerned about allowing the agent to sign for the principal. But I'm reading the bill now and I'm a little confused. I think we have a question of statutory interpretation here. I'm going to page 2, lines 39 and 40, and it looks to me like the language has been changed to say that the person who is going to be designated as the agent cannot be the person who signs the principal's name. Am I misreading this? I'm trying to figure where my colleagues got the interpretation they got. I think we are -- I think there's a question of statutory interpretation here, and perhaps this new bill has actually solved the problem that Mr. Montesano and I raised two years ago. And I'm not quite sure, because I have the very same concern that he and Mr. Garbarino have.

But as I'm reading this bill I see language differently. So can you help us on this, please?

MS. WEINSTEIN: Yes. Yes. You know what? I -- I did misspeak when I -- when I spoke -- when I talked with Mr. Montesano. I -- I believe you are right. I was just looking at that -- that language. Sorry, yes.

MR. ABINANTI: If I may, I believe Mr. Montesano and I in committee both discussed this at length, and both of us raised this and said this is -- this is a no-go. This is -- this stops -- this stops anti-progress. And I -- and I -- I commend you and your staff having -- if I'm reading this correctly (unintelligible) --

MS. WEINSTEIN: (Unintelligible).

MR. ABINANTI: -- and having solved that problem.

MS. WEINSTEIN: Well I'm looking at my notes and I think I just responded to Mr. Montesano off -- off-the-cuff without looking at the notes. So, you are correct.

MR. ABINANTI: And I think part of the problem also is the sponsor's memo does not highlight the change. The sponsor's memo makes it look like it's the same bill that we originally had. And so I could understand why Mr. Montesano and others would believe that this was not corrected. But if -- but if I'm reading this correctly, this objection has been -- is -- is no longer there. I can't comment on the other objections they've raised, but this one was one that I was very concerned about, and I think you -- you've addressed the issue so I can now support the bill.

MS. WEINSTEIN: Thank you. Thank you.

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 on Calendar 216. This is a Party vote. Any member wishing to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the number previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference will generally be voting no on this bill. If you would like to vote affirmatively, please contact the Minority Leader's office right away.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference will be voting in favor of this piece of legislation. Should members decide they would not like to vote for it, they should feel free to call our offices and we will count your vote accordingly.

Thank you.

ACTING SPEAKER AUBRY: So noted. Thank you.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. To explain my vote. As my colleagues have remarked, the original version of this bill allowed a person to sign a power of attorney on behalf of somebody else to appoint themselves as the agent for the other person, authorize the transfer of the other person's property to themselves, which was just a horrific, horrific bill. This bill is slightly better in that now we can have someone sign on behalf of the principal, appointing their friend as the power of attorney so that their friend can transfer up to \$5,000 back to them. Look, when you're dealing with a power of attorney it's very simple. The principal who's given the power should sign it. That's not a difficult concept. And when you allow someone else to sign a power of attorney transferring an individual's power away from them to some third-party, it is an absolute invitation for fraud. And that's why I and many of my colleagues will not be supporting it even in its current iteration.

Thank you, sir.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I'd like to ask if you could record Mr. Barnwell and Mr. O'Donnell in the negative on this one.

ACTING SPEAKER AUBRY: So noted.

MRS. PEOPLES-STOKES: Thank you.

ACTING SPEAKER AUBRY: Are there any other

votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05991-A, Calendar No. 226, Weinstein, Seawright, Abinanti, Lupardo, Simotas, Taylor, Steck. An act to amend the Civil Rights Law, in relation to actions involving public petition and participation; and to amend the Civil Practice Law and Rules, in relation to stay of proceedings.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you very much, sir. The concern that I and many of my colleagues have on the bill is that it mandates the payment of costs and attorney's fees on a SLAPP lawsuit without any restriction or guidance on the amount that can be paid. We often authorize reasonable attorney's fees in the discretion of the court. And in many other contexts, particularly dealing with government operations like unemployment or Workers' Comp, there's restrictions that has to be approved and they're very, very careful about the amount of legal fees they authorize. On civil lawsuits, if you bring an action for personal injury or something like that, the amount that can be collected by the attorneys is very tightly regulated by the Appellate Division. So there's very specific restrictions and limitations. If you represent an estate, as the estate attorney you can be paid attorney's fees. Again, all carefully regulated. This requires -- it doesn't allow, but requires, it doesn't simply allow, but requires the payment of all costs and attorney's fees without restriction, and for

that reason I and many of my colleagues will not be voting in support of this legislation.

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 on Calendar No. 226. This is a Party vote. Any member wishing to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the number previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference will be generally in the negative on this. If there's any member of the Republican Conference that would like to vote in the affirmative, please contact the Minority Leader's office right away.

Thank you, sir.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. This will be a Party vote in the affirmative. Colleagues choosing to vote otherwise should feel free to contact our offices and we'd be happy to so record your vote.

Thank you.

ACTING SPEAKER AUBRY: So noted, ma'am.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following Republicans in the affirmative: Mr. Norris, Mr. Montesano, Mr. Palumbo, Ms. Byrnes, Mr. Ra, Mr. Garbarino, Mr. Smullen, Mr. Reilly, Mr. Barclay, Mr. Morinello. That's it for now.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06062, Calendar No. 228, Ryan, Gottfried, Wright. 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: Mr. Goodell on the bill.

MR. GOODELL: Thank you, sir. This bill would require landlords to carry liability insurance -- to carry liability insurance that covers potential lead poisoning and to require insurance companies to provide that coverage. In the past, if you were buying liability insurance the insurance companies did not cover lead. And that's been a real serious issue. We are very fortunate that we have seen a tremendous reduction in problems with lead paint, in large part

because there's been a substantial amount of public education and a lot of renovations, and the newer paints don't have lead in them. The problem that -- just to give you an example of how successful the reduction of lead has been, from 2004 to 2009 we saw an 84 percent reduction in instances involving lead poisoning, which is very positive. And that's continued over the last decade as well. And of course as time goes on, the incidents of lead poisoning continues to drop as apartments are repainted. And as I mentioned, the new paint does not include lead. So this bill would require insurance companies to provide lead coverage and would require landlords to buy that coverage if you carry liability insurance. Unfortunately, or fortunately, I guess, depending on your view, there's no obligation by landlords to buy liability insurance. And so if we, as the State Legislature, mandate lead coverage, we have been advised by the insurance industry that it will result in an increase in premiums reflecting the increase in liability that the insurance companies have. And whenever you have an increase in your insurance premiums, two things happen: Either the landlord drops the liability insurance because it's not required by your mortgage - they only require property insurance - so the landlord drops the insurance because it's too expensive; or the other option is the landlord continues the liability insurance and takes the increased cost and passes it on to tenants. And this is particularly problematic because the tenants that would likely get this coverage or might need that coverage are only those tenants that are in older homes that haven't been repainted in the last

15 or 20 years, and they're typically the tenants who can afford the least, a rent increase. And so ironically, this bill would increase rent for lower-income tenants who can barely afford the rent now, or result in no coverage of any kind as the liability insurance is dropped. And for those reasons, I and many of colleagues will be opposing this legislation.

Thank you, sir.

ACTING SPEAKER JONES: Thank you, Mr.

Goodell.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar No. 228. This is a Party vote. Any member wishing to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the number previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this bill, but if there are members that would like to support it, please contact the Minority office right away.

Thank you, sir.

ACTING SPEAKER JONES: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Majority Conference will be voting in favor of this really good piece of legislation. Those who decide that they should not vote in favor, please feel free to contact our offices and we will be pleased to record your vote as such.

ACTING SPEAKER JONES: Thank you.

Mr. Ryan to explain his vote.

MR. RYAN: Mr. Speaker, Speaker Pro Tem, Madam Majority Leader, this is most likely the last bill that I will debate in this Chamber. So to the staff at all the levels, thank you for your patience. Thank you for your hard work. Thank you for doing what you do to make this House function. It's not easy, but you folks make it look easy. To all my colleagues, it was an honor and privilege to serve with each of you, to learn about the different communities and the different regions of the State. We have a vast and we have a diverse State. But one of the things that I learned from talking to so many of my colleagues is that we have many more shared commonalities than we have geographic differences. To my family, when I started here almost nine years ago I had two daughters in junior high. Now, somehow or other, I have a college graduate and an entering senior. So, boy, does time fly. But thank you for the sacrifices that you made in allowing me to travel to Albany and to do this job. So I am really proud of the nine years that I have spent in the New York State Assembly, and the steps that we have taken together to move our -- our State forward. It was just an honor and a privilege to play a part in this great experiment called American democracy.

But it was a distinct honor to serve in the New York State Assembly, the People's House.

Thank you very much.

(Applause)

ACTING SPEAKER JONES: Well said. Thank you, Mr. Ryan.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Before I announce our exceptions to this, I just wanted to extend my appreciation to Assemblymember Ryan, who has done a great job. Came in on my class, brought a lot of expertise, knowledge, thoughtfulness and has done a great job representing his district and being part of our Assembly here. So again, thank you to my colleague.

On Calendar No. 128 we have the following Republican members voting yes: Mr. Montesano, Mr. Schmitt and Ms. Malliotakis.

Thank you, sir.

ACTING SPEAKER JONES: So noted. Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, we have no exceptions, but we do also want to offer our congratulations to Mr. Ryan on the service that he provided here in the People's House. He did a great job here and we know he'll do great job in his next venture. Congratulations to him.

ACTING SPEAKER JONES: Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, we have an opportunity for three of our debate list bills to go on consent. If we could take those right quick before we go to Calendar No. 235. So I'm going to go to Calendar No. [sic] 162 by Mr. Abbate; Calendar No. 310, Mr. Magnarelli; and Calendar No. 330 by Ms. Joyner.

(Pause)

Mr. Speaker, should I restate that? Rules No. 162, Calendar No. 310 and Calendar No. 330.

ACTING SPEAKER JONES: Rules Report No. 162, the Clerk will read.

THE CLERK: Senate No. S04495-A, Rules Report No. 162, Senator Martinez (A05819-A, Abbate, Jean-Pierre, Cymbrowitz). An act to amend the Agriculture and Markets Law and the General Business Law, in relation to automobile tire inflation machines.

ACTING SPEAKER JONES: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER JONES: The Clerk will record Rules Report -- will record the vote on Rules Report No. 162. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number

previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed

THE CLERK: Assembly No. A08091-A, Calendar No. 310, Magnarelli, Ryan, Simotas. An act to amend the Real Property Tax Law, in relation to the residential-commercial urban exemption program.

ACTING SPEAKER JONES: Read the last section.

THE CLERK: This act shall take effect on January 1st, 2021.

ACTING SPEAKER JONES: The Clerk will record the vote on Calendar No. 310. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02145, Calendar No. 330, Joyner, Gottfried, Simon, Cook, Perry, Ortiz, Bichotte, Barron, D'Urso, Jaffee, Colton, Steck, Weprin, Walker. An act to amend the New York City Civil Court Act, in relation to requiring the Office of Court Administration to promulgate certain housing court documents

provided to parties in their native language.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar No. 330. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. On this particular bill Mr. Fitzpatrick wishes to be recorded in the negative. Thank you.

ACTING SPEAKER JONES: So noted. Thank you. Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could restart our debate agenda again, we're going right to previously-announced Calendar No. 235 by Ms. Williams. Following that we're going to go to Calendar No. 300 by Ms. Frontus. And then

Calendar No. 237 by Mrs. Peoples-Stokes; Calendar No. 244, Ms. Rozic; and Calendar No. 245, Ms. Wallace. In that order, Mr. Speaker.

Thank you.

ACTING SPEAKER JONES: Thank you.

THE CLERK: Assembly No. A06370, Calendar No. 235, Williams, Arroyo, D'Urso, Simon, M.G. Miller, Cruz. An act to amend the Real Property Actions and Proceedings Law, in relation to the definition of "tenant" for purposes of mortgage foreclosures.

ACTING SPEAKER JONES: An explanation is requested, Ms. Williams.

MS. WILLIAMS: Thank you, Mr. Speaker. This bill, A.6370, expands the definition of tenant for the purpose of required notice history in mortgage foreclosure action.

MS. WALSH: Thank you very much.

Mr. Speaker, on the bill.

ACTING SPEAKER JONES: Ms. Walsh on the bill.

MS. WALSH: So I thank the sponsor for that explanation. Yes, so currently under the RPAPL 1305, the -- the definition of a tenant is a person who at the time of the notice of intent to foreclose is issued appears as a lessee on a lease for residential real property or is a party to an oral contract requiring the person to pay rent to the mortgagor or the mortgagor's representative. This bill amends that section, 1305, by eliminating the requirement that the landlord-tenant relationship be established before the mortgagee or

loan servicing agent issues the notice of intent to foreclose on the residential real property. So by amending the timeframe for when the tenant relationship is established, the bill protects tenants who enter leases after the commencement of a foreclosure action who under the current law would not have the authority to remain on the property or in the property. And I can understand the reason for the legislation, for -- to protect the tenants who unknowingly enter into a lease for a property that's already subject to the foreclosure action. And I do think that that's a very legitimate desire to try to protect those tenants. The difficulty that I have with bill and some my colleagues have with the bill is that this bill will likely lengthen New York's foreclosure process which is already the fourth-slowest in the country. It takes on average two-and-a-half years to complete an average foreclosure action. So, by allowing tenants to live out their lease on the property that's been foreclosed, the bill will create a situation where a foreclosure is complete, yet the property is still encumbered by a holdover tenant. This will only serve to exacerbate the current issues of maintaining homes subject to foreclosure and will ultimately lengthen New York's foreclosure process even more. And so for those reasons, when this bill last came up for a vote on the calendar in 2018 we had a number of our colleagues vote in the negative, as I will be. But I thank the sponsor for your efforts, and thank you, Mr. Speaker.

ACTING SPEAKER JONES: Thank you.

Read the last section.

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

ACTING SPEAKER JONES: The Clerk will record the vote on Calendar No. 235. This is a Party vote. Any member wishing to be recorded as an exception to the Conference position is reminded to contact Majority or Minority Leader at the number previously provided.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. The Republican Conference will be in the negative on this bill. And should any member of our Conference wish to vote in the affirmative, they should contact the Minority Leader's office ASAP. Thank you.

ACTING SPEAKER JONES: Thank you.

And Mrs. Cook.

MRS. COOK: Yes. This will be a Majority vote. Anyone wishing to vote different can contact the Majority Leader's office.

ACTING SPEAKER JONES: Majority in the affirmative.

MRS. COOK: A Party vote in the affirmative.

ACTING SPEAKER JONES: Thank you.

(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. A07970, Calendar No. 300, Frontus, Buchwald. An act to amend the Family Court Act, in

relation to video recording of interrogations of juveniles in juvenile delinquency proceedings in family court.

MS. WALSH: An explanation, please.

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

An explanation has been requested, Ms. Frontus.

MS. FRONTUS: Thank you, Mr. Speaker. This bill, A.7970, would require video recording of youth interrogations by police or peace officers when such interrogations take place in a designated facility approved for the questioning of such youth. Such video reporting protects the rights of youth, produces an objective and reliable record, and increases public confidence in the justice system.

ACTING SPEAKER JONES: Ms. Walsh.

MS. WALSH: Thank you. Will the sponsor yield for a few questions?

MS. FRONTUS: Gladly.

MS. WALSH: Wonderful.

ACTING SPEAKER JONES: The sponsor yields.

MS. WALSH: So, Ms. Frontus, I'd like you to, if you would, please contrast this piece of legislation with what we passed earlier this year in the budget regarding the videotaping of juveniles.

MS. FRONTUS: Certainly. As it is now, the current law only requires recording of juvenile delinquents for certain crimes. Specifically, let's see, that includes any youth that were charged with

select crimes such as Class A-1 felonies, predatory sex offenses and any Class E violent felonies, homicides or sex offenses. So what this bill would do is it would make it regardless of the crime, and expand it to all youth juvenile delinquents that are coming in for questioning.

MS. WALSH: Okay. So I'd like to ask you about the -- the kind of room that the videotaped interrogation needs to take place in. It needs -- is it true that it needs to be OCA approved?

MS. FRONTUS: It does. It does need to be OCA approved.

MS. WALSH: And do you have any idea of what other components of the kind of room that OCA approves in this instance?

MS. FRONTUS: We don't have exact verbiage from OCA but we imagine that it's pretty standard. A room that is fit, appropriate, comfortable, non-threatening for the youth that's been being questioned.

MS. WALSH: Okay. Very good. Now with this piece of legislation are there any exceptions? I know that as far as the -- the numerated, you know, charges that everything -- every juvenile would be where there's an interrogation regardless of crime under this -- this legislation, but are there any exceptions for, for example, like malfunctioning equipment or maybe -- maybe they don't have the equipment or anything like that?

MS. FRONTUS: There is language included in the bill. It's the good cause exemptions. You're absolutely correct. It

does make provisions in the event that a camera is not working or one is not available. For example, if there's only one camera on the premises and it is in use.

MS. WALSH: And could you direct me to that part of the bill, please?

MS. FRONTUS: Certainly it wouldn't forbid law enforcement in question from using their own camera if they had something on their person, like, you know, a cell phone. But the language is included for a good cause exemption.

MS. WALSH: Okay. And could you just direct me to that part of the bill, please?

MS. FRONTUS: Sure. So, lines 10-11 in paragraph (b).

MS. WALSH: Paragraph (b).

MS. FRONTUS: Lines 10 through 11 which reference paragraph (b).

MS. WALSH: Okay. Thank you very much for that. Was there any -- has there been any kind of feedback that has been received regarding the earlier legislation that was passed in the budget as far as how things are working out? Has it -- is it in effect yet, what had been passed back in -- earlier this year?

MS. FRONTUS: So, recording exists now. Certainly before the budget, indeed, after the budget. This is an expansion of all video recordings, and I can certainly say a little bit more in terms of why that's important because historically, as you know, we've had a

number of situations with false confessions. This process would ensure the transparency and integrity of the video recording process when speaking to juveniles.

MS. WALSH: So you're saying that even prior to this year's budget there was already juvenile interrogations being videotaped in the --

MS. FRONTUS: Indeed. That was one of the first things I said. But this is expanding it. It was only required for certain crimes.

MS. WALSH: Right. So but what I -- I guess what I was trying to get at was during the budget, that piece of legislation didn't just establish the rules for conducting interrogation of juveniles. That predated the -- the budget process this year. It was already in place. So what did the -- what did the legislation that passed during the budget do that was different?

MS. FRONTUS: So really I think you might be talking about some laws that were passed in 2017.

MS. WALSH: Okay.

MS. FRONTUS: Which is where we have the current precedence now --

MS. WALSH: Okay.

MS. FRONTUS: -- for recording for certain crimes.

MS. WALSH: Okay. So under this bill, then, if you have a juvenile who's charged and the interrogation takes place and is, for whatever reason, not videotaped, whether it's -- there's

malfunctioning equipment or there's some other good cause, what -- is there -- is there any penalty for the failure to have recorded that? Would it -- would an interrogation be admissible or a confession be admissible if it was not videotaped, under your bill?

MS. FRONTUS: If it -- if there's not a video recording, it doesn't necessarily and absolutely mean that anything that's said by the juvenile would not be taken -- would not be considered an admission. It would be based on a case-by-case basis.

MS. WALSH: So it could be -- it could be admissible that --

MS. FRONTUS: It certainly could be. They would look at a number of things, like are the parents present, where was it taken, where was the interrogation taking place.

MS. WALSH: Okay. All right. Very good. Thank you so much, Ms. Frontus.

MS. FRONTUS: Sure.

MS. WALSH: Mr. Speaker, on the bill.

MS. FRONTUS: Of course.

ACTING SPEAKER JONES: On the bill, Ms. Walsh.

MS. WALSH: Thank you. So, this is quite an expansion from the current state of our law. The -- by having it include all interrogations regardless -- of juveniles regardless of the severity of the crime. There -- there is some concern by organizations, particularly the New York State Sheriffs Association. And so I would

just like to try to kind of summarize what their concerns are for my colleagues. The Sheriffs Association says that they're generally supportive of the idea of video recording interrogations, but that this legislation is far less flexible than what the current state of law was and it's an absolute mandate that all interrogations of juvenile delinquents that take place in interview rooms approved for the questioning of juveniles by OCA be recorded. One of the concerns is that the -- the kind of room that OCA might approve is generally going to have a feel of more like an office or something that's friendlier than, like, a -- like a booking area or something like that. And that -- but the problem with that is that the room that OCA might approve might not be the place where a particular precinct or location has the video equipment. So it may create additional costs for law enforcement to have to set up a separate room that would be an OCA-approved room for a juvenile interrogation. And the other point, really, that they're making is that we -- we really should let the current law kind of proceed as it has been for a period of time and get some feedback about how that's working before we go ahead and change it again to expand it to this extent.

So for those reasons, some of my colleagues may have some issues with this particular piece of legislation. And the other thing -- the only other thing I would like to -- to mention is that the -- the good faith exemptions to the recording requirement, there were concerns raised about that. And I do think, though, that the sponsor addressed that in her comments, so I won't, you know, belabor

that. But I think it's good, the idea that there would be -- if there is malfunctioning equipment or there was just some problem that that would not necessarily render any kind of interrogation completely inadmissible, that there would be factors that would be considered by the court considering the matter.

So thank you very much, Mr. Speaker.

ACTING SPEAKER JONES: Thank you, Ms.

Walsh.

Mr. Barron.

MR. BARRON: Thank you, Mr. Speaker. Obviously some of my colleagues up in here don't understand what's going on in our Black and Brown communities with our youth. And I need only to point to the Central Park jogger case where innocent young men were integrated -- interrogated by police for hours. Some before their parents came. Some while their parents were sitting there. They were threatening them, they were lying to them, saying that the other young man told on them. And they coerced false confessions from them, even when they knew that some of the confessions was not -- were not consistent with the forensic evidence. None of them had no semen on -- no leaves, nothing like that. But they coerced a confession out of these youngsters, only to find out years later after they ruined their lives, just about, to find out that they were innocent. That DNA was found on someone who was in jail already and confessed to the crime. This interrogative -- interrogation process happens on a regular. So while you can say intellectually, *Let's just*

wait and see how this works, while you're waiting to see, our young people are going to jail, are being forced into confessions, crimes that they did not commit. The Innocence Project has lot of that with youth and adults. I had another case in the Chanel Lewis case, of the young lady who was killed on Howard Beach. They interrogated him for hours till he finally said what they had written down and told him to say. And then they came up with all kinds of stuff. We even found that there's ways that they can tamper with DNA evidence so that it's not, you know, like, just perfectly done so that you cannot deny DNA evidence. They even have ways to manipulate that. So this bill mainly expands it and says, you know, like, any youngster brought in there -- and they got to really video them from the beginning to the end. In the Central Park jogger case they didn't video all of it until they finally got what they wanted them to say, then they turned the cameras on. It doesn't matter what room they're in if you're going to coerce them and not let them eat and -- and scare them and not them see their parents for hours, and then tell their parents that they're going to go to jail for life. *If they don't do this, we can give them a break.* So you have no idea what's going on in our communities with these police and how they interrogate our youth and how they go fishing sometimes when they don't even know what these youngsters had anything to do with a murder, for instance, in a particular community. And they'll pick them up for loitering and say, *We know that you were the one who was involved in that killing*, then, *No, I wasn't.* And they say, *Yeah, but all your friends told us it was you*, and, you know, they

have ways of coercing false confessions. It happens all the time. So this bill says no, any crime with a youngster. *And what are you afraid of? What are you afraid of? What you trying to hide that you can't have this kind of transparency when it comes to our youth who are being falsely accused and going to jail as we speak?* It happens every day in our community. We don't have time to wait to see what happens. Why wait when you can do it now?

I support this bill and I suggest that all my colleagues support it. And those of my colleagues who have no clue as what's going on in our neighborhoods, you should go to some police precincts and take a trip in there and just -- matter of fact, put on a disguise. Don't let them know who you are. You will see it like I've seen it many, many times. This is a good bill and I suggest that we support it.

ACTING SPEAKER JONES: Thank you, Mr. Barron.

Mr. Reilly.

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

ACTING SPEAKER JONES: Will the sponsor yield?

MS. FRONTUS: Absolutely.

ACTING SPEAKER JONES: She will yield, yes.

MR. REILLY: Thank you, Ms. Frontus. So, I know that we touched on a little bit -- my colleague earlier mentioned about

the designated room and where the camera would be set up. Are there any funds allocated for police departments and precincts throughout the State to implement this with a portable camera if the need be?

MS. FRONTUS: There are -- thank you so much for that question. In fact, we know that since 2011 the Governor announced that the State of New York has invested some \$4.15 million for police departments across the State to purchase and install recording equipment. Over the years the departments have been receiving video equipment, so most of our stations are equipped with the cameras so that they can do the video recording.

MR. REILLY: Thank you. So take New York City, for instance. There's approximately 10- to 14,000 juveniles arrested each year for minor infractions. If they are going to -- so would this bill cover pedigree information, normal arrest processing? Just for clarification.

MS. FRONTUS: So -- and that's a good question. For clarification purposes, this bill is talking about juvenile delinquents, which I believe is a DCJS --

(Pause)

-- but it's -- indeed, indeed. So going back to your question and going back to what I was saying, it is only referring to juvenile delinquents, per se, which is a combination of the young person's age and the crime that they committed allegedly. The reason why they're being brought in.

MR. REILLY: Okay. So say a 16- and 17-year-old

that is arrested for petty larceny, would that -- would that constitute the -- if they're doing a pedigree, information on that violation of the Penal Law that will most likely be prosecuted in Family Court, would that be required to have a videotape when they're talking about pedigree information?

MS. FRONTUS: It's, frankly, anybody who can be convicted as a juvenile delinquent, this would come into play.

MR. REILLY: So when -- when you're -- when a police officer is processing the arrest in the juvenile room and they are filling out the online booking sheet, maybe the Family Court paperwork, when they're asking them specific questions as to the arrest of their pedigree, would that have to be recorded?

MS. FRONTUS: You're talking about during the arrest, before the station?

MR. REILLY: No, at the station house in the -- in the room -- the juvenile room designated by OCA while they're -- while they are conducting the arrest paperwork --

MS. FRONTUS: Yes.

MR. REILLY: -- and they're speaking to the individual who was arrested, the juvenile, would -- would that have to be recorded in that room?

MS. FRONTUS: It's from Miranda rights throughout the interrogation itself.

MR. REILLY: Okay. So -- so would pedigree information to fill out the online booking sheet, which is the arrest

processing paperwork, would that be recorded?

MS. FRONTUS: There's no reason why that would be recorded --

MR. REILLY: Okay.

MS. FRONTUS: -- under -- under these guidelines.

MR. REILLY: Okay. Thank you. So, under -- I know we spoke about a little bit -- you spoke a little bit before with my colleague about the good cause exceptions --

MS. FRONTUS: Yes.

MR. REILLY: -- so excuse me, one second. Sorry. With the good cause exception, the -- under 60.45 of the CPL, the -- if -- if an individual, a youth, and their -- a juvenile and their parent are present and they're willing to talk to the officer or the investigator but they do not want to be recorded, is there a provision that will allow them in this law, in this bill, to move forward and -- and give permission to speak without being recorded?

(Pause)

MS. FRONTUS: So the question is whether the youth who is under interrogation says that they don't want to be recorded?

MR. REILLY: And their parent as well, or the guardian. If they are willing to speak to the officers or investigators but they do not want to be recorded, is that permissible under this bill?

MS. FRONTUS: Yes, the parents have a right to waive.

MR. REILLY: To waive the recording.

MS. FRONTUS: Yes.

MR. REILLY: Okay. So they're -- so once it's transferred to Family Court for the proceedings, will it -- will that impact the validity of whatever is discussed in that interrogation that's not recorded?

MS. FRONTUS: No, we said earlier that it wouldn't be.

MR. REILLY: And that's under the good cause exception?

MS. FRONTUS: It's a good cause exemption and it would also be up to the judge. But we understand that it's not going to be possible in every instance, so it doesn't invalidate what's said without the video recording. But the preference is for as many video recordings as possible.

MR. REILLY: Is there -- is there anything in the bill that will delineate how that can be recorded? I know DCJS put out some guidance under the 60.45. But is there any -- anything that we can specifically have in this bill to ensure that that's documented?

MS. FRONTUS: To ensure what now? I'm sorry.

MR. REILLY: To ensure that the document -- that it's documented or a protocol in place where the parent, the guardian and the juvenile can waive that recording. Or would that fall -- would that fall under the guidance under the good cause?

MS. FRONTUS: Yes, it would be. And it's already

established by DCJS. It's in the language of the bill, lines 10 and 11, what you're asking.

MR. REILLY: Lines 10 and 11? Let me take a look. So that -- just under Section -- paragraph (e) of 60.45 you're saying?

MS. FRONTUS: It's -- yes, making reference to paragraph (e).

MR. REILLY: Fair enough. Okay. Thank you. Thank you for your time. I appreciate you answering the questions.

MS. FRONTUS: You're very welcome. Thank you.

ACTING SPEAKER AUBRY: Mr. Manktelow.

MR. MANKTELOW: Yes, Mr. Speaker. Would the sponsor yield, please?

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

MS. FRONTUS: Absolutely.

ACTING SPEAKER AUBRY: Ms. Frontus yields.

MR. MANKTELOW: Thank you so much. Just a couple of quick questions. I see in the bill that this would take effect after November 1. It would be November 1 of next year, correct?

MS. FRONTUS: Yes.

MR. MANKTELOW: So I -- I would anticipate when we go through the budget process this coming Spring, early Spring, will there -- will there be any funding in there for -- let me go back to another question first. What do you -- how do you see one of these rooms, interrogating rooms, looking like for these young

people? Is it something different than what would be in a jail right now or in a booking room or just exactly the same that's there?

MS. FRONTUS: No. I have to be honest. I mean, the focus -- as one of my colleagues said earlier, the focus really hasn't been on the room or the nature of the room. It's really the essence and the spirit of the bill, which is expanding video recording of juveniles to prevent any abuse of power, any false confessions, any wrongful convictions, which has been a problem here in the State of New York. The room -- the standards for the room are set by entities such as OCA, DCJS. So, standard rooms such as the ones that we're using now, it's not really about that.

MR. MANKTELOW: Okay. Because I'm just thinking about some of our smaller municipalities that probably don't have the exact same room that's there, or as my former colleague said, was wondering about the -- the cost of the video equipment and --

MS. FRONTUS: Sure.

MR. MANKTELOW: I have a concern about that because I just don't always like to ship the money, the cost back to our local municipalities. I just want to be sure that we have funding in there and that they're allowed to use that funding to keep our taxes down back home. And if we're going to send a -- if we're going to send this down from the State, I think there should be funding attached to it. If there's not, I really don't want to support it unless there is. But I think it's a -- it's a good bill and I do agree with most of the bill. So that -- that was one of my points.

The second point or the question I had was, if this bill passes and is signed into law and it does take effect November 1, 2021, what happens if the local municipality can afford it or can't do it? Will they be afforded the same -- the same things that we are afforded here at the Capitol? Like, for instance, prior to my time being here it's my understanding that there was a bill passed that we would do recordings of all the committee meetings. And I know that's not happening. I know -- I believe it was signed into law. Are they going to be afforded those same cushions that we have here in -- in the State Capitol?

MS. FRONTUS: Unfortunately -- I'm so sorry. I heard everything you said except the words after what would happen if the local municipalities and then I didn't hear after that. What would happen if they what?

MR. MANKTELOW: I'm sorry. Can you hear me now?

MS. FRONTUS: Yes. I'm kind of leaning in.

MR. MANKTELOW: I apologize. I should have came down to the floor. I apologize. I'm just concerned about the local municipalities. Would you like me to run down there really quick?

MS. FRONTUS: No, no, no. We're listening. You can go ahead.

MR. MANKTELOW: All right. I'm just concerned that if a local municipality doesn't have the funding to put this into

place --

MS. FRONTUS: I see.

MR. MANKTELOW: -- to make the purchase and November 1, 2021 comes into play, are they going to be afforded the same pleasures that we have here at the State Capitol when we've passed bills here but we don't make it happen and it still hasn't happened for two years since I've been here. Are they going to be allowed to do that as well?

MS. FRONTUS: We're not particularity worried about that because for the last handful of years, video recording has been required for most adults and some juveniles. So your point is well-taken, but those measures are already in place now. Again, most -- most of our stations have the equipment that they need for these recordings. This is really procedural, and we're saying that it should -- we should expand it and not only do it for juveniles who are being brought in for certain alleged crimes, it should be across the board for everyone to maintain the integrity of the process.

MR. MANKTELOW: Okay. I just want to make sure that some of our smaller communities can financially absorb this if they don't have enough rooms or enough equipment to do so. And I just think that the State should help provide that -- that cost. So -- thank you very much -- thank you very much for your time and the question.

MS. FRONTUS: Thank you.

MR. MANKTELOW: You're welcome.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect November 1.

ACTING SPEAKER AUBRY: The Clerk will record Calendar No. 300. This is a Party vote. Any member wishing to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the number previously provided.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. The Republican Conference will be voting in the negative on this bill. And if anybody feels differently they should contact the Minority Leader's office as soon as possible. Thank you.

ACTING SPEAKER AUBRY: So noted, Ms. Walsh.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference will be voting in the affirmative on this piece of legislation, and we hope that colleagues will certainly stay with us on that one. Those who choose not to or want to vote in the negative should feel free to contact our offices and we will record your vote as requested.

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

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker, for the opportunity to explain my vote. I would like to commend the sponsor of this legislation. All too often, our young people don't feel protected in a society where they should be. And even if they had been accused of something, whether they did it or not, they -- they should be able to have it videoed with some level of integrity. They should know that adults care about them, and I think that this sort of legislation espouses that. I think the lack of that is how we get into trouble in this society when some people are just not worth our time or effort, and we just want to rail through things, get them done, and at the end of day create havoc in the children's lives that will eventually become hurt adults. And hurt adults do hurtful things. Here's an opportunity for us to honor young people as they are young, and I want to commend the sponsor for this and it is my pleasure to vote in favor of this legislation.

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

Ms. Walker.

MS. WALKER: Thank you, Mr. Speaker, for the opportunity to explain my vote. I remember when having conversations with some young people who were in a juvenile detention facility, and I asked them, you know, *If you could have anything, what would -- one request that you would have?* One of them would say that they wanted to stay up a little later at night. Another one mentioned that he would like to have TV. And so that said to me that these are truly children. The same requests that they're

asking for are similar requests that I hear my eight-year-old asking me for on a daily basis. And we recognize that when a person is a juvenile we heard through Raise the Age that the brain development isn't that of an adult. And we know that there are certain vulnerabilities that exist, opportunities for manipulation within the criminal justice that has played itself out in the present day, in a day that's mostly notorious, I guess for us is of course the Central Park Five situation. And while those young men were drug through the mud, their exoneration has really had them (unintelligible) as heroes.

And so, I really want to say thank you to the sponsor of this bill. I know it's been a long time coming, getting it across the finish line. And particularly, I want to commend Senator Montgomery, who has been a stalwart with respect to juvenile justice definitely throughout my lifetime. And so, congratulations and I look forward to voting in the affirmative.

ACTING SPEAKER AUBRY: Ms. Walker in the affirmative.

Mr. Epstein.

MR. EPSTEIN: Thank you, Mr. Speaker. I want to take the opportunity to explain my vote. I, too, want to applaud the sponsor of this legislation. It's so important to have documentation of what's happening, especially with our young people. As we've seen throughout the country how video or photographs of arrests or detainments or, you know, interactions with police have brought to light so many different abuses that exist in society. And it's really put

a spotlight on this issue. Having all these interrogations being videotaped, having a record of all the interactions will just be allowing more justice to occur, really to shine a light on what 's a very dark area and giving some sense of security to those young people who have been detained. That whatever happens will be recorded and preserved.

This is an important piece of legislation. I applaud the sponsor. I'll be voting in the affirmative and I encourage my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Mr. Epstein in the affirmative.

Ms. Wallace.

MS. WALLACE: Thank you, Mr. Speaker, for giving me the opportunity to explain my vote. We have a case right now in Buffalo that is eerily, in my opinion, reminiscent of the Central Park Five where we had four individuals who were convicted when they were teenagers. Forty-three years later now they still say that they're innocent. And the key piece of evidence that convicted them, or one of the key pieces of evidence, was a 17-year-old's word that he saw them commit this murder. That 17-year-old is now much older and -- and has recanted and said that the reason that he did -- he said that was he was threatened by the police officers. If we had had the videotape, we could put to rest whether that actually happened or not. I think that this is a minimal burden that we're asking to record the interrogations to ensure the integrity of our convictions. It will save

litigation costs on the back end, and it is a commonsense measure to ensure fairness and justice in our system.

So I thank the sponsor for bringing this -- this bill forward, and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Wallace in the affirmative.

Ms. Fernandez.

MS. FERNANDEZ: Thank you, Mr. Speaker, for allowing me to explain my vote, and thank you to the sponsors for putting this bill and bringing it to the floor today. Much like what was said today, this bill is so important. And between whatever side of the aisle that we sit on, I know that a big priority that we put forward and hold to our hearts is protecting our children. And in these rooms, these interrogations, these experiences that they go through, a lot has happened. And we've seen where our children are -- are seen as the enemy and put in terrible positions that lead them to life in prison or a long time in prison. So this, to me, is just very commonsense and I big protection to our children to make sure that the truth is always known and that it is always seen.

So, thank you. I -- I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. On this bill the following Republican members wish to be recorded in the affirmative: Mr. Brian Miller, Mr. Montesano, Mr. Morinello, Mr. Norris, Mr. Smullen, Mr. Byrne, Mr. Reilly, Mr. Lawrence, Mr.

Blankenbush and myself, although I've already noted that on the board. Thank you.

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06440, Calendar No. 237, Peoples-Stokes, Taylor. An act to amend the Executive Law, in relation to dialysis center disaster preparedness plans.

ACTING SPEAKER AUBRY: An explanation is requested, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. This bill amends the Executive Law to require that dialysis centers across the State of New York provide some source of generators so that in case of Hurricane Sandy, Irene, a snowstorm in Buffalo or whatever our future weather impediments could be and will no doubtedly be, that a person who is in the process of being dialyzed will not be necessarily impacted. Mr. Speaker, it is clear that if you receive your dialysis treatment in a hospital, this is not going to be one of your concerns because hospitals are already required to have some sort of backup system for in case the power goes out. As you know, the need for dialysis is not necessarily decreasing in one of the greatest nations in the world, it's actually increasing. And it's increasing at numbers that there's probably not many communities that

you can't go in and find a storefront that's now a dialysis center. I'm not saying that as a negative, I'm saying that as -- as a positive because people do actually need to have the service in order to keep their kidney functioning well. But in the thought process that we have already had many circumstances where power has gone out. In fact, in the Western New York community, a large chunk of it, the power was out a couple weeks ago. That happens, it's going to happen in the future. This bill will just require people who want to be in the business of delivering dialysis services to patients who need the life-saving service, that they will provide some sort of generators to ensure that if the power goes out, the person's dialysis procedure will not necessarily be negatively impacted.

ACTING SPEAKER AUBRY: Mr. Palmesano.

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

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Yes.

ACTING SPEAKER AUBRY: The sponsor yields, sir.

MR. PALMESANO: Thank you very much. I wanted to just first -- I understand the intention behind the bill. When you read it like that it makes sense. I just have some questions and concerns that have come up. When you talk about having an alternative power source that could basically power the operations and

equipment necessary for dialysis services at a unit outside -- that's required outside of an on-site generator, a 240 kilowatt 7,000-pound generator, is there any other alternative power source available to comply with this mandate?

MRS. PEOPLES-STOKES: I actually would think that should be up to the decision of the person who decided to be in the business of providing dialysis services. I will say this: In fact, just since this bill has been introduced the technology and the size and the cost of generators is starting to change. And I think that happens because we have seen so many opportunities where communities have lost power not just as a result of some weather-related issue, but the fact that sometimes we just lose power. And so I think you see people's creativity, as well as their innovation going into areas where generators are smaller, less expensive and more readily available to an average household, less known somebody who has made a decision to be in business.

MR. PALMESANO: Right now isn't a condition for coverage through the Centers for Medicare and Medicaid that dialysis centers are required to maintain an extensive Federally-approved -- prescribed emergency preparedness plan right now to have for actions that might take place if there's a power failure or a disaster or other emergencies? And also along with that, don't dialysis centers have backup agreements right now with local hospitals and plans to transfer patients in case of a prolonged outage or emergency? Right now isn't that what's in place right now under the law and the guidelines that are

in place?

MRS. PEOPLES-STOKES: So your question is...

MR. PALMESANO: Right now -- yeah, right now there is -- to provide dialysis services, the Center for Medicare and Medicaid requires a Federally emergency approved plan to deal with outages or other emergencies that come up.

MRS. PEOPLES-STOKES: Okay, so perhaps that is something that they had required within the last couple of years. I'm - I'm not sure that it is working for at least the gentleman I saw on the news in Western New York who was in the process of being dialyzed when the power did go out in the Southtowns. And for him that was a very scary situation, and for his family it was. And as the mother of a daughter who used to be on dialysis and is now being -- had a kidney transplant, it would be a scary thing for me as well to know my daughter was at dialysis or anybody who is at dialysis and all of a sudden the power went out. Not that that has to be something that is negative and will hurt them in the long run, but it doesn't have to happen at all if we plan for it. There's no way that we should be in 2020 and we're not making the right kind of plans for how people are going to receive medical care, particularly dialysis.

And so, again, this gets asked that if you want to be in that business that you give us a plan on how you plan to protect people.

MR. PALMESANO: Do you know how many dialysis centers there are in New York and how many might already

have generators? Or have you reached out to the dialysis centers in the industry that are providing these services, and how many might be impacted and might have to close or relocate because of this mandate? Have you had any discussions with them about this and how they might --

MRS. PEOPLES-STOKES: No, I actually don't know that number, but I do know that there are, I want to say at least six or so in the Western New York community under different names.

MR. PALMESANO: And I know many, many dialysis centers lease space from landlords, and certainly, you would need the landlord approval. And if you're not getting that does it require -- if they won't allow it, if they don't have the space for a generator like that could pose a problem for a closure or relocation which could take some time and which has mandates and requirements along with it from the -- from the government that needs to comply with the closure or transfer, correct?

MRS. PEOPLES-STOKES: I'm sure some of them are renting. In fact, I know one company that actually rents from some people who I know just recently developed the building.

MR. PALMESANO: Because right now it's my understanding there's a statutory requirement with the Department of Health to approve either a closing or a relocation of a licensed facility. And also there's also legal and financial ramifications for early termination of lease agreements and where -- and right now the Department of Health and Public Health and Planning Council

generally require sometimes 10-year terms as a condition for licensing a dialysis center. So based on that and the complications that can cause and the time it takes to do a relocation and get an approval, that can cause problems for the dialysis center if it has to shut down and this impact it would have on services, could that not?

MRS. PEOPLES-STOKES: Yes, it -- it actually could cause both problems for the person who is in the business as well as the person who is on the dialysis machine at the time. Particularly if the business has multiple locations and within a region and they have one generator that they transport between Rochester, Syracuse and I'll say the Finger Lakes. Sometimes you might not be able to get that generator to the Finger Lakes as quickly as you thought you could. And so, again, I'm just suggesting that technology has changed. We've become a lot more innovative with the opportunities for ventilators [sic]. I don't want to say the name of one because I think that would be inappropriate. But I do think that if you want to be in the business - which I believe is a pretty lucrative business because it's all pretty much funded by Federal Medicare dollars - then you should be willing to invest in the long-range interests of your patients. You can't tell when the weather is going to go bad unless you're watching the weather on a regular basis. But what you can tell is that the people who come to you desperately need to have their kidney dialyzed. And nothing should get in the way of that and it should not be a business decision of yours that you'd rather not spend this -- I don't know how much you might want to pay for it

-- you'd rather not spend this money to protect the people who come to you for a service. I think it's -- it's -- it's a reasonable request, and I'm probably not going to be able to convince you or to convince someone who doesn't want to invest in their business that way that the people are more important than their business. But I assure you, the people are more important than their business, and at the end of the day people are going to make decisions about where they receive services at, where they know they can be protected. By the way, I'll restate this again. If you have your dialysis procedure done at any hospital in New York State, this is not going to be a problem for you because they do have to have a plan in case the power goes out.

MR. PALMESANO: Thank you. I appreciate it.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Certainly, I'm not going to question the sponsor's intent, and -- and -- and what she's trying to do behind it. I'm definitely not questioning that. I think the point I'm trying to bring up to my colleagues is that sometimes with legislation we have unintended consequences and a negative impact. For example, I think in New York State right now we have around 264 dialysis centers around the State. One company has 78 dialysis centers that serves 7,100 patients. If this legislation were to pass the way it is, because some facilities, 19 facilities, are not able to have a generator on site for whatever reason, it would cause them to close or relocate, impacting the care of, you know, 1,700 patients, 25 percent

of that caseload. I think that's the concern I want to bring up to my colleagues because just because some closures or relocations, disruptions to the care of our patients, causing uncertainty. Especially creating a challenge is finding alternative locations that would get that Federal approval through CMS. This was not a requirement of their condition -- certificate of need when they applied, and they knew -- every dialysis center has to have an emergency plan that's approved by the Center for Medicare and Medicaid right now to meet the need of the community. They have agreements in place with local hospitals so if there's a prolonged outage that they would transfer patients to those hospitals to address this issue because, as the sponsor said, the hospitals do have that type of generation. I think, as I was mentioning, when you have that many centers that -- that can be impacted by this, for just one organization, 19 of their 78 facilities would have to close or relocate. That -- that causes a problem because there's Federal -- Federal guidelines when it comes to relocating or closing a facility. That could take time through the Department of Health. Not to mention the -- the -- the lease agreements take time. Sometimes they have 10-year conditions as far as setting up these centers. And that was just -- I just talked about 78 of them. There's another 200 -- there's another 194 of them that we don't know how this would impact them. If we have these facilities closing that could be problematic. And just to read you some of the list, there's 19 -- 19 centers. There's one in Long Island, two in Staten Island, two in the Bronx, two in Queens, seven in Brooklyn, five in Upstate New York,

including in the sponsor's district that could effectively be closed because of the mandate from this. Again, let me just be clear. I'm not questioning the sponsor's intent. On the face of it it seems like it makes sense. However, as with all legislation there's always negative intent -- unintended consequences. The fact that these organizations have Federally emergency-approved plans in place, it's not about them not wanting to provide the service. It's just that -- whether they are capable or able to do that because of the limitations they have with the physical location. If they have lease agreements that would take time. And again, to relocate is problematic. It takes an amount of time to get approval through the Department of Health. And to have these closures would disrupt the care for a number of patients. I'm just concerned that this could really lead to, again, closures and relocations of our dialysis centers which provide critical lifesaving care to people who need it. And I just think that's a concern I have on this issue. And I think it would just be better to maybe have discussions with the industry, that -- those providing dialysis care and work with them to say how can we address this need, and talk about the new technology that's out there before we just implement a mandate on that that could actually cause an interruption to the care and service that's being provided, this lifesaving care of dialysis that people need to survive. So I just think if there was more of a dialogue with the industry who has to do this to see, *How can we work with you to make this happen? How can we work with you to streamline this through the Department of Health and the Federal government to have mandates and*

requirements as far as closures and relocations? We already know this would con -- create closure and relocations of 19 facilities. We just don't know about some of the other facilities, and one is too many. So why aren't we working with the industry to find out what we can do to be a partner instead of putting a mandate in place - which again, I know on the face of it makes -- sounds like it makes sense. It's just that negative unintended consequences are what's going to happen if facilities have to close down. If facilities close down or relocate that means patients aren't getting the care they need, and I think that's something that we should all be concerned about.

So until we can address that need and create that partnership, for those reasons I'm just going to be voting in the negative on that bill. Thank you, Mr. Speaker, and thank you to the sponsor who I have so much respect for on this issue. I know the personal connection. I applaud you for your efforts and what you're trying to do, so I hope you understand where I'm coming from. But again, for those reasons, I'm going to be voting in the negative.

Thank you, Mr. Speaker.

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 on Calendar No. 237.

(Pause)

This is a fast roll call. Any member wishing to be

recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following Republican members in the Minority voting no: Mr. Byrne, Mr. DeStefano, Mr. DiPietro and Mr. Palmesano. And just a correction, that's Ms. Byrnes that will be voting no.

ACTING SPEAKER AUBRY: So noted. Thank you.

Mr. Ortiz to explain his vote.

MR. ORTIZ: Thank you, Mr. Speaker, for allowing me to explain my vote. I commend the sponsor of this bill. I think this bill is moving us forward. As you all know, I have a mother who had a kidney transplant that was given by my sister. And I think that the more that the quality advance and the more quick we can have of the 78-plus extra centers around the State of New York. I think that will be a -- a -- a great advance to ensure that our -- the people that need dialysis they will continue to have their own dialysis until they can find a transplant.

Therefore, Mr. Speaker, I remove my vote and I will be voting in the affirmative and thank you for allowing me to speak. Thank you.

ACTING SPEAKER AUBRY: Certainly. Mr. Ortiz in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 42, Calendar No. 244, the Clerk will read.

THE CLERK: Assembly No. A06710-A, Calendar No. 244, Rozic, Gottfried, Aubry, Barrett, Blake, Davila, Fahy, Jaffee, Mosley, Perry, L. Rosenthal, De La Rosa, Simon, Weprin, Quart, DenDekker, Cruz, D'Urso, Colton, Ortiz, Dickens, Rivera, Sayegh, Hyndman, Cook, Glick, Reyes, Williams, McDonough, Abinanti, Wright, Fernandez, Darling, Jean-Pierre, Taylor, Ashby, Epstein, Arroyo, Hunter, Barron. An act to amend the Correction Law, in relation to requiring the Department of Corrections and Community Supervision to place incarcerated parents at correctional institutions and facilities closest to their children's home.

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

MS. ROZIC: Thank you, Mr. Speaker. This bill would require DOCS to place those incarcerated with minor children closer to home whenever feasible, taking into account the best interests of the child or children and the consent of the parents. The bill requires that DOCS provide an annual report to the Legislature about the Close to Home program, including, but not limited to, how many individuals were transferred and other regional information. As we know, studies have demonstrated that children whose parents are incarcerated suffer from lack of contact with them both emotionally

and educationally. Kids who are able to visit incarcerated parents do better in school and are generally happier and better adjusted. Those who are incarcerated who have contact with their families through these visits also show lower a rate of recidivism and have a greater incentive to participate in programs and other activities. Overall, visitation is a positive force that we should be encouraging.

ACTING SPEAKER AUBRY: Ms. Walsh.

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

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

MS. ROZIC: Yes.

MS. WALSH: Great. Thank you so much. So just -- I'd just like to walk through a few aspects of the bill. I thank you for the summary that you just gave. Does this bill apply to inmates who are already in a given correctional facility to have them moved to another location, or is it just for an initial placement of that inmate?

MS. ROZIC: I believe it's both.

MS. WALSH: It is for both.

MS. ROZIC: Yeah, the criteria and procedures would be established by DOCS in consultation with OCFS.

MS. WALSH: Right. So -- and I'm assuming that that consultation would also include things like how do we figure out what's in the best interest of the child, what -- how does DOCS make that determination of best interest? Would there be -- I mean, is there

any kind of sense of whether that would envision a hearing of some kind or the appointment of an attorney for the child or an AFC, also formerly known as a law guardian? Is -- has there been any discussion at all about what that would look like?

MS. ROZIC: That is up to the discretion of the State agencies. But I know generally that DOCS considers many factors, including the interest of the child, and also obviously security, safety and, quite frankly, the logistics of it. If you're, for example, a woman in max there's only one facility that you can go to. So, you know, there -- there are no options. But if you are, you know, in a medium State facility you do have a choice of two different sites. And so it would be up to OCFS, in consultation with DOCS, to figure that out.

MS. WALSH: Is this type of analysis being done at all even informally, now, to your knowledge?

MS. ROZIC: I mean, transfers happen every day at DOCS, and so I imagine that they -- they keep records of that.

MS. WALSH: Okay. Is -- when transfers are done, are -- is there also a consideration of the -- the good behavior or the -- their -- do they, you know, do they build up any points where they get to then go to -- to what they consider to be a better place, or is there anything like that that happens?

MS. ROZIC: I know that currently DOCS generally moves people closer to home as they get closer to their release date, and as you know, that that is dependent on multiple factors. But, not to my knowledge.

MS. WALSH: Okay. You mentioned as you summarized the bill that it would require the consent of the parent. Do you mean by that the consent of the incarcerated parent?

MS. ROZIC: Yes.

MS. WALSH: Does it -- does this require the consent of the -- the parent where the child is currently living?

MS. ROZIC: I imagine that the family in which -- which is taking care of the child would also be consulted.

MS. WALSH: And that would also include a foster parent if that's where the child was currently placed?

MS. ROZIC: Where -- yeah, or a grandparent or...

MS. WALSH: Okay. Now, you mentioned earlier that sometimes there isn't much of a choice to be made if they're -- for example, with -- with women there's just the one place where they could be. Is it -- is it Bedford?

MS. ROZIC: Mm-hmm.

MS. WALSH: Yep. So -- so just to make that point even if you move the incarcerated individual closer to their -- their child or children, it still could be a considerable distance away, could it not?

MS. ROZIC: Yes.

MS. WALSH: Okay.

MS. ROZIC: Depending on where they live.

MS. WALSH: Right. So that would still create issues, perhaps, with transportation and other costs to facilitate the

visits of the child with the incarcerated parent.

MS. ROZIC: Yeah. And as you and I talked about, I think, two years ago when we debated this bill, I'm all for more web-based videoconferencing. However we can increase the relationship between a child and a parent is critical at any age, and so I don't think that this is the be-all and end-all, but just one factor that can help bring families together.

MS. WALSH: Okay. Very good. Thank you so much for your answers.

And, Mr. Speaker, on the bill.

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

MS. WALSH: So, we did debate this is a couple of years ago, and I guess one of the things -- and I think in just those couple of years that I've been working here at the Assembly, the one -- one thing that's really starting to grind my gears is the -- the idea of delegating the authority, the Legislature delegating the authority to DOCS and OCFS in this particular instance to develop a whole plan for how this would be effectuated. I feel that the -- the Assembly, this Body, should be more directly involved with developing what that plan is. And the reason is that as -- as somebody who's been an attorney for the child for a dozen or so years and having had cases where my client's parent is incarcerated, very often I'm speaking with the child and the child does not wish to have any contact with his parent or her parent. And I think it's really very critically important

that we allow the wishes of the child to be considered and heard. And normally the way that that's done in a Family Court setting and in other settings is to have an attorney for the child appointed to meet regularly with the child, to confer in an age-appropriate way for that child and to figure out whether it truly would be in the best interest and to advocate for the child's wishes. And I -- it's just completely absent from this bill, and it concerns me that we would just be turning all of that over to DOCS and OCFS, both great agencies, both very concerned, I'm sure, in fulfilling their missions. But I just feel that it -- it abdicates our responsibility as a legislative Body. So that -- that is something that has, I guess, changed in my own mind in looking at this bill in the last couple of years. I think that also, as was kind of pointed out in debate, even if you're placing the incarcerated individual closer, it still is not necessarily much closer. And I think that most of the child clients that I represent, if they have contact at all with their parent who's incarcerated it's generally through phone calls and it's through letters. And that can present its own problems if, for example, the child is residing with a parent who is perhaps the victim of domestic violence and there's issues with letters being sent through the child but really intended to the -- to the non-incarcerated parent. There's a lot of -- it's a complicated issue, and there are -- there are other methods. I really do like the idea of the videoconferencing because I think that particularly for a young child, the prospect of going into a prison setting is -- can be a very harsh experience for a young child. And I -- I don't know so much whether there would be a

risk of any kind of a physical harm, but I do think that there could be some emotional harm to the child for -- for being placed in that circumstance, depending upon the age and maturity and the desire of that child to visit with his or her parent.

So I do have some misgivings about this -- this bill, and although I voted in favor of it the last time, I actually think that I'm going to vote no because I think that we need to do a better job, I think, of really crafting the mechanism by which we would be evaluating the best interests of the child in putting a program like this in place. I do think -- I do support the idea of continuing family bonds, and I don't think that just because an individual becomes incarcerated that they should be walking away from their children if they want to have that child remain in their lives. I do think that we -- we do need to work something out. I just think that it needs to be a little bit more fully formed before this -- this Body votes on it.

But I thank the sponsor and I will cast my vote in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Solages.

(Pause)

Read the last section.

THE CLERK: This act shall take effect in 365 days.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar No. 244. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record Mr. Tague and Mr. Salka in the negative, along with Mr. Walczyk and Mary Beth Walsh. Thank you, sir.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06787-D, Calendar No. 245, Wallace, Epstein, Mosley, M.G. Miller, Simon, Gottfried, L. Rosenthal, Reyes, Otis, Simotas, Quart, Kim, Rodriguez, Fahy, Abinanti, Weprin, Ortiz, Colton. An act to amend the Education Law, in relation to the use of biometric identifying technology.

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

MS. WALLACE: Yes. So this bill imposes a moratorium on the use and purchase of biometric identifying technology, including facial recognition technology, in schools until July 1, 2022 or until such time as the Commissioner of Education studies the issue and reports back to this Legislature and to the Governor as to whether and under what circumstances is appropriate to use that technology in non-public and public schools. It requires the Commissioner to consult with the State Education Chief Privacy

Officer. It requires the Commissioner to hold public hearings and to consult with stakeholders including parents, teachers, school administrators, school safety experts, experts in data privacy and experts in student privacy.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

ACTING SPEAKER AUBRY: Will you yield --

MS. WALLACE: Yes.

ACTING SPEAKER AUBRY: Ms. Wallace yields.

MR. GOODELL: Thank you, Ms. Wallace. I know that this bill came up last year for a vote. What has happened in this area since this bill first came up? Has the Board of Education or the State Education Department moved forward with studies? What has happened?

MS. WALLACE: Well, if you recall we never passed it into law, so I don't think anything has happened in terms of moving forward with studies at this point.

MR. GOODELL: Have you contacted the State Education Department to solicit their comments and input on this?

MS. WALLACE: Yes, I've been in contact with the State Education Department throughout drafting this legislation.

MR. GOODELL: And they have the authority under current law, right, to do such a study. What was their view on why they haven't?

MS. WALLACE: So, at some point the State Education Department issued Section 2(d), which at one point they were taking the position that did address the concerns raised in here and now I think they're taking a different position, saying that student data is not covered under 2(d). So, quite frankly, it seems to me that we need a thoughtful Statewide policy and guidelines and we do not currently have those under the law.

MR. GOODELL: As you know, under our State Constitution since actually 1784, the education system in New York State has been under an independently-selected Board of Regents, which is kind of interesting. It's rather unique in -- in the nation. So it's -- it's not under the Governor's control and it's not really under the Legislature's control although, obviously, we -- we can pass laws. But there's been that concept for almost 300 years, 200-and-some years, that -- that we trust our education system to the Board of Regents and they, of course, are in charge of selecting the Commissioner of Education and overseeing the Education Department. And then under them, we have literally thousands of independently-elected school districts elected by voters and -- and residents within their school. Why do you think we shouldn't trust this type of educational policy to the constitutionally-designated entity charged with that responsibility? Is it your view they're neglecting their responsibility in this area? Why would we step in in an area where we normally exercise a great deal of deference?

MS. WALLACE: Well, I think we do try to exercise

a great deal of deference, but, you know, when there are circumstances that dictate that this legislative Body step in and provide guidelines or parameters, we have not hesitated to do so and I think this is one of those circumstances.

MR. GOODELL: Along the same lines, none of us in this Chamber, certainly, were elected currently to any school board, but there are other individuals in our community that are highly respected that have been elected by the local residents to the school board. Shouldn't this be a local decision made by locally-elected school board members whose focus is what's in the best interest of that school?

MS. WALLACE: Well, I think we often try to defer to the local school boards, but in this instance we're talking about technology that many of us really don't understand and requires a really deep dive into how it works, what the potential risks of using it are, what the -- what the effectiveness of it is. And I think it would be -- behoove us to have a Statewide policy where we have the Body that's in charge of these decisions to do that deep dive and set guidelines for all of New York State schools. To set minimum, for example, accuracy criteria, criteria on what should -- who should have access to that data, how should it be disposed. What -- what kinds of information can be stored. So there's -- there's all kinds of questions that arise with this kind of technology, and I think it's best to have - just like we're providing guidance right now - a structure for schools to operate within -- in the COVID era, we should provide a structure

for schools to operate within -- if they plan on using this technology, if the school Education Department even thinks it's a good idea to use it in the first place.

MR. GOODELL: Since this bill was introduced last year and now it's been reintroduced this year, has the time frame for this study been moved back a year?

MS. WALLACE: Yes, it has. I believe it has. And it's also changed the criteria. Before it was until -- until 2022 -- I think it was 2021, now it's until 2022 or until such time as the Commissioner had the opportunity to study that because obviously the Commissioner and State Education is very busy at this moment given the pandemic.

MR. GOODELL: Now as you can appreciate, a lot of our constituents, a lot of parents, in particular, but also school boards are extraordinarily concerned about school safety, and for good reason. Because periodically we hear horrific stories of schools undergoing just horrific situations involving school safety or shootings or other acts of violence. Shouldn't we encourage the school districts to look at emerging technology and do everything within their power, subject to their reasonable discretion, to protect our -- our kids -- our most valuable resource, if you will -- from dangers that we might be able to identify with this type of technology?

MS. WALLACE: So, yes, of course. I have a -- I have a student myself in school, and of course we all want to keep our children safe. That's paramount. But we also need to make sure we

do so in a way that doesn't compromise their safety in other ways. For example, by using a technology that might have false positives, or by using a technology that might compromise their data security in some way. I also want to mention that the money for -- the money for this technology has traditionally been sought, and to the extent that it's been acquired, has come under the Smart Schools Bond Fund Act which was originally intended to upgrade infrastructure and improve wireless connectivity and purchase things like tablets and devices to improve student learning. Something that's become all the more urgent in this environment that we're in. So I think that we have an obligation as good stewards of taxpayer dollars to make sure that that -- that money is being spent in a way that gets -- the money is spent in a way that makes sure that the benefits of the technology being acquired don't -- that they outweigh the risks that might accompany that technology. So I think it's commonsense to put children first by using this technology, by using this -- I'm sorry, it's commonsense to put children first by ensuring that our -- in ensuring that our tax dollars are being spent wisely. Pardon me.

MR. GOODELL: You mentioned the concern that this equipment is not a hundred-percent positive or accurate, that you can have a false positive. And of course, as you know, that is also the case often with medical tests.

MS. WALLACE: I'm sorry.

MR. GOODELL: With medical tests. So if you're tested for COVID, for example, some of the tests we know will give

you a positive reading even though you aren't actually infected. It's a false positive. And that's true for almost every medical test. We still use those medical tests, even though they give a false positive because we recognize that the danger of a false positive is so much lower than not moving forward. So in this context, even if the system is not a hundred-percent reliable, if it has the substantial reliability and as a result saves, you know, hundreds of kids' lives by correctly identifying a potential threat, shouldn't we move forward while at the same time mitigating the damages, if you will, or problems with a false positive? I mean, we could deal with a false positive by saying if you've been positively identified by the system, we have a mechanism for you to address that, you know, fairly and quickly, consistent with due process. Shouldn't we take that approach, dealing with the false positives on one hand but still maximizing the safety of our students by moving forward with a system that, like any other system, is not a hundred-percent reliable?

MS. WALLACE: Well, I think you're making a false assumption that the false positives are a risk that we're willing to take because it will save all this many lives. And I'm not sure that we really know that to be true. I think this technology is somewhat unproven and we don't know how effective it is. And by the way, this legislation would impose a moratorium for the next two years, during which time most of the children, if they even do go to school, are going to be wearing face masks. So I question whether this is even going to be useful in the next two years anywhere at least in the

short-term anyway. But I also want to say that if you're the parent of a child who has been falsely identified, misidentified, I guess, under this technology, I don't think that's a risk you're willing to take. And there are potential civil rights implications when you have technology that has been shown in many instances to have a disproportionate impact on people of either -- on children, on people of color, on women. So I -- I do think it's a -- I -- I don't think it's a risk we can just say we're willing to take.

MR. GOODELL: Well, what is the false positive rate?

MS. WALLACE: So, let me see. So just some examples of studies, in 2018 a coalition of Black scholars published research where they concluded that various facial recognition, algorithms, misclassified Black women nearly 35 percent of the time. Another study -- study in 2019 done by MIT confirmed that racial bias exists with regard to Amazon's facial recognition software. And in 2019, the Department of Homeland Security issued a report where they concluded that darker skin poses challenges for commercial facial recognition. I think there were also other studies. So I think it's not clear how accurate it is. And, you know, one of the things this bill seeks to do is have the Commissioner tell school districts, *Okay, if you are going to use this technology, you have to have this threshold level of accuracy before you can acquire it and use it.*

MR. GOODELL: I found that data obviously of great concern. And as you noted, it was particularly unreliable identifying

people of color. But as you know, we have tremendous diversity within the State -- within the State, including many school districts where the number of people of color are extraordinarily small. I mean, there was no one of color in my graduating class or in my entire high school when I graduated. And that's not uncommon Upstate. Rather than have a one-size-fit-all mandated ban, wouldn't a better approach be a more nuanced approach that recognizes that false positives are higher under some circumstances and very low under other circumstances and allow the technology to proceed to protect our kids where the system seems to be most accurate?

MS. WALLACE: No, because only -- if you only have five students of color in a school that's not the issue. If that student is misidentified as somebody who's not allowed to come on campus and somehow suffers some consequence as a result of that, it's not -- it's not -- it doesn't have a relationship to the number of students in the school that are of color, it's any students of color might be misidentified.

MR. GOODELL: Thank you, Ms. Wallace. I appreciate your comments.

On the bill, sir.

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

MR. GOODELL: I think that the most horrific thing that can ever happen to a parent is to hear in the news or get a phone call that there's a shooting at your child's school or that there's some

level of violence that threatens the very life of your child. And our schools wrestle with that horrific challenge of how to maximize the safety of their students within the resources they have. And our Education Department, composed of our experts, wrestle with the same issue. And we should respect the fact that the Board of Regents is challenged with the responsibility of balancing those issues. And we should respect the fact that our State Education Department, not the State Legislature, is composed of experts that look at these issues all the time. And we should respect the fact that the individual school districts, headed up by a school board that's elected by the residents of that district, headed up by highly-educated and skilled superintendents, are in the best position to decide how to best protect their students. So I acknowledge my colleague's concern that this is not accurate, especially in certain situations. But I don't think we should ban a technology that could save lives, and I think we should respect the expertise and responsibility of others who are charged with this responsibility.

Thank you, and again, thank you to my colleague.

ACTING SPEAKER AUBRY: Mr. DiPietro.

(Pause)

MR. DIPIETRO: Are we on now? Hello?

(Pause)

ACTING SPEAKER AUBRY: Your clock is running, sir.

MR. DIPIETRO: Can you hear me? I didn't -- I

asked that three times.

ACTING SPEAKER AUBRY: Yes.

MR. DIPIETRO: I didn't know if I was -- all right.

Would the sponsor yield?

ACTING SPEAKER AUBRY: Ms. Wallace?

Mr. Reilly.

(Pause)

MR. REILLY: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Go ahead, proceed.

MR. REILLY: Mr. DiPietro is being heard. Can you hear him? He's --

ACTING SPEAKER AUBRY: Mr. Reilly, you're on at the moment.

MR. REILLY: I'm not --

ACTING SPEAKER AUBRY: We'll get back to Mr. DiPietro.

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

MS. WALLACE: Yes, I will yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. REILLY: Thank you. I have a question about the, I guess, the Lockport School District. I know that there -- there was some concern about it being introduced there. Do you know if there was any remediation in regards to the implementation and review by the New York State Education Department?

MS. WALLACE: So, I know that the better part of last year the State Education Department went back and forth with the school district, trying to address some concerns that were being raised with whether the student data was adequately protected, who would be in the database, and who would have access to it and all the questions that this bill raises. I believe that they have been -- they're still sort of somewhat unresolved on that issue. State Education had said that Lockport can use it under certain circumstances. Right now there's actually a lawsuit pending where the New York Civil Liberties Union has brought a lawsuit alleging that the use of the technology violates civil rights, among other things.

MR. REILLY: So it is my understanding that the clarification by the New York State Education Department was that the students would not be subjected to the facial recognition. Do you -- do you know anything further on that?

MS. WALLACE: Yeah. For the time being, I believe that is true. But there's nothing in the law currently prohibiting another school district from allowing their -- from acquiring this, purchasing this, using it and including students in the database. There's no guidelines or regulations right now. And I also would say that with regard to Lockport, they plan to continue -- they plan to fully use this in the future to include students. So I think this is an issue that we need to resolve sooner rather than later.

MR. REILLY: But it -- do -- do you know if the New York State Education Department actually issued and looked at their

revised guidance and approved it?

MS. WALLACE: I'm -- I'm sorry, can you -- I'm not sure what you're asking.

MR. REILLY: The Lockport School District.

MS. WALLACE: Yes.

MR. REILLY: They -- they were going back and forth with the New York State Education Department --

MS. WALLACE: Yes.

MR. REILLY: -- on whether to -- how they can correct some of the concerns.

MS. WALLACE: Yes.

MR. REILLY: So it is my understanding that they -- the New York State Education Department asked them to issue new guidelines, and that was approved by the New York State Education Department. So they, in essence, would be setting a protocol for other districts throughout New York State. Would you -- would you think that may be (unintelligible)?

MS. WALLACE: So the -- Lockport went back and forth, as I said, with the State Education Department specifically talking about the particular technology that -- that was being used in Lockport. So there are no Statewide guidelines to address what would happen in the next instance with the next school district. And I think rather than have piecemeal discussions, we should have a deep dive, thoughtful Statewide uniform policy that applies to school districts from Long Island to Niagara Falls.

MR. REILLY: Well, I -- I appreciate that, and I say that about many pieces of legislation we discuss here. So I definitely agree with you that we should actually have more detailed conversations. The one part about this with the New York State Education Department and the facial recognition technology, I think we can look at it as if it's the Commissioner issuing decisions on appeals by students, families and districts. So this would be -- the Lockport School District, actually, in consultation with the New York State Education Department and, in essence, the Commissioner, and the Commissioner issued the guidance. So that guidance would mandate all other school districts throughout the State to comply and actually fit the criteria under that guidance now. Do you think that that would be sufficed by their guidance being that leading issue for future districts?

MS. WALLACE: So, I -- I don't think that they have issued guidance that applies to all school districts Statewide. And more importantly, I know that they haven't done the kind of study that this bill would require by asking there to be public hearings, by consulting experts in the field, including, as I said before, experts in privacy and data privacy and technology. Experts in school safety, parents, teachers. So I think the answer to that is I don't think that there are Statewide guidelines that apply to every school district. It was a just sort of a back and forth between the School District and the -- SED. So rather than have that happen every single time the school wants to acquire and use this technology, why don't we look at this

issue deeply, especially right now when, as I said, everyone's going to be wearing face masks if the students are even in school. So I'm not sure why a moratorium at this point doesn't make a lot of sense. And by the way, as I mentioned, the Lockport School District is currently in litigation over this, where there's going to be a lot of money spent on lawyer fees that would be better served spent on PPE and cleaning protocols and increased transportation. All the things we're going to need this money for. So rather than have all these little school districts engage in litigation, if some organization or parent doesn't think that the district adequately is protecting their students' data or interests, why don't we just go ahead and look at this Statewide, especially at this point, and come up with a comprehensive, thoughtful policy?

MR. REILLY: So, many times we discussed in this Chamber and in the Legislature all together, demonstration programs with cameras, such as school bus arm cameras, speed cameras. How many -- how many projects in districts in New York State are we currently aware of that were approved for implementation of this facial recognition? And if it's, say, one or two districts, what if we use those as a model to actually evaluate and provide guidance for this study that we're calling for so it would, in essence, be a demonstration program which we can use that information for future districts, for our future implementation?

MS. WALLACE: Because I don't think that we should be using our students as guinea pigs without having a

thoughtful, deep dive study of this issue first.

MR. REILLY: Well, I -- I agree with you that not -- it's guinea pigs, but Lockport already engaged with the New York State Education Department, ensuring that only non-students would be -- would -- the technology would be used on entering a school building. If those protocols are in place for a demonstration program, I think that's a sufficient safeguard, potentially, since we've used them in other technology advancements for public safety.

MS. WALLACE: So, I'm -- I'm sorry. Lockport is not using it on students right now. So are you saying that we should allow them to be used on students or not? Because they're not allowed to use it on students right now.

MR. REILLY: No, that -- that's my point, that they entered into an agreement with the New York State Education Department after reviewing their protocols, and the students are not part of the facial recognition. So by -- this legislation would prevent them from using it all together, but we could use them as -- use that -- the Lockport School District as the demonstration program to help with the study. So, therefore, the technology is actually in practice being used, not on students, but on maybe adults that could be a threat to the school community, that's -- that's something that I think would help actually develop a protocol Statewide.

MS. WALLACE: Well, this bill isn't really about one specific school district. And Lockport itself says that the technology is really not that useful if they can't fully use it to include students,

which they -- which they currently are advocating to do. So, you know, just because they can't use it right now doesn't mean we should let them go ahead and continue using it as they are when we know they're also advocating to use it for students. So this is raising the concern that I've been discussing, which is we need to have a study to look at. What is this technology going to be used for, who's going to have access to it, what safety protocols are in place to make sure that the students' data won't be compromised. Is it going to be used for safety or for discipline of students or both? There's lots of unanswered questions. And the school district at issue, Lockport, is just one of many school districts that want to have this technology. And so I think it behooves us to right now look at it and just make a decision first before we go ahead and allow it to be used and regret it in the future.

MR. REILLY: Okay. So do we know -- do we have a number of how many districts actually have it implemented?

MS. WALLACE: I do not. I think Lockport is the first one in the State to begin to use it. But I know there were many requests for Smart Schools Fund money before -- when this -- when this legislation was first introduced. And it was introduced to say, *Listen, there's millions of dollars that different school districts across the State are seeking, and before we go ahead and spend that millions of dollars --* which, as I said before, was intended to upgrade infrastructure, acquire tablets, all the things that we really need the money for right now -- *let's make sure that the benefits that are being*

advocated that -- that -- that are being purported by the people who want to sell this technology, that those benefits actually outweigh some of the risks that I think are foreseeable.

MR. REILLY: Okay. So, when -- when the Smart School Bond Act, before I entered the Assembly, I was a -- when I was a member of the Community Education Council School Board for Staten Island, they actually put out -- the New York State Education Department put out requests for public comment on it, and we were successful in actually getting school safety as part of the Smart School Bond Act. Originally, that wasn't going to be part of that -- the -- the things that are eligible. So I think having that technology could actually help increase security for our schools and safety for our students. But the one key thing that I -- I would like to -- to mention and get your feedback on is, do you think that having maybe one pilot school district as a demonstration program like we do in other aspects of public safety and speed cameras and bus cameras, do you think having one school district as a model for an implementation for a demonstration program could help in developing a policy Statewide?

MS. WALLACE: I think before we start using one as a demonstration policy we should have the answers to some of the questions that I've raised, and we should have a consultation with experts. You know, maybe it is -- maybe after a deep dive is done there is a consensus that it makes sense to use this technology under X, Y and Z circumstances, and then we can do the pilot program. But I think we're putting the cart before the horse by just let's go ahead and

use it and see how it works out for these -- these poor kids who are what I believe are big guinea pigs of using it.

MR. REILLY: Understood. So, one final question. Was there any consultation with the Governor's office? After they rolled out cashless tolling throughout New York State, part of the cashless tolling was actual facial recognition at our tolls. Did we have any -- did you have any consultation with the Governor's office on how they implemented some of the protocols they have?

MS. WALLACE: No. This is about students in using this technology in schools. The bill was very much tailored to just cover using facial recognition technology on students in schools.

MR. REILLY: No, no. I fully -- I fully understand that. I -- I know that it's just for students in schools. But I'm talking about the general technology. Because having some feedback with the facial recognition at the -- at the -- with the cashless toll system may actually help because it can provide data that we may say, *Well, this is no good at all*. So I'm hoping that -- you know, we should ask for someone who is actually engaged in the operation at this time.

MS. WALLACE: Well, I'm sure when we have the study, the individuals who testify about the use of this technology and the accuracy would presumably include that information in there.

MR. REILLY: Thank you so much. I appreciate your time. Thank you, Ms. Wallace.

MS. WALLACE: Thank you.

ACTING SPEAKER AUBRY: Mr. DiPietro.

MR. DIPIETRO: Would the sponsor yield?

MS. WALLACE: Yes, I will yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. DIPIETRO: Thank you very much. When you were talking to Assemblymember Goodell you made a comment and I had -- I received a couple of texts and that's -- could you just clarify? Maybe I heard you wrong. You made a comment that you foresee in the next couple of years, was it children wearing masks?

MS. WALLACE: Well, I -- I believe that some schools are going to be putting -- I mean, I don't know for sure, but I -- I -- I expect a lot of schools, when the students go back, we'll be requiring students to wear masks in school.

MR. DIPIETRO: Do you have any -- I've talked to Dr. Turkovich, who's the head of Oishei Children's Hospital in Buffalo; Dr. Carlone, who was -- who was -- who was the Chief Medical Officer over at Sheehan Memorial, who's retired. A number of doctors feel that kids -- no kids should be wearing masks whatsoever. They're not susceptible, nor do they very, very rarely transmit it. Dr. Turkovich said last weekend on my radio show that only -- they've had 16 children since January be infected and be in the hospital. Out of those 16, ten were released on the same day because they were mild symptoms, asymptomatic. Two were infants, and that was a different cause. It wasn't COVID. And the other four were in their teens and were all fine. So I'm just saying, where -- just -- could you tell me where you got your expertise that says children for the

next two years might be wearing masks?

MS. WALLACE: Well, let me just clarify and say what I was saying is that we are in the middle of a pandemic and one of the things that health care experts have uniformly said is that masks help stop the spread. So, to the extent that a school district suggests, and I don't know if any have made this decision yet, that students should be wearing masks when they return to school, that school district, this technology would have very little ability to be accurate if that actually happens. But that was just an aside comment on the need for this legislation in the first place. So, I don't want to get into a debate about whether students are or aren't going to be wearing masks, because even if they are not, there is still a need for this legislation.

MR. DIPIETRO: Okay, well I -- no, that just -- that comment, as flippant as it might've been, an unmeant by yourself did -- did cause a little storm and so, I just wanted to let you know that there are people that were a little -- that were listening to that and I just wanted to get a clarification. So, that was it. That's all I had. Thank you very much.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar No. 245. This is a Party vote. Any member wishing to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the number

previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The Republican Caucus is generally in the negative on this; however, if an individual member would like to vote in the affirmative, please contact the Minority Leader's office. Thank you very much, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Hunter.

MS. HUNTER: This is a Party vote in the affirmative. Any member wishing to vote no, contact the Majority Leader's office.

ACTING SPEAKER AUBRY: So noted. Thank you.

(The Clerk recorded the vote.)

Ms. Wallace to explain her vote.

MS. WALLACE: Thank you, Mr. Speaker, for giving me the opportunity to explain my vote. As I said, this legislation asks the Commissioner to study the issue of using facial recognition technology and biometric identifying technology in public and private schools and determine whether and in what -- under what circumstances the technology should be used in schools. It asks for a moratorium, not a ban, pending the opportunity to study that, and requires that the Commissioner consult with experts in the field and the public before issuing that report. As I said earlier, this legislation was inspired by reports that millions of taxpayer dollars were being

spent to acquire technology with no regulations or guidelines and with no discussion at the State level as to whether it was even a good idea to do so.

We all want to keep students safe, but in our zeal to do so, we must ensure that we are not compromising their safety in other ways, for example, by having -- inviting false positives or inviting breeches of their biometric data. This technology is new, its accuracy is unclear and it is expensive to acquire and maintain, and, as legislators, we have an obligation to be good stewards of our taxpayer dollars. Before spending the millions of dollars that this technology would entail, we should determine whether the benefits of acquiring it outweigh the risks of doing so. I think it is common sense legislation that puts children first and ensures that taxpayer dollars are being spent wisely. Thank you, Mr. Speaker, and my colleagues for supporting this legislation. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Wallace in the affirmative.

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker, for giving me the opportunity to explain my vote. I want to thank the sponsor of this legislation. We've seen technology companies in a variety of fields, they are interested in making money. The -- their ability to protect information seems less than ideal and when it comes to young people, I don't buy into the notion that we go down this path because there is a pilot in one place. I think we need to know a great deal more before

we embark on this. And I think that the approach that the sponsor has taken in this is appropriate. It is working with our State Education Department. We don't endlessly defer to them, we work with them and it is a hand-in-glove situation where we give them encouragement to do a study and to explore all of the aspects with those who are knowledgeable in the area, but many who may not be directly benefitting commercially from it. So we've seen too many breaches of personal data and going forward, I think it is important for us to have a better understanding. I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following Republicans in the negative -- in the affirmative on this, I apologize. The Republicans are voting yes in support of this bill: Mr. Ashby, Mr. Barclay, Mr. DeStefano, Mr. Garbarino, Mr. Miller, Ms. Miller, Mr. Montesano, Mr. Raia -- or Mr. Ra - Mr. Raia a few years ago would have voted for this --

(Laughter)

-- but Mr. Ra this year is voting for it - Mr. Salka, Mr. Schmitt and Mr. Steck. Thank you, sir.

ACTING SPEAKER AUBRY: So noted, thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Ms. Hunter.

MS. HUNTER: Mr. Speaker, we're going to be taking up the following four bills in this order: No. 247, Cook; No. 249, Member Gottfried; No. 255, Member Stern and No. 267, Member Paulin. Thank you.

ACTING SPEAKER AUBRY: Thank you.

THE CLERK: Assembly No. A06884, Calendar No. 247, Cook, Ortiz, Zebrowski. An act to amend the General Business Law, in relation to requiring persons offering weight loss services to provide notice of certain risks.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker.

On the bill.

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

MS. WALSH: So very briefly I just wanted to walk my colleagues through this bill, which has been around, fun fact, since 1999. This bill would add a section to the General Business Law which would provide that any person who offers weight loss services or weight loss services and products by means of selling such services or products to the public, they would have to post a conspicuous notice providing such service in writing -- such notice in writing to individuals prior to the purchase of goods or services. This notice would have to advise people that rapid weight loss may cause serious

health problems, they should consult their physician prior to starting a weight loss program, that long-term weight control is the safest and most important goal of any diet program, that they have the right to know the price of any treatment, including the price of any products, extra products or services, and that they should ask about any potential health risks of the program or product and its nutritional content. But, these provisions would not apply to retail stores, direct sellers or pharmacies unless such businesses offer both weight loss services and weight loss products.

And then also, the bill would make it a deceptive act or practice to misrepresent the potential health risks, et cetera, of -- of these products. And the Attorney General could bring a special proceeding to enjoin any deceptive act, and could obtain a civil penalty not exceeding \$1,000.

So, I would just point out for my colleagues that there is no Federal - to my knowledge, no Federal or State laws that currently require notice to be given to consumers by weight loss services. It's well-known, I think, and I think even since 1999 when this bill was first introduced, I think that the -- the public at-large has become a lot more generally well-aware of the risk and benefits that have to be considered before beginning any kind of a weight loss program, and I -- I question whether this bill really is a necessary. I think that consumer education has improved.

The FTC, the Federal Trade Commission does kind of occupy this area and has acted as -- as an enforcement arm in the

past and has reached consent agreements previously when it felt that there were deceptive practices taking place with different dieting systems. The other point that I just would like to make very quickly is that if you're a company that works in different states, like a big one like Weight Watchers or Jenny Craig or, you know, I could probably name them all, but you would -- under this bill, if it passed, you would need to actually have different literature and different things specific to this State that you wouldn't need in any other state, because no other state's have this kind of rule. So, I think that would require an additional cost on these different companies.

So, overall, I get the -- intention that the sponsor has and a having really stuck by this bill for this number of years, but I don't really think that it's necessary. So, I offer that for my colleagues and thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Walsh.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar No. 247. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Ms. Glick to explain her vote.

ACTING SPEAKER AUBRY: Oh, sorry.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The following Republican members will be voting no on this legislation: Mr. Fitzpatrick, Mr. Schmitt, Mr. DiPietro, Mr. Lawrence and Mr. Friend. Thank you, sir.

ACTING SPEAKER AUBRY: So noted, thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06983-B, Calendar No. 249, 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, Darling, Walczyk, Rivera, Seawright, Lifton, Fernandez, Glick, Blake, O'Donnell, Carroll, Taylor, Bronson, Otis. 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: An explanation is requested, Mr. Gottfried.

MR. GOTTFRIED: Yes, Mr. Speaker. About ten years ago, we passed a very good law that enabled people who were victims of sex trafficking and other forms of trafficking, if that trafficking forced them into prostitution, it enabled them to get their

criminal records for that prostitution erased so they could get on with their lives. But people who are the victims of trafficking are often forced into other kinds of criminal activity on behalf of their traffickers. This bill would expand our original law to follow what a number of other states have done, which is to expand our law to cover convictions for a variety of other things where that conviction or that criminal act was forced by the trafficking. I should point out this would not create an entitlement to having that criminal record wiped out, it would be in the discretion of the judge. The bill also makes some other procedural changes in the 2010 Law dealing with keeping records confidential and the like.

ACTING SPEAKER AUBRY: Mr. Palumbo.

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

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

MR. GOTTFRIED: Yes, certainly.

ACTING SPEAKER AUBRY: Mr. Gottfried yields.

MR. PALUMBO: Thank you, Mr. Gottfried. Now, in the current statute that we're amending, I guess we have official documentation of the defendant's status as a victim can be a manner of proof. The victim of sex trafficking, labor trafficking, aggravated labor trafficking, compelling prostitution or trafficking in person at the time of the offense. Could you explain to me what we mean by other document or -- "official documentation", please?

MR. GOTTFRIED: Well, it's language that's been on the books for ten years. It's -- I don't think anyone has ever questioned it. It would be things like court records, arrest records and the like.

MR. PALUMBO: And so, a determination, say, from another court that indicates that this person was found to be a victim of victim -- of sex trafficking, that would be offered by way of this new motion to vacate a conviction for these crimes that you -- that are now subject to this statute; is that accurate?

MR. GOTTFRIED: As it has been for a decade, yes.

MR. PALUMBO: And now, we cross out at the beginning of this, it originally was just an, as you indicated earlier, we did this and many other states followed suit, that it would vacate the conviction for prostitution-related offenses. Now that this section is stricken, they can now apply for vacated of any charge that they ultimately are convicted of, including violent felonies; is that accurate, as well?

MR. GOTTFRIED: That's the law now in quite a few other states, we would be following that. And, again, there would be no entitlement to have the conviction wiped out. It would be in the discretion of the court.

MR. PALUMBO: The second area that's also stricken is that the motion had to be made originally with due diligence once the defendant has ceased to be the victim of sex -- sex trafficking; now it's being crossed out. Is it fair to say that now they could apply -- at any time they could make this motion to vacate a

conviction, regardless of whether or not they have been relieved of that -- that enslavement, which we can really call it, of the sex trafficker?

MR. GOTTFRIED: Yes. Well, the law always talked about, certainly contemplated the person no longer being in -- an ongoing victim of trafficking. This is the sort of motion you would make after you were out of that. But like an awful lot of legal relief, it would not be limited to somebody acting with due diligence, a pretty vague term. You know, I think we have recognized that people who are this kind of victim often take time to get their act together.

MR. PALUMBO: If I may just interject, Mr. Gottfried --

MR. GOTTFRIED: Well, let me finish. And there may be other circumstances that make it hard for them to go to court. For example, there may be a close friend or relative that is still a trafficking victim even though they themselves may have broken free, and that may make it hard for them to make their case in court.

MR. PALUMBO: And I -- and I understand that and I think we could maybe even provide for that, because the due diligence standard already exists in Criminal Procedure Law, Section 440, right? If there is new evidence that's been discovered, they must apply under 440 to vacate the judgment with regard to new evidence. But just one other area if I may ask a few questions --

MR. GOTTFRIED: Well, due diligence does appear in various places in the law. It doesn't appear everywhere in the law

and this will be one place where we will take it out.

MR. PALUMBO: Sure. And if -- if they're -- if by documentation or otherwise, the victim of sex trafficking was, in fact, a victim of sex trafficking at the time of the offense, as we can see on page 3, at line 26 -- or line 25 and 26, *It shall create a presumption that the Defendant's participation in the offense was a result of having been a victim of sex trafficking.* So, if I'm understanding that clearly, they simply, by way of them being a victim at the time, regardless of the elements of the crime, or what the specific conduct was, they already have a presumption in their favor that the crime was committed due to their compulsion under -- being a sex traffic victim?

MR. GOTTFRIED: Yeah. And, again, that's been the law for a decade and is a law that was quickly adopted and even broadened in many other states.

MR. PALUMBO: Sure. And we've added labor trafficking, as well, to this new statute, correct, with the amendment?

MR. GOTTFRIED: Yes. Yes. You know, if you are essentially enslaved, it can be very difficult to prove that the reason you did what your master wanted was because you were enslaved. And so, we established a presumption -- rebuttable presumption.

MR. PALUMBO: In that regard, what's the level of proof that the defendant needs to come forward with? Meaning, if they provide this information, what is the standard that the judge will apply as far as clear and convincing, preponderance of the evidence, beyond a reasonable doubt. Can you explain to us specifically for the

purposes of the record, what needs to be established by the defendant, other than the fact that they were just a victim, meaning do they have to also establish that their conduct and the reason that they actually committed that crime is because they were, in fact, a victim? And I just, if I may comment a little further on that, for example, when you interpose a duress defense that you committed a crime due to the threats or compulsion of another that you did so and that needs to be established by the defendant that they -- that a reasonable person in those situations would have still committed the crime. So, is there any type of standard that we -- that the defendant needs to establish other than just simply the fact that they were a sex trafficking victim?

MR. GOTTFRIED: Well, as we've been discussing this sentence, once the victim presents official documentation or -- or -- or other proof of the underlying facts, there is then a presumption that the conduct was a result of the -- being the trafficking victim. I think we both understand what a presumption is. It means that if you establish A, then the law assumes B to be established unless somebody else comes forward with evidence to defeat the presumption. It's a pretty ancient concept in the law.

MR. PALUMBO: Thank you, Mr. Gottfried. I appreciate you answering my questions.

On the bill, please, Madam Speaker.

ACTING SPEAKER WOERNER: On the bill.

MR. PALUMBO: So -- thank you. And, of course, obviously I think we all to the person understand the intent of this bill

and the intent of the previous bill, which made a lot of sense. The fact that someone is being compelled, for commercial purposes, for the monetary benefit of another to engage in sex acts, and now we've expanded this to even more, which is a big issue. Our border states, as you can imagine, that people are being brought against their will to work for someone else, in -- as I mentioned before, in somewhat of an enslaved position, that's appropriate.

And the only wrinkle I have with this is that we now are expanding way too far, and I did a little research, that there are many, many studies regarding human sex trafficking, and there are a lot of inconsistencies throughout the country, that regarding those specific sex offenses that they were engaged in, it certainly makes sense that if they're a victim of -- of sex trafficking then obviously they should be vacated those -- those convictions if they were unable to interpose that defense, but you can do this to the finder of fact to a trial -- to a jury -- a trial jury or to a judge if it's ultimately a bench trial, indicating that you were not of the appropriate mental state to have committed this crime. This is something that you can do on a regular basis as you can with the duress defense. And if it's rejected, you still have the opportunity to make a 440 motion, as it currently exists.

But now, as I indicated, the -- one of these projects, the Polaris Project, had some suggested statutory language for a uniform act on prevention of and remedies for human trafficking, and they specifically have suggested language, and an individual convicted

of prostitution, and then coupled with where everyone else has been expanding it, to drug offenses, it's an insert of a non-violent offenses committed as a direct result of being a victim of human trafficking may apply to the court to vacate their conviction, and that is certainly the appropriate standard. For even suggesting to further expand this opportunity that anyone committing any type of crime, including violent crimes, will always have the defense of duress in the event that they wanted to interpose such a thing. Now, we are -- this is a balance and I think we are taking more control and power from our finders of fact and from the courts and requiring them to presume that someone's conduct, whether it's causally related or not, and I know a lot of us are lawyers and they know what that word means, but it -- meaning a direct result of the trafficking is the reason why they committed that crime. And that's why, in our current jurisprudence and system of jurisprudence, when you interpose a duress defense, you need to establish that a reasonable person in those circumstances would also have committed the crime. And the jury -- a reasonable person, a reasonable man, a reasonable woman standard is a very longstanding type of standard that has existed in our law. And that's for a jury and finder of fact, a jury or judge, to decide at a trial. If it's rejected and there's more information that comes to light, you can make a current 440 motion. And now, we're actually providing this new category with no clear burden of proof to simply establish a third bite of the apple to vacate a violent crime, which is now included. I think drug offenses would certainly be appropriate, very consistent with that. We

have an extremely descriptive explanation and definition of "sex trafficking" in our Penal Law as they do in the U.S. Code that this is something that is certainly very expansive and it's certainly appropriate.

But, now, we need to balance our victims' rights with the rights of a sex trafficking victim or defendant that we don't want unintended consequences where the simple proof that someone was a victim of human sex trafficking today exonerates them from crimes they commit next week and next year including violent crimes. What about those victims?

So, I understand the intent of this bill, and we debated this for many, many years, but I think it's important to understand that why do we need to go so far over the line to violent crimes, victim-sensitive crimes, when we don't even know how this will work outside of the prostitution offenses where it currently exists. And this was a situation, the one that I referred to in Queens, the judge found that their victim status is the reason why they committed all the crimes they were charged with, and I believe it was a stolen property and a drug charge. So, the judge vacated them all, which was certainly appropriate. That is duress, that is what it is. And maybe it wasn't clearly defined in our Penal Law and we needed the statute in 2010 to indicate that, yes, we do hear the fact that there are victims of sex trafficking and those folks are compelled, even those there's not an immediate threat - someone doesn't have a gun to their head, but they know if they don't do this, if they don't -- if they don't commit these

crimes or engage in these acts, that their pimp or their controller will eventually get to them in the next few days, hours, weeks or months, that's something that we recognize, and we should. And that is a clearly defined offense now.

So, my problem with this, my friends, is that I get the idea. It has -- it has very logical intent, but the way it's drafted is far too expansive, and we don't even have any reasonable standard. We don't even know, even assuming the prosecution can be heard, how can they rebut the fact that a judge previously found, say, on a prostitution offense that this person was a victim of sex trafficking, they cannot. And then, it completely gives them a free pass for even victim-sensitive crimes in the future. So, unfortunately, I do not support this legislation and I urge my colleagues to vote no. Thank you.

ACTING SPEAKER WOERNER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER WOERNER: The Clerk will record the vote on Calendar No. 255 -- oh, ok, excuse me, Calendar No. 249. This is a Party vote. Any member wishing to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the number previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker. The Republican Conference is generally voting no on this legislation.

Those who wish to vote yes are encouraged to contact the Minority Leader's office and let them know their position. Thank you, Madam Speaker.

ACTING SPEAKER WOERNER: Thank you, Mr. Goodell.

Ms. Hunter.

MS. HUNTER: Thank you, Madam Speaker. This is a Party vote in the affirmative. Any member wishing to vote no should contact the Majority Leader's office.

ACTING SPEAKER WOERNER: Thank you, Ms. Hunter.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker. Please record Assemblyman Crouch and Assemblyman Schmitt in the affirmative on this legislation. Thank you, Madam Speaker.

ACTING SPEAKER WOERNER: Thank you, Mr. Goodell. So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07097, Calendar No. 255, Stern. An act to amend the Insurance Law, in relation to standards for prompt investigation and settlement of claims arising from states of emergency.

ACTING SPEAKER WOERNER: An explanation is -- is requested.

MR. STERN: Yes, Madam Speaker. This legislative initiative establishes claim investigation and timely settlement standards for insurance companies in the event of a disaster or emergency. As we experienced all too well after the devastation of Superstorm Sandy, particularly in my home region of Long Island, and Tropical Storms Irene and Lee, particularly Upstate, in too many cases years would pass before homeowners and businesses were able to resolve their claims in order to do the necessary repairs, replace property or become whole again.

ACTING SPEAKER WOERNER: Thank you.

Mr. Garbarino.

MR. GARBARINO: Thank you, Madam Speaker.

Will the sponsor yield for some questions?

ACTING SPEAKER WOERNER: Will the sponsor yield?

MR. STERN: Of course.

ACTING SPEAKER WOERNER: The sponsor yields.

MR. GARBARINO: Thank you, Mr. Stern. Can you please go over -- I mean, my first race was in 2012, so right in the heart of when Superstorm Sandy hit. My district covers the South Shore of Long Island and Fire Island. Can you go over what the current law is and why we're changing it?

MR. STERN: Well, yes. As you well know, representing the area that was hit particularly hard by Superstorm Sandy how important this legislative initiative is and why it's important to have legislation, because as of right now, there is no provision that provides for this type of time and standard structure in the case of an emergency or in the case of a Superstorm Sandy type of natural disaster. Because there were no guidelines back at that time, DFS had to issue emergency regulations, which are no longer in existence. This now would be our legislative effort to create that -- that structure going forward.

MR. GARBARINO: So -- so this would codify those previous emergency regulations that DFS issued, correct?

MR. STERN: It would codify a structure in terms of time and requirements, but it does not mirror what those emergency regulations had been. Different facts, different circumstances at the time, and I -- I was not here in Albany at the time, but I do remember the impact very well, and having served at the more local level of the government how critically important it was to have some type of requirement for the insurance companies to be able to serve their customers, to serve their policyholders so that they didn't continue to wait months and years for the relief that they desperately needed. So, here, this is not just re-implementing the emergency regulations as they existed at the time - the standards, the time element, in particular, are different when they were when it was done as an emergency regulation.

MR. GARBARINO: Okay. So, this bill, though, provides that any claim has to be responded to within 15 days or settled within 15 days of when the claim is received?

MR. STERN: So the requirement here is that when a policyholder makes the claim, as in any other case, all of the information, all of the documentation is required to be submitted. Once it is determined to be complete, at that point the insurance company has to go through their adjustment period, and they have 15 days to do so. In addition, the insurance company can tack on an additional 15 day period, but if they do so, there's going to have to be a reason, they're going to have to put that in writing to the policyholder as to the reasons why it's going to take an additional 15 days.

MR. GARBARINO: All right. So, the 15 day additional time period is automatic only if they submit a letter, something in writing with the reasons, to the insured.

MR. STERN: That is correct.

MR. GARBARINO: So the insured can't challenge that request of additional time?

MR. STERN: The insured cannot challenge the -- the reasoning for the additional time, or at least the determination. In part, the implementation of this legislation is then going to be subject to regulation if any are necessary under DFS. And so, at that point it would be the Superintendent of DFS that might need to determine whether or not the reason given by the insurance company is one that

is adequate. That's going to be part of the rule-making process going forward.

MR. GARBARINO: All right. So that -- that was actually my next question, if -- if the insurance company just said, *We didn't -- we didn't have enough time, we need -- we didn't have enough time to do it in 15 days, we need an extra 15 days.* I knew the legislation didn't speak to that, but it's your intent that the regulations will speak to what the proper reasoning is.

MR. STERN: That is the intent here and, certainly, if that is a viable reason given the -- the facts and the circumstances at the time, that should be the determination of the Superintendent, yes.

MR. GARBARINO: Okay. If they, after the full 30 days, deny, what is -- deny the claim, because they haven't had enough time to determine the amount and they say, *You know what? Instead of granting it -- or settling it, we're just going to deny it,* what is the option of the insured then?

MR. STERN: The insured then has all of the -- the regularly bargained for procedures to file the appeal and then go through that process.

MR. GARBARINO: Okay. So --

MR. STERN: They can appeal the determination.

MR. GARBARINO: Okay. Is there -- so do they -- whatever the appeal process is in -- under their contract or under DFS regulations?

MR. STERN: That would really be under both.

MR. GARBARINO: Okay. All right. Now here's -- and this was brought up by both the New York Insurance Association as well as the American Property Casualty Insurance Association saying that there's a concern that if this 15 day limit is put on everybody, every sort of claim, that you might have, you know, where somebody needs -- somebody has a total loss, you know -- I have the South Shore, I had blocks in Oakdale and West Sayville that were completely, you know, under water, you couldn't drive down them. Those houses had almost complete total losses. If -- if you have this 15 day rule, is there a concern that somebody who might have a total loss who files, gets all their paperwork in two days -- in two days, they now have to wait in line behind somebody who has a very minor loss because they got their paperwork -- it's harder to, you know, they have to prove less because then they got their paperwork in early.

MR. STERN: Sure. Well, as to the timing, that would ultimately -- how they are going to be processed would ultimately be determined by DFS. And, again, that is going to be part of the rule-making process and creating regulations that would apply and that would, in particular, be an important point to be done by regulation.

MR. GARBARINO: But it says everybody -- it says everybody has to be done within 15 days, plus another 15 day extension.

MR. STERN: That's right, but there can be a reason within the 15 days given by the insurance company as to why they

need the additional time. Whether or not that is going to be reasonable under the circumstances is going to be something that is determined by the Superintendent of DFS. And, again, that should be part of the rule-making process.

MR. GARBARINO: Okay. Under this -- under this insurance -- this bill, is there anything that allows the insurance company for, if there was a total loss, you know, to determine, you know, because I've -- I dealt with all sorts of stuff and I wasn't even -- I was elected, but I wasn't -- I wasn't sworn in yet, so I was dealing with cases before I was even sworn in, there were some big issues on the South Shore. And my concern is, you know, is there a way for, so there's proper value. I don't want to see insurance companies denying people because they can't get it done within 30 days and they're like, *Well, we can't get it done so we'll deny it, and we'll just do it in the appeal.* And I had businesses that were -- businesses that had millions of dollars in business interruption that they lost because they were catering halls, I had houses that were total loss. I just -- my concern is, is there a way under this legislation to get more than 30 days? Or is it -- does it have -- is it either it gets done in 30 days or -- or they have to deny it?

MR. STERN: Again, I believe that that's going to be something that is going to go through the rule-making process, and it's going to have to be the subject to regulation. So, certainly an example where every single adjuster known to the industry, whether they are based in New York or across the country, if there's that kind of

devastation in a particular region and there is an impossibility, that's going to have to be something that is addressed, perhaps in an emergency measure like it was back in the aftermath of Superstorm Sandy. So, to answer your question, perhaps that's going to be the case, but as in all of these natural disasters, in all of these cases of emergency, ultimately that's going to be a determination that's going to be made on the Executive side of the -- of the ledger, whether it is the Governor or the Superintendent of DSS [sic], whether it is a local declaration of emergency at the State level or, you know, even at the national level.

MR. GARBARINO: I appreciate that, Mr. Stern, and, as we know, I think the -- the report card came out as to how -- I think DFS did a report card on insurance companies during this time, and most of them were given very good grades. There were only a few small actors and I think this, you know, I think making sure that those small actors don't take advantage of homeowners is very important to go after. I just -- I think that the legislation could be -- it's the great intent to make sure that homeowners don't have to wait too long with total loss. I -- I would love to see something here that prioritizes, you know, people with total loss because they need to go to -- they need to start repairing their homes, they need to, you know, go somewhere to stay, you know, compared to somebody who might have a much minor loss, say, a defrosted, you know, freezer because they lost power. And I'm not trying to minimize that, but, you know, when you talk to those two people, it's easier to say which one needs

to be addressed first.

But, I do appreciate the intent, because a lot of my constituents, all of my constituents lived through this and there was heavy devastation on Long Island. So, I appreciate that. Thank you. Thank you for answering my questions, Mr. Stern.

MR. STERN: Thank you.

ACTING SPEAKER WOERNER: Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker.

Would the sponsor yield?

ACTING SPEAKER WOERNER: Will the sponsor yield?

MR. STERN: Yes.

ACTING SPEAKER WOERNER: The sponsor yields.

MR. GOODELL: Thank you very much. Just following up a little bit on my colleague's questions. I just want to make it clear the 15 days for the insurance company to respond doesn't start until the claim is completed?

MR. STERN: It begins at the time the claim is deemed as complete.

MR. GOODELL: And that determination is made by the insurance company?

MR. STERN: That determination will be made by the insurance; however, as a part of this initiative, it is the responsibility of the insurance company to provide the policyholder

with a list of information and documentation that is provided. Then, yes, objectively the claim would be deemed as complete.

MR. GOODELL: Under this bill, if a claimant is submitting a claim for a total destruction, for example, typically the insurance company would look for itemization of all the personal property, right, age, depreciation, condition, they would look for estimates from contractors, whether it's replacement value or market value. If it's replacement value, it's much more complicated because you have to have construction estimates, correct, demolition experts have to -- and all of those are difficult, very difficult to get in a wide scale disaster, because all the contractors are just overwhelmed with business and they don't have time to prepare a detailed estimate for the claimant.

So, I have two questions on that. Under this bill, could the insurance company say, *Your claim's not complete until you give us documentation on every claim, every part of your claim.* Is that within the scope of their discretionary authority under this bill?

MR. STERN: Under this bill, certainly the insurance company could come back and say, *Because of this reason or that reason that we are not deeming your application, your claim as being complete*; however, in the body of the bill, it does provide for an alternative proof opportunity of claim, whether that is done by photographic or video evidence, receipt for repairs, as outlined in the language of the bill, particularly in cases where work needs to be performed where it's necessary to protect the health and safety of

whether it's a family that's residing there or a surrounding area. And that means that a homeowner can proceed in making certain repairs, repairing windows, exterior walls and doors, roofs, heating, water and electrical systems, and then being able to, in an alternative form of proof that I just previously mentioned, be able to utilize and making the submission of the claim to the insurance company, again, when it's done for the purpose of protecting the health and safety of the inhabitants in the surrounding area.

MR. GOODELL: Now, under current regulations, am I correct, insurance -- insurers, insurance companies are required to commence an investigation of any claim filed within 15 days of receiving the claim; that's current regulations, right?

MR. STERN: That's current.

MR. GOODELL: Yes, and they, under current law, they have an obligation to act in good faith, right?

MR. STERN: Correct.

MR. GOODELL: And they have civil liability if they don't.

MR. STERN: Sure.

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

On the bill, Madam Speaker.

ACTING SPEAKER WOERNER: On the bill, sir.

MR. GOODELL: As I noted, I appreciate the desire that all of us have to have insurance claims reviewed as quickly as

possible and, in fact, current regulations require the insurance company to respond within 15 days, which is a very fast response. I'm just very concerned that we have very, very serious unintended consequences when we have legislation of this nature that imposes very tight time frames that we know are going to be extraordinarily difficult to accomplish when you have a very large scale disaster. And I'm mindful once of a judge in a case of mine who smiled and said, *Do you want a fast decision or do you want a good decision?* And he kind of smiled and I think I was wise enough to say I'd rather have a good decision than a fast decision, and he said, *You chose wisely, my friend.*

And that can also apply in this context. You have a Hurricane Sandy, the insurance companies don't staff their claims offices with, you know, a massive number of evaluators waiting for disaster. So, an insurance company brings in adjusters from all around the country, and they have very sophisticated computerized equipment to help them process these claims as quickly as possible. So, the problem isn't normally on the insurance side as much as it is on the claimant side, because if you're a homeowner and all of your neighbors' houses have been damaged and destroyed, it is almost impossible for you to be able to get the architect, the contractors, the builders and everyone else to give you those estimates that you need to document your claim. And so, I'm concerned that if we pass legislation that says the insurance company is violating the law if they don't give you an answer within 15 days, when the complaint -- or

when the claim is complete, their first response is "incomplete", and they'll just order a rubber stamp, "incomplete."

My second concern is if we have an artificial time frame, particularly in a disaster, they'll turn down the claim, and we don't want to be in a situation where a homeowner can't reopen or restart the claim or move forward when their homeowner's the one that's having such a trouble documenting the claim. So, as my colleague, Mr. Garbarino, mentioned, it's very challenging in those large scale disasters, but our experience as reflected in that report card is that the insurance companies have done a very good job, by and large - there's always exceptions - and current law already protects the consumer by requiring good faith efforts without artificial deadlines.

Thank you very much, Madam Speaker and, again, thank you to my colleague. I always appreciate your frank responses and certainly appreciate your desire that we all share that we get these claims addressed as quickly as possible. Thank you, sir. Thank you, Madam Speaker.

ACTING SPEAKER WOERNER: Thank you, Mr. Goodell.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER WOERNER: The Clerk will record the vote on Calendar No. 255. This is a Party vote. Any member wishing to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the

number previously provided.

And Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker. The Republican Conference is generally opposed to this legislation, but if there are members that would like to support it, please call the Minority Leaders's office. Thank you so much, Madam Speaker.

ACTING SPEAKER WOERNER: Thank you, Mr. Goodell.

Ms. Hunter.

MS. HUNTER: Thank you, Madam Speaker. This is a Party vote in the affirmative. Any member wishing to vote no should contact the Majority Leader's office.

ACTING SPEAKER WOERNER: Thank you, Ms. Hunter.

(The Clerk recorded the vote.)

And Mr. Stern to explain his vote.

MR. STERN: Thank you, Madam Speaker, and -- and best wishes to Mr. Goodell and to you and your family, sir.

To my colleagues, you know, after a natural disaster or an emergency, hopefully there is no loss of life, but then, for too many, living comes to a halt when a home and/or important personal belongings are damaged or destroyed after a disaster. Many of our neighbors experience loss. That loss, then, turns to anxiety, it turns to fear, anger and then ultimately for so many in our communities, it turns to rage when there is this undue delay by their insurance

company in getting back to their lives, and that is just simply unacceptable.

And so, I urge all of my colleagues to vote yes and support their neighbors in need after disaster strikes. Thank you.

ACTING SPEAKER WOERNER: Thank you, Mr. Stern.

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker.

Please record the following Republican members in the affirmative on this legislation: Ms. Miller, Ms. Malliotakis, Mr. Reilly and Mr. Ra. Thank you, Madam Speaker.

ACTING SPEAKER WOERNER: So noted, thank you, sir.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07372, Calendar No. 267, Paulin, Otis. An act to amend the Public Service Law, in relation to transfers of cable systems.

ACTING SPEAKER WOERNER: Ms. Paulin, an explanation is requested.

MS. PAULIN: I'd be happy to. The bill (unintelligible/mic not on) -- a permanent or public interest review standard or reviewing cable corporation mergers or acquisitions.

ACTING SPEAKER WOERNER: Mr. Palmesano.

MR. PALMESANO: Yes, Madam Speaker, will the sponsor yield for some questions?

ACTING SPEAKER WOERNER: Will the sponsor yield?

MS. PAULIN: Yes.

MR. PALMESANO: Thank you, Amy. I have a few questions. I think they're pretty quick answers on some of them. Right now, don't cable companies operate under a separate and unique franchise that follows really extensive and strict Federal and State regulations to operate their current cable systems?

MS. PAULIN: They do.

MR. PALMESANO: And a lot of these franchise documents are negotiated in a way to address the needs of the provider and the communities, but -- but all of them must receive PSC approval, correct?

MS. PAULIN: They do.

MR. PALMESANO: And the existing statutory framework right now is recognized that when the franchise transfers -- the existing statutory framework recognizes franchise transfers except in circumstances where the PSC and the Department of Public Service determine the transfer is not in the public interest, correct?

MS. PAULIN: Yes.

MR. PALMESANO: And under the existing framework, both the companies participating -- both companies participating in the transfer must adhere to the existing franchise

agreements, correct?

MS. PAULIN: Yes.

MR. PALMESANO: So this is where I have some questions relative to parts I think in the bill that get a little confusing. In Section 3A it states that - and I'm paraphrasing - under current law, quote, "It should not preclude approval" -- "Under current law, it should not preclude approval of any application if the Commission finds that such approval would serve the public interest." That's in Section 3A, but then the Section 3B -- Section 3B, it goes down -- the new section goes down and says, "The Commission shall not approve the applications for a transfer or franchise, any transfer or control of a franchise, or certificate of confirmation, unless the applicant conforms to the standards establishing and the regulations that are promulgated, and the transfer is otherwise in the public interest." So, it appears that this language contradicts itself. Why -- why the change in the language here, and why is that necessary?

MS. PAULIN: This is merely codifying what it -- was existing law through 2017 and expired. The idea is, yes, that a company needs to -- it's already stated in the law that they need to -- that none of this can happen unless it's in the public interest, but it changes the burden of proof. So, this requires upfront for the company to show with proof that it's conforming to the public interest where, the other way around, it's much more burdensome and much more expensive for the Public Service Commission and the taxpayers, or the ratepayers that pay those fees, to require the proof on the other

side. So, this will save resources for the Public Service Commission. It merely goes back to the way it was in -- up to 2017 and it really doesn't change the requirement for public interest.

MR. PALMESANO: So, you don't feel that the Public Service Commission and the Department of Public Service has the ability to do the job that they have been doing to -- to take on this regulation, and -- especially when we're dealing with a competitive industry like the cable industry?

MS. PAULIN: I think that it will allow the Public Service Commission to do an even better job, or for those of us who have cable, and to ensure to the public, you know, at a time when we rely on the technology so much more than we ever did before, it will -- it will provide another tool for the Public Service Commission to assure the public that these companies are living up to what we need them to do at this time in our crisis.

MR. PALMESANO: All right. Thank you.

MS. PAULIN: Thank you.

MR. PALMESANO: Madam Speaker, on the bill.

ACTING SPEAKER WOERNER: On the bill.

MR. PALMESANO: Yes, Madam Speaker, my colleagues, the cable-telecommunication industry employs 20,000 New Yorkers. It generates \$100 million in taxes and fees to the State and to our local municipalities. They already have a strict regulatory framework in place from Federal and State level, and the Department of Public Service and Public Service Commission evaluates, reviews

and approves and determines if it's in the public interest, that's their job as a public agency.

Companies participating in this transfer, they must adhere to the existing framework of franchise agreements that were in place that addressed that (unintelligible) already. This bill, however, upends that framework to place an additional burden on companies to transfer this -- for this transfer, similar to the monopoly era energy utility model. This just basically just complicates, changes, confuses the process, in my opinion, to the detriment of the public, and it does not really need to happen. Conformity with the law is accepted in a recognized precursor through branding franchise. In saying that the cable franchise must prove the transfer's in the public's interest, when the Department of Public Service and the PSC, who are charged with protecting the public interest, has that responsibility, this creates a new burden on an industry which could lead to more delays in approvals, denying residents in often hard-to-serve areas, access to modern cable services and technology, which could stifle investment and lead to less access to this technology to lower-income and rural areas.

We know the video market is highly competitive, and customers have numerous options, wireless -- wireline cable, Internet protocol, video streaming, a satellite and high definition. Companies are investing in state-of-the-art fiber and hardware networks to bring broadband speeds up for the public and to increase access to technology, but we still face many challenges to get this investment, to

get this expansion happening for the people of this State, is because of policies that are maybe ill-advised, unintended consequences, I believe this is one of those bills that will do that.

Another such bill that we talked about, the right-of-way tax that was addressed as part of the Budget last year. This is where it puts a tax on our fiber lines -- on providers installing lines along the right-of-way on the State, which is totally counterproductive to what the State's been trying to promote to expand broadband and access to this technology. It's a disincentive to investment. It will only hinder access and expansion to the many children and their families in our -- in our lower-income and rural areas that don't have access to this technology, can't access it because of the challenges we have because of other aspects. And this is at a time when our kids and families need it most. As we talked about yesterday, this access to technology, Internet access, this was a problem before COVID came here, but it became clearly evident after COVID arrived and our schools had to resort to remote technology and remote learning, which does not work. It does not provide the services and education our children need.

So, this bill and the right-of-way tax, these are steps in the wrong direction that will, I think, not help expand access to this critical service and need. In my opinion, it's just going to hinder that access, it's going to become more costly and more challenging to expand and develop this -- develop this access to the public who desperately need it so they can do the things they need to do and

improve their quality of life. So for that reason, Mr. -- Madam Speaker -- Mr. Speaker, and my colleagues, I'll be voting in the negative on this bill and I 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 immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar No. 267. This is a Party vote. Any member wishing to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the number previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference, there are certainly many members who will be voting no, but if a member would like to vote yes on this bill, please call the Minority Leader's office. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Crystal Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. This will be a Party vote in the affirmative. Should members desire to vote negatively on this one, they should feel free to call the Office and we will record their vote as asked.

ACTING SPEAKER AUBRY: Thank you.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following members as voting in the affirmative: Mr. Ashby, Mr. Barclay, Mr. Crouch, Ms. Miller, Mr. Ra and Mr. Reilly. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you. So noted.

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 and colleagues. Let's continue our work on the debate list. We're going to go with Calendar No. 318, Calendar No. 331 -- oh, excuse me, Calendar No. 318 is by Member Glick. Calendar No. 331 is by Mr. Thiele, Calendar No. 358 by Ms. Paulin, Calendar No. 391, Abinanti, and Calendar No. 401, Mr. Dilan. In that order, Mr. Speaker.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A08212, Calendar No. 318, Glick, Simon, Gottfried, Jaffee, Griffin, L. Rosenthal, Mosley, Lentol, Simotas, Epstein, Buchwald, Blake, Otis, Wright. An act authorizing the Commissioner of Health to conduct a study and issue a report examining the unmet health and resource needs facing pregnant women in New York and the impact of limited service pregnancy centers on the ability of women to obtain accurate, non-coercive

health care information and timely access to a comprehensive range of reproductive and sexual health care services.

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

MS. GLICK: Thank you very much. I am very unaccustomed to debating a bill sitting down. It's a new experience. The bill would require the New York State Commissioner of Health to conduct a study and issue a report examining the unmet health and resource needs facing New York State pregnant women. In addition, it would require the Commissioner to indicate the impact of limited service pregnancy centers - these are known as crisis pregnancy centers - on the ability of women to obtain accurate and non-coercive reproductive and sexual healthcare information. Now the bill specifically defines a limited service pregnancy center as a facility that primarily provides services to clients who are or may be pregnant. It is not a licensed healthcare facility, or is not providing services under the direction of a licensed healthcare provider and fails to provide or refer for the full range of comprehensive reproductive sexual healthcare services. In addition, we would require the Commissioner to -- as part of this report to look at the -- whether these centers receive any public funds or subsidies, and whether they are part of a larger organization and what services they provide and what are the service -- services that are most requested. In addition, we would want to know the number of women that access these services and their geographic and demographic information, and whether or not

they -- these service centers hold themselves out to the public as medical facilities and the nature of the information that they provide to clients who they service, and whether they collect any medical information.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. GLICK: But of course. Absolutely.

ACTING SPEAKER AUBRY: Ms. Glick yields.

MR. GOODELL: Thank you, Ms. Glick. I -- I must confess that I am not familiar with this phrase "limited services pregnancy center." As far as I know, I don't have any in my district. But it's clear that you're very concerned about these limited services pregnancy centers. What studies or information has already been correlated regarding these facilities?

MS. GLICK: Well, generally speaking, a lot of the information has not been correlated by the Health Department so much as organizations that review from an -- more of an anecdotal reporting. And so we are concerned that they advertise certain services such as a free pregnancy test or an ultrasound, and yet these -- and since it's free and anecdotally they are in many poor communities or immigrant communities, they are attractive because they are offering a free service to somebody who is concerned about whether

or not they're pregnant. And there has been some documentation that they may engage in misleading information as a way of delaying women seeking abortion services. But we would like to have not anecdotal information from concerned organizations, like the National Council of Jewish Women, or the National Latina Institute of Reproductive Health and those organizations. We'd like the State to take a look at this so that we have accurate information to see if the -- what range of services they are providing and, generally speaking, they do not seem to have licensed healthcare professionals available. We'd like to know whether that is or is not true.

MR. GOODELL: Is it accurate, then, to say that your primary concern is with organizations that consult against abortion and do not provide abortion services? Is that accurate?

MS. GLICK: Well, we would like to know the extent of the services that are suggested that they provide and whether or not they are providing them, and to what extent they are -- they exist around the State. And, yes, we would like to know whether women are encouraged to come into a facility that is -- that may appear to be a medical facility but is, in fact, not. And we believe in general in truth in advertising as a general principle. And so we want to be certain that women who are trying to avail themselves of medical services are not diverted from that by misinformation.

MR. GOODELL: And do you have documentation that any of these facilities have engaged in fraudulent advertising? We already, of course, have rules and regulations prohibiting

fraudulent advertising in the General Business Law and -- and other contexts. Is there any documentation that there's anything that's occurring that is fraudulent in any way?

MS. GLICK: Well, again, there are organizations that are -- that have had individuals report to them that they saw an advertisement for a free pregnancy test and they received a pregnancy test but were --

MR. GOODELL: And it was free.

MS. GLICK: -- and it was free. But that their desire for additional information that was health information, technical information, was not available to them although they believed from whatever they saw that it would be. And so, again, this has been anecdotal. And so it's -- this bill is intended to ensure that what we are operating on is information that has, in fact, been verified by the Department of Health. We know that prenatal care is extremely important and that there is a balance between women who want to continue a pregnancy and those who don't want to continue a pregnancy, and we want to be sure, regardless of whether they are intending to continue a pregnancy or not, that they are actually receiving information from a -- an appropriate healthcare provider and not from somebody with a particular philosophical approach.

MR. GOODELL: And that philosophical approach that you're concerned about is the philosophical approach that's generally opposed to abortions? Would that be correct?

MS. GLICK: Well, that, in part, has certainly been

some of the claims that we have heard from some of the women who have thought they were accessing healthcare, only to find out that they were not accessing healthcare from a licensed facility. But it's not just abortion services. Prenatal care is extremely important, as we've heard from -- in relation to other bills that we've taken up in the last couple of days, and somebody who is seeking prenatal care should, in fact, be getting that from somebody who is a healthcare provider. And that is as much a concern as whether or not somebody, you know, is seeking to terminate a pregnancy or to continue a pregnancy. Regardless, they should be getting accurate healthcare information from a healthcare provider.

MR. GOODELL: Certainly, we routinely pass legislation, it seems, that requires full disclosure and warnings and recommendations and advice. Is there anything in this bill, for example, that would require a limited service pregnancy center to actually provide that information? There's nothing in this bill that would say you need to, you know, provide a warning like we just passed a bill about weight loss programs, for example, a warning that says --

MS. GLICK: Not yet. Not yet --

MR. GOODELL: -- you should get personal prenatal care from a licensed physician or an OB-GYN or -- or whatever. Is there any --

MS. GLICK: That is my --

MR. GOODELL: -- anything that deals with --

MS. GLICK: That's my next bill.

MR. GOODELL: That's next --

MS. GLICK: That's my next bill.

MR. GOODELL: I see.

MS. GLICK: That's my next bill. And with this bill

--

MR. GOODELL: Would this bill apply to pregnancy centers, if you will, that are operated by a pro-abortion -- Planned Parenthood, for example, or is that really not the scope of this bill?

MS. GLICK: Well, this bill refers to bills that -- to facilities that are not providing services under the direction of a licensed healthcare provider. I believe the facility that you referred to do, in fact, have licensed healthcare professionals who are running those facilities. We believe that there is an issue, but at the moment that is anecdotal. And while I would like to proceed with my next bill, which would be a disclosure bill, we felt it was important for us to have not anecdotal information compiled by individuals, but rather, a hard and fast study provided by the Department of Health to review what services are being offered and whether or not they are appropriate in view of the fact that they're -- they are not under the direction of a licensed healthcare provider.

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

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, Mr.

Goodell.

MR. GOODELL: While I appreciate my colleague's desire to do a comprehensive study on limited services pregnancy centers, it seems as though this is really aimed at examining facilities that help pregnant women and provide counseling that may have a particular point of view that may be a pro-life point of view, for example, and the sponsor mentioned that a couple of times. And the most prominent abortion -- pro-abortion organization that we're aware of, Planned Parenthood -- while they don't urge people to get abortions, they certainly are the leading provider -- they would be exempt from this. And I always find it a very dangerous course when government spends taxpayer money to investigate organizations in large part based on their philosophical perspective. And you may be pro-choice, you may be pro-abortion. But I think government should not initiate studies that focus on one group and not on a different group. If we want to evaluate all the groups that provide counseling services to pregnant women, I'm fine with that kind of study because that type of study can give you the data on everyone, and the advantages and disadvantages. But to target one group and spend taxpayer money to investigate them, I think it's an inappropriate use of our authority.

Thank you very much, sir. And again, thank you to my colleague.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. DiPietro.

MR. DIPIETRO: On the bill, sir.

ACTING SPEAKER AUBRY: On the bill.

MR. DIPIETRO: This is nothing more than government terrorism. This is an attempt to take a group that's pro-life mostly and use government terrorism to shut them down, to intimidate them, to do whatever they have to. And make no mistake, this is being directed by many people at Planned Parenthood. You can just tell by the fact that Planned Parenthood is not involved in any of this government terrorism. It's only aimed at one group. For shame that a group says, *You know what? We value life.* For shame that a group says, *You should see a sonogram,* knowing that 70 percent of women that see the sonogram will actually choose to keep the baby. To the pro-death crowd that's just -- that's just -- that's horrible they can't have that. The heartbeat bill. They can't see that. This is nothing more than government terrorism, trying to intimidate a group. And it was even just said, there is no -- they've done nothing wrong. There -- there's nothing that's been said that they've done wrong. There's no -- no action. There's been no complaint that they violated any law. I'm just really upset that, again, we go after pro-life crowds. The pro-life group here, nothing wrong with this group. They're actually giving -- doing a great service to the women, promoting life, and I will -- I will -- I would gladly defend them if I could. But make no mistake. This is a complete attack from the pro-left, pro-choice, pro-baby killing crowd going after a group that has just admitted that there -- that we just heard has done nothing wrong. But we definitely

have to go investigate that, even though they've done nothing wrong. We've had hearsay that maybe a doctor, someone wasn't a doctor -- when you're doing counseling it makes no difference. It makes no difference if you're a doctor. You want to allow someone to come in and say, *You know what? This is your options.* You don't have to be a doctor to give options. They're not performing surgery, they're counseling. God bless them. I hope 1,000 more open up in New York State, the number one abortion murder capital in the world.

With that, thank you, Mr. Speaker. I will be definitely voting in the negative and I am definitely urging every single one of my Republican colleagues and anyone else who's -- any -- got any kind of pro-life to vote against this horrible legislation. It does absolutely nothing but inflicts government terrorism on a small group because they happen to be pro-life. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Fitzpatrick.

MR. FITZPATRICK: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. FITZPATRICK: This is -- we're going to see more of this as -- when we have total one-party control in -- in New York State where opponents will be hunted down and intimidated and harassed. I just have one question to ask. You know, we had a -- down in Philadelphia you had a Dr. Kermit Gosnell who, thankfully, was prosecuted for murdering young children after they were aborted.

But where were the advocates for legislation like this to go after those kinds of individuals? Those kinds of practices are overlooked. But we want to go after pro-life groups.

I strongly disagree with this bill. It's unfortunate that it's being advanced. This would be a one-House bill if the Senate were under Republican control, if we had more balance in this State. But I urge a no vote on this bill. This is an attempt to intimidate pro-life groups from serving women and trying to save human life. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Glick.

MS. GLICK: On the bill and on some of the comments made by colleagues. First of all, the doctor in Philadelphia who was operating inappropriately was prosecuted, prosecuted, because that was not healthcare. So I think that raising that individual as some sort of marker of appropriate healthcare is clearly wrong since, in fact, the individual was prosecuted. We are not hunting anyone down. I have a bill that I hope to be able to bring forward which would simply require the -- any facility to disclose, as Planned Parenthood, as a licensed healthcare provider, does have to get informed consent, does have to provide appropriate information, accurate information. The AMA has, in fact, indicated that these limited services pregnancy centers operate unethically. We have had individuals who have said, *I was lured in by a promise of a free pregnancy test because I'm poor and I had no choice. I don't have*

access to healthcare. And then when I asked for additional services I was, you know, discouraged and badgered. But I'm not taking that on anecdotal. I believe it is important for the State to under -- the State to understand whether women who may be pregnant or women who are pregnant have accurate information, whether it's prenatal care -- these folks can't provide prenatal care. They don't pretend to provide prenatal care. They are not licensed health facilities. They suggest that by saying you can get a free pregnancy test or a free sonogram. But in reality, beyond that they cannot provide any additional healthcare. So if someone has a prenatal condition, a delay might be a problem. And so they should, in fact, not be encouraged to go into a -- a facility that does not properly support them. They should be going to a healthcare facility. So I believe -- and these -- the statistics that are thrown out by my colleagues sometimes are -- are laughable. Many, many people who see -- who are pregnant and learn late in their pregnancy through the use of a sonogram that there is a catastrophic problem with their pregnancy, my colleagues who are so concerned don't want them to react to that information that they might see in a sonogram about a catastrophically problematic pregnancy.

So I would urge -- this isn't terrorism, this is information. And people who are concerned about people getting accurate information are the problem. So I would urge -- you know, this did not go through Ways and Means. We believe that this information can be gathered by the Health Department in the course of their normal business. So this isn't going to cost money. This isn't an

investigation. This is a study to identify whether or not and to what extent these organizations are -- exist throughout the State and in what communities. And we particularly believe that they do tend to focus on poor women, immigrant women, who have limited access to healthcare. So I would urge a -- a yes vote from all of my colleagues because information is positive, not an attack.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar No. 318. This is a Party vote. Any member wishing to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the number previously provided.

Mr. Goodell.

MR. GOODELL: Thank you very much, Mr. Speaker. The Republican Conference will be generally no on this. But if there are members that would like to support this legislation, please call the Minority Leader's office and let them know as quickly as possible. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you. So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. This is a Party vote in the affirmative. I would ask colleagues who choose not to vote with us on this bill to please

contact the Office and we will so record your vote. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: So noted. Thank you.

(The Clerk recorded the vote.)

Mr. Fitzpatrick to explain his vote.

MR. FITZPATRICK: Thank you, Mr. Speaker. I just -- just want to say that the -- since this legislation is being inspired by anecdotal evidence I just wanted to express to the sponsor that for quite a long period of time there was a lot of anecdotal evidence about what Dr. Gosnell was doing and it was absolutely ignored until finally someone had to do something about it.

So, again, this clearly is an attempt to intimidate and go after pro-life organizations, and I urge -- I urge my colleagues who have a heart and believe in the sanctity of life to please vote no on this legislation. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Lavine to explain his vote.

MR. LAVINE: Thank you, Mr. Speaker. This is from the Journal of Ethics of the American Medical Association. *Crisis pregnancy centers are organizations that seek to intercept women who are pregnant who might consider an abortion. Their mission is to prevent abortions by persuading women not to have abortions. They strive to give the impression that they are clinical centers, but they are not. Because the religious ideology of these*

centers' owners and employees takes priority over the health and well-being of the women seeking care, these women do not receive true, they do not receive honest, they do not receive comprehensive and accurate evidence-based clinical information. Although these centers enjoy First Amendment rights to protection, their propagation of misinformation should be regarded as an ethical violation and undermines women's health. Our objective as legislators is to protect people from being deceived. That's why we have the Food and -- Food, Drug and Cosmetics Act. The Fair Debt Collection Act. The Fair Credit Reporting and Billing Act and on and on and on and on. And let me say that while I appreciate the fervor of some of my colleagues who will be voting against this particular bill, I have a heart and I believe in human rights and I do not want to see us return to the day where women are butchered in back alleys.

So, finally, let us do what we can to make sure that all New Yorkers, men and women, are protected. And to those men who are so fervently opposed to this, let me offer this modest suggestion: Please guys, do your best not to become pregnant. I'm proud to vote in the affirmative.

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

MR. DIPIETRO: Thank you, Mr. Speaker, to explain my vote. I find it so rich that all of a sudden when there's been no complaints, there's been no documentation, that all of a sudden we're talking about back alley abortions. We're talking about a group that

just gives advice because they're pro-life. I find it very rich to sit there and take on this group and talk about dis -- disadvantaged citizens when over 70 percent of Planned Parenthood abortion clinics are in poor minority neighborhoods. You're darn right I'm going to get passionate. This is nothing but government terrorism against a group that's pro-life. You can sit there and spin it any way you want. You can turn it any which way you want. But that's all this is. There's documentation that Planned Parenthood is behind this, trying to eliminate these organizations because it infringes upon their pro-choice ideals. I just find it rich that people would say, Oh, don't get pregnant as a male. That's the worst argument I've ever heard, I'm sorry. That's an argument to go after a group of people? And also going after a group and saying that they would deliberately withhold damaging evidence on a sonogram? That's unconscionable to even make that statement. That's unconscionable. That's not what these people do, and you know that's not what they do. This is ridiculous.

This is a horrible piece of legislation. One of the worst I've seen since the pro-full-term abortion. I adamantly urge all of my colleagues to vote against this. You're just enabling government terrorism to choose the big arm of the government to go after a group of people espousing their First Amendment rights that they want to see women make a choice and give them that choice, that it's not one hundred percent abortion. That it might be -- that they might want to keep a human life.

Thank you, Mr. Speaker. I'll be voting no.

ACTING SPEAKER AUBRY: Mr. DiPietro in the negative.

Mr. Epstein to explain his vote.

MR. EPSTEIN: Thank you, Mr. Speaker. I'm here to explain my vote. I want to applaud the sponsor for putting forward a -- a steady bill that talks about what is happening in our State and what impact it is having on New Yorkers. The same thing -- you know, when we -- before we banned conversion therapy we needed to know what was going on, and clearly found out it was a problem in New York State. Here, this study is trying to get a portrait of what's happening in our -- in our jurisdiction. It is critical that we understand the impact that these centers are having on women, especially women of color in our community. And the idea that we are -- are being a terrorist is beyond the pale. It is -- it is grandstanding by individuals who have -- who have a philosophy and approach which decides for women how they should live and how they should use their own bodies. This is about a woman's choice. This about information for a woman's choice. People who don't want to have an abortion don't have one.

I'm a proud cosponsor of this bill. I'm glad that we're moving forward on this study and I want to applaud the sponsor and I encourage my colleagues to vote with me. Thank you.

ACTING SPEAKER AUBRY: Mr. Epstein in the affirmative.

Ms. Simon.

MS. SIMON: Thank you. To explain my vote. I want to commend the sponsor for this bill. I believe that we will -- we learn by studying things. If people believe that these centers are not giving inaccurate information to pregnant women or misrepresenting themselves as being medical facilities that they clearly are not, they should have no difficulty with studying those -- those centers and ensuring that, in fact, those centers are doing what they are allowed to do within the law and not misrepresenting themselves. The public is harmed by any entity that is misrepresenting what it does, particularly in a healthcare situation. We know from experience from the many of these centers in and around my district what they're doing and how they masquerade as clinics. They are not clinics, and we need data to -- to demonstrate that, and we need data to help us develop policy going forward.

So I'm in total support of this bill. I'm a proud cosponsor of this bill, and I will be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Ms. Glick.

MS. GLICK: Thank you. To explain my vote. There -- it is critical whether a woman wants to continue with a pregnancy or not that she actually be talking to medical personnel and not people who are individuals who are simply exercising their freedom of speech. Healthcare and healthcare facilities operate under

strict rules. These do not. And yes, there have been complaints. But we want to be certain, because if I brought up a bill that said they have to disclose that they are not healthcare facilities, people will say, *Well, where was there ever any information that they didn't?* So we're going to study to ensure that these organizations who have a right to say whatever they want, but they do not have a right to mislead women, and they certainly do not have a right to try to delay women making decisions because in a prenatal situation they could be -- if somebody is ambivalent, they could be delaying somebody who ultimately chooses to carry forward a pregnancy but has a health problem. So this is about ensuring women's health, and not about government terrorism against people who oppose abortion. The people who oppose abortion fervently sometimes actually do engage in terrorism. This is not terrorism.

I withdraw my request and vote in the affirmative.

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

MR. BARRON: Thank you, Mr. Speaker. What really gets me every time this bill comes up, how these pro-lifers always mention the Black and Brown communities, so-called minorities. I don't call them that. They always bring us up because they concerned about us before we're born. After we're born we can't get you to pass legislation to make sure that we get a real wage, a living wage, minimum wage. After we're born we can't even get you to you pass legislation that stops police from killing us before we get a

real start in life. After we're born we can't even get you to say no to the insurance companies that are ripping us off so we can have better healthcare so we can have a better life. You're not pro-life. You certainly ain't pro-Black-life after we're born. But before we're born you throw us into the mix as though you care. If you're going to have an honest debate on this, then keep it where it belongs, your beliefs, because you don't give a damn about any Black people to the point where you need to be bringing us up in this as though you care about our lives. Because I've seen the stuff that you've voted against up here that diametrically oppose to everything we bring up that'll help Black life, Brown life, our babies, you vote against. You're a hypocrite. And this is a simple bill. Information so that no woman should be lied to or given any false information based upon a very important choice about her health. This is a woman's choice and it should be based upon information given to her that is accurate. And this is a good bill to assure that that happens. No matter what side you come down on the issue, the information has to be --

(Buzzer sounding)

I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Barron in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to explain my vote and encourage colleagues to speak to the bill and not to people who spoke before

them. We're in a legislative Body that has people who come from urban areas, rural areas, suburban areas, sometimes a combination of all of that. Different party beliefs and different beliefs on how women and/or people of color should take care of their body. You folks are entitled to those opinions. We should, though, make sure that we keep our debate about not who said what, but what our opinion is. What we think. Those are the way -- that's the way we get a debate that doesn't have people wanting to go at each other because we have a difference. And so I'm -- I'm just asking if we could keep it at that level. And by the way, as an African-American woman, I don't choose an abortion. But I don't think it's my right to tell any other woman what she and her doctor should choose. And so because of that reason I will support anybody having access to the kind of healthcare that they deserve.

I'm pleased to vote in favor of this piece of legislation and I encourage my colleagues to do the same. Thank you, Mr. Speaker.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05411, Calendar No. 331, Thiele, Walker. An act to amend the Indian Law, in relation to the State recognition and acknowledgement of the Montaukett

Indians.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar No. 331. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07759-C, Calendar No. 358, Paulin, Buchwald, Otis, Fahy. An act to amend the General Business Law, in relation to requiring STIR/SHAKEN authentication framework.

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

MS. PAULIN: Yes. The bill would require providers of voice service to implement the STIR/SHAKEN authentication framework in their networks.

ACTING SPEAKER AUBRY: Mr. Ra.

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

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

MS. PAULIN: I'd be happy to.

ACTING SPEAKER AUBRY: Ms. Paulin yields.

MR. RA: Thank you. And, you know, for -- for my colleagues, I -- I know that this is a -- this technology, STIR/SHAKEN, we are not debating about James Bond or martinis here, it's actually a technological issue that relates to phones and -- and particularly trying to get at a problem I think we're all very familiar with, and that's, you know, these robo calls we get on our cell phones, you know, that are kind of spam, that mask their true origin so it looks like it's, you know, a cell phone number from your local community and it ends up being, you know, some type of spam call that, you know, have become at the very least annoying but really a waste of a lot of our time. So I -- I commend you for working on the issue. We were just wondering if you could walk me through a little bit in terms of who is required to implement this technology under this bill? And then just really the interplay between this requirement we'd be putting into New York State law and what was announced by the Federal government that needs to be implemented by -- by the end of next June. So, in terms of the providers, is it just, you know, the cell phone companies, land line companies? Who would be required to implement this technology?

MS. PAULIN: Well, as you say, you know, the FCC, through regulation, has already required this technology be -- this technology to be -- to be -- to be incorporated into the telecommunication utility companies, and the -- the differences I think

are the ones that, you know, we really want to talk about here. So what the FCC has done is they basically say the starting communications company and the ending one. The starting one -- you know, assuming that we have some jurisdiction over it -- needs to incorporate STIR/SHAKEN. What they don't say is the intermediary ones have to. So if a call starts overseas and ends in New York, all of the telecommunications companies in between are not required to use STIR/SHAKEN or have STIR/SHAKEN. And those are the ones, frankly, that are most likely to be robo calls. So by -- by adding or by enforcing or putting this in our statute, we're now requiring all of those intermediary companies to also use the technology, and, therefore, we're much more likely to stop the robo calls to us in -- to us New Yorkers.

The other thing that the bill does that -- that the Federal government really can't do is to -- to have an enforcement element. You know, there was an agreement that the Attorney General in New York made with several telecommunication companies to -- to use STIR/SHAKEN, and -- but without the teeth of this bill, there's no enforcement provision for the Attorney General. So this way there's an enforcement on the very agreement that has already been made between telecommunications companies and the Attorney General, and we require all telecommunication companies throughout the route of the call to have the same technology. This bill is not objected to by any of the telecommunications companies that have -- that -- that we know of. We have no negative memos from

them. And because I think at this point we recognize that this is the technology that is going to save us all from those repeated, annoying repetitive calls.

MR. RA: Yes. And I -- I think, you know, that is certainly a goal I think we all -- we all share. And whether it's working at the Federal level, the State level. And I know even within the telecommunications companies, you know, many of them have partnered and tried to come together to find ways to address this issue because I -- I think anybody who's providing somebody a service would like to, you know, protect them from -- from something that's an annoyance and interferes with their, you know, use and enjoyment of -- of their product. So -- so I think that certainly is a -- is a very important thing. So, you know, this doesn't, then, really interfere with what the Federal government's doing in that the Federal government's concentrating on the front end of it, and like you said, I mean, the problem there, obviously, is it could be coming from overseas. Just like, you know, we could have the issue in New York State that something maybe is originating outside of our -- our borders. But trying to get at the issue, I think -- I think is a good thing in that regard. But one -- one of the other questions, I know -- so there was a -- I know previously there was a version of this bill that had basically a funding mechanism within the PSC that is not in this version of it. Is there any contemplation of whether there is going to be costs to the PSC to -- to implement and enforce this? Because as you said, I think the enforcement is obviously going to be a major piece of this. I think

we'd all love to be able to go to our constituents and say, *Yes, we finally are getting at this problem.* But if they keep getting the calls they're going to say, *Hey, what's going on? Is it not being enforced or -- or are you going to do something else because it's not working.*

MS. PAULIN: So the -- the bill was amended.

Originally we did give the oversight to the Public Service Commission, but we were asked by both the Attorney General's office, who wanted to be able to enforce her own order, and the PSC. And we decided -- we spoke to both and we decided that it was better that the enforcement was through the Attorney General's office. They have not because of the order. And they did not require or did not ask for additional funding to do that, so we have all expectation that they're going to do a great job and enforce the very order that they cooperatively agreed to with the -- with the telecommunications companies.

MR. RA: Okay. And then just in terms of that, you know, enforcement side of it, so I know it provides for a -- a penalty not less than \$10,000, not more than \$100,000. But that's for -- if a company basically knowingly does not implement this technology.

MS. PAULIN: Absolutely.

MR. RA: Okay. I -- I guess the -- the last thing I wanted to just ask about, you know, I -- I mentioned the Federal side of it. I think they're -- they're implementing their new requirements that they announced at the end of March by June 30th of 2021. When will the, you know, these intermediary companies be required to have

this technology in New York State?

MS. PAULIN: So let me just look at the enactment clause. So well, it's subject to regulation, right, so -- so we -- you know, so I would assume as soon as that's all settled that would be -- that's when it would be implemented.

MR. RA: Okay. And, I mean, they would then obviously be going through, you know, a rule-making process that I think we're all somewhat familiar with which would give, hopefully, ample, you know, notice to the companies, but I think also, you know, an opportunity for them to weigh in on this with that. I -- hopefully -- and -- and, you know, I trust that there's some level of expertise within the PSC and -- and our agencies, but it is obviously a technological, you know, endeavor and I -- and I think that getting information from the companies that deal in technology I think will be helpful to the rule-making process.

MS. PAULIN: Yeah. The goal is to really not make this harder. I mean, the goal is to work with the companies so that, as they described to us, the entire chain needs to have the technology for it to be effective. So that's the -- that's really the goal, so that all of them would have it. There's a lot of very small companies that might accept some, let's say, you know, inappropriate caller -- starting calls that we want to be able to stop. So, you know, but the -- the idea is that all companies in New York who are providing calls to New York would have this technology would be able to stop those annoying robo calls, to have the AG be able to enforce her own order, and -- and --

and to work alongside what the FCC is already requiring.

MR. RA: Thank you very much, Ms. Paulin.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: Just briefly. You know, I thank the sponsor for answering the questions. It is a bit of a technological issue, but like I said, it's a problem we are all familiar with, our constituents are all familiar with. And I certainly have gotten my share of constituent calls, asking, you know, what we are doing and what we can do to get at -- to get at this problem. I -- I think it's -- unfortunately every time we deal with technology there's always, you know, a need to continue innovating because people who -- you don't want to do the wrong thing or they're going to keep coming up with ways to circumvent things we do as well. But -- but I'm hopeful this -- you know, technology like this and the actions at the Federal level and actions at the State level will get us to the point that, you know, we cannot only hopefully intercept some of these calls, but, you know, have -- whether it's the Attorney General's office and -- and levels of law enforcement, the FCC, be able to also identify bad actors who are using these basically spoofing mechanisms to trick people into answering their phone calls. And, you know, potentially, like I said, you know, at best it's an -- an annoyance, but it could also, you know, open people to being victims of scams and -- and things of that nature. So, you know, protecting the -- the consumers is -- is paramount here.

So thank you very much to the sponsor.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar No. 358. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. Would you please record Assemblymember Friend as a friendly no vote.

ACTING SPEAKER AUBRY: So noted. Ha ha ha.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02885, Calendar No. 391, Abinanti. An act to amend the Public Health Law, in relation to notifying local officials of the occurrence of certain emergency situations.

ACTING SPEAKER AUBRY: Mr. Goodell on the bill.

MR. GOODELL: Thank you very much, sir. This bill is quite straightforward. And it provides that in an emergency where there's an imminent imperilment to the public health or safety, the county health commissioner must be immediately notifying several politicians. And in particular, the chief executive officer of

every municipality that might be affected and each member of the legislative Body at the county and perhaps a neighboring county. And as a politician, I -- I appreciate being notified. However, I also recognize that if we're in an emergency situation where there's an imminent imperilment to public health and safety, the first and foremost priority of the county health commissioner ought to be focusing on that emergency. And so I would hope that they would immediately contact the appropriate first responders, that they would implement their emergency disaster preparedness plans, those (unintelligible) appropriate fire coordinators and their emergency personnel, and not be under a statutory obligation to immediately notify politicians. In my county we were very, very fortunate to have an incredible group of emergency responders with a well-developed disaster coordination plan in place. And when I was County Executive we actually had a disaster. We had a -- a horrific tire fire, it was a tire dump. And they implemented their emergency planning and eventually they notified me. But I was so thankful that they first notified everyone else. And while I appreciate the desire of my colleague to be notified in this occurrence, I think we should not burden our county health officials with that additional notification requirement and leave it to the discretion of the county board of health and the county legislature if they feel additional notification is appropriate.

And one last comment. We have some great counties that have hundreds of thousands of residents and a health

commissioner with a lot of staff members. But we also have very, very small counties where the health commissioner has very few staff. And we need to reflect and recognize that the situation in different counties can be very, very different. And in my county, which is rural, we don't have deep staff who can be assigned to notify all the politicians. And so we want to have that flexibility on the local level to decide how best to respond to an emergency rather than a Statewide law, as this is suggesting.

Thank you very much, sir. And I will be voting no and I know several of my colleagues have in the past and I expect they might as well this year. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar No. 391. This is a Party vote. Any member wishing to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the number previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Caucus will generally be voting no on this bill. If there are members that would like to vote in favor of the bill, please contact the Minority Leader's office. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. This is a Party vote in the affirmative. Colleagues wishing to defer from that and vote negative should contact the Office and we will be happy to record their vote.

Thank you, Mr. Speaker.

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

(The Clerk recorded the vote.)

Mr. Abinanti to explain his vote.

MR. ABINANTI: Thank you, Mr. Speaker. This legislation requires the local health commissioner in a case of an imminent imperilment to the public health and safety to notify, where he deems it appropriate, to give notice some additional people to make sure that local public officials know what's going on within their jurisdiction. This came about in Westchester County where many years ago a mayor complained to me that there was sewage running down the center of her street, and a neighbor called and said, *Why is there sewage coming out of a manhole running down the street?* The health commissioner neglected to tell the mayor, who controls the police department, the public works department, and would notify the volunteer fire department to be out on the scene. The public health commissioner of the County of Westchester went straight to having the problem fixed, but never thought of telling the local officials, thinking they were superfluous. And I've heard other stories where

this has happened. We're anticipating the type of situation where there could be a train wreck, where the train has hazardous materials. And the health commissioner, rightfully, will be notifying various people. We want to make sure that included in that list of people is the neighboring health commissioner, if it's going to affect the neighboring county. The local mayor, and maybe even the locally-elected county legislator or State Assemblymember if they are relevant. We're not talking about notifying everybody in the county. But even in Westchester County where we have full-time governments, we have locally-elected officials who are hands on. Who are, quote, department liaisons and they function as -- as department heads. They're the ones who belong to the volunteer fire department, to the ambulance corps, who respond to make sure that the community is mobilized. And if there is a need for an evacuation, they're the ones who give the orders to evacuate. They're the ones who give the orders to shelter in place. So we just want to make sure that in this day and age where we have all kinds of means of communications available to us that the health commissioner includes in his or her response plan all of the locally-elected officials who need to be notified.

We've passed this legislation before. I think it's very good legislation, I ask my colleagues to support it. Thank you, Mr. Speaker.

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

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record Ms. Miller as an affirmative vote on this bill. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you very much. So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03327, Calendar No. 401, Dilan, Jean-Pierre, M.G. Miller, Fernandez, Smullen, DeStefano, Buttenschon, Cook, Ortiz, Hyndman, Dickens, Colton, Gottfried, Morinello, Blake, Seawright, Lawrence, Pichardo, Niou. An act to amend the Public Service Law, in relation to the expiration of minutes purchased with prepaid cellular telephone cards.

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

An explanation is requested, Mr. Dilan.

MR. DILAN: Yes. This bill would require that prepaid cellular telephone cards -- or excuse me, not cellular, prepaid cellular telephone cards have an expiration date of the minutes purchased on the printed card in conspicuous print, which is defined as the font at least two times larger than any other print on the -- print -- printed on such card and in boldface print that is at least 10-point size.

ACTING SPEAKER AUBRY: Mr. Garbarino.

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

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

MR. DILAN: Always for a good friend. And before we get into that, I -- I will say that I will personally miss you and wish you well in your future, whatever that may hold for you.

MR. GARBARINO: Thank you very much.

ACTING SPEAKER AUBRY: Mr. Dilan yields, Mr. Garbarino. Graciously, I must say.

MR. GARBARINO: That's very nice. My dad doesn't even talk to me that nice. Thank you very much, Mr. Dilan. I do have a couple of questions. This is being added to -- or this section is being added to the Public Service Law that deals with prepaid telephone cards, correct?

MR. DILAN: Yes.

MR. GARBARINO: Now, I understand Public Service Law has control and oversight of -- jurisdiction over land lines in -- in New York. Don't -- this section that you're adding deals with wireless. Aren't we preempted by Federal law here?

MR. DILAN: Well, no. It's phone cards, not wireless. And it's established in -- in 92(f) that we -- you know, we have the right to do this but this does not touch wireless. It's a -- it's a prepaid cellular phone card. But these are the cards. It's not like a

wireless phone, per se, it's for phone cards.

MR. GARBARINO: Okay. All right. Then my question is, some of these cards, or at least these minutes, don't activate -- you know, they have an expiration on them but they don't activate until the card is activated. So, how can the company print an expiration date on the card if -- if it doesn't -- if there's no definitive date? Like earlier under -- under Section E of the same -- of the same chapter -- for regular cards, not cellular cards -- it says any expiration date or expiration policy. Your section only says expiration date.

MR. DILAN: Yeah. Well, we're not changing that section of the law. The only thing that we're seeking to do is ask them to do it in conspicuous print where it's clear to the consumer of when such expiration date is. Right now it's done in very legalese fine print, and the average consumer doesn't understand that because it's written so small when they purchase the card. So we -- we at least want that print, which they're already required to do under this section, to be in boldface and slightly larger than any other legal print.

MR. GARBARINO: So my -- all right, so is it -- are you saying it's -- it's your intent here that, you know, the card could say -- they don't have to say the expiration date is December 31st, they could say expiration date is one year from the date of activation?

MR. DILAN: Well, how they deal -- that -- that's dealt with -- so this specific bill doesn't deal with that. That's dealt with in the section that was passed in -- in 1999. So we don't touch that. The only thing we -- we really touch here is we want the

companies to make it evidently clear to the consumer who is going to be purchasing the card that the expiration date, which they're already required to have in that section, is larger, at least 10-point size and in bold.

MR. GARBARINO: So, an expiration date, if there's an actual expiration date, or if there is -- it's not a specific date but a, you know, a time period saying a year from activation, either one of those would work as long as it follows the size of print?

MR. DILAN: I -- I believe so, and that's dealt with in the other parts of the existing statute. But this -- this -- this amendment that I'm looking to do doesn't deal with that. It just deals with the size and -- and boldness of font.

MR. GARBARINO: Okay. I appreciate your answers, Mr. Dilan. Thank you very much.

MR. DILAN: Thank you.

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 on Calendar No. 401. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

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

record Mr. DiPietro as a no on this vote. Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: This is really progress.

In fact, we have some -- a couple of bills we are going to take on consent off the debate list. These are Calendar No. 473 by Mr. O'Donnell, 475 by Mr. O'Donnell, and 479 by Ms. Rozic. And then we're going to go to Rules Report No. 73 by Mr. Fall -- 173, I'm sorry, Mr. Speaker. Rules Report No. 173, Mr. Fall.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A05240-A, Calendar No. 473, O'Donnell, Dickens, Mosley, Jaffee, Ortiz, Blake, Thiele, Simon, Galef, Arroyo, Glick, Wallace, Hevesi, Abinanti, D'Urso, Quart, Cusick, Hyndman, De La Rosa, Pichardo, Lifton, Bronson, Seawright, Steck, Rivera, Niou, Rozic, Simotas, Byrne, Bichotte, Santabarbara, Woerner, Fahy, Vanel, Gunther, Walker, Nolan, Zebrowski, Wright, Cahill, Stirpe, Solages, Lentol, Kim, Epstein, Jean-Pierre, Weinstein, Perry, Carroll, Pheffer Amato, Jones, Gottfried, Buchwald, Reyes, Lavine, Smullen. An act to amend the Civil Rights Law and Education Law, in relation to single-occupancy bathroom facilities.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar No. 473. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08873-A, Calendar No. 475, O'Donnell, Otis. An act to amend the Parks, Recreation and Historic Preservation Law, in relation to establishing a historic business preservation registry.

ACTING SPEAKER AUBRY: Read the last section -- oh.

On a motion by Mr. O'Donnell, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar No. 475. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the

Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09823-A, Calendar No. 479, Rozic, McMahon. An act to amend the General Business Law, in relation to including the promotion and expansion of cricket in the State of New York to the jurisdiction of the State Athletic Commission.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar No. 479. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07820-A, Rules Report No. 173, Fall, Richardson, Sayegh, Walker, Reyes, Dickens, Darling, Cusick, Taylor, Barron. An act to amend the Administrative Code of the City of New York, in relation to requiring new homeless shelters conduct a public hearing in the community where the

proposed shelter is to be located before being sited.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect in 365 days.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar -- on Rules Report No. 173. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could please record Mr. Hevesi as a negative on this one. Thank you.

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could also add our colleague Mr. Epstein as a no as well.

ACTING SPEAKER AUBRY: So noted. Thank you.

Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If we can now turn our attention to the last page on our

debate calendar and start with Calendar No. 403 by Ms. Simotas. Then Calendar No. 422 by Ms. Solages, Calendar No. 423 by Mr. Cymbrowitz, Calendar No. 442 by Mr. Abinanti, and Calendar No. 471 by Ms. Hyndman.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A07991-A, Calendar No. 403, Simotas, Quart, Sayegh, Mosley, Morinello, Ashby, L. Rosenthal, Jaffee, Gottfried, Hevesi, Simon, Galef, Cruz, Niou. An act to amend the Public Health Law, in relation to posting information on patients' reporting rights regarding professional misconduct involving sexual harassment and assault.

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

MS. SIMOTAS: Yes, of course. This bill amends Section 230 of the Public Health Law by creating a new section entitled "Professional Misconduct." This new section would require two things: First, it would require that the Office of Professional Misconduct update its website and provide the public with information regarding a patient's rights and reporting options regarding professional misconduct, including information on reporting instances of sexual harassment and assault. Second, it would require that all physicians' practicing -- practice settings post signage by (unintelligible) to the OPMCW [sic] website for information on their rights and how to report professional misconduct.

ACTING SPEAKER AUBRY: Mr. Byrne.

MR. BYRNE: Thank you, Mr. Speaker, and thank you to the sponsor for that explanation.

On the bill, Mr. Speaker.

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

MR. BYRNE: Again, I want to thank the sponsor for the explanation. We did go through this bill in committee, and it -- it went through without a lot of opposition, but I did get some outreach from those in the physicians community, the medical community, with some concerns I just wanted to express. I also read -- reread the memo again, and I think that it's a very noble cause that we're trying to address. I want to thank the sponsor for that. Any medical professional, especially physicians who betray the trust of their patients and violate a patient, it's a special kind of despicable act and obviously cannot be tolerated at all. And we feel for any victims that are going to be subjected to that type of betrayal. But there's two points that this bill changes, and the sponsor mentioned this in her explanation. One, the -- the Office of Professional Misconduct website and the Department of Health website to put on the patients' rights as well as how to file a complaint. I don't have any objection to that. I -- I actually punched it in to the -- just to Google, since we're on virtual on Zoom, and the first thing that came up is -- if you just put in how to file a complaint against a physician or how to file a complaint against a doctor in New York, the top thing on Google that came right up was the health.ny.gov website. And on there was a

hyperlink with the form for the Office of Professional Misconduct on how to actually file a complaint. I do think that exists, but if there's ways that we can make that better, I think that's a good idea. I -- I don't want people to be -- have additional obstacles if there -- if they've been subjected to some sort of violation like the sponsor talks about in the memo. The bigger concern that I've -- I've heard from physicians is the additional mandate about posting in the -- the physician practices and the settings. So if you're going -- going to a doctor's office, now there's a new requirement to put an additional posting in their private physician setting, there's concerns from physicians that this could just create a more complicated relationship with and -- and potentially undermine the trust that exists with the -- the physician and -- and patient relationship when you walk in if you're going to see a poster saying how -- how do you file a complaint against the doctor you're about to go see. Sometimes we have so many of those posts that are put up in just -- in businesses all over. I also have concern that it will -- will it actually do what we think it's going to do, or will it just be dismissed as one other piece of paper on -- on the wall when we go into the -- the doctor's office.

Those are some of the concerns I wanted to share with you. I do know we do have a reputation in this State as not being always being the most friendly place for doctors. We're -- I think we're rated as one of the -- 50 or 51 by WalletHub as a place to practice as a physician in New York State. I will say if you're a physician or a medical professional that's going to abuse your patients,

I don't want you in New York. But for all the other good doctors out there, this is going to be another mandate and another burden that they're going to have to comply with.

Again, I want to thank the sponsor for the -- the efforts she's trying to address here. I think we can maybe make this better, that one piece that I have, you know, some concerns about. And physicians have reached out to me from the Medical Society as well as the Westchester County Medical Society was that mandate that will be placed on their -- their -- their practices outside of the hospital setting. So again, Mr. Speaker and sponsor, thank you for your time. I -- I appreciate it.

ACTING SPEAKER AUBRY: Thank you, Mr. Byrne.

Ms. Simotas.

MS. SIMOTAS: Thank you, Mr. Speaker. And I thank my colleague for his comments. You know, I've spent a lot of time in hospitals and with doctors for my own care and also for my family's care. And what I can tell you is that you do develop a relationship of trust with your providers. And it's my opinion, my humble opinion, that if the doctor displays where a patient feels that he's been violated or complained, that will do nothing but enhance that trust. This bill was really inspired by testimony that was given by Marissa Hoechstetter, who is a survivor who was sexually assaulted by her doctor during her pregnancy, her delivery and her postpartum care. She recently testified to the Legislature, to us, just last year on

how difficult it was for patients who have experienced these violations to navigate the reporting system in New York State. The website for the Office of Professional Medical Conduct offers really no guidance on these issues, and never explicitly mentions their role in receiving complaints of sexual harassment and assault by medical professionals. If you go on to their website today, I dare you to try to find the phone number. It takes a lot to navigate. Marissa is an accomplished woman with a master's degree, and it took her a long time to figure it out. And she is a very vocal advocate and helps others who've experienced the same trauma.

You know, patients place a great deal of trust in their doctors, and when doctors abuse that trust and subject their patients to sexual violence, you know, it must be incredibly shocking and an experience that you don't really want to talk about. So the fact that you have to go through jumping hoops to navigate the system to file a complaint is really, to me, unconscionable. We should all want to make the system better, to make it more transparent.

I just want to read something that she testified to during the May 24th hearing on Sexual Harassment. She said, and I quote, *Most doctors are well-intentioned, caring people dedicated to their field. But the minute you walk in to your doctor's office, they have power over you. There are often legitimate reasons for a doctor's hands to be on or in your body. It is a unique profession, and those who abuse this -- who abuse it do not deserve our protection.*

I urge all of my colleagues to vote for this bill

because what we will be doing is introducing transparency. Thank you so much.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will read [sic] the vote on Calendar No. 403. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mr. Byrne to explain his vote.

MR. BYRNE: Thank you, Mr. Speaker. I again want to thank the sponsor for her time in explaining the bill, speaking on the bill and just sharing greater understanding of what this is all about. I am going to vote for this bill. I hope it has the effect that is intended by the sponsor. I think it's important when we review legislation that we -- we do look at everything, and I think there's some little legitimate concerns. But overall, looking at this bill I still think it's a good idea. I meant what I said when obviously, we want to be welcoming to physicians in this State so they know that this is a great place to practice and to work. But certainly those that will betray the trust of their patients, I don't want them to practice anywhere, but I certainly don't want them to practice in New York.

Thank you, Mr. Speaker, and I vote yes.

ACTING SPEAKER AUBRY: Mr. Byrne in the affirmative.

Mrs. Peoples-Stokes -- Mr. Goodell first.

MR. GOODELL: Thank you. Please record the following Republicans in the negative: Mr. Friend, Mr. Salka and Mr. DiPietro. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If you could record our colleague Mr. Sayegh in the negative.

ACTING SPEAKER AUBRY: So noted. Thank you both.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03033, Calendar No. 422, Solages, Ortiz, Colton, M.G. Miller. An act to amend the Labor Law, in relation to regulations promulgated for systematic and sustained efforts to find work for unemployment benefits.

ACTING SPEAKER AUBRY: Ms. Solages, an explanation has been requested.

MS. SOLAGES: When a worker loses their job through no fault of their own, they may also lose their ability to finance safe and affordable childcare for their families. This bill seeks to address the growing concern that childcare must be taken into consideration when individuals on unemployment are completing their

work search requirements.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

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

MR. GOODELL: For those of you who are unfamiliar with the employment system - and I hope that's most of us - if you are laid off through no fault of your own or you lose your job through no fault of your own, you're entitled to collect unemployment. But during that time frame that you're collecting unemployment, you also have an obligation to look for a new job. And that obligation is there for two primary reasons: First, we want people who are unemployed to do all they can to become employed again so they can maximize their financial independence and their success. And of course you never can become successful if you're on unemployment. And the second reason, of course, is we want to minimize the cost of the unemployment program on employers because we recognize that the more that employers have to pay into the unemployment system the less money they have to pay employees. So with those dual purposes in mind, we expect people who are on unemployment to look for a job. This bill says that you don't have to look for a job if you have childcare issues. But presumably, when you were working and before you got laid off you had similar childcare issues and you addressed them. And the problem is that, number one, if you don't

have to look for a job because you're taking care of childcare issues, not surprisingly, it will reduce job search efforts and drive up the cost of the program. But second, it opens up a Pandora's box of subjective evaluations because it's almost impossible for anyone outside the family to know what might be available to you for childcare. I mean, you can imagine having talked to your mom or your siblings or -- or others, have you considered job sharing or childcare sharing? What childcare organizations have you contacted? And of course if you're looking for paid childcare, if you're unemployed you probably -- or you might not be able to afford it. So you have a little bit of a chicken and egg scenario that's going on. And one of the greatest concerns I have is that while we need to be sensitive to the need for childcare, we also recognize that most employers are, certainly in the -- in the private sector are profit-oriented. And so we don't want to create a situation where we encourage or we provide a financial advantage or incentive to discriminate against people who may have kids. And you can understand how that can happen. Now two well-qualified people show up and they're applying for the same job, one's a little bit older, doesn't have childcare issues, the employer knows, Well, if I have to do a layoff, that person is more likely to find a new job and won't have to deal with childcare issues. Don't have to be worried about Paid Family Leave because they don't have kids. They're unlikely to get sick. And all of that creates a financial incentive that unfortunately and improperly creates an implicit bias. So, the -- all the business organizations like Business Council and the National Federation of

Independent Businesses are concerned that we are creating a subjective basis for people to -- to decline to look for a new job rather than encouraging those who were in the labor force before to rejoin as quickly as possible.

And for that reason, I and many of my colleagues will not be supporting this bill. But I certainly appreciate the concern and thoughtfulness that we all need to exhibit. And we all ought to be working on increasing childcare availability, which is one reason why I and many, many of my colleagues have urged the Governor to release the balance of the Federal Care funds that have not yet been released. It's over \$100 million that has not yet been released for childcare. So, let's address the childcare issue. Let's get that Federal Care funds out there. Let's help people get childcare, and hope by addressing the childcare issue in a thoughtful and compassionate way, we can reduce this problem all together.

Thank you, sir, for allowing me to express those concerns.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Solages.

MS. SOLAGES: Not only are we within a -- a public health crisis, an economic crisis, but we are in a childcare crisis. Alone, 30 percent of childcare centers in New York State have closed. With COVID-19, parents -- many parents who relied on grandparents, aunts and uncles are unable to use those individuals. We have 20 percent of New Yorkers, 1.5 million individuals, our neighbors, our

friends, our cousins, our family members, who are unemployed. Many of them have children. And I know many parents out there, they know how it is when they're working from home and also taking care of their child, when they're trying to, you know, write a document and their infant toddler is crying next to them. Or their -- their young child is begging for attention. Or a -- a mother or a father calling childcare centers all over their town trying to see which one is open, which one actually has enough slots so that they can get in. And even childcare centers that are safe for their children, because at the end of the day we all want safe, affordable childcare.

So I just want to clarify the -- the legislative intent of this bill. We're not negating work search requirements. Not at all. We just want to have consideration with the world around us. Just last year when we were debating this bill, unemployment was 3 percent. Now we are at 20 percent. And so under this bill, it just allows the Commissioner of Labor to promulgate regulations regarding work search efforts and allow them to take into account the need for the complaint -- the claimant to provide childcare for children in order to ensure that the -- the claimants are able to satisfy with standards of proof for work search efforts.

So once again, we're not negating it. We're not saying, *Oh, you don't have to search for work*. We're just trying to be New York Tough and say that we know that the world around us is -- is a bit different and that we need to be considerate and that we need to be open. And we need to ensure that the next generation behind us

is taken care of and provided with access to childcare and love and respect. We can balance both in New York State. And the only way for us as -- as a State to get out of this hole is to ensure that every New Yorker is capable of finding a job and capable of having access to safe and affordable childcare.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect December 7, 2020.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar No. 422. This is a Party vote. Any member wishing to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the number previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference will generally be in the negative on this legislation, but those who would like to vote in the affirmative should contact the Minority Leader's office. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Mrs. Crystal Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Our Conference will be voting in the affirmative on this piece of legislation as a complete Conference. However, should there be colleagues who would like to vote in the negative, we're happy to retrieve their voice -- hear their voice by a phone call. We look

forward to hearing it if they need to, and we will record them in the negative, should they desire.

ACTING SPEAKER AUBRY: So noted, Mrs. Peoples-Stokes.

(The Clerk recorded the vote.)

And Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. I absolutely agree with my colleague over the need for an increased focus on childcare, especially during the COVID crisis. And as she correctly notes, many of our childcare centers have closed. Some were able to take advantage of the Payroll Protection Plan and stay open, but many of them were closed because parents simply wouldn't send their children to childcare because they were concerned over the impacts of the virus. And of course a daycare center cannot survive without kids. So I absolutely share her concern. The CARES Act, the Federal Stimulus Act, included \$160 million for New York State specifically for childcare. But the last I knew, only about \$30 million of that's been distributed, which has been a great, great frustration to the childcare industry and all of -- all of us who support high-quality childcare. If this bill were limited to the COVID crisis, then I would be inclined to support it. But this is a permanent change in the law, and unfortunately, will have long-term -- in my opinion, long-term unintended consequences and that's why I'm voting against it. But again, I appreciate my colleague's concern, which I think is rightly placed, and our need to do everything we can to increase the

availability of high-quality childcare, especially during these difficult times.

Thank you, sir, and again, thank you to my colleague.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following Republican members in the affirmative on this legislation: Mr. Morinello, Mr. Reilly, Ms. Miller, Mr. Schmitt, Mr. Ashby and Mr. Salka.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04129-A, Calendar No. 423, Cymbrowitz, Rodriguez. An act to amend the Private Housing Finance Law, in relation to the membership of the New York State Housing Finance Agency, the Housing Trust Fund Corporation and the Affordable Housing Corporation.

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

MR. CYMBROWITZ: Thank you, Mr. Speaker. This bill would expand membership of the State Housing Finance

Agency by adding one member to be appointed by the Temporary President of the Senate and one member to be appointed by the Speaker of the Assembly.

ACTING SPEAKER AUBRY: Mr. Fitzpatrick.

MR. FITZPATRICK: Thank you, Mr. Speaker.

Thank you, Mr. Speaker. Steve, nice to see you. A quick question here. The additional members, would that be just on the Housing Finance Agency or would this also -- would new members be added to the other boards, sub-boards under the Housing Finance Agency?

MR. CYMBROWITZ: Well, they would be part of the subsidiaries, which -- which are the Housing Trust Fund Corporation, the Affordable Housing Corporation. They would all have -- they'd all have the seven members now, and there would be an additional two. So they would all have nine.

MR. FITZPATRICK: All right. So these -- so these two prospective new members would also sit on those other two boards as well?

MR. CYMBROWITZ: That is correct.

MR. FITZPATRICK: Okay. How -- this -- this bill's been around since 2016. It's always died -- died on the calendar. How -- by expanding the membership, the Governor has four seats; you have the Budget Director, the Housing and Community Renewal Director, and its Chair, Mr. Adams. By expanding, how are we -- how are we going to increase efficiency? What is the need for this, in your view?

MR. CYMBROWITZ: Well, as of right now, there is an expense budget of all those agencies, the agencies and subsidiaries, of \$807 million, and they bond out to affordable housing projects \$2.1 billion. And this would give us the opportunity, the Assembly, as well as the Senate, to help direct those funds where affordable housing projects should be built, in what communities, and how they affect New York State as a whole.

MR. FITZPATRICK: I see. Okay. Very good, Steve. Thank you. I appreciate your answers, and have a great rest of the summer.

MR. CYMBROWITZ: Thank you. You, too, Mike.

MR. FITZPATRICK: Thank you, Steve.

On the bill, Mr. Speaker.

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

MR. FITZPATRICK: I -- I -- I certainly applaud the sponsor's goal to add a voice from the Assembly, a voice from the Senate. But I think in these times, even though they don't receive a salary, they would only receive expenses, we -- we have not voted on this bill in the past, and I don't think we need to vote on it now. I intend to vote no for the simple reason that expanding government right now is not a good idea. There are enough members on this board to make the right decisions here. We are in contact with the Housing Finance Agency, so our voices are already heard on what they are voting on and what they're reviewing, and they stay in touch with us.

So I don't see the need for it. And even though the expense would be rather small, you know, you're really just adding patronage positions that I don't think are necessary and, frankly, not prudent at this time. You know, if it ain't broke, don't fix it, as the saying goes. And this is a system that works rather well, and I don't think we need to add any more patronage appointments and add extra expense at this time.

And for those reasons, I'll be voting no. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Fitzpatrick.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar No. 423. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mr. Barron to explain his vote.

MR. BARRON: There's another saying that says if it ain't broke, improve it anyway. Constant improvement is always needed. Quality improvement is always needed. I want to commend the Chair on this bill because there's billions of dollars in housing money that can be spent on affordable housing. And certainly, there shouldn't be anybody in the Assembly or the Senate that we would be opposed to adding the voice of the Assembly and the voice of the

Senate in it to influence that kind of housing in the neighborhoods that it's -- it's sorely needed now. And so I want to commend the Chair on this bill. It's a very timely bill considering the pandemic, considering what people are going through in our communities around housing and employment.

This is an excellent bill. I think it will advance the possibility of getting real affordable housing coming to the neediest communities in this State, and I would urge a yes vote on this bill and commend the Chair for proposing it.

ACTING SPEAKER AUBRY: Mr. Barron in the affirmative.

ACTING SPEAKER JONES: Mr. Barron in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following Republicans in the negative on this legislation: Mr. Byrne, Mr. DiPietro, Mr. Fitzpatrick, Mr. Friend, Mr. Hawley, Mr. Manktelow, Mr. Norris and Mr. Schmitt.

Thank you, sir.

ACTING SPEAKER JONES: Thank you, Mr. Goodell. So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Senate No. S04188, Calendar No.

442, Senator Kennedy (A09140, Abinanti, Weprin, Jean-Pierre, Colton, Galef). An act to amend the Banking Law, in relation to requiring financial institutions to notify a customer prior to charging a fee based on account inactivity.

ACTING SPEAKER JONES: An explanation has been requested, Mr. Abinanti.

MR. ABINANTI: Yes, Mr. Speaker. This bill requires banking institutions to give a 30-day notice that it will -- that the institution will be charging a fee based on account inactivity.

MS. WALSH: Will the sponsor yield for a few questions, please?

ACTING SPEAKER JONES: Mr. Abinanti?

MR. ABINANTI: Yes, Mr. Speaker, I would be glad to.

ACTING SPEAKER JONES: The sponsor will yield.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Abinanti. I do just have a few questions. So this bill has been around since 2003, and I guess my initial question is, why is this bill necessary?

MR. ABINANTI: This bill is necessary to make sure that there's a uniform practice. Many of the banks have now adopted this practice of notifying their customers before they impose a fee on a -- a silent account, on an account that -- that's been inactive for quite some time. Many people do not realize that they must keep their

accounts active. If they have a CD or if they have some kind of an escrow account or some account for one of their kids, they just put money in it and forget about it, they don't realize that they have to keep in contact with the bank and -- and make sure the bank knows that that account is still active. So this allows them 30 days to give that bank the notice that this account is still active, and if necessary, they could deposit a dollar in it or -- or whatever is necessary by that bank. But this also requires that the bank give sufficient information for the customer to be able to contact the bank. They have to give the name and -- and the full contact information of some representative so that that person who gets this notice knows how to respond.

MS. WALSH: And I actually like that part of the bill, because if my experience is anything like a lot of other people, you get into a -- a dialing problem where you're just, you know, constantly pushing buttons to try to reach a person that could answer your question. So I do like that part about the bill. You talked about one of the rationales is to have an even and consistent practice across the board. So this bill would apply to banks, trust companies, savings banks, savings and loan associations, credit unions, mortgage brokers, mortgage bankers or other investment entities where the headquarters is within or outside the State. Is -- that's correct, isn't it?

MR. ABINANTI: That's what the language of the bill is, yes.

MS. WALSH: Yes. So one -- one of my questions in reviewing this is that because of Federal preemption, I don't believe

that something like a Federal credit union is -- would be required to comply with this bill.

MR. ABINANTI: Unfortunately, you're probably correct. We would like the Federal institutions to follow our lead, and if we could find a way to require them to give the same consumer protections as we give through our banks we would do so. But this is designed to encompass any bank or other financial institution which is regulated by the State of New York no matter where they're headquartered.

MS. WALSH: So this does impose a mandate on -- on the banking industry, pretty much, except if you are a Federal credit union, you would not need to -- or a Federal banking institution, you would not need to follow this.

MR. ABINANTI: Right. Well, we're hopeful that they will follow -- that the Federals will follow this. And this is a very minimal cost, especially if you consider what happens if a person is unaware that there's a fee being imposed or that the account is going to become inactive. And then the person finds out, now they have to reactivate the account. It's a lot easier for the institution and probably a lot less expensive to notify the person in advance. Plus, this allows for electronic mail notification, which should be very easy.

MS. WALSH: Yeah. I think -- I think the way that maybe the Federal -- the way the Federal government had handled it was at the -- at the beginning, when the account -- whatever that kind of account is -- is started under the Federal Truth and Savings Act that

requires banks to maintain a schedule and provide notice of all charges, fees and penalties. So they do it at the beginning. I would imagine your position would be, yeah, but that could be some time ago and --

MR. ABINANTI: Right.

MS. WALSH: -- then people have forgotten. But they certainly, one way or the other, people were notified under Federal law that -- that these -- there was a fee schedule and this is what the fee schedule is.

MR. ABINANTI: Well, it's helpful to notify in advance, but people need a reminder. And -- and the banks could very easily set up a schedule of electronic mail so that 30 days before each account comes due, they can have that electronic mail go out to the customers. And we're hopeful that if -- if we pass this and it's already passed the other House, if it gets enacted, that maybe the Feds will get the idea that this is a -- a good thing to do and they'll add it to their regulations as well.

MS. WALSH: Thank you very much, Mr. Abinanti.

MR. ABINANTI: Thank you.

MS. WALSH: Mr. Speaker, on the bill.

ACTING SPEAKER JONES: Ms. Walsh on the bill.

MS. WALSH: So I do understand -- you know, sometimes old bills, you know, are -- are old for a reason. This one seems to -- you know, I mean, I understand where it's coming from. I understand what the bill is trying to do and I appreciate the sponsor

bringing it forward. I -- I do think, though, that people, consumers need to have some responsibility for knowing what the rules are. And here, we know that the Federal government in the -- in the Truth and Lending -- no, not the Truth in Lending Statement, the -- I'm sorry, the Federal Truth in Savings Act requires the promulgation of a fee schedule to people banking. And we also know that if the consumer doesn't like that fee schedule or that -- that schedule of penalties, they have every right to take their business down the road to some other place. But I think my -- my primary concern with the bill is really -- we -- we touched on it during debate -- is the applicability or the non-applicability to Federal institutions because of Federal preemption. So it doesn't seem fair to me to have a bill like this pass and have it affect only part of the industry and not the rest of the part. I think it ends up hurting -- it's hurting, like, State credit unions, for example, which could be maybe a little bit smaller and -- but are still very valuable and serving the community. Although the sponsor referred to it as being a -- a minimal burden, I think it is a burden still. And, you know, for those reasons I do have concerns with the bill.

Thank you very much, Mr. Speaker.

ACTING SPEAKER JONES: Thank you.

Read the last section.

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

ACTING SPEAKER JONES: The Clerk will record the vote on Calendar No. 442. This is a Party Vote. Any member wishing to be recorded as an exception to the Conference position is

reminded to contact the Majority or Minority Leader at the number previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference will be generally opposed to this. Those who wish to vote in the affirmative should contact the Minority Leader's office.

Thank you, sir.

ACTING SPEAKER JONES: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. This is Party vote in the affirmative. Colleagues wishing to vote negative should contact our offices. We'll be happy to take their vote and have it recorded.

Thank you.

ACTING SPEAKER JONES: Thank you.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following Minority members in the affirmative: Mr. DeStefano, Mr. Kolb and Ms. Malliotakis.

Thank you, sir.

ACTING SPEAKER JONES: So noted, Mr. Goodell.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09763-A, Calendar No. 471, Hyndman, Cook, Perry, Vanel. An act to amend the Insurance Law, in relation to establishing the For-Hire Motor Vehicle Safety Program.

ACTING SPEAKER JONES: Ms. Hyndman, an explanation has been requested.

MS. HYNDMAN: Okay. This bill would permit associations representing for-hire motor vehicles to establish and implement comprehensive educational programs to promote for-hire motor vehicle safety. Completion of such programs would result in an actuarially-appropriate premium -- premium rate reduction.

ACTING SPEAKER JONES: Mr. Garbarino.

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

ACTING SPEAKER JONES: Will the sponsor yield?

MS. HYNDMAN: For you, yes.

MR. GARBARINO: Aw, thank you very much.

ACTING SPEAKER JONES: The sponsor yields.

MS. HYNDMAN: I'm gonna miss you.

MR. GARBARINO: I'm being treated so well today. This is nice. I should leave all the time.

(Laughter)

Ms. Hyndman, I just have a couple of questions.

Who -- so who creates this -- this class?

MS. HYNDMAN: The association.

MR. GARBARINO: Okay. And now is the -- is the class -- does it have to be approved by anybody or does it -- or do they just make it?

MS. HYNDMAN: The Superintendent of the Department of -- DFS has to approve it.

MR. GARBARINO: Okay, so the Superintendent reviews the class that's -- that's -- that's created and the Superintendent comes up with a discount?

MS. HYNDMAN: Yes, the Superintendent approves the discount.

MR. GARBARINO: Who comes up with the discount and how much it is?

MS. HYNDMAN: The insurers do. The insurance companies.

MR. GARBARINO: The insurers.

MS. HYNDMAN: Yes.

MR. GARBARINO: Now, what is the discount based on?

MS. HYNDMAN: They have to have taken the -- well, they have -- the drivers would have to have taken the course that the association -- that DFS approves, and then the -- they would get the discount.

MR. GARBARINO: Okay. And the amount is based

on -- who determines the amount of this was my question. I'm sorry.

MS. HYNDMAN: The -- the policy --

(Pause)

So, the insurance company determines what the actual discount would be. That would -- we don't have that number yet.

MR. GARBARINO: Okay. Okay. It would vary.

All right. Now, I was reading through the legislation and it talks about what has to be in the test and that the Superintendent approves the test, I guess. It doesn't -- it doesn't who's required to take the test. Is it -- is it -- does every driver have to take the test?

MS. HYNDMAN: If they want to -- yeah, if -- if they want the discount then they'll take the test. So it's not mandatory, it's not mandated. The individual drivers can opt to take it, just like as an individual I opt for the defensive driver test for the discount. So, it's up to the driver if they would want to take the -- the course.

MR. GARBARINO: I -- I understand that. And then for us it's -- you know, it's easy to do it because we take the course, it travels with us to whatever car we're -- we're driving. But, you know, a -- a for-hire driver might be one of ten that works for a company, and the -- the bus -- the bus is, I think, what you're basing this on -- the buses might be owned by a company, they have ten drivers. For the company to get the discount for its insurance policy, does every driver have to take the test, or if one driver takes the test is that enough? It doesn't seem to have it in the bill.

MS. HYNDMAN: Yeah, I understand your question. There was more specific to the commuter van drivers. And the commuter van drivers own their own van, which is obviously for eight passengers or more, and this was more directed towards them. Yes, it would benefit some ambulette and bus companies who have, unfortunately, due to COVID and the change in the law, unfortunately are no longer in operation. But for the ones that are existing, this is more specific to commuter vans. I -- so it would be -- for those -- for those who work for bus companies, they would -- the individual would take it and have the certificate and give that to their association.

MR. GARBARINO: But I'm -- but the individual -- what I'm saying is, say there's, you know, one company has ten -- ten buses that fall under this, or ten vehicles that fall under the definition, my question is, do all of the drivers for those vehicles, for the -- for the company to get the discount on its policy, do all of them have to take the test? Do just part of them have to take the test? If one of them leaves in the middle -- in the middle of the year, does the policy rate go up? I'm just -- are these --

MS. HYNDMAN: So, this legislation doesn't determine that. The Superintendent for DFS would determine exactly what that would look like.

MR. GARBARINO: Okay, so the -- the regulations -- the Superintendent would come up with regulations that would determine --

MS. HYNDMAN: If it was each driver or the

association would have a blanket, yeah.

MR. GARBARINO: Okay. All right. Very -- thank you very much, Ms. Hyndman. I appreciate the answers.

On the bill.

ACTING SPEAKER JONES: On the bill.

MR. GARBARINO: Mr. Speaker, this -- the increase in insurance rates on these companies is due to the limousine accident that happened in Upstate New York several years ago, and the policies that we changed in last year's budget increasing the limits, the policy limits for these types of vehicles. This -- you know, with those increased policy -- policy limits, the insurance rates went up, which has started to hurt some of the owners of these companies. Now they're proposing -- this bill proposes to create a class, a safety class that it doesn't seem that there's any -- there's no connection as to whether or not it will actually make the driver safer. There doesn't seem to be any proof or connection or any other state, I think, that does this. And I'm concerned because we're now -- we -- we increase the limits, which increase the rates, but now we're going to use this safety test that might actually not be -- might -- that might not actually make things safer. And that -- that's concerning to me. I'm also concerned about, you know, how it's going to apply to the companies that have one or more driver -- or have more than one driver and more than one vehicle. I, you know, I'd have to -- I guess it's going to be addressing regulations, as the sponsor said. But that also concerned me because it wasn't clear in the legislation. I understand the intent

and the -- and how important these for-driver [sic] vans are in the City. Maybe a -- a more specific targeted legislation would -- specifically targeting those would have been helpful here because I think this is going to take in a lot more companies and vehicles than maybe the sponsor intended. I -- I like the idea of the bill, but for the reasons I've stated, I -- I can't support it and I encourage my colleagues also to vote no.

Thank you.

ACTING SPEAKER JONES: Thank you, Mr. Garbarino.

Ms. Hyndman.

MS. HYNDMAN: On the bill, Mr. Speaker.

ACTING SPEAKER JONES: On the bill.

MS. HYNDMAN: So to my colleague's concern, there are -- we tried to assist the commuter van industry with one bill but apparently there are more bills that are coming. So I want to allay the concerns of my colleague. So, commuter van drivers in the City of New York have to have a classification of a CDL license, Class C. They have to have an optical certification. They have to belong to a base. They have to have a medical every two years. They have to take a defensive driver's course. In New York City they have to apply for a hack license from the TLC. They're fingerprinted. They have to have background checks from the City and the State. And driving in New York City, as you know, can be a challenge for some people. So with all of these -- with all of these classifications that the commuter

van drivers have to take, this course would just enhance their ability to make sure that the passengers that they take in New York City, particularly in Queens and Brooklyn, are safe. The commuter vans that are affectionately known in our communities as "dollar van" drivers, and a lot of them are from the West Indies, from the Caribbean. And they have supplanted in some cases the bus systems that exist. And only they've been able to grow because of delayed buses or no buses at all. So this industry of entrepreneurs has grown in New York City. They -- a lot of my constituents have relied on them to get back and forth to the subway station every morning because in my community there's no subway station. You have to take a bus, and if the buses don't come, you take what's known as the dollar van.

And so I'd like to thank Program and Counsel for their -- for their help in getting this legislation and more legislation to come. I'd like to really thank them for working with me on this bill. I'd also like to thank Mr. Hector Ricketts, who's also a constituent of mine, who works really hard to make sure that the commuter vans are recognized as a viable source of transportation in the City and the State of New York, and the amount of qualifications they have to go through to be a licensed commuter van driver. I stress that word "licensed" because we know of the impact of some of the unlicensed vehicles who don't do any of this and still are able to transport individuals. So this is also making sure that they're in compliance, and will continue to drive safely in the City of New York, particularly

in the 29th Assembly District.

Thank you, Mr. Speaker. I will be voting no [sic] and I encourage my colleagues to do the same.

I'm voting yes. Sorry.

ACTING SPEAKER JONES: I think you're in the affirmative, Ms. Hyndman.

(Laughter)

MS. HYNDMAN: I am. Excuse me.

ACTING SPEAKER JONES: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER JONES: The Clerk will record the vote on Calendar No. 471. This is a Party vote. Any member wishing to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the number previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this bill. Those who wish to support it should contact the Minority Leader's office so we can properly record your vote.

Thank you very much, sir.

ACTING SPEAKER JONES: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. This will be a Party vote in the affirmative. We are asking

colleagues who desire to vote in the negative, they should contact our offices and we'll be happy to record your vote.

Thank you.

ACTING SPEAKER JONES: Thank you.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. The insurance industry engages in very sophisticated and comprehensive risk analysis in determining what their insurance rates should be for different vehicles. And so they track very carefully what kind of losses they get for which type of vehicles and which type of drivers so that they can properly price the premium. And as we've seen with multiple ads, there's a number of ways they try to get a competitive advantage by offering lower premiums. Whether it's the Allstate Safe Driver Program, for example, where there's an app, apparently, that results in a reduced premium for safe drivers which is based on actuarial studies. Or whether it's Liberty, that writes only what you need, or whether it's Geico you give them a call and 15 minutes later you'll find out how you fare. But it's a very sophisticated process. It is a sophisticated process that we do not engage in here in the Legislature. We neither have the data nor the ability nor the expertise to do that type of sophisticated accounting and rate setting. And that's why we should be very hesitant about passing legislation that mandates a reduction in insurance premiums that is not actuarially based. Because if you take one group of insureds and require

insurance companies to provide a lower insurance rate to them that's not actuarially based, then they have no choice but to raise the rates for everyone else. And we should not use the insurance companies as a way of collecting money from some people to pay for higher risks that are incurred by others.

For that reason, I'll be opposing it. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record Mr. Crouch in the affirmative on the legislation. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

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 our next items on our debate list, we're going to go to Rules Report No. 153 by Ms. Paulin, No. 154 by Mr. Pichardo, No. 159 by Mr. O'Donnell and No. 170 by Ms. Hunter.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A01193-C, Rules Report No. 153, Paulin, Cook, Cymbrowitz, Abinanti, Gunther, Weprin, Hevesi, Ryan, Stirpe, Buchwald, DiPietro, Brabenec, Blake, Fahy, Ortiz, Colton, Norris, Barrett, Pheffer Amato, Dinowitz, Lalor,

Zebrowski, Steck, Hunter, Bronson, Solages, Peoples-Stokes, De La Rosa, B. Miller, Garbarino, Morinello, Fitzpatrick, Dickens, Magnarelli, Pichardo, Santabarbara, Giglio, D. Rosenthal, Kim, Rodriguez, Abbate, Jones, Arroyo, Vanel, McDonough, Aubry, L. Rosenthal, Englebright, Lavine, D'Urso, Jaffee, Joyner, Seawright, M. L. Miller, Fernandez, Fall, Burke, Reilly, Reyes, Salka, Wallace, Jacobson, Jean-Pierre, Mosley, Manktelow, Taylor, Benedetto, Stern, Griffin, Buttenschon, Malliotakis, Eichenstein, Lupardo, Woerner.

An act to amend the Education Law, in relation to the use of oral medications by optometrists.

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

MS. PAULIN: Yes. This bill authorizes licensed optometrists to receive certification to prescribe certain oral medications; ten of them.

ACTING SPEAKER AUBRY: Mr. -- Mr. Ra.

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

MS. PAULIN: Sure.

ACTING SPEAKER AUBRY: Ms. Paulin yields.

MR. RA: Thank you. As I mentioned the other day when -- when this went through Ways and Means, many of us, I'm sure none more than you, but many of us who have served on the Higher Ed Committee at some point over the years are very familiar with this issue, and probably have had countless meetings and

conversations with both the ophthalmologists and the optometrists about the issue. So, I just wanted to go through a little bit, because I know there have been different iterations of this bill over the years, different requirements on optometrists that will allow them to prescribe. So, I want to start there, though. Currently in New York State, optometrists are solely allowed to prescribe drops and things of that nature; is that correct?

MS. PAULIN: Topical.

MR. RA: Topical. And this would allow them to prescribe oral medication?

MS. PAULIN: Yes.

MR. RA: Okay. Now, you know, looking through, I know that, you know, throughout the United States I've seen, I guess, statistics that it's us and Massachusetts that have this level of limitation on the optometrists, but I think it varies throughout the country how, you know, what types of medications optometrists are able to administer. Under this, how -- how, you know, how is that going to be determined, what they can and can't prescribe? Can they prescribe a full compliment of -- of medications for -- for eye diseases and disorders and -- and ailments, or is it limited to certain classes or certain types of issues?

MS. PAULIN: Yes, it's -- it's limited. It's limited in the law. It's very prescriptive as far as what can be prescribed by or administered by the optometrist. It's -- it's outlined explicitly in the law.

MR. RA: Okay. Do you -- with the passage of this, if this were to be enacted into law, I mean, would that take us on par with a lot of other states, more, you know, or would we be given bigger -- more permissions, I guess, to optometrists than most states do?

MS. PAULIN: All but one state allows for orals to be administered by optometrists besides us, so there's two outliers. And it doesn't take us as far as most other states, but it certainly puts us much closer in line with some. We still would not be one of those states that I would describe as very liberal in terms of administering orals, but it allows some of the very basic orals to be administered by the optometrists in New York.

MR. RA: Okay. And if we can just go through, you know, a few items as, you know, you're very aware one of the -- or several of the concerns that have been raised with this deal with the training involved, you know, and I think we -- we see this on any type of scope of practice, you know, related bill, different professions, licensed professionals, you know, go through different levels of education, different levels of clinical training and are, as a result, permitted to do certain types of work or not permitted to do certain types of work.

So, you know, one of the objections that has been raised with this was that a previous -- a previous version basically required a -- a level of somewhat comparable training to what an ophthalmologist would go through before allowing the optometrist to

-- to prescribe the oral medications. What is the training requirement under this version of the bill?

MS. PAULIN: I'm so glad you asked that question. So, an optometrist has four years of schooling, and an optometrist's schooling on pharmaceuticals, on drugs is almost identical to what an ophthalmologist gets in school; in fact, very many of the same -- we have a very, very prestigious school right in New York City and the same professors that teach ophthalmologists at some of the medical schools are the same ones that teach the optometrists at the optometry school. So, the level of education coming out of school is very similar. In terms of continuing education, you know, New York State doesn't require an ophthalmologist to have any continuing education. They may get continuing education as part of the requirement to be admitted to a hospital, but New York State, unlike most states, doesn't require continuing education. I have another bill on that.

The optometrist, however, does already have continuing education for 36 hours, and this would add another 18 that would be specific to -- to this issue, to administering orals. So, I would argue that the current bill, as outlined, actually has much more education involved in administering an oral than an ophthalmologist would have. The ophthalmologist would get their continuing education, so-to-speak, from drug -- from those who are trying to sell them drugs. This would be much more objective in it's -- and pure in it's -- in it's -- in it's continuing education mode.

MR. RA: Okay. And so, that is, I guess, an

optometrist then would do that specific 18 hours, you know, at whatever point, whether, you know, it's coming out of school and they're new or maybe they've been practicing for years, so they would do that one time and then they would basically, I don't know how you -- how you would consider it, but I guess they have that now new bit of ability to prescribe the oral medication once they've completed that course?

MS. PAULIN: So, an optometrist has 36 required continuing education credits annually, and this would add 18 that they would have to do if they chose to -- to get a certificate in, you know, in administering orals. It would be a separate certificate that they would be required by New York State -- State Education Department that they would ask for that they would be allowed to get if they graduated in 2021 and beyond. Before that, they would have to take a course, 40 hour course and then they would have to take a test, and then, if passed, they would get a certificate and then they would be obligated to maintain their certificate by taking the continuing education classes.

MR. RA: Okay. And I'm sure you're aware, one of the other things that has been brought up is that under a previous version, there was this kind of oversight committee that would've been housed within the State Education Department that -- that essentially would've, in the, I guess infancy of -- of this new ability for optometrists to prescribe orals would've been tasked with, kind of, you know, reviewing what -- what those professionals were prescribing for

and -- and gathering some information. What -- what's the reason for that no longer being part of the bill?

MS. PAULIN: Well, it was, as you say, it was agreed to by both professions, but remember -- you know, we have to remember that the State Education Department has oversight over the professions, and when we gave that section to them they felt that it was extraordinarily expensive and unnecessary to have that review, that they were very capable of doing the review, that the review was not going to be done in a timely way. There was going to be a 90-day lag, so that -- it made no sense, that it wouldn't add to the oversight of the profession and would only add to the expense of SED at a time, frankly, where we can't afford to add additional cost to that Department, considering all that's happening with education and the problems that we're facing with COVID and et cetera.

MR. RA: Okay. Now, so the oversight that's still there and, obviously, you know, the Department of Education, like you said, oversees, you know, many of these -- these licensed professionals. Is there any requirement though, now, in terms of, you know, gathering that data over time of what is being prescribed, what type of ailments people are seeing optometrists for so that, you know, as we go into the future if we were to need to reevaluate what, you know, an optometrist can prescribe for or not prescribe for, is there oversight to collect that data under the current version of the bill?

MS. PAULIN: Well, I would argue that, you know, because of the cooperative relationship between optometrists and

ophthalmologists in the general world and the limited -- the limited nature of the drugs that we're talking about, particularly as it relates to glaucoma, which is only a 24-hours and, you know, that the oversight somewhat comes from the practice like it does for other professions, and I would also say that SED takes their oversight responsibility very seriously, as they do for all of the professions, and whatever mechanism they use, I would have confidence in.

MR. RA: Okay. And I think the last thing I wanted to just ask about, you know, I'm well-aware that one of the, you know, arguments and I think reasons that you've worked on this bill for many year is -- is access and that, perhaps, there are, you know, places in this State that would benefit from optometrists having this ability, because maybe there's not a ton of ophthalmologists in -- in those areas and, certainly, you know, we all know that there are any number of -- of health issues that can originate with the eye and, you know, spread -- spread elsewhere and cause other health concerns. Is there any requirements here in terms of, you know, the duration of that type treatment for an optometrist to -- to, you know, refer in the future to an ophthalmologist or, you know, treat for some limited amount of time, or is it kind of open-ended in that regard?

MS. PAULIN: Well, you know, I would say that, you know, everywhere in this State this bill is going to have a beneficial impact for -- for clients and for patients. And the reason that is is because, you know, ophthalmologists don't typically work on the weekends and, you know, if an optometrist saw, for example,

someone that had glaucoma, which you can go blind for -- go blind from, they would have an ability on a 24-hour basis to -- to help that patient get to an appropriate ophthalmologist and -- and it would facilitate perhaps a much better outcome for that patient. So, I wouldn't suggest that it's only because of scarcity from ophthalmologists. I would say part of the scarcity is the limited hours of the nature of MDs, you know, just generally. Because if someone with an eye issue - I was just speaking to an optometrist a few days ago - someone with an eye issue, a serious eye issue like we're talking about needs instant or immediate medical care, the optometrist seeing that doesn't have an ability to do anything but send them to an emergency room. And those emergency room doctors don't really know about much about the eye. So, it's a real problem now and outcomes are in jeopardy. This will benefit every single patient in -- in New York State because of the short -- the short ability that, you know, we're not giving them an extensive ability. We're giving them a very limited ability to solve issues like pink eye. You know, do you really want to tell someone that they have to not touch and itch for, you know, for two days before they can see an ophthalmologist? I don't think so. I think this is much better. And do we really want to tell someone that has glaucoma that you have the potential of going blind, go to the emergency room and hope that they're going to be able to find an ophthalmologist to come see you? I don't think so.

So, I think that, you know, we're talking about very limited amount of drugs, very limited; ten drugs, ten oral medications.

And they are very, very limited in what they can do in terms of the nature of that and the hours that they can prescribe for. So, I just think overall this is going to be such a positive outcome for everybody in New York State regardless of where they live.

MR. RA: Thank you very much.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: I know my -- my time is short, but I thank Ms. Paulin for her taking the time to answer my questions. As I said, having had the opportunity to serve on the Higher Education Committee, I think before I got here and before I served on that Committee, you know, I thought that Committee was all going -- be all about colleges and universities, and then I found out we dealt quite a lot with licensed professions. And I started to learn about all these scope of practice issues and many of you, you know, we get visited during the legislative Session. I know like one group gives out this wheel that shows all the different training the different medical professionals go through. So, I think that is paramount here is making sure the training is there when somebody is prescribing oral medications, and that is my concern with this piece of legislation today. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Magnarelli.

(Pause)

Read the last section.

THE CLERK: This act shall take effect in 540 days.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar -- on Rules Report No. 153. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker, to explain my vote. I've never particularly liked the bill. I have felt that the claim of sufficient training for medications that are systemic - once you ingest something it's no longer topical - that there are interactions that could occur, that an optometrist is not the person who should give somebody any one of these medications. I understand the issue of access and I'm sensitive to that, but I do think that if somebody is going to have something that could interact with medications that they are already taking, an optometrist is not the person who is best situated to make those determinations. And so, I withdraw my request and vote in the negative.

ACTING SPEAKER AUBRY: Ms. Glick in the negative.

Mr. Montesano to explain his vote.

MR. MONTESANO: Thank you, Mr. Speaker. I just want to echo the comments of my colleagues and our colleague from Manhattan. While I understand the -- the work that's done by

optometrists, especially in today's time and their education has changed a little bit, they still don't have that training in pharmacology and in medicine. And the position for many of the ophthalmologists is, is that if someone is going to an optometrist and has certain eye diseases and conditions that require the -- the prescribing of these types of oral medications that they want to give, it's indicative of serious problems that an optometrist shouldn't be treating to begin with; they should be treated by an ophthalmologist. So, for that reason I will be voting in the negative on this bill. Thank you.

ACTING SPEAKER AUBRY: Mr. Montesano in the negative.

Mr. Fitzpatrick to explain his vote.

MR. FITZPATRICK: Thank you, Mr. Speaker.

Thank you, Mr. Speaker. The -- one of the -- one of the issues that I did not hear any discussion of during this debate is the fact that are 15 counties, as I understand, that do not have ophthalmologists or ophthalmology services available to their residents. So, I think this bill is a reasonable compromise. I know when I talked to my own ophthalmologist, he gets very passionate about these issues and believes optometrists do not have the training, the practice or to -- to expand their scope; however, he has an optometrist on his staff. So, I think, you know, those of us who live Downstate in New York City and have easy access to an ophthalmologist would certainly go to an ophthalmologist before we go to an optometrist. But if you live in a rural county where you don't have an ophthalmologist available and

you do have an emergency or a situation that needs immediate attention, an optometrist can provide that link or that bridge until you can get to a doctor or an ophthalmologist. So, I think it's reasonable and I'm happy to support it. Thank you.

ACTING SPEAKER AUBRY: Mr. Fitzpatrick in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Would you please record the following Republican members in the negative on this legislation: Mr. Byrne, Mr. DeStefano, Ms. Miller, Mr. Montesano, Mr. Smith, Mr. Garbarino, Mr. McDonough, Mr. DiPietro and Ms. Byrnes. Thank you, sir.

ACTING SPEAKER AUBRY: So noted, thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could please record our colleagues, Ms. Glick, who I think you already have, Ms. McMahon and Mrs. Gunther in the negative on this bill.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02277, Rules Report No. 154, Pichardo, Sayegh, Arroyo, Reyes. An act to amend the

Workers' Compensation Law, in relation to extending Paid Family Leave benefits.

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

MR. PICHARDO: Certainly, Mr. Speaker, and happy to do so. This bill, what it does, it extends Paid Family Leave benefits to employees who perform construction, demolition, reconstruction, excavation, rehabilitation, repairs, renovations, alterations or improvements for multiple employers pursuant to a protected -- to a collective bargaining agreement who shall be eligible for Family Leave Benefits if they're employed for at least 26 of the last 39 weeks by any covered employer, which is a signatory to a collective bargaining agreement.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

ACTING SPEAKER AUBRY: Do you yield, Mr. Pichardo.

MR. PICHARDO: Happy to do so, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Mr. Pichardo. As I understand this language, a -- an employee that might work for multiple different companies --

MR. PICHARDO: Sure.

MR. GOODELL: -- construction companies might

work for one for two weeks and another one for another three or four weeks and go back and forth depending on where the construction work is, and your concern, as I understand it, is they might be working continuously for 26 weeks, which if they were working for a single employer would make them eligible for Paid Family Leave, but because of working for multiple employers, they never get to that threshold; is that really the thrust of this bill?

MR. PICHARDO: Yeah, pretty much. And, again, it -- it deals with the -- the idea of consecutive, right, because especially in the context that we see ourselves today with COVID-19, stay at home orders, excuse me, halting construction projects not only here in New York State, but across the country, it's becoming more and more difficult for folks within this industry to access these type of benefits. So, creating this change in the law, one, it helps these families stay afloat, especially if they -- the head of household or whoever works within this industry, but also making sure that people who deserve to have this benefit actually have access to this benefit and kind of remove a kind of a nuance or a technicality in the -- in the current law.

MR. GOODELL: Now under current law, the Paid Family Leave program can, at the option of the employer, be paid either by the employer as an additional benefit or the cost of the insurance policy can be charged back to the employee, correct?

MR. PICHARDO: Well, right now there's really -- how we dealt with Paid Family Leave in the State of New York, we did it through a small payroll deduction, as you mentioned, through an

employee, just to make sure that it's not an added burden to employers, but, more importantly, giving folks a flexibility to be able to pay into this program so it doesn't cost people more money than is necessary.

MR. GOODELL: So with that in mind, in the background, the question I had really relates to the practicality of this.

MR. PICHARDO: Mm-hmm.

MR. GOODELL: Employers can purchase this insurance coverage through different options, right, you can get Paid Family Leave through different companies. And those companies can be entirely separate and distinct from each other. The employers can be entirely separate and distinct from each other.

MR. PICHARDO: Sure.

MR. GOODELL: So if you have an employee who, for six months, has worked for eight different employers that may have four or five different insurance companies, how do they allocate the benefits among all the companies? Is there any existing mechanism to track that employment between multiple employers or to allocate the cost between multiple -- potentially multiple insurers?

MR. PICHARDO: Sure. So, in order to deal with that specific issue, the bill speaks to the idea of the collective bargaining agreement that is these employers and employees buy into and negotiate. So, again, it's subject to the collective bargaining agreement between these two parties in order to figure out basically who is - I don't want to say holding the bag, but basically how the

State or the employers sort of carve this or dole this out.

MR. GOODELL: Well, you -- you envision, though, that you could have multiple different collective bargaining agreements?

MR. PICHARDO: Well, there's -- let's say a labor union, for example, may have the same bargaining agreement across different companies and different work sites, right, so, for example. And let's say an employee or a construction worker is working on job site A for, let's say for myself, or job site B for yourself, let's say, for example and, you know, we are still contracted or working with these labor unions, for example, and it would be subject to that. Again, it's -- it's -- we're trying to -- the idea of this is to make sure that we deal with the issue of consecutive work or consecutive weeks, especially now because it's so fluid, we're not sort of -- it's not a stable situation, per se, Mr. Goodell, and what we're trying to do is solve this issue of consecutive work and folks who genuinely have worked these weeks can actually access these benefits that they're entitled to, but, more importantly, it helps them get through a very difficult time that all of us, as New Yorkers, are -- are going through, as well as Americans across this nation.

MR. GOODELL: One other question I think.

MR. PICHARDO: Sure.

MR. GOODELL: This language in this bill only applies to construction workers who are covered by collective bargaining agreement, correct?

MR. PICHARDO: That's correct, sir.

MR. GOODELL: So -- why? I meant that in my first question, I improperly phrased my last question. Why does this only apply to collective bargaining agreements?

MR. PICHARDO: So, this is sort of the -- the -- I guess the most straightforward way that we can sort of figure this out. I'm more than happy to have conversation with either -- with you, Mr. Goodell, or any of my colleagues, to try if we can kind of increase this benefit for other individuals, but this is sort of the way that we were able to deal with this problem in the here and now, especially, again, in the context that we find ourselves in the middle of a global pandemic.

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

MR. PICHARDO: My pleasure, sir.

MR. GOODELL: On the bill, sir.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: I --I understand the situation that is trying to be addressed by this legislation, and I support the concept because, presumably, if an employee is working for a particular company on day one, that company is making the insurance payment for that employee. So, in theory, the employees, if it's funded through a payroll deduction plan, are paying for this benefit. And if they work that time period, they ought to be able to get that benefit.

The challenge that I wrestle with, and I appreciate my

colleague's comments, is how do we actually make it work? Because there could be multiple insurance companies, multiple collective bargaining agreements, and we don't have a central clearinghouse that I'm aware of that would actually make it work. And that's the biggest challenge I see with this bill.

I note that some of the contractor's associations, NFIB, Unshackle Upstate, The Business Council have opposed it, but I don't really see this as imposing a new cost on business, because that payroll option is always there and has been from the beginning. I'm just not sure how this will work. And -- but I just don't know. So, I appreciate the comments from my colleagues and if this becomes law, I hope we figure out how to make it work. 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 on Rules Report No. 154. This is a Party vote. Any member that is an exception to the Conference position is reminded to contact the Majority or Minority Leader at the number previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. This will be the Republican Conference generally in the Minority, and if you wish to vote for this bill, please contact the Minority Leader's office. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you very much.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Majority Conference will be doing a Party vote in the affirmative. Should colleagues decide not to support this piece of legislation, they should feel free to contact our office and we will make sure they are recorded as such. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir. You know, I was so taken by the explanation of my colleague, I suggested that my Caucus was supporting this, but in the past we had 36 no's, and so I suspect that the majority of my Caucus will actually be voting no on this bill. But if you would like to vote yes, please contact the Minority office, and my apologies to all of our staff who may be getting calls from everyone.

(Laughter)

But if you want to vote yes, please contact the Minority office, otherwise we will cast your vote in the negative. Thank you, sir.

ACTING SPEAKER AUBRY: Certainly. Thank you.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. In an effort to move this forward, please record the follow Republican members in the affirmative: Mr. Miller, Mr. Schmitt, Mr. Morinello, Mr.

DeStefano, Mr. Reilly and Mr. Brabenec. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04962-A, Rules Report No. 159, O'Donnell, Bronson, De La Rosa, Cruz, Fernandez, D. Rosenthal, Jacobson. An act to amend the Insurance Law, in relation to requiring insurance coverage for pre-exposure prophylaxis and post-exposure prophylaxis to prevent HIV infection.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. O'Donnell.

MR. O'DONNELL: Good evening everyone, and welcome. This bill would provide that insurance companies that provide a prescription plan are required to cover the cost of PEP and PrEP, which are HIV prevention drugs.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

ACTING SPEAKER AUBRY: Mr. O'Donnell, will you yield?

MR. O'DONNELL: With pleasure.

ACTING SPEAKER AUBRY: Mr. O'Donnell yields.

MR. GOODELL: Thank you, Mr. O'Donnell. Do

you have a cost estimate for what this may likely cost?

MR. O'DONNELL: I have absolutely no idea what the current cost of these prescription medications are. As I'm sure you're well-aware, once they become available as generics, they go severely down. There's only one thing I know for certain, it's much less expensive to give someone PEP or PrEP than to treat someone with AIDS for the rest of their life.

MR. GOODELL: And I appreciate that, because the only concern that I have heard is that the insurance companies are concerned that as we continually add additional mandates, it's driving up the cost of insurance and, as you know, that's a concern for all of us. Do you have any sense of what impact this might have at all?

MR. O'DONNELL: Well, I would like to correct your language. This is not a mandate. The Affordable Care Act clearly makes it that this must be the case in Article 62 of the Insurance Law prohibits discrimination based on the nature of the illness. And so, it's not a mandate. It exists in Federal and State law, we just don't want insurance companies to choose to try to get out of that cost. You know, Ms. Glick and I have been fighting for people with HIV and AIDS for a very long time. I owe her a great debt. People with AIDS and HIV have been treated with great disrespect and great disdain, and here we are finally in 2020 where we have a cure for it, a preventative cure for it, and now we have to continue to fight to make sure that our insurance providers do what they're supposed to do, which is help people save lives.

MR. GOODELL: Thank you very much, Mr. O'Donnell. I appreciate your comments.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 159. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

And Mr. O'Donnell to explain his vote.

MR. O'DONNELL: Thank you very much. I would like to briefly explain my vote to take this time to thank my Speaker and my Majority Leader and the staff for allowing to work with me on this very important issue. People who are LGBT have been discriminated against in our country for a very long time. We've been treated rudely and disrespectfully, and this very day, another trans woman of color is most likely to be murdered. In the end, we fought hard to get to where we are and we cannot stop the fight now. We have a path and a mechanism to prevent the transmission of HIV. We have to make sure that insurance companies do right by the people of the State of New York.

Just imagine where we are in the middle of a pandemic if the insurance company said, *Yeah, we have a cure for COVID, but I don't think I should have to pay for it.* That's not just the way it is, that's not the way it should be and I think it's time we

end that kind of hostile treatment of all of us regarding our health care. Thank you very much.

ACTING SPEAKER AUBRY: Mr. O'Donnell in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07463-B, Rules Report No. 170, Hunter, Sayegh, Darling, D'Urso, Cruz, Taylor, Gottfried, Simon, Epstein, Niou, Jean-Pierre, Blake, Barron, Jaffee, Seawright, Glick, Frontus, Weprin, Bronson, Magnarelli, Zebrowski, Steck, Fahy, Perry, Mosley, O'Donnell, Eichenstein, Dickens, Rodriguez, Williams, Arroyo, Colton, Walczyk, Hyndman, Davila, Pichardo, L. Rosenthal, Reyes, Lavine, Ortiz, Quart, Lupardo. An act to amend the Vehicle and Traffic Law, in relation to the suspension of a license to drive a motor vehicle or motorcycle.

ACTING SPEAKER AUBRY: Mr. Palumbo on the bill.

MR. PALUMBO: Thank you, Mr. Speaker. This bill that we addressed last year in the Codes Committee at a very late hour in June raised some very, very significant concerns to not only my Conference, but many members of the Majority Conference voted with us, and there were some real concerns that -- and then some portions of it that we felt were unnecessary. So, it's been amended and, unfortunately, it has not addressed some of these really

significant concerns that I'd like to highlight and bring to my colleagues' attention when they're considering a vote on this.

What it initially does is within three months it vacates every suspension for -- on driver's licenses for anyone whose ever had a suspension for failing to appear in court or failing to pay a fine and, really, was the gist of our debate. And I think what's important to highlight now is that I don't think anyone has an objection to creating a payment plan policy for those folks who cannot afford to pay their fine, because it seems counterintuitive to take their driver's license when they wouldn't be able to work and suspended them -- their license if they can't pay a fine, and there would be a lot of scheduling fines and mandatory fines in our Vehicle and Traffic Law; however, it doesn't cost anything to come to court. And although it's an inconvenience, if you don't show up in court, the sanction of losing your license is a very effective tool to get those fines paid. For example, we suspend driver's licenses when someone fails to pay child support. That's what the law is in New York, and it's a smart thing. It's an incentive that you will really have a tough time in life if you don't meet your obligations.

And just by way of example, all of those fines and suspensions - not only just the fines, but the -- there's a suspension termination fee that's collected. In a 2010 State Comptroller's report that in 2009, 49 percent of justice court revenues around the State, worth nearly \$120 million was directed to local governments and was a result of those fines and suspensions that were received Statewide.

So, not only are we just giving a blank vacatur of all of these convictions and suspensions and fines, but we're also now depriving a ton of money to our local governments. So, that's really something that I think is somewhat ill-advised.

We also have a provision in this bill allowing courts, at their own discretion, to waive anything relative to a Vehicle and Traffic offense, which also includes Driving While Intoxicated. So, if someone is incarcerated and obviously has several -- has a terrible driving history and is in and out of jail for many years regarding Driving While Intoxicated convictions, they get out of jail, they get another DWI, injuries, whatever it may be, there are mandatory fines, the court can waive those instead of just implementing a -- an installment plan and a payment plan.

So, now that leads us to other aspects just generally of this bill that completely prohibits a court from imposing any future suspensions as a result of failing to appear and failing to pay a fine. Now, again, the laudable intent is to create a payment plan so those folks, and I think it's \$10 a month. So, for example, on a DWI, if the fine schedule is usually between say \$500 and \$1,500, so someone who will have \$1,000 fine, they'll have 100 months to pay it off, pretty reasonable, and still keep their license.

But, again, this failure to appear in court is the real wrinkle, and let me explain to you why. If I'm driving and I'm tearing up the roads and I get a speeding ticket, and I throw the speeding ticket out the window. This Legislature, about 35 years ago, created

the Aggravated Unlicensed Operation Statute. If you throw the speeding ticket out the window, you fail to appear, you get a suspension on your license. If you get three suspensions on three separate days for just throwing the tickets out the window, it actually become a misdemeanor. If you get ten, it becomes a Class E felony under the Vehicle and Traffic Law, the Aggravated Unlicensed Operation Statute. That no longer exists. We have just repealed, by passing this and making it become law, the Aggravated Unlicensed Operation Statue. It's gone. Now, you could have 50, quote, "tickets" and "default judgments", which you can still get under this, it's civil in nature only. You cannot impose a jail sentence according to this bill and, on my 110th -- and, by the way, when I was a prosecutor, I had some of these felony 511s where people would have on 50, 60 days tickets that they would just throw out the window and forget about it and, eventually, get arrested and would have to deal with it at that point.

So, again, payment plan is laudable and appropriate, but on my 45th speeding ticket, accidents, whatever I've done, DWI convictions, however terrible my driving record is, you still can't suspend my driver's license, because you're not allowed to for failing to appear, which is throwing the ticket out the window. So, my colleagues, I understand that this is something that a portion of it is certainly reasonable, and I think we would all agree that that is fairness, that the statistics have shown that people obviously who are economically or financially disadvantaged suffer greatly in the

criminal justice system, and a lot of it has to do with fines. And if they can't pay a fine and they lose their license as a result, they obviously now can't legally drive to work. So, it's a compounding, terrible problem. So, this is not something that we're insensitive to, but this bill goes far beyond the reasonableness standard and appropriateness for our criminal justice system. This is going to create a disaster on our roads.

There are other provisions that also require the courts to notify - and other really uncomfortable things - but that's not really the point. The bottom line is the fact that no one, it doesn't cost any money to come to court. No one can suffer any suspension of their driver's license for not coming to court, and ignoring lawful process. That's dangerous. It's going to make our roads more dangerous and I urge a no vote. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Hunter.

MS. HUNTER: Yes, Mr. Speaker. I would like to speak on the bill, please.

ACTING SPEAKER AUBRY: On the bill.

MS. HUNTER: I'd just like to make a couple comments on this bill just to correct some points for -- for accuracy. The courts actually do still have mechanisms by way that they can reprimand someone for not appearing, and there are points system for dangerousness. And so, while someone could be speeding and getting multiple tickets, there actually are a point system that a license can be suspended if you get over the 12 points. And that is still in place and

that has not gone away.

And we should just have a conversation or should just -- the conversation should be about this suspension is really a collection method and it creates a system where people who do not have means are being disproportionately affected for not having money to pay a fine. This doesn't have anything to do with someone's aggressive driving. It doesn't have anything to do with getting to the points, which a judge and the DMV still can award. This has something to do with, *I can't pay \$1,200 in fines, I'm having my license taken away*. It doesn't have anything to do with the actual infraction.

One of the towns that I represent, the number one issue they talk about at their board meeting every single month is relative to the outstanding revenues. And so, there's a citing of \$120 million that goes to municipalities; that actually is the amount of money that has been recovered, not the total amount of money that is due municipalities. And so, as we're having conversations relative to, you know, equity and fairness, we should just make sure that, you know, folks know then someone not paying a bill and having their driver's license suspended is not what we need to be doing, especially in times of COVID. We have people who can't get to the doctor, they can't get to the hospital, they can't get to their job if they have a job at this point.

And so, these are the things that we have been talking about for multiple years. This should not be anything more than

someone being able to be in a position to have a payment plan moving forward, and having your driver's license suspended for not paying a bill, that is the comment. That is where we are right now, the suspension collection method for driver's license. It is not about dangerousness. A judge will still have the ability, DMV still has the ability to award points and if people don't appear, the -- the collection method, people can go into garnishment and get collection. So, I just wanted to put that out there, Mr. Speaker, so that all of our colleagues have a little more information. Thank you.

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 on Rules Report No. 170. This is a Party vote. Any member wishing to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the number previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference will be generally in the negative. If there's a Republican member who would like to vote in the affirmative, please contact the Minority Leader's office. Thank you, sir.

ACTING SPEAKER AUBRY: So noted, thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. This will be a Party vote in the affirmative. Colleagues who desire not to vote with the Party on this one, you can call our office and we will be happy to record you as a negative vote. Thank you, Mr. Speaker.

(The Clerk recorded the vote.)

Ms. Cruz to explain her vote.

MS. CRUZ: Thank you, Mr. Speaker. I'd like to thank the sponsor of the bill for this initiative. The way the current system is set up right now, it penalizes someone for simply being poor, because I agree with her, this is a collection system and what we're doing is making sure that if you need to drive to school, if you need to drive to work, if you need to drive to court even to show up to be able to pay the fine, that you actually have the opportunity to do this.

You know, in -- in California, actually, if we're going to talk about the ability to collect this debt, when a similar law was put into place, they saw an almost ten percent increase in the ability of the state to collect the fines that were owed. So, we want -- what we want to do is actually make it easier for people to get to work, make it easier for people to live their lives and the way that it's set up now, all we're doing is continuing in a way that criminalizes and penalizes people for simply being poor.

And so, I'll be voting in the affirmative and I wanted to thank the sponsor of the bill.

ACTING SPEAKER AUBRY: Ms. Cruz in the

affirmative.

Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker, for offering me the opportunity to explain my vote. I'm going outside of the Party vote a little bit here and I want to thank the sponsor for bringing this bill forward. I think this is an excellent opportunity when you're thinking about checks and balances, to look at what the courts actually do in practicality. And if you're an advocate for the taxpayers, think about what it means for a misdemeanor charge in your town court to have a court-appointed attorney, to have a District Attorney that the taxpayers are paying for, and to have a judge sitting on the bench to, when you look at the statistics, they're staggering, to reduce these almost one hundred percent of the time. That triggers to us as the Legislature, hey, listen to the courts, listen to what they're doing, look at what the practical implication of the legislation that one of my colleagues pointed out years ago put in place. Listen to the courts and let's do something that actually makes sense.

So, I applaud the sponsor of this bill for doing something that makes sense to those who are in poverty, allows them to pay over time so that they're not spiraling into -- into poverty and losing their car, losing their license, being in a long-term position where they can't provide for their family. And also listening to the courts and advocating for the taxpayers at the same time. This is an excellent piece of legislation and I am proud to cast my vote in favor. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you. Mr. Walczyk in the affirmative.

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker. I appreciate the opportunity to explain my vote and to thank the sponsor for an excellent measure. In many states we see that this is an industry, the collecting of fines. It's a tax on poor people and a punitive measure of removing their ability to move around the society is wrong-headed and something that we should not proceed with. So, this is a great measure and one that's based in fairness and moves us ahead as a State. And thanks again for the opportunity. I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick to -- in the affirmative.

Mr. Lavine.

MR. LAVINE: Thank you, Mr. Speaker. I want to echo some of the heartfelt comments of some who have spoken out throughout the day. And I want to say I have great respect for the care and the concern of those who may vote against this bill. But I do remember the years I spent as a public defender, and I want to share with you the concern that an inordinate amount of valuable court time, 20 to 25 percent of each day was spent in dealing with the cases of those who didn't have enough money to pay the fines and assessments which they were sentenced to.

So, I think that I want to thank the sponsor for this,

and I want to just quote the philosopher Anatole France who said, "The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets and to steal bread." I think it's about time we stopped punishing the poor for being poor and my vote is in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker, to explain my vote.

ACTING SPEAKER AUBRY: To explain your vote, sir.

MR. GOODELL: This bill has two components, if you will. One talks about an installment payment plan and making special arrangements to help those who are financially disadvantaged in making reasonable payments. I support that component and I think that's a great idea, because we should never look at a penalty that in actuality applies differently based on your financial means. But that's only part of the bill. The other part of the bill provides that you don't risk losing your license even if you don't show up, even if you don't answer, even if you don't make payments under the installment plan. And I think the proper balance is to say, *We'll work with you if you are a person of limited means, we'll work with you, we'll put together an installment plan, we'll work in a cooperative way, but in return, we expect you to show up, answer and meet your end of the bargain.*

And so, if it were just one half about talking about an installment plan, I'd be all in. But I don't think it's responsible for us, just speaking in my own opinion, to say you don't even have to show up, or answer, or comply with the installment plan; you don't need to worry about risking your license. Thank you, sir. For those reasons, I'll be voting in the negative.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. We do have colleagues that would like to vote no on this bill, but before I give you their names, I would like to take this opportunity to commend the sponsor of this legislation. It literally removes another barrier for people's access to work. The more people we get working, the better opportunity we have to begin lowering the cost of government.

With that, I do want to acknowledge that we have our colleagues Mrs. Gunther, Ms. Buttenschon, Mr. Santabarbara, Mr. Barnwell, Mr. Stern, Ms. Griffin and Ms. -- Mr. Englebright in the negative on this piece of legislation. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

MR. GOODELL: Excuse me, Mr. Speaker. Please record Ms. Miller in the affirmative on this vote. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, we're going to move forward now and switch to our A-Calendar, the one that we advanced earlier today, and we're going right to page 3 and start with Rules Report No. 220 and just go straight ahead, Mr. Speaker. Thank you.

ACTING SPEAKER AUBRY: On the A-Calendar, page 3, Rules Report No. 220, the Clerk will read.

THE CLERK: Assembly No. A00732-B, Rules Report No. 220, L. Rosenthal, Simon, Abinanti, Weprin, Barron, Epstein, Seawright, Glick, D'Urso, Colton, Reyes, Ortiz, Griffin, Thiele, Gottfried, Wallace, Rodriguez, Steck, Fall, Otis. An act to amend the Environmental Conservation Law, in relation to prohibiting the use of glyphosate on State property.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01436-C, Rules Report No. 221, Epstein, L. Rosenthal, De La Rosa, Simotas, Taylor, Gottfried, Englebright, Arroyo, Aubry, Dickens, Weprin, Cruz, Mosley, D'Urso, Ortiz, Abbate, Hyndman, Blake, Rivera, Rozic, Stern, Cook, Kim, Cymbrowitz, D. Rosenthal, Fall, Seawright, Reyes, Rodriguez, Glick, Frontus, Quart, Jean-Pierre, Griffin, Hunter, Fernandez, Ramos, Richardson, Otis, Lifton, Dinowitz, Carroll,

Abinanti, Barron, O'Donnell, Simon, Fahy, Wright, Steck, Vanel, M. G. Miller, Niou, Sayegh, Magnarelli, Pichardo, Darling, Walker, Williams, Perry, Buchwald, Paulin. An act to amend the Social Services Law, in relation to reporting of youth placed in foster care settings and recruitment of foster parents.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No -- excuse me.

Assembly No. A02644, Rules Report No. 222, Lavine, Jacobson. An act to amend the Election Law, in relation to prohibiting private individuals or entities to pay for the administrative expenses associated with the conduct of a referendum.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A03040-A, Rules Report No. 223, Vanel, L. Rosenthal, Gottfried, Colton. An act to amend the Public Health Law, in relation to requiring water works corporations to post water supply statements online.

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 on Rules Report No. 223. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03343, Rules Report No. 224, Zebrowski, Galef, Colton, Abinanti, Buchwald, Hunter, D'Urso, McDonald, Steck, Woerner, Buttenschon, Griffin. An act to amend the Executive Law, in relation to violations of the Uniform Fire Prevention and Building Code.

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

THE CLERK: Assembly No. A04077-A, Rules Report No. 225, Barrett, Colton, L. Rosenthal, Gottfried, Steck, Otis. An act to amend the Environmental Conservation Law, in relation to the removal of species from the Endangered and Threatened Species List.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A04153, Rules Report No. 226, Gunther. An act to amend the Agriculture and Markets Law, in relation to the promotion of New York State farm products for holiday celebrations.

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 on Rules Report No. 226. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04867-A, Rules Report No. 227, Rozic, Lupardo, Zebrowski, Montesano, Griffin, Wallace. An act to amend the State Finance Law, in relation to providing the option to employees of electronic confirmation in lieu of paper pay stubs.

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

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 227. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05221-A, Rules Report No. 228, Galef, Stec, Abinanti, Magnarelli, Seawright, Rivera, Hyndman, Williams, D'Urso, Cook, Stirpe, Blake. An act to amend the Real Property Tax Law and the Real Property Law, in relation to the taxation of property owned by a cooperative corporation.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05609, Rules Report No. 229, Weinstein, Gottfried, Lentol, Zebrowski, Colton, L. Rosenthal, Abinanti, Seawright, Jaffee, Taylor, Griffin. An act to amend the Mental Hygiene Law, in relation to requiring petitioners for appointment of a guardian to identify other persons who may be able to manage the affairs of an incapacitated person.

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 on Rules Report No. 229. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05627, Rules Report No. 230, Weinstein, Mosley, Jaffee Abbate, Colton, Cymbrowitz,

Galef, Zebrowski, Joyner, Ortiz, Glick, Dinowitz, Carroll, D'Urso, Steck, Hyndman, Vanel, Richardson, Aubry, Weprin, Seawright, Abinanti, Wallace, Cahill, Burke, Taylor. An act to amend the Real Property Law, in relation to the regulation of default and foreclosure of reverse mortgages issued under the Federal Home Equity Conversion Mortgage for Seniors Program.

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

THE CLERK: Assembly No. A06093, Rules Report No. 231, Cusick, Jacobson. An act to amend the Election Law, in relation to increasing the number of registrants an election district may contain with the approval of the County Board of Elections; authorizes increase of county committee.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 231. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06477, Rules Report

No. 232, Wright, D'Urso, Colton, Sayegh, M. G. Miller, Burke, Epstein, Blake, Abinanti, Magnarelli, Steck, Fernandez, Taylor, Glick, Reyes, Williams. An act to amend the Real Property Actions and Proceedings Law, in relation to requiring a plaintiff in a mortgage foreclosure action to maintain the subject property in good faith.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06566-B, Rules Report No. 233, Gunther. An act to amend the Mental Hygiene Law, in relation to the Geriatric Service Demonstration Program to promote mental health and home care collaboration.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06976, Rules Report No. 234, Wallace, McMahon, Jacobson. An act to amend the Real Property Actions and Proceedings Law and the Civil Practice Law and Rules, in relation to including the name and telephone number of the mortgage servicer for a plaintiff in a mortgage foreclosure action on certain documents pertaining to such action.

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 on Rules Report No. 234. This is a fast roll call. Any

member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07110, Rules Report No. 235, Gunther. An act to amend the Insurance Law, in relation to the organization of assessment corporations.

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 on Rules Report No. 235. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07498-A, Rules Report No. 236, Woerner, Dickens, McDonald, D'Urso, Brabenec, DeStefano, Gottfried, Barron. An act to amend the Workers' Compensation Law, in relation to including coverage of treatment

rendered by a massage therapist.

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

THE CLERK: Assembly No. A07579, Rules Report No. 237, Reyes, Englebright, De La Rosa, M. G. Miller, McDonald, Griffin, Gottfried, DeStefano, Lawrence, L. Rosenthal, Frontus, Gunther, Pichardo, Glick, Arroyo. An act to amend the Workers' Compensation Law, in relation to the direct deposit of benefits.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 237. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07822, Rules Report No. 238, Simon, Sayegh, Thiele, Blake, Dickens, Reyes, D'Urso, Ashby, Barron, Gottfried, Cruz, Epstein, Glick, Abbate, Pichardo, Lupardo, Arroyo, Jaffee, Mosley, O'Donnell, Ryan, Hunter, Ra, Weprin. An act to amend Correction Law, in relation to a reading proficiency level assessment and Dyslexia screening for incarcerated

individuals.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 238. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08127, Rules Report No. 239, Dinowitz, De La Rosa, Otis, Carroll, Reyes. An act to amend the Public Authorities Law, in relation to capital program plans of the Metropolitan Transportation Authority.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act -- this act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 3 -- 239. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08146, Rules Report No. 240, Paulin. An act to amend the Public Health Law, in relation to creating a Crohn's and Colitis identification card.

THE CLERK: This act shall take effect in 180 days.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 240. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08137-A, Rules Report No. 241, Pichardo, Ortiz, Dickens, De La Rosa, Simon, Arroyo, Reyes, DeStefano, D'Urso, Glick, Gottfried, Barron, Niou, Jacobson. An act to amend the Workers' Compensation Law, in relation to discrimination and retaliation against employees.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A08300-A, Rules Report No. 242, Zebrowski. An act to authorize the Town of Clarkstown to offer a certain retirement option to Clarkstown Police Officers Edward Fairclough, Kyle McKiernan, Corry Doyle, and Sean Weaver.

ACTING SPEAKER AUBRY: 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 on Rules Report No. 242. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Could you please report Mr. Barron in the negative on this piece of legislation.

ACTING SPEAKER AUBRY: Certainly. Mr. Barron in the negative. So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08361, Rules Report No. 243, Jacobson. An act to amend the Highway Law, in relation to designating a portion of the State Highway System as the "Firefighter Tim Gunther Memorial Highway".

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 243. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact

the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08645, Rules Report No. 244, Hevesi. An act to amend the Social Services Law, in relation to requiring the Commissioner of Social Services to submit a report on the services provided to human trafficking survivors.

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 on Rules Report No. 244. This a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08850, Rules Report No. 245, McDonald. An act to amend the Real Property Tax Law, in relation to the taxable status date.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 245. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08921, Rules Report No. 246, Barrett, D'Urso, Lavine. An act to amend the Executive Law, in relation to defining certain qualifying conditions for veterans.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 246. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08936, Rules Report No. 247, Thiele. An act to amend the Public Authorities Law, in relation to comprehensive and regular management and operations audits.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 247. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09525, Rules Report No. 248, Buchwald, Zebrowski. An act to amend Executive Law, in relation to providing that, in housing cases only, after a dismissal for lack of probable cause or lack of jurisdiction, a complaint would have the option to appeal the final order, or bring a de novo action in court.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly A09536, Rules Report No. 249, McDonald, Lentol, Galef, Schimminger, Blake, Sayegh, Buttenschon, Barron, Ashby, Norris, DeStefano, Morinello, Byrne, Crouch, Lawrence, Walczyk, Joyner, Hyndman, D'Urso, Simon, Kolb, Steck, Fahy, Woerner, Otis. An act to amend the Mental Hygiene Law, in relation to requiring certified treatment programs to notify patients of their right to name an emergency contact.

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

advanced. Read the last section.

THE CLERK: This act shall take effect on the 120th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 249. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09624, Rules Report No. 250, Jacobson, Weprin, Otis. An act to amend the Public Service Law and the General Business Law, in relation to consumer protections against cramming.

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 on the 180th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 250. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09677, Rules Report No. 251, Abinanti, Wright, Jean-Pierre. An act to amend the Banking Law, in relation to the order in which a payor bank shall pay checks.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A09691-A, Rules Report No. 252, Galef. An act to amend the Vehicle and Traffic Law, in relation to implementing a residential parking system in the Village of Croton-on-Hudson.

ACTING SPEAKER AUBRY: Home Rule message at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 252. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you would please put our colleague Weinstein as a no vote on this piece of legislation. Thank you.

ACTING SPEAKER AUBRY: Certainly.

MRS. PEOPLES-STOKES: Mr. Speaker, Mr. Cahill

as well.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09702, Rules Report No. 253, Weprin, Cruz, Eichenstein, Aubry, Epstein, L. Rosenthal, Mosley. An act to amend the Correction Law, in relation to prohibiting the Commissioner of Corrections and Community Supervision from promulgating policy to require inmates to waive religious rights in order to participate in inmate programs.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A09750, Rules Report No. 254, Glick. 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: On a motion by Ms. Glick, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 254. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. We have some no votes in the Republican Caucus: Mr. Fitzpatrick, Mr. Montesano and Mr. DiPietro. Thank you, sir.

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

Mrs. Peoples-Stokes.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09779-A, Rules Report No. 255, Thiele, Englebright, Norris, DeStefano, Hawley, Galef, Morinello, McMahon, Hunter, Stern, Lupardo. An act directing the Office of Fire Prevention and Control within the Division of Homeland Security and Emergency Services to form a task force and issue a report relating to volunteer firefighter recruitment and retention; 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 on Rules Report No. 255. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09804, Rules Report No. 256, Hyndman. An act to amend the Education Law, in relation to the State University of New York Educational Opportunity Centers.

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 on Rules Report No. 256. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09921, Rules Report No. 257, Lentol. An act directing a study on the impact of increased minimum wage on eligibility for income-based services, programs and subsidies and the impact of loss of services on the working poor.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record

the vote on Rules Report No. 257. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09965, Rules Report No. 258, L. Rosenthal, Otis, Seawright. An act to amend the Correction Law, in relation to the rights of pregnant inmates.

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 on Rules Report No. 258. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there --

Ms. Rosenthal to explain her vote.

MS. ROSENTHAL: Thank you, Mr. Speaker, to explain my vote. The disparities in maternal health care access and services that exist for Black and Brown women are only magnified in prison, where the legacy of systemic racism is acutely seen. Just five years ago, pregnant individuals were still shackled during childbirth if

they were in prison. Pregnant individuals should not lose their rights and their dignity, or be devalued when they are in prison. This bill is a step in changing the way pregnant people are treated and restoring to them their rights to reproductive health care. This bill will allow pregnant people to have a support person of their choosing during labor and delivery, guarantee they receive counseling, as well as notice of their option to participate in pregnancy counseling, and ensure they receive notification about the availability of in-prison nursery programs so they may be with their baby after the baby is born.

I want to thank the Correctional Association of New York, Women in Prison Project, the New York Civil Liberties Union, Planned Parenthood Empire State, and the National Institute for Reproductive Health Care for their support of this bill. We must change the carceral system that strips those who are in prison of their rights and causes harm, especially to pregnant individuals. And with that, I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Rosenthal in the affirmative.

Mr. Weprin.

MR. WEPRIN: Thank you, Mr. Speaker. I want to praise the sponsor for doing this bill. We've done a number of bills since I'm Correction Chair to help pregnant women while they're incarcerated. This bill will go a long way to providing the -- the needed help that pregnant women need during childbirth. So I

proudly with -- withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Weprin in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10039, Rules Report No. 259, Rozic. An act to amend the Family Court Act, the Criminal Procedure Law, and the Domestic Relations Law, in relation to prohibiting a party to an order of protection from remotely controlling any connected devices of a person protected by such order.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 259. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10041, Rules Report No. 260, Gunther. An act to amend the General Municipal Law and the Town Law, in relation to increasing the revenue threshold for annual audit of fire districts.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 260. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10043, Rules Report No. 261, DenDekker. An act to amend the General Business Law, in relation to including electronic messaging texts as a form of telemarketing communication.

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 on Rules Report No. 261. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10060-B, Rules Report No. 262, Bichotte. An act in relation to renaming the Newkirk Avenue Subway Station on the IRT Nostrand Avenue Line the "Newkirk Avenue - Little Haiti Station".

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10078, Rules Report No. 263, Bichotte, Mosley. An act to amend the Alcoholic Beverage Control Law, in relation to a license to sell liquor at retain for consumption on certain premises.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 263. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

MRS. PEOPLES-STOKES: If we could count Member Glick in the negative on this one.

ACTING SPEAKER AUBRY: So noted, thank you.
Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10118 -- A10118-A, Rules Report No. 264, Zebrowski, Mosley, Stern, Galef, D'Urso, Griffin, Jaffee, Thiele, Gottfried, Colton, Seawright, Simon, O'Donnell, McMahon, Englebright, Cahill, Bronson, Otis, Buttenschon, McDonald, Fahy, Dickens, Darling, Ortiz, Lifton, Sayegh, Frontus. An act to amend the Financial Services Law, in relation to requiring certain providers that extend specific terms of commercial financing to a recipient to disclose certain information about the offer to the recipient.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10194, Rules Report No. 265, Weprin, Simon, Gottfried. An act to amend the Correction Law, in relation to permitting the Correctional Association to access, visit, inspect, and examine all State correctional facilities.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10196, Rules Report No. 26 -- 266, Jean-Pierre, Barrett, Stern, Mosley, Buttenschon, Seawright, Griffin, Cusick, Wallace, DeStefano, Tague, McDonough, Morinello, B. Miller. An act to amend the Executive Law, the Military Law and the Civil Rights Law, in relation to certificates of honorable separation from or service in the Armed Forces of the United States.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record

the vote on Rules Report No. 266. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

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 you have any housekeeping or resolutions to take up?

ACTING SPEAKER AUBRY: We have numerous fine resolutions which we will take up with one vote. On the resolutions, all those in favor signify by saying aye. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 964-968 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I now move that the Assembly stand adjourned until 10:00 a.m., Wednesday, July the 22nd, tomorrow being a Session day; until 10:00 a.m., Wednesday July the 22nd, tomorrow being a Session day.

ACTING SPEAKER AUBRY: Did I hear you say 10:00 a.m.?

MRS. PEOPLES-STOKES: Ten a.m., sir.

ACTING SPEAKER AUBRY: The Assembly stands

adjourned -- Eastern time.

(Laughter)

The Assembly stands adjourned.

(Whereupon, at 9:05 p.m., the Assembly stood adjourned until Wednesday, July 22nd at 10:00 a.m., Wednesday being a Session day.)