

**WEDNESDAY, JULY 22, 2020**

**10:51 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 Tuesday, July 21st.

Mrs. People-Stokes.

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

dispense with the further reading of the Journal of Tuesday, July 21st and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Here we'd like to insert a quote for today. This one is coming from Ida B. Wells and it's really brief, but it's very profound. It simply states: "The way to right wrongs is to turn the light of truth upon them." Again, Ida B. Wells.

Mr. Speaker, good morning to all who are in the Chambers and those who are with us remotely. Yesterday was a pretty productive day. We'd like to mirror that and have another productive day, as well. Members have on their desk or at -- available to them a main Calendar, an A-Calendar and a 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: Thank you, Mr. Speaker. We will continue our work today beginning where we left off yesterday on consent, beginning with Rules Report No. 267, which is on page 11, and we're going to go through Rules Report No. 283, which is on page 14. We will also work off the debate list, as well, and take up some bills on consent from the A-Calendar.

Members should be aware that there are going to be

some Committee meetings today: Codes, Judiciary, Ways and Means and Rules. Those Committees will produce a B-Calendar, which we will take up at some point today or tomorrow; hopefully today.

Members should be aware also that we will need to stand in recess around 1:00 o'clock today for Minority Conference, which will be immediately followed by the Committee meetings just laid out for you. Again: Codes, Judiciary, Ways and Means and Rules. Those should start at 2:00.

The procedures for dealing with these -- this movement that's going to happen between Session and Conference and Committee meetings and back to Session, Majority members should simply remain in our Zoom Session during recess and Committee meetings. Committee members will be automatically moved by our technical staff to the Zoom Committee meeting. I will just repeat that --

(Laughter)

-- Majority members should simply remain in our Zoom Session during the recess and Committee meetings. Committee members will be automatically moved by our technical staff to the Zoom Committee meeting. Minority members will need to exit our Zoom Session in order to participate in their virtual Conference. Upon the conclusion of that Conference, they should return to the Zoom Session via the earlier link. Minority Committee members will then automatically be moved to our -- by our technical staff to the Zoom Committees. Upon the conclusion of Committees, we will be

able to then resume our Session proceedings.

I would also like to take this opportunity to remind members that we will be operating under the same rules as we did yesterday. Just a reminder, those participating by Zoom should utilize the "raise hand" function when seeking to be recognized for debate or to explain their 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 Majority Leader's office or Minority Leader's office.

With that, Mr. Speaker, I believe we're ready to proceed considering the important work before us, and if we could please start with resolutions on page 3.

ACTING SPEAKER AUBRY: Certainly. But before we go there, we'd like to remind all members on both sides of the aisle that this is a live broadcast and that you are -- as you debate bills, as you question, you must be dressed in -- appropriately for the Chamber in order for us to make sure that we're conducting business in the same manner as if you were here. We hope that you will remember that. We know you are doing this remotely and sometimes we can be a little lax. If you are not prepared to present yourself in Chamber-ready attire, we will hold off and let -- go to the next member who might be waiting to speak or -- and/or debate, and you will be notified by your Majority staff or Minority staff to come into compliance. We appreciate you, and we thank you.

Now, Mr. Walczyk for an introduction. The first that

we've had in some time, Mr. Walczyk.

MR. WALCZYK: Well, thank you very much, Mr. Speaker. And thank you, Madam Majority Leader, and to our Minority Leader, as well, and this august Body for allowing me to briefly interrupt our proceedings to introduce someone who, the last time she was in this Chamber she was my fiancée, and on the 21st of September in 2019, she became my wife. I'd like to introduce you to the First Lady of the Front Yard of America, Jessica Kaitlin Piatt Walczyk.

(Applause)

ACTING SPEAKER AUBRY: Certainly. Jessica, on behalf of Mr. Walczyk, your husband, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. We certainly appreciate the fact that you have come to share with your husband and with us proceedings even in an empty Chamber. And so, clearly we are happy to see you, know that you are always welcome here. As a part of this family, you are always welcome to come. Thank you so very much. Stay healthy, stay well. Thank you.

(Applause)

Resolutions on page 3, the Clerk will read.

THE CLERK: Assembly Resolution No. 969, Rules at the request of Mr. Zebrowski.

Legislative Resolution memorializing Governor M. Cuomo to proclaim June 2020, as Migraine and Headache Awareness

Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 970, Rules at the request of Ms. Buttenschon.

Legislative Resolution memorializing Governor M. Cuomo to proclaim July 2020, as Ice Cream 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. 971, Rules at the request of Ms. Simon.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim July 2020, as Cleft and Craniofacial Awareness Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 972, Rules at the request of Mr. Cusick.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim September 2020, as Brain Aneurysm Awareness Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 973, Rules at the request of Mr. Barron.

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

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

Page 11, Rules Report No. 267 on consent. The Clerk will read.

THE CLERK: Assembly No. A10316, Rules Report No. 267, Lifton. An act to authorize the City of Cortland, in the County of Cortland to offer an optional 20-year retirement plan to Firefighter Travis Marshall.

ACTING SPEAKER AUBRY: Home Rule message is at the desk. Read the last section.

THE CLERK: This shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 267. 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. A10415, Rules Report No. 268, Committee on Rules (Lifton). An act to amend the Tax Law, in relation to authorizing the City of Ithaca to establish hotel and motel taxes.

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. 268. 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 to explain his vote.

MR. GOODELL: Thank you, sir. I will be supporting this bill, although I do note that some of my colleagues will have concern because it does increase the hotel and motel taxes in the City of Ithaca. Unfortunately, since almost everyone in the nation is now banned from coming and visiting unless they're staying for two weeks, those who do come to the City of Ithaca will stay for a much longer time, hopefully. And so, hopefully that will help the local municipality. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.



Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following Republican members in the negative on this legislation:

Mr. Fitzpatrick, Mr. Friend, Mr. Montesano, Mr. Norris, Mr. LiPetri, Mr. Schmitt, Mr. Palumbo, Mr. DiPietro, Mr. DeStefano, Ms.

Malliotakis, Mr. Kolb, Mr. Byrne and Mr. Reilly. Presumably, these Republican colleagues love the City of Ithaca, but just don't want to pay more when they're visiting. Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If you could record our Majority colleagues in the negative on this one: Mrs. Barrett, Mr. Burke, Ms. Griffin, Ms. McMahon, Mr. Ramos, Mr. Santabarbara, Mr. Stern, Mr. Stirpe, Ms. Wallace, Mr. Barnwell, Mr. Miller, Ms. Buttenschon and Mr. Cusick.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could also add in the negative on this one, Mr. Barron.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10428, Rules Report No. 269, Committee on Rules (Hevesi, Jaffee). An act to amend the Social Services Law, in relation to defining a kinship caregiver.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10463-A, Rules Report No. 270, Committee on Rules (Gottfried, Weprin, De La Rosa, Jaffee, McDonald, Lentol, Seawright, Dinowitz, Cruz, Hunter, Taylor, Dickens, L. Rosenthal, Simon, Ortiz, D'Urso, Quart, Paulin, Bronson, Cahill, Mosley, Perry, Cusick, Lifton, Englebright). An act to amend the Public Health Law, in relation to review of policies and practices relating to any infectious disease outbreak in correctional facilities, including the treatment and prevention of the disease among inmates and staff.

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. 270. 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. A10470-A, Rules Report No. 271, Committee on Rules (Fall, Simon, Darling,

O'Donnell, Walker, Dickens, Cusick, Taylor). An act in relation to directing the Commissioner of Health to conduct a study on the delivery of ambulatory care on Staten Island.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar [sic] No. 271. 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.)

To explain his vote, Mr. Fall.

MR. FALL: Thank you, Mr. Speaker; thank you Madam Majority Leader and the Program and Counsel staff that worked really hard on this bill, including my staff. As many of you know, we don't have a public hospital on Staten Island and they're in the middle of a pandemic. We had an urgent care facility that closed down without any notification to the public. And so, what this bill will do, it would require that any urgent care facilities on Staten Island provide a 30-day notification to State Department of Health, and it will also do a study on urgent care facilities on Staten Island to ensure -- or take a look at any issues that the public may not see that's an issue. So, you know, I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Fall in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10566-A, Rules Report No. 272, Committee on Rules (Hevesi, Barron, Colton). An act to amend the Social Services Law, in relation to requiring the Commissioner to prepare a report of the sheltered and unsheltered homeless population during a State disaster 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. 272. 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. A10567-A, Rules Report No. 273 was previously amended on Third Reading.

Assembly No. A10634-B, Rules Report No. 274, Committee on Rules (McDonald). An act to amend the Education Law, in relation to instilling mydriatic or cycloplegic eye drops by persons trained and deemed qualified by supervising licensed physicians or supervising licensed optometrists; and to repeal certain

provisions of such law relating thereto.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect May 5th --  
May 20th, 2020.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 274. 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. A10652-A, Rules Report No. 275, Committee on Rules (D'Urso). An act authorizing the County of Nassau to alienate certain lands used by -- as parklands to enable the Port Washington Water District to construct, maintain and operate a water treatment facility.

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. 275. 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, we have several of our colleagues who would like to be recorded in the negative on this one: Ms. Glick, Mr. Barron, Mr. Cahill, Ms. Weinstein, Mr. Miller and Ms. Simon.

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

Are there any other votes? The bill is passed --  
Announce the results.

(The Clerk announced the results.)

And now the bill is passed.

THE CLERK: Assembly No. A107-- A10673, Rules Report No. 276, Committee on Rules (Hevesi, Barron). An act to amend the Social Services Law, in relation to using Supplemental Nutrition Assistance Program benefits to purchase online groceries and to the State Supplemental Nutrition Assistance Program Outreach Program.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10674-A, Rules Report No. 277, Committee on Rules (Otis, McDonald, Mosley, Dickens, Seawright). An act to amend the Labor Law, in relation to written notice requirements for mass layoffs.

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. 277. 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. Otis to explain his vote.

MR. OTIS: Thank you, Mr. Speaker. This legislation comes from an event that occurred in the district that I represent, a large layoff of a big property. But what it brings us is some legislation that should be helpful to everybody in the State, which is if there's going to be a large layoff, this legislation now requires the local governments and school districts affected to receive notice under the Labor Laws Warn Notice. And in the case that we had, there were a number of local government impacts, not just the loss of the jobs, but other kinds of impacts and costs to taxpayers that we're now going to give local governments and school districts early notice of, as we are giving early notice to workers.

It's a good piece of legislation. I thank the House for passing it. I'm confident it's going to pass in the other House and I think we're doing something good here for local governments, school districts and communities with this legislation. Thank you very much.

ACTING SPEAKER AUBRY: Mr. Otis in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10741, Rules Report No. 278, Committee on Rules (Glick, Griffin). An act in relation to permitting the Education Department to renew limited and provisional permits for additional -- an additional 12 months.

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. 278. 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. A10743, Rules Report No. 279, Committee on Rules (Hevesi, Barron). An act to amend the Social Services Law, in relation to providing that receipt of the temporary emergency increase in unemployment compensation benefits as provided for by the Federal Coronavirus Aid, Relief, and Economic Security Act (15 U.S.C. Sec. 9023) shall not affect benefit eligibility for certain public assistance benefits.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10774, Rules Report No. 280, Committee on Rules (Lifton, Sayegh). An act to amend the General City Law, in relation to exempting the City of Cortland from



Article IV of the General City Law.

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. 280. 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. A1078 -- A10783-A, Rules Report No. 281 was previously amended on Third Reading.

Assembly No. A10793, Rules Report No. 282, Committee on Rules (Glick). An act to amend the Education Law, in relation to the issuance of certificate of residence forms to individuals desiring to enroll in community colleges as non-resident students.

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. 282. 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. A10796, Rules Report No. 283, Committee on Rules (Griffin). An act to authorize the Village of Malverne, in the County of Nassau, to offer a 20-year retirement plan to Police Officer Thomas Smith.

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. 283. 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 you could please record our colleague, Charles Barron, in the negative on this one.

ACTING SPEAKER AUBRY: So noted.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record Mr. Fitzpatrick in the negative on this bill, as well. Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record Assemblymem -- Assemblymember DiPietro in the negative, as well. Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Could we please record our colleague, Ms. Fahy, as a no on this one, as well.

ACTING SPEAKER AUBRY: Thank you. So noted.

Mr. Goodell again.

MR. GOODELL: Also Mr. Walczyk will be in the negative. Thank you, sir.

ACTING SPEAKER AUBRY: Certainly. So noted, Mr. Walczyk.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we can now turn our attention to the A-Calendar, which you advanced earlier, and go right to page 3 and start with Rules Report No. 284. And we're going to just keep going, Mr. Speaker; we might be able to knock this

one off.

ACTING SPEAKER AUBRY: Certainly, Mrs. Peoples-Stokes.

On the A-Calendar, Rules Report No. 284. The Clerk will read.

THE CLERK: Assembly No. A00042, Rules Report No. 284, Perry, Barron, Colton, Cook, Niou, Rivera, Seawright, Weprin. An act to amend the General Business Law, in relation to public notification of tracking return policy.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A03173-A, Rules Report No. 285, Dinowitz, Gottfried, Arroyo, Stirpe, Galef, Joyner, Pichardo, Abinanti, Fahy, Seawright, Epstein. An act to amend the General Business Law, in relation to prohibiting certain practices by businesses making an automatic renewal or continuous service offer to consumers in the State.

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

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 285. 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. A05839-A, Rules Report No. 286, Paulin, Abinanti, Buchwald, Galef, Otis, Pretlow, Sayegh. An act to amend the Westchester County Administrative Code, in relation to the lease or sale of real property for park purposes.

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. 286. 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. A07508-B, Rules Report No. 287, Mosley, Reyes, Wright. An act to amend the Banking Law, in relation to prohibiting State chartered banking institutions from investing in and providing financing for private prisons.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A08034, Rules Report No. 288, Dinowitz. An act to amend Civil Practice Law and Rules, in relation to class actions.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A09097, Rules Report No. 289, Gottfried. An act to amend the Public Health Law, in relation to applications for funds under the Physician Loan Repayment and Physician Practice Support Programs.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 289. 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. A09684, Rules Report No. 290, Epstein, Reyes, Otis. An act to amend the Environmental Conservation Law, in relation to local solid waste management places.

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. 290. This is a fast roll call. Members -- 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 is an important bill because as we move forward with the environmental -- with the environmental issues, assuring that we have solid waste plans that include composting and recycling is critical. I want to thank the Leaders for putting this bill before us and I encourage my colleagues to vote 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. A10001, Rules Report No. 291, Thiele, Palumbo, McDonough, LiPetri, Ra, Mikulin, DeStefano, Smith, Lavine, Griffin, Englebright, D'Urso, Stern. An act to amend the Environmental Conservation Law, in relation to the regulation of mining and the reclamation of mines within counties with a population of one million or more which draw their primary source of drinking water for a majority of county residents from a

designated sole source aquifer; 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. 291. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10034, Rules Report No. 292, Gottfried, Hunter, Galef. An act to amend the Public Health Law, in relation to requiring parity in the standards of dental telehealth services.

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 Rules Report No. 294 [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.



Rules Report No. 292. Sorry.

(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. A10236-B, Rules Report No. 293, Galef, Buchwald, Seawright, Hunter, Colton, Abinanti, Thiele, Dinowitz, Jaffee, Carroll, Fahy, Gottfried, McMahon, Cahill, Mosley, Montesano, B. Miller, Jacobson, Paulin, Barron, Dickens, Sayegh, Ortiz, L. Rosenthal, Englebright, Wallace, Magnarelli, Simon. An act to amend the Public Service Law, in relation to providing for decommissioning oversight boards for nuclear power plants in New York State.

ACTING SPEAKER WOERNER: The bill is laid aside.

THE CLERK: Assembly No. A10317, Rules Report No. 294, Peoples-Stokes. An act to amend the Public Health Law, in relation to a quorum of the Advisory Council on Lead Poisoning Prevention.

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 Rules Report No. 294. 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. A10581-B, Rules Report No. 295 was previously amended on Third Reading.

Assembly No. A10803-A, Rules Report No. 296 was previously amended on Third Reading.

Assembly No. A10805-A, Rules Report No. 297, Committee on Rules (Perry). An act to amend the Judiciary Law, in relation to the State Commission on Prosecutorial Conduct.

ACTING SPEAKER WOERNER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER WOERNER: The bill is laid aside.

Mr. Otis.

MR. OTIS: Mr. [sic] Speaker, we're now going to move to - and colleagues - to the debate list for Calendar No. 38. That will be Rules Report No. 171, Mr. Bronson; Rules Report No. 180, Mr. Otis; Rules Report No. 181, Mr. Epstein and Rules Report No. 185, Ms. Paulin.

ACTING SPEAKER WOERNER: Thank you, Mr. Otis.

Page 5, Rules Report No. 171, the Clerk will read.

THE CLERK: Assembly No. A07646-A, Rules Report No. 171, Bronson, Johns, Kolb. An act to amend the General Municipal Law, in relation to ensuring paid employees of a county airport or county aviation department which perform fire response or fire rescue duties are eligible for equal benefits as other paid firefighters.

MR. GOODELL: Explanation, please.

ACTING SPEAKER WOERNER: Mr. Bronson, an explanation has been requested.

MR. BRONSON: Yes, Mr. [sic] Speaker. This bill is going to authorize benefits to firefighters who are paid firefighters through a county fire department or a county aviation department, and this rectifies decisions made both by PERB, as well as through our court system that had deemed that these firefighters who perform the same type of duties as other paid firefighters would not be covered under the benefit section of General Municipal Law 207-A.

ACTING SPEAKER WOERNER: Mr. Tague.

MR. TAGUE: Mr. [sic] Speaker, this isn't the bill that I had asked to speak on.

ACTING SPEAKER WOERNER: Okay. Thank you, Mr. Tague.

Mr. Goodell.

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

ACTING SPEAKER WOERNER: Will the sponsor yield?

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

ACTING SPEAKER WOERNER: Mr. Bronson yields.

MR. GOODELL: Thank you, Mr. Bronson. This would basically require prevailing wages, if I'm not mistaken, for county airport and county aviation departments? I'm sorry, the same type of benefits for fire employees; is that correct?

MR. BRONSON: No, that is not correct.

MR. GOODELL: What would this bill do?

MR. BRONSON: What this bill would indicate that paid firefighters who are employed by county -- by county airports and county fire departments performing duties at county airports or employees of the county aviation department would get paid the disability benefit for an injury that would occur on the job, similar to other paid firefighters. The statutory language has been interpreted by PERB, as well as through the Court of Appeals, not including -- not to include these paid firefighters, notwithstanding they perform the same type of duties as other paid firefighters who work for fire districts.

MR. GOODELL: Thank you. One of the concerns that's been raised is whether it's appropriate for the State to impose new terms or conditions that affect other municipal local employees, particularly other local employees that may already be covered by a collective bargaining agreement. What is the position of the local

governments as it relates to these employees of theirs?

MR. BRONSON: Well, this actually creates parity, because other firefighters who perform these same duties who work for municipalities such as villages, cities and towns receive these benefits, but those firefighters who work in county airports do not receive the benefit. So, this is really creating parity in a situation where the court's interpretation of the statute prevents these individuals who perform the same duties from getting the same type of benefits. And keep in mind, these benefits kick in when a firefighter is injured on the job in performing their duties. And so, you know, we want to protect those individuals and offer them the same type of disability benefits as someone who's working in, say, the City of Rochester Fire District.

MR. GOODELL: I understand that the purpose of this bill is to create that parity. My question was, have you heard from the local county governments that operate these airports and, if so, what has their position been?

MR. BRONSON: The Monroe County Executive is strongly supportive of this. The situation actually is in many of the county airports, they would not be covered by this particular bill because, for instance, in Albany my understanding is in that county airport, they're actually employees of the City, so they're already covered. In other areas, the municipality or in this case, the county, has contracted out to a private company, so they wouldn't be covered because they're not employees of the county aviation department or

the county airport.

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

On the bill, Madam Speaker.

ACTING SPEAKER WOERNER: On the bill.

MR. GOODELL: I will be supporting this legislation for the reasons mentioned by my colleague. Some of my colleagues may have concerns that this is imposing potentially a new benefit on other municipalities, namely counties across the State that operate airports. And that can be of particular concern because many county airports are funded with embarkment fees. That is a fee that's paid by the passengers who are getting on airports [sic]. So, there's a landing fee and there's a takeoff fee, if you will, an embarkment fee.

And, as you know, with all the travel restrictions that we've been witnessing over the last few weeks and with the COVID, airport revenues from the traveling public have dropped right off the charts. So, we need to be very careful that we're not imposing new financial burdens on local governments at a very time when their revenue sources to operate these airports are dropping from the sky, so-to-speak. But this is a relatively modest cost and it does bring parity and that's why I will be supporting it. Thank you, Madam Speaker. And, again, thank you to my colleague.

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 Rules Report No. 171. This is a fast roll call. Any member wishing to be recorded in the negative is remembered to contact -- is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mr. Bronson to explain his vote.

MR. BRONSON: Yes, Madam Speaker, just briefly to explain my vote for my colleagues and those watching the proceedings today. This bill is vitally important because we have firefighters here in Monroe County who are providing the same type of services that firefighters through the City of Rochester and all the towns in Monroe County. In those instances, those firefighters, if they fall ill or are injured while performing their duties of firefighters are afforded various types of disability benefits to get them through their illness and their disability. And all this bill will do is provide those same type of disability benefits for firefighters who perform the same type of services at our county airport.

And so, this is a matter of parity and it's also, as my colleague pointed out, that there are only a few firefighters at these county airports and, you know, only when they actually receive an injury will it kick in. So, the cost is -- is not significant and when there is a cost, oftentimes that will be picked up by the fees charged at the airport, albeit those operations are at a reduced level given

COVID-19. But all that taken into consideration, having parity of firefighters performing the same duties is very important and I encourage all my colleagues to vote in the affirmative. Thank you, Madam Speaker.

ACTING SPEAKER WOERNER: Thank you, Mr. Bronson.

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker. Would you please record Mr. Walczyk in the negative on this legislation. Thank you, sir -- ma'am.

ACTING SPEAKER WOERNER: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08142-E, Rules Report No. 174, Hyndman. An act to amend the Labor Law.

Oh. I apologize.

ACTING SPEAKER WOERNER: Page 5, Rules Report No. 180. The Clerk will read.

THE CLERK: Assembly No. A08482, Rules Report No. 180, Otis, Abinanti, Simon, Seawright. An act to amend the Real Property Law, in relation to requiring landlords to mitigate damages when commercial tenants vacate premises in violation of the terms of the lease.

ACTING SPEAKER WOERNER: Read the last



section.

Oh, sorry.

Mr. Goodell has requested an explanation.

MR. GOODELL: Thank you, Madam Speaker.

ACTING SPEAKER WOERNER: You're welcome.

MR. OTIS: Thank you. This -- thank you, Mr.

Goodell. This legislation restores the duty to mitigate minimized damages in the case where a commercial tenant has left their lease early and it puts the burden on the landlord to try and make reasonable attempt to release the property and minimize damages. This restores the law that was the law in New York State before 1995. It also tracks legislation we passed last year relating to residential leases where we made the same change. This bill amends that section of law and adds commercial properties to it, as well.

ACTING SPEAKER WOERNER: Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker.

Would the sponsor yield?

ACTING SPEAKER WOERNER: Will the sponsor yield for a few questions?

MR. OTIS: Of course.

ACTING SPEAKER WOERNER: The sponsor yields.

MR. GOODELL: Thank you, Mr. Otis. As you noted, this bill applies only to commercial properties. And typically in commercial properties -- not always, but typically the parties are

represented by attorneys. Is there anything in the current law that would preclude the parties, when negotiating the terms and conditions of a lease, commercial lease, to include in the lease an obligation of the landlord to mitigate damages?

MR. OTIS: Yes. The -- the law that we're amending has a provision that says that any provision in a lease that exempts a landlord's duty to mitigate damages under this section shall be void as contrary to public policy.

MR. GOODELL: And under current law, is there anything that would prevent the parties, as part of the commercial negotiation, from imposing on the landlord a duty to mitigate as part of the contract under current law?

MR. OTIS: Well, let me -- let me answer -- under current law, they could have that kind of lease provision. But let's talk to the larger public policy issue here, which is, we -- two things are going on here: Number one is in most states and historically in New York State, the duty to minimize damages is a longstanding principle in law and is good public policy. In this case, what we really don't want to have which the current law allows is a vacant space that is left vacant where there's no incentive for the landlord to get a new tenant in there. That's not good for other businesses, that's not good for commercial areas where empty spaces sometimes avalanche and multiply on each other.

We have another issue that is at play here because of the COVID crisis. We have businesses that are downsizing, maybe

reducing the number of locations, we have some business failures. And what this bill would -- would put back into the law is the good faith obligation of a landlord to try and fill the space. If they can't, they don't have to, but it may mean that the business that downsized, if it takes away some of the cost that they may have to incur if they're fully obligated to pay the full lease amount because there's no obligation on the landlord to fill it, it may keep that business enterprise afloat because it's going to reduce their costs because the landlord minimized damages.

MR. GOODELL: Of course, the flip side is that the landlord may end up with a vacant property and an affirmative duty to re-rent it that is extraordinarily difficult during the COVID crisis. But let me ask a follow-up question: As you know, oftentimes in commercial leases, the parties are unsure of the amount of the damages that might occur if there's a breach of the agreement and so they include a liquidated damage clause. And it basically says if you violate this agreement, we agree in advance that the damages may be difficult to calculate and, therefore, if you breach the agreement, you agree to pay X dollars in liquidated damages. Would this new legislation preclude a liquidated damage clause?

MR. OTIS: The view is that it would not -- it would not prevent a liquidated damages clause.

MR. GOODELL: So the liquidated damage clause, in essence, could supersede the duty to mitigate because it would be an alternative remedy.

MR. OTIS: But what they're still going to have to do is they're still going to have to make reasonable efforts, good faith efforts that are reasonable and customary for that landlord to try and rent the property. And that's really all we're asking. If they have an unsatisfactory offer from a new tenant, they don't have to accept it. If they have a rent that is below market value, they don't have to -- they don't have to take that tenant. So, we're not -- this is not overly burdensome on landlords. It is -- does take away the incentive for them to just sit on the property and -- and get the rent from the tenant that had the business problem and had to leave. And I think that it is good policy. You know, when we all took tort law in law school, the duty to minimize was one of the basic principles of good policy and logic in all of -- all of tort law. And so, we had an unusual court decision in 1995 in New York State where that was thrown out in these circumstances and we reasserted the old law for residential last year and I -- I'm hopeful that we can do it for commercial this year. But I think this is good for commerce because it's going to raise the chances of these properties are going back on the market.

MR. GOODELL: Of course, in a commercial context often the leases are much, much more complex. I mean, I've seen residential leases that were a couple of pages long and commercial leases that were almost like a small book. And often in a commercial lease context, particularly in a mall context or a strip mall or a -- a multi-tenant commercial operation, there are multiple competing factors. For example, in a mall, they may have restrictions on how

many shoe stores are in the mall, or what type of stores. Often there's capitalization requirements, tenant investments that are part of the overall commercial development. So unlike real estate that involves residential where if a person is, you know, an individual and they're just using it as their residence, which is relatively easy, it can be very, very complicated in the commercial context. Does the language of the statute reflect the fact that the landlord may be under contractual obligations to the other tenants that severely restrict who he can put in a vacant spot?

MR. OTIS: The language in the law would not encumber any of those duties, responsibilities, policies, values. The language, good faith, and according to the landlord's researches and abilities take reasonable and customary actions. So if you're in a situation, the mall situation where you're only going to have two shoe stores, they would not have to take a third shoe store. They would have -- follow their reasonable and customary practices. I think for that question we can be comfortable.

MR. GOODELL: Now, you mentioned that for many years there was an obligation to mitigate damage, but that obligation was an affirmative defense, right, that had to be raised by the person who was breaching the lease, and it was the burden of proof of the person who was breaching the lease to establish that the landlord could have mitigated damages. This reverses that burden of proof, doesn't it?

MR. OTIS: Well, the -- the burden under the law that

was passed last year places the burden on those seeking to recover damages.

MR. GOODELL: So now we have the burden of proof on the party that's not violating the contract, rather than the burden of proof being on the party that's violating the contract --

MR. OTIS: Well, the burden --

MR. GOODELL: -- isn't that backwards? And I understand that we did it for residential, because often there's different negotiating power and different resources, but why would we do that in a commercial context?

MR. OTS: I don't see a difference. I think that the burden of proof should be on the one that's going to court or the one that is trying to collect damages. And I -- I don't think it's actually that high a burden to satisfy if they're going to make the case. And I -- I think that one of the things that the law, when it was passed last year, threw some of this into the lap of the court, and the -- the judges that have this before them I think will be wise and will -- will sort out the details.

MR. GOODELL: Now, there's nothing under current law, if I'm not mistaken - that I want to check with you - that would prevent a commercial tenant from reserving the right to sublease, subject to whatever restrictions the landlord might have. Am I correct that normally there's nothing in the current law that would prevent a tenant from having the option to sublease?

MR. OTIS: Well, I think under the various scenarios,

if you have a tenant that left and assumed that obligation to sublease, they would still be obligated unless they were somehow going to try and find a way to get out of that obligation that was in the lease. So, they, in a sense, if they left, but they are still going to try and satisfy the sublease responsibilities they signed on to, I would think that they would still be so obligated.

MR. GOODELL: So then my question is if the commercial lease gives the landlord -- I'm sorry, if a commercial lease gives the tenant the right to sublease, can the tenant breach the lease, refuse to sublease -- I mean, declines, just walk away, and still avail themselves of the duty to mitigate by the landlord?

MR. OTIS: I think on that, probably they will see each other in court and a judge will decide how to iron that out since the -- the language that was enacted last year was not at that level of precision that I'm going to know what that outcome's going to be. A judge is going to decide that question.

MR. GOODELL: Thank you very much, Mr. Otis. I appreciate your comments, as always.

On the bill, Mr. Speaker.

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

MR. GOODELL: Under current law, in the commercial context, the parties are free to put in the lease agreement that the landlord will mitigate damages if the tenant breaches the lease. They can put that in under current law. This law eliminates the

option of leaving that clause out and it shifts the burden of proof from a tenant who is breaching the lease, who is violating the lease, who may be causing damage to the other tenants by leaving because they no longer bring the business in that the mall needs to survive, it removes any responsibility on the part of the tenant to mitigate damages, and places that responsibility on the non-breaching, innocent landlord. And it raises into question whether or not a liquidated damage clause will still remain enforceable, even though the parties at the beginning of this agreement signed on to a liquidated damage clause. And it raises problems for the other tenants, because if you're a tenant in a mall or a strip mall or a business establishment, part of the reason you're there is because there are other storefronts that are open. And the other storefronts are building that -- that flow of traffic that helps you. And so, some of the lease agreements, by the way, also tie into how much revenue tenants are getting, other tenants. So, you may have a base lease and a percentage of your gross revenue.

So, the damages in a commercial context for the landlord can go way beyond one lease. It may affect the revenues from the other leases. And in a commercial context, the landlord often uses those lease agreements as security for the commercial mortgage. And they run the risk when a tenant vacates in violation of the lease agreement that it may constitute a default under their overall commercial mortgage. So, that ramifications that go way, way beyond a simple residential lease where you have a tenant who is paying the monthly rent, and the commercial lease, much more complicated or



can be, often with lawyers, often with financial ramifications that go way beyond one particular storefront and affects multiple other stores, the financing and the capabilities of the parties. And this law not only violates the Federal Constitution which says you cannot impair the validity of existing laws, and this actually says existing clauses in a contract that disagree with it are invalid, so that's a direct Constitutional violation, but it upturns the situation that we currently have wherein a commercial context, the tenant, represented by a lawyer, and the landlord, represented by a lawyer, can negotiate the terms and conditions that they both agree to up front.

While I appreciate the desire of my colleague to mitigate damages, in the commercial context the landlord is doing everything they can to mitigate damages because they have so much else on the line, we should not intercede and regulate commercial transactions in violation of what the parties themselves have agreed to and, therefore, I'll be recommending that my colleagues vote no. Thank you, sir and thank you to my colleague, Mr. Otis.

ACTING SPEAKER AUBRY: Mr. Otis.

MR. OTIS: Thank you. Thank you for your -- your comments. I would think -- I come to a different conclusion in terms of -- in terms of how this is going to affect the landlord with those other financial responsibilities. Because right now there is a -- no duty to try and release the property. That landlord may or may not get that revenue. Other stores, whether it's in a mall or in a -- a -- other kind of commercial development where there are neighboring stores,

they are put more at risk with the empty storefront. I actually think that by taking away the disincentive to try and find a new tenant, we are helping the -- the landlords' finances as well as whatever lending obligations and other kinds of obligations to other tenants.

So I think this is good public policy. I think that as it relates to voiding those kinds of lease clauses -- last year we passed another piece of legislation that -- that this member also sponsored that got signed into law, that we -- we took away the ability to put into commercial leases the ability to have a -- a clause said that a commercial tenant when thrown out of a property would lose their day in court, which was a common lease provision that landlords put in and -- and tenants agreed to. We eliminated that and restored what had been the law in New York State for 50 years because we said it was against public policy. And we're doing a similar thing here, and the issues are somewhat interrelated. But I thank you for your -- your wise comment and analysis and -- and good work on all issues that you bring good ideas to the floor on. Thank you, Mr. Goodell.

And I'll be voting aye on my bill.

ACTING SPEAKER AUBRY: Mr. Phillip Steck.

MR. STECK: Mr. Speaker, very briefly on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. STECK: I would just like to point out that this is excellent legislation and I commend the sponsor. The duty to mitigate damage is to spread all across the law -- for example, an employee who is the victim of the most heinous form of

discrimination is still required to go out and mitigate damages by obtaining substitute employment. To suggest that a landlord -- because the landlord is the victim of someone breaking the lease would not have the same duty does not seem commensurate to other situations in the law. Second, with respect to the issue of liquidated damages, as my learned colleague is well aware, the parties cannot simply set a figure for liquidated damages. Liquidated damages has to bear a relationship to actual damages or it's not enforceable by the courts. So in requiring the landlord to mitigate, that is a factor in determining whether a liquidated damages clause is a -- a correct or reasonable approximation of that actual damages. Obviously, if the landlord can go out and mitigate quite easily, you don't get a double recovery. You don't get to relet the premises and you don't get to have your liquidated damages and eat that cake as well.

Finally, I -- I really have to again point out an error in always raising this issue about the Federal Constitutional requirement -- or prohibition, I should say, on the impairment of obligation of contracts. That clause in the Constitution deals with when the -- a private person has a contract with, say, the State of New York or another governmental entity, and by legislative action we would exempt ourselves or the State or municipalities from abiding by a contract. It has absolutely nothing to do with the -- with the ability of this Legislature to regulate private contracts. You know, back in the days before Franklin Roosevelt was President there were four extremely conservative Justices of the Supreme Court that -- that were

known as the "Four Horsemen." And the Four Horsemen of the apocalypse used to void any action of government to help the public on the grounds of so-called "freedom of contract." Well, that is an outdated 19th Century principle of law. It has no application here, and nowhere in our Constitution or the Federal Constitution do the words "freedom of contract" apply. I -- this bill does not in any way impair the obligation of contracts being entered into by the State or its municipalities.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record Rules Report No. 180. This is a Party vote. Any member wishing to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the number previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The Republican Conference will generally be voting in the negative. If there are members who would like to vote in the affirmative, please contact the Minority Leader's office.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Mr. Otis.

MR. OTIS: The Majority Conference will be voting generally in favor of this bill. If there are exceptions, please call the number that you were given earlier.

Thank you.

ACTING SPEAKER AUBRY: Thank you, Mr. Otis.  
So noted.

(The Clerk recorded the vote.)

Mr. Zebrowski to explain his vote.

MR. ZEBROWSKI: Thank you, Mr. Speaker, for allowing me to explain my vote. I want to thank the sponsor for this piece of legislation and for finishing what we started to work on last year. I was happy to work on that bill last year, and many times in the Legislature you take one step first before you take two, and I feel like this is the second step in making a more fair and equitable process out there. This is a simple equitable concept, which is that if you're a landlord and a tenant leaves and now whether they're a residential or a commercial tenant, you have to take reasonable steps to relet the premises. You can't sit back and run up damages. Now when we talk about commercial leases, certainly, sure, there may be and there are large corporations with lawyers that are probably on staff that are negotiating very complicated terms. I would still say for those transactions, equity should be the rule of New York State. However, let's also remember that there are commercial tenants across this State that are mom-and-pop stores, that are small businesses that don't have people on staff that are negotiating leases and are often behind the

eight ball as they try to negotiate things. And especially now, in a time of great trepidation, for businesses and small businesses across this State, I think we should be doing everything possible to make sure that New York law is as equitable as possible so that nobody is running into a situation if -- if -- if their business is unable to survive that they might be hit with additional damages because a landlord is not going out and taking reasonable steps to mitigate those damages.

I would encourage all my colleagues to vote in the affirmative. This is just such a commonsense, equitable bill, and once again, I thank the sponsor. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Zebrowski in the affirmative.

Mr. Epstein.

MR. EPSTEIN: Thank you, Mr. Speaker. I rise to explain my vote. I want to just thank the sponsor for putting forward this really important piece of legislation. And I think the discussion we just had really missed a critical point. The critical point is about power. In a negotiation between a commercial landlord and a commercial power -- tenant, there's an imbalance of power. And in these negotiations I've seen time and time again the landlord's basically saying, *Take it or leave it*. The tenant has very little power to negotiate. This is an attempt by New York State to rebalance this imbalance of power to say to the tenant, who almost always has no choice, *You have a little option here. We're going to force mitigation on the landlord, otherwise they're going to have to force it down your*

*throat.* In my district this happens all the time, where commercial tenants are just said, *This is the lease. You have to take every little piece and there's no choice.* Here, New York State is standing up for the little guy, like we should be.

I applaud the sponsor and I encourage my colleagues to vote in favor of this bill.

ACTING SPEAKER AUBRY: Mr. Epstein in the affirmative.

Mr. -- Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Please record Mr. LiPetri, Mr. DiPietro and Mr. Walczyk in the affirmative.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Mr. Otis.

MR. OTIS: Please record Mr. Santabarbara, Mr. Braunstein, Ms. Buttenschon and Mrs. Gunther in the negative.

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. A08511-A, Rules Report No. 181, Epstein, D'Urso, Reyes, Mosley, Gottfried, Seawright. An act to amend the County Law and the New York City

Charter, in relation to the docketing of adjudications of certain violations of laws enforced by the New York City Department of Consumer Affairs.

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

MR. EPSTEIN: Thank you, Mr. Speaker. This is an important piece of legislation that allows the Department of Consumer Affairs on the limited number of cases to have docketing authority to bring judgments against people who steal, owe these workers money. Anything related to restitution. This is something that the City has requested, and I'm proud to be standing here.

Thank you.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MR. EPSTEIN: Yes, I will.

ACTING SPEAKER AUBRY: Mr. Epstein yields.

MR. GOODELL: Thank you, Mr. Epstein. Right now, the -- the Department of Consumer Affairs can bring actions on behalf of consumers, correct?

MR. EPSTEIN: So, I -- I'll explain the process to you, Mr. Goodell, if you'd like.

MR. GOODELL: That would be great.



MR. EPSTEIN: So, an example is I'm a worker and I work in a -- in a store and they've stolen my wages. I haven't -- I've worked for a month and I get no pay. I can file a complaint with the Department of Consumer Affairs. The Department of Consumer Affairs will bring an administrative proceeding before the Administrative Hearing Officer called OATH. At that hearing they will seek restitution for me for my back wages. They'll -- they'll get an award from OATH. Let's say they -- we've got \$5,000 in back wages. OATH will then have that decision. The person who they got -- the business owner who they got the decision against could file an Article 78 if they wanted to. If they don't, then what has to happen is currently the Department of Consumer Affairs would have to then commence a Supreme Court action in State Supreme Court again with the same allegations and the same facts to try to reduce that to a judgment to then be able to give me an opportunity to get a judgment so I can get a reward. Currently under the situation, less than 1 percent of the amount that they're seeking for people like the individual I talked about are getting the money that they're entitled to, and what we're trying to do is speed up the process and allow that hearing at OATH to result in a judgment, then -- then people can collect their back wages. This is a consumer-directed approach from the City's Department of Consumer Affairs who is fully behind this bill.

MR. GOODELL: So in other words, instead of having a judgment rendered by a court, a judicial officer, you would --

this bill would authorize an administrative hearing to have the same powers of a court judge to impose a judgment?

MR. EPSTEIN: What happens at the administrative hearing will continue to happen before an administrative judge like it currently does. The only difference will be is at the end of that hearing with -- unless there's an appeal, the -- the money will be entered as a judgment which it can be collected on.

MR. GOODELL: Now, I'm familiar with how judges are appointed and there's constitutional requirements in terms of qualifications for judges. How are these administrative -- they're not elected, are they?

MR. EPSTEIN: They're appointed.

MR. GOODELL: They're appointed. And who appoints them?

MR. EPSTEIN: The -- the City does, the Mayor does.

MR. GOODELL: Okay. So you have the City appointing administrative judges --

MR. EPSTEIN: Right.

MR. GOODELL: -- not elected. And then those City-appointed administrative judges are hearing actions brought by a City agency?

MR. EPSTEIN: On behalf of consumers.

MR. GOODELL: Right. On behalf of the people they represent. And you want to now give the City-appointed hearing

officers the same legal authority as a judge, even though they're not subject to the same criteria as judges are in terms of their selection.

MR. EPSTEIN: Well, I think you're missing two main points, Mr. Goodell, and I just want to reiterate. One is, the OATH hearing officer, is an independent agency. Two is, if the person who's got the award against them -- let's say you're -- you're a business owner and it's your business and you don't like the outcome of that decision, you have the right to go directly to court and file what's called an Article 78. So you go before one of those judges you referenced. But Article 78 could overturn the administrative decision, which happens all the time, and so you get before a judge. All we're saying is we should be a one-step process instead of two steps, and the City happens to have this authority for multiple agencies, not just for consumers. So this is making it more difficult for consumers to get awards. And this bill is focusing on restitution for people who are the little guys who are getting -- who are losing vital money because their wages are being stolen, the money is being taken. And this is about restitution for the everyday person. And so that instead of telling them you should wait five, six, seven years, we're trying to speed up that process for that individual.

MR. GOODELL: Now, of course, under the current process, as you mentioned, the individual can presumably take that administrative hearing and file a Small Claims action, for example, and that administrative hearing would be relevant in a Small Claims action. Why shouldn't we expect the consumer who wants to get a

judgment to pursue a Small Claims action rather than reversing the process and requiring the defendant, if you will, to file an Article 78 in Supreme Court? Keep in mind, an Article 78 in Supreme Court is expensive. The filing fees alone are several hundred dollars. You have to have an attorney because it's a complex process, right? The defendant is actually the City, right, on an Article 78. You can't bring an Article 78 against an individual. So why would we substitute an Article 78 for someone who believes that they were wrongfully assessed a penalty, which is very expensive, rather than allow the consumer to bring a very fast and inexpensive Small Claims action?

MR. EPSTEIN: Well I think it goes back to the conversation that I just raised earlier around inequitable -- inequitable power relations here.

MR. GOODELL: I'm suggesting the Small Claims action is designed specifically for consumers, right?

MR. EPSTEIN: Do you want me to answer the question?

MR. GOODELL: Yes, please.

MR. EPSTEIN: Okay. So in -- in a normal relations, like the consumer here is the person -- let's say someone has their wages stolen, right? They are likely to be limited English-proficient people. They are likely to not understand our legal system. These are people who are being taken advantage of. And then you're telling us that instead of the government taking affirmative steps to assist the person that we should just let that person out of their own, into the

court system, to say, *Okay, well go file your Small Claims or you go to the Supreme Court and get a judgment.* No, it's government's obligation is to help the little guy, and that's exactly what this bill is doing is saying, *Hey, we know we're going to have an impartial hearing officer decide the facts here. But once that impartial hearing officer decides those facts, we're going to help you by ensuring that you can get a judgment and get restitution that you deserve.* Instead of saying, *Well, now that that's done, go -- good luck there in Small Claims or Supreme. We don't know how much money it's going to be, so it might not be for Small Claims. It might be too big an amount of money. Just go figure it out on your own, even though you may be limited English-proficient and don't understand the legal system.* It's government taking responsibility for the most vulnerable people in our society, and that's exactly what we should be doing.

MR. GOODELL: And would you then apply that same concept to all actions involving people who have limited means? I mean, in the past, just by comparison, we provided free legal counsel, right, through the Legal Aid program, as an example. Free legal counsel for those who have limited means who want to bring Small Claims actions, right? Why shouldn't we utilize the existing Small Claims action process which is very fast and efficient, and if these particular individuals need more help, why aren't we supporting that process?

MR. EPSTEIN: Well, I'll say, Mr. Goodell, as you may know, that I have worked and run Legal Services offices for

about 25 years, right?

MR. GOODELL: I suspected that you have some experience.

MR. EPSTEIN: I had some experience helping low-wage individuals and low-wage workers and help recover millions of dollars. And these are complicated, difficult actions. And for many people, the majority of people don't get access to free legal services. They don't get access to legal help that you referenced. There is a small minority of people who do, but the vast number of people who we're talking about don't have access to the system we're talking about. So this is an opportunity for those people who do get to government to file a complaint, that we will see them through through judgment. This is actually a good government piece of legislation that will help. And the reason we're not doing it broader than this is because we want to make sure this is focusing on restitution. We don't want the government to have unbridled authority to collect judgments, but we do want to ensure that people who deserve restitution should get it, and that's exactly why this is a narrow bill focusing on consumers who deserve to have their money given back to them because that was basically stolen from them. It is wage theft and we want to fight against that.

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

On the bill, sir.

ACTING SPEAKER MCDONALD: On the bill.

MR. GOODELL: I certainly share my colleague's desire to ensure that people who have their wages stolen from them or are the victims of this type of activity get restitution. Everyone shares that desire. So this debate's not about the desire to help those victims. This debate is what is the best way to help them, consistent with due process and in the most cost-efficient manner. Now, not everyone who claims that they are a victim of wage theft is actually a victim. That's why we have hearings. That's why we have court actions. And I can assure you, in most court actions there are two parties with different stories, and it's up to a judge or a jury to sort out the facts and decide which one's right. And the plaintiff doesn't always win, and the plaintiff doesn't always lose. And likewise for the defendant. So here we have a situation right now where we have a government-funded agency in New York City that represents just one side of that equation; the workers. The employers, they have to defend themselves at their own expense. And they go in front of an administrative hearing judge who's appointed by the City. So you've got a City agency appearing in front of an administrative judge who is hired by the City. And, you know, sometimes the employers say that's not the same as appearing in front of an impartial judge or an impartial jury. And that's why we want to make sure that judgments are not entered by people who are not based on decisions that are not made by judges or juries. That's why. Now under the current system, if you're getting an administrative decision that's in your favor, which is great, that means that you are likely due the money or more than likely due

the money. The current system allows a tenant to get a judgment in a very fast, easy and inexpensive manner through Small Claims, or if they need to, they can bring a Supreme Court action and that administrative judge's decision is relevant. Not binding, but certainly relevant. And so what we're doing is replacing a Small Claims court action, which typically costs, you know, less than a hundred bucks and you don't need a lawyer and all the rules of evidence are -- are waived to help innocent individuals in Small Claims could have a day in court in front of a qualified judge. We replace that with a complex appeal process that involves an Article 78 action brought by the employer who believes that they were wronged, that they were innocent in the first place, and that costs hundreds of dollars. And the net effect, by the way, is if the employer files an Article 78 proceeding because it's complex, that employee is going to be ending up hiring a lawyer or hoping that lawyers are assigned to them either by the Consumer Affairs Division or by somebody else. So, no question. If an employee was shorted on their wages, they should have their day in court. And no question that if an employer was not shorting an employee and they had an honest disagreement, the employer should be entitled to their day in court. And I'd just suggest that current process which relies on qualified judges or juries to make a final decision is the right process, and going down the road of having City- and municipal-appointed hearing officers make binding decisions that result in judgments is the wrong approach, especially when some of us suspect that sometimes hearing officer appointments have more to do



with who you know and how much you've contributed to campaigns than their legal qualifications. To be clear, I've seen some phenomenally good administrative law judges, but they are not the same as a regular judge.

Thank you.

ACTING SPEAKER MCDONALD: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER MCDONALD: The Clerk will record the vote on Rules Report No. 181. 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 voting no. If there are members that would like to vote yes on this legislation, please call the Minority Leader's office. And do so quickly because we've scheduled a conference call with the Conference after this vote.

Thank you, sir.

ACTING SPEAKER MCDONALD: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Our Majority colleagues will be voting in the affirmative for this one. Should there be a member who would like to vote against it

they can please contact our respective office and we'll be happy to record your no vote.

(The Clerk recorded the vote.)

ACTING SPEAKER MCDONALD: Mr. Epstein to explain his vote.

MR. EPSTEIN: Thank you, Mr. Speaker. I rise to explain my vote. First I want to thank the leadership and Program and Counsel Staff to get us here and the -- the City Department of Consumer Affairs for all of their help moving this forward. Just to be clear, the New York State Department of Labor has this power. The New York City Public Housing Authority has this power. The -- actually people don't have a private right -- don't have a private right of action for paid sick leave. This creates an opportunity for people who need restitution. It's an important piece of legislation that will allow thousands of people who are losing right now because of wage theft and other losses an opportunity to get the relief that they deserve.

I encourage my colleagues to vote in favor of this and I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Epstein in the affirmative.

Mr. Goodell for an announcement.

MR. GOODELL: Thank you, Mr. Speaker. I incorrectly announced that we are having a Minority Conference at 1:00. I forgot that we're here in Albany and those time frames are only projections. And so it appears as though we may be doing some

additional important legislative work before we call our conference.

And so I would encourage my members to stay on the Zoom if they're on the Zoom and continue to vote until we get the official word of a conference.

Thank you, sir.

ACTING SPEAKER AUBRY: You're quite welcome, sir.

Mr. DiPietro.

MR. DIPIETRO: On the bill to explain my vote, sir. As a mayor back in the -- in the day for eight years, six years and then three as a trustee I saw a lot of Article 78s. So this bill does bring some problems to me. Just -- every time I hear that word "Article 78" I -- my hair stands up. I haven't seen an Article 78 - I'm sure there have been - but in all the ones that -- that I presided over and saw in our village were -- I didn't -- I don't think any of them were under \$5,000 once they got the attorneys, they adjourned it, they postponed it, they -- they put everything together, it was very expensive. And I think the people we're trying to help here, I don't want to see them have to go through anything with an Article 78. I've just -- I've been -- the ones I've been involved with are lengthy and expensive. I hope this is a -- the way it's been put together would mitigate that, and I'm going to be voting in the negative. I know there's got to be other ways to help these people and get this forward. I don't think this is the exact way we should do it, so I'll be voting in the negative.

Thank you, sir.

ACTING SPEAKER AUBRY: Mr. DiPietro in the negative.

(Pause)

Mr. DiPietro in the negative in case you didn't hear me.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08821, Rules Report No. 185, Paulin, Simon, Galef, Gottfried, Jacobson, Seawright, Cruz, Mosley. An act to amend the General Business Law, in relation to denial of access to an employee toilet facility.

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

MS. PAULIN: Sure. The bill -- this bill clarifies that State and local consumer protection departments have the power and duty to handle violations of the Crohn's and Colitis Fairness Act.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you. Would the sponsor yield for just a couple of questions?

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

MS. PAULIN: I would be happy to.

MS. WALSH: Thank you very much.

ACTING SPEAKER AUBRY: Ms. Paulin yields.

MS. WALSH: So, this -- back in 2017 we passed the Crohn's and Colitis Fairness Act, which I was very happy to support. And my understanding is that this bill tries to set up an enforcement mechanism for that bill that we already passed. Is that correct?

MS. PAULIN: Yes. Originally we had put the law into the public health section or the health -- you know, to that section of law and the Governor asked that we redirect it and give it to -- essentially put it into the General Business Law which means that the Crohn's and Colitis Fairness Act would be overseen by the consumer departments. And he said that in his approval message. But New York City has said that they did not believe that they could enforce without this additional language. Most of the other departments have been enforcing based on the approval message, but we wanted to be clear because we estimate this many - about 84,000 cases of Crohn's and Colitis in New York City, so we wanted to be sure that that department felt that they had the ability to follow up on a complaint.

MS. WALSH: Okay. But did -- does this legislation affect -- this affects the entire State, not just New York City.

MS. PAULIN: It does.

MS. WALSH: Yes, that's what I thought. Okay, so this bill also authorizes the Consumer Protection Division to mediate complaints or to refer them. So my question was, where -- where might the complaints be referred?

MS. PAULIN: So, I know in my county we have a department devoted to consumer protection. Many -- many counties

do not all. So if you have a local department which is probably for most of the population of the State, you would make a complaint to the Consumer Department and then -- then they would have the ability to follow up. And if most of them -- not all, again, but most have laws. And, you know, I know in my county, for example, there's a penalty up to \$1,000, but those -- those vary, as they do for other consumer complaints around the State. If a county does not have it then it's the same mechanism -- it's a general complaint and that would go to the -- to the State Department.

MS. WALSH: Oh, to the State Department.

MS. PAULIN: Well -- well, to the -- to the appropriate department of the State, I should say. So let's see. I believe what the approval message says --

(Pause)

-- so -- so there's a Consumer Protection Bureau or the appropriate department at State government. So he does say that it is the New York State department.

MS. WALSH: Okay. I was wondering if it might go to the New York State Division of Human Rights. That's -- I was just wondering.

MS. PAULIN: I think we'd need a new chapter amendment.

MS. WALSH: Okay. And then you kind of anticipated my second quick question which was on the issue of penalties. So if I understood you correctly you just said that the

penalties would vary from -- from --

MS. PAULIN: Different municipalities. Yeah. As they do for most of the consumer complaints that we have around the State. We would have to make -- I mean, uniformity is -- is good, but we don't have this for most, so this is one of those now.

MS. WALSH: Well, thank you very much for your answers to my question -- my questions.

And, Mr. Speaker, on the bill.

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

MS. WALSH: So I'm so glad that this legislation has been introduced. I support it wholeheartedly. I was doing a little bit of research and I saw that all of this -- this whole movement really around the -- the country really started in Illinois with Ally's Law and then it was picked up by different states. And from there we came up with the 2017 law, the Crohn's and Colitis Fairness Act. This is especially important to me because I have a family member who suffers -- and "suffers" is the word -- with Crohn's, and I can tell you that having -- being able to go out into public and be able to feel at all comfortable that if the -- if the need arises -- and it could arise, really, at the drop of a hat -- if -- if you need a restroom, you need a restroom. And I think it's reasonable and fair that if there's one available that this is a very valid medical problem that is solved by having employers allow their restrooms to be -- even if they're employee restrooms -- to be available to these individuals. It's really -- it's very important.

So I'm very happy to support this -- this bill, and thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, ma'am.

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. 185. 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. Friend in the negative. 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.

The Clerk will read.

(Pause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could go to Rules Report No. 196 by Ms. Jean-Pierre and Rules Report No. 209 by Mr. Hevesi.

ACTING SPEAKER AUBRY: The Clerk will read.



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: Ms. Walsh on the bill.

MS. WALSH: Yes, thank you, Mr. Speaker. So this bill extends for an additional two years the authorization for local governments and school districts located in the Federally-declared disaster area as a result of Superstorm Sandy - which I have a hard time saying - to accept applications for an exemption from the increase in property taxes as a result of improvements on homes affected by that superstorm. Applications will be accepted until March, 2022. So, as I'm sure we all remember, Superstorm Sandy happened in 2012, so we're now eight years away from that storm. And when we first passed the first extender, you know, it's been unanimous. And the only point that I just wanted to bring out -- or really a rhetorical question, I guess, is, you know, how many more times are we going to do this? In -- in 2018 we unanimously passed another extender, and now we have this bill today. I completely understand the need to grant this type of relief, particularly in the immediate years following this terrible, terrible storm that did so much devastation in that area. But at this point this would be extended until March of 2022, and I would just say that although I will

be supporting this measure, I really do hope that this is maybe the last time that we see this bill and have to do another extender. I just think that, you know, we should be moving forward at this point, as I'm sure most of the homeowners also wish to be moving forward.

So, thank you very much. I will be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Melissa Miller.

MS. MILLER: Thank you, Mr. Speaker. I also will be supporting this legislation. And I just want to, for the benefit of anybody who like my colleague Ms. Walsh feels -- you know, we, too, feel that how many times do we have to do this. But having lived through and seen the devastation in our area as well as the cascade of untoward events that followed that were out of any homeowner's control, things like towns not permitting on time or having documents be lost, the tremendous turnover in New York Rising staff. There were a series of unfortunate happenings that the homeowners couldn't control. And so -- and then, of course, work that -- changes of plans where you had to do -- you didn't have to raise, you did have to raise. You know, there were -- there were so many mishaps following this. That is why this is still necessary eight years later. Believe me, anybody who was living through this, this is the last thing that they wanted to be doing eight years later or still looking at this. But the reality is that there are still people who are not even back in their homes, their homes are still in the air or in the, you know, hopefully

nearing end stages of construction.

So it's just -- it is still necessary, so I will be supporting this. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Griffin.

MS. GRIFFIN: Yes. Thank you for allowing me to explain my vote. I just wanted to add to the conversation that the devastation from Storm Sandy is still seen here. There are areas of my district, especially in Freeport where you still see houses being built. Along the coastline you see this. And it has been so frustrating for so many homeowners throughout the -- Nassau County, throughout the South Shore of Nassau County. So it is so important and also hard to believe that we still need to extend this. But the homeowners really need it and I am proud to support this bill and vote in the affirmative.

Thank you very much.

ACTING SPEAKER AUBRY: Thank you, Ms. Griffin.

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. 196. 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: Mr. Speaker, while

we're waiting for colleagues to let us know of their exceptions to party votes on this bill, I noticed that we have a -- a new Member Kim in the Chambers. She looks like she's about four or five. Hi. And she was in here, Mr. Speaker, doing a victory sign.

(Laughter)

Oh, that's not victory, that's the Star Wars. It's nice to see you, young lady. She's talking in the mic. We -- we hope that you and your dad and the rest of your family will stay safe and healthy and stay blessed. You're welcome into our Chambers. It's nice to see you.

(Applause)

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

MR. HEVESI: Thank you, Mr. Speaker and my colleagues. I would like to take a moment, a point of personal privilege, Mr. Speaker, just to thank all of the staff and members at the desk who I'm watching daily in and out. All of them, including the Parliamentarian, my friend the Sergeant-at-Arms, everyone, for the

great job they're doing all behind the scenes. Everyone except Brian Coyne, who I cannot bring myself to thank publicly.

(Laughter)

As for the -- as for the explanation for the bill, this bill would establish reporting requirements for the Office of Children and Family Services to collect data on the utilization and effectiveness of preventative services. When we're talking about preventative services in this context we're talking about services that are designed to keep families together and to keep kids out of foster care. This is a straight reporting bill. It will have a minimal fiscal impact, and frankly, we need to know exactly what kind of services we are providing in an effort to save money. The reason why you have preventative services is you want to keep kids out of foster care, particularly foster congregate care, is that they're more expensive types of care, and our counties pick up a 38 percent portion of those. So by getting a real sense if our money is going to the right services, I'm looking to save money at the end of the day. But it will require the cooperation from our counties to cooperate with OCFS and give the data. That's what this bill does.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you. Would the sponsor yield for just a couple of quick questions?

MR. HEVESI: My pleasure, Ms. Walsh. Good to see you.

ACTING SPEAKER AUBRY: Mr. Hevesi yields.

MS. WALSH: Good to see you as well. Well it's music to my ears that you think that this report is going to save the State money. That's -- that's great. I appreciate that idea. I -- I -- you also addressed where this data would be coming from, which is the burden is going to be on the local DSS units to provide this data. Is that right?

MR. HEVESI: Yes. That's correct.

MS. WALSH: Do you happen to know how many annual reports OCFS is required to prepare?

MR. HEVESI: I don't. And to be perfectly honest with you, I hate adding new reporting requirements at a time when the State is broke and the counties are broke. I got to tell you, we were hesitant about doing it, but we're going to do it because, again, the goal is, one, to keep families together. Two, to save the State money by not having kids funneled into more expensive programs. So, you know, I -- I understand that there will be a little bit of extra work and time consumed by the local DSS, but I -- I'm going to promise you that we'll do everything we can to make it worth their while and to make sure that we are trying to be as transparent and save as much money as possible.

MS. WALSH: So, you know, and I'm pretty familiar, having worked in -- as an assistant county attorney working with CPS and foster care for several years. I'm really familiar with the value of preventative services, but for the -- for the people our colleagues who

do not know what they are, do -- is the purpose of the report, Mr. Hevesi, to try to identify what services are the most effective in trying to prevent children from entering foster care, for example? Is it trying to figure out which ones are the best or who's utilizing them? I'm just a little bit confused about the focus of the report.

MR. HEVESI: So -- so the answer to all of your questions is yes. We're trying to get -- we're trying to get all of that data. So first, we're trying to get a sense of how many kids use these preventative services, where they were referred from, in what counties. Also, there are several funding streams here, some that are more county-heavy than others, so I want to get a sense of who's paying for them. And then also, we are asking OCFS to determine whether these have worked by telling us how many kids wound up in foster care anyway. So the answer to all of your questions is yes.

MS. WALSH: Well, that's great. Thank you very much for your answers to -- to my questions.

And, Mr. Speaker, on the bill.

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

MS. WALSH: So, I think -- think that as the sponsor indicated -- and he indicated that there were some reluctance to put the bill forward in the sense that do we really need another report. And when I first took a look at the bill, that was my initial reaction. You know, now with our State being in such a fiscal crisis as it is in, is this really the time to impose an additional burden on our local DSS to

provide all this data? Is it -- is it an appropriate time to add another report to the long list of reports that OCFS is required to produce each and every year? And, quite frankly, you know, sometimes these reports, they sound really good but they -- they might be sitting on a shelf. They might not be being read after they're prepared. Sometimes they're not prepared really in a timely way. So I -- I think, you know, report bills, reporting bills are something that we regularly do support as -- as an Assembly Body, but, you know, I think that we should be careful to not do reports for the sake of reports. However, after talking in just the brief debate that I had with Mr. Hevesi, I do believe that the sponsor genuinely does think that this may yield some cost savings and a closer analysis of preventative services and -- and what we could be doing better, maybe on a county-by-county level. Yeah.

So I guess I will be sponsoring this bill. However, I, you know, I -- I struggle with it a little bit because I feel like in a lot of ways I'd rather see our local DSS agencies using their time and attention to deliver preventive services instead of having to take the time to get the data ready and push it up the chain and have another report done. So I will support the bill, but I really hope that what we get is going to be -- you know, we're going to get the -- the Bangladesh for the buck here. So thank you very much, and thank you to the sponsor.

ACTING SPEAKER AUBRY: Thank you, Ms. Walsh.



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. 209. 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. DiPietro in the negative.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. We are going to at this point stand in recess. Mr. Goodell is going to make an announcement regarding his Conference, and immediately following their completion of their work we'll be going into four committees which were mentioned earlier: Judiciary, Codes, Ways and Means and Rules. So we will be in recess until then. Members just need to leave themselves in the Zoom conference as they step away for a recess.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, ma'am.  
Mr. Goodell.

MR. GOODELL: Thank you, sir. The members of the Republican Conference are encouraged to join us on a Zoom conference call. Immediately following that they will need to reenter into the Zoom system for the Assembly so that they can participate in all the committee meetings that will follow. So for the Republican Caucus members, please join us in Zoom for a conference meeting.

Thank you.

ACTING SPEAKER AUBRY: Republican Conference in Zoom.

The House stands in recess.

(Whereupon, the House stood in recess.)

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**A F T E R   T H E   R E C E S S**

**5:00 P.M.**

ACTING SPEAKER AUBRY: The House will come to order.

MRS. PEOPLES-STOKES: Thank you. We should continue where we left off on our debate list. We're going to go to Rules Report No. 220 by Ms. Rosenthal, Rules Report No. 221 is by Mr. Epstein and Rules Report No. 222 is by Mr. Lavine, in that order,

Mr. Speaker.

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

MS. ROSENTHAL: This bill would prohibit the application of glyphosate on State property. Did you hear me?

ACTING SPEAKER AUBRY: Yes, ma'am.

MS. ROSENTHAL: Okay.

ACTING SPEAKER AUBRY: Mr. Goodell.

(Pause)

Mr. Manktelow.

(Pause)

Mr. Goodell.

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

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

MS. ROSENTHAL: Yes.

MR. GOODELL: Thank you, Ms. Rosenthal, for

yielding. Why would you want to prohibit the use of glyphosate?

MS. ROSENTHAL: Glyphosate is a weed killer. It's been identified as a probable human carcinogen and it is -- it is banned in various places around the world and it is -- it is a probable carcinogen.

MR. GOODELL: Is this the ingredient that is in what is generally known as Roundup?

MS. ROSENTHAL: Yes, it is.

MR. GOODELL: So this is a product that literally millions of consumers buy every day and use around their home?

MS. ROSENTHAL: It is, but it is banned in 21 countries around the world. It's banned in different -- different cities in the U.S. In addition, in New York State, it is banned on playgrounds, in schools all over the State and other areas.

MR. GOODELL: And so, the State has already banned the use of this chemical in any areas that might be sensitive like around schools or playgrounds?

MS. ROSENTHAL: It's has not been banned in State Parks and State property, State recreation areas, and it is also unnecessary to use because there are many other alternatives that are not toxic.

MR. GOODELL: And what are those alternatives?

MS. ROSENTHAL: Let me get that for you. One second. There's something called industrial vinegar, and there are herbal products, as well.

MR. GOODELL: As -- as you know, those products also have well-known side effects. Industrial vinegar, for example, is very acidic. The herbal products are -- are great, but obviously, if they were as effective or cost-effective they'd be widely utilized as well.

MS. ROSENTHAL: I'll take acidic over cancer causing any day.

MR. GOODELL: I'm sorry?

MS. ROSENTHAL: I said I will take acidic over cancer causing any day.

MR. GOODELL: Well, just keep in mind that even when you're dealing with acidity, we used to have a horrific problem with acid rain in the Adirondacks. Would your bill provide for any exception in any of our State Parks, and would it apply, as well, to the Adirondack State Park?

MS. ROSENTHAL: It would apply to all State Parks, but let me clarify that Roundup is used to eliminate weeds and before the invention of Roundup and all these pesticides, it was actually something that was manually done. That is also a possibility.

MR. GOODELL: So you envision that in the Adirondack State Park we would manually remove weeds?

MS. ROSENTHAL: This is a Statewide bill, so it's in that Park, but it's also in other areas where it certainly could be manually removed. But what the goal of this legislation is to take away something that has been identified as a probable carcinogen, and also spare the State the liability because, in fact, there are suits across

the country against Bayer, which bought Monsanto, ones that Bayer settled for millions of dollars and we are just a sitting duck if anyone tries to sue New York State.

MR. GOODELL: Am I correct your bill would not apply, then, to the private use of this for agricultural use, for example, or home use or whatever?

MS. ROSENTHAL: That is right. It's only on State property. And, also, I don't think the Adirondacks gets weeds.

MR. GOODELL: You think they're exempt?

MS. ROSENTHAL: They don't get weeded, those are wild areas so I don't believe it is applied there.

MR. GOODELL: Now, this chemical has been extensively reviewed, if I'm not mistaken, by both the EPA and the DEC. Has the EPA banned its general use?

MS. ROSENTHAL: Okay, well, first of all, the EPA -- and there are multiple peer-reviewed studies that suggest that glyphosate can be harmful. A 2016 Consensus Statement in Environmental Health, that's a publication, found that human epidemiological and domesticated animal studies suggest association exposure -- between exposure to GBH's adverse health outcomes. A 2014 report by the USGS, the United States Geological Survey, found glyphosates occurred widely, 59 percent of surface water studies, 58 percent of soil and sediment samples, and -- and the fact is that the EPA, working with Monsanto, managed to squelch a report illustrating glyphosate's harms for three years. The EPA that is ruling

on this is one that is complicit with the industry. So, I -- most people do not trust that proclamation.

MR. GOODELL: So my question was has the EPA reviewed it? And I think your answer is yes, they have, but you don't trust the EPA; is that accurate?

MS. ROSENTHAL: Well, what I said and I'll -- I'll further to that is in a March 2019 trial, a former CEO of Monsanto revealed that the company never conducted epidemiological studies on the cancer risk, and multiple trials in California against Monsanto have revealed that the EPA has been very lax on oversight. These are in the trials where people were awarded millions of dollars. I think you're familiar with the case of -- of the man who sued and he developed non-Hodgkin's Lymphoma because he had worked with glyphosate for many, many years --

MR. GOODELL: Well, I am familiar with that --

MS. ROSENTHAL: -- he's the one -- and he passed away, so his suit is the one where millions of dollars were awarded.

MR. GOODELL: My question, though, and I apologize if it sounds like I've asked it for the third time, but for the third time, has the EPA ruled on this and what was the EPA's determination?

MS. ROSENTHAL: I think -- I think you know the answer to that question. I answered it with a caveat that the EPA -- the EPA that hid for three years evidence that glyphosate use is harmful said it's not harmful.

MR. GOODELL: I see. So the EPA said it's not harmful and, of course, we also have the New York State Department of Environmental Conservation, our State employees who we believe are experts. And what has the New York State DEC said about this chemical use?

MS. ROSENTHAL: I don't believe it's come before DEC.

MR. GOODELL: Does the DEC, under current law, have the authority to ban harmful chemicals that they think are an imminent threat?

MS. ROSENTHAL: You know, it's not a ban; it's a prohibition on its use in certain areas in the State where it would be in contact with children -- it would be harmful to them.

MR. GOODELL: But our DEC certainly has the authority to ban chemicals they think are dangerous, correct?

MS. ROSENTHAL: Our -- our State agencies have authority to do many things. I don't know that it was brought up in -- in front of them, but this is an action that a Legislature can take.

MR. GOODELL: So at this point, though, the DEC has not exercised its expertise to ban or restrict the use of this chemical; is that correct?

MS. ROSENTHAL: I don't think it proves or disproves anything. They haven't -- they haven't made determinations. And it's a purchasing preference.

MR. GOODELL: And is it then your view that the



Legislature, which, I mean, we have a lot of really smart, smart capable people, no doubt, but is it your view that we are smarter, more capable, more educated, more scientifically-in tune than our own DEC and the Federal EPA when it comes to recognizing and banning chemicals?

MS. ROSENTHAL: Once again, Mr. Goodell, we're not banning this chemical. I would like to, but that's not what this bill is about. This bill is about banning its use in State Parks. The Legislature has acted to prohibit pesticides in playgrounds, so we've done this before.

MR. GOODELL: Thank you very much, Ms. Rosenthal. I appreciate your answers and your patience with me as I asked those questions. Thank you, ma'am.

MS. ROSENTHAL: No problem.

MR. GOODELL: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

Would the sponsor yield for a few questions, please?

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

MS. ROSENTHAL: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. MANKTELOW: Thank you very much, Madam Sponsor. I apologize if I missed a couple of the questions that

my colleague asked, but I'll just reiterate them. One of the questions: Do you know how many acres in New York State is actually used for agriculture that is State property?

MS. ROSENTHAL: This -- this does not pertain to all acres of agriculture in New York State.

MR. MANKTELOW: So -- so what you're saying is if it's ag-related, this isn't going to relate to ag-related?

MS. ROSENTHAL: It -- it -- it -- it includes State Parks, forests, certain campgrounds and other recreational facilities. So, it is not directed at farms at all.

MR. MANKTELOW: But it does say "State properties", correct?

MS. ROSENTHAL: Yes. If a farm -- if someone is using State land, they would have to follow the law, but this is not -- it is directed at public use areas.

MR. MANKTELOW: Okay. So -- so is it safe for me to say that any of our farmers can use State property and use glyphosate on it?

MS. ROSENTHAL: If farmers are using State lands, they have to follow State law. If it pertains to lands that they are using, yes.

MR. MANKTELOW: Okay. So if this bill passes and it becomes law, what's going to happen then at that point?

MS. ROSENTHAL: What will happen then is that in State Parks, forests, certain campgrounds and other recreational

facilities, there will be no more use of products containing glyphosate; however, there are other non-toxic chemicals that can still be used.

MR. MANKTELOW: Okay. So -- so you're talking about non-toxic chemicals, but a farmer can still use glyphosate; you haven't said yes or no to me. That's what I'm asking.

MS. ROSENTHAL: Well, farmers using State lands would have to follow State law and wouldn't be able to use it; however, farmers own property, they can use what they want.

MR. MANKTELOW: I understand. So what you just said now then if this passes, farmers could not use this on State property.

MS. ROSENTHAL: On State property, they have to follow State law pertaining to that property.

MR. MANKTELOW: Okay. So it is more than just the Parks and other areas. How does this pertain to our SUNY schools?

MS. ROSENTHAL: Sorry -- sorry?

MR. MANKTELOW: How would this pertain to our State colleges, our SUNY schools like --

MS. ROSENTHAL: If it's -- if it was State land, they have to follow State law, yes.

MR. MANKTELOW: Okay. So SUNY Morrisville, SUNY Cobleskill -- SUNY Morrisville uses about 800 acres; SUNY Cobleskill uses about 650; SUNY Delhi uses about 250 acres. So, at this point what you're saying is if this law passes, those schools are not

allowed to use glyphosate even though it's labeled in New York State, they're not going to be allowed to use it; is that correct?

MS. ROSENTHAL: Yes, that is correct. But, as I said earlier, there are alternatives that don't have any link to cancer.

MR. MANKTELOW: Okay. I -- I agree with that. I mean, I understand that. I don't agree with that, but I understand that. But we have to be productive in New York State. We need to compete with other states in the country, and so basically what you're saying is we, as legislators, are smarter than the EPA and the DEC, because they haven't banned it in New York State; is that correct?

MS. ROSENTHAL: No, it's not correct, actually. As I said to Mr. Goodell, DEP [sic] has not given an opinion and so --

MR. MANKTELOW: Pardon me? DEP?

MS. ROSENTHAL: I said DEP [sic] is not part of this discussion. They have not ruled. And also, as I said to Mr. Goodell earlier, we have passed legislation banning the use of pesticides in playgrounds, so we've done this before.

MR. MANKTELOW: Yeah, just because we've done it before doesn't mean it's the best things always. So, in my district, you know, there's 4,000-plus acres of State land that I just did a quick search on. In my district alone, there's 1,000 acres or more that we use for ag. Some of those State lands are black soil, muck soil and Roundup is very much needed in those -- those soils. So if this passes, we're not going to be able to do that and we're not going to be able to farm that land. So, this is --

MS. ROSENTHAL: Well, you would be able to farm that land, you would not be able to use glyphosate. And a point that I want to bring out is that there are millions of dollars in settlements that Bayer, which purchased Roundup from Monsanto, has had to pay out.

MR. MANKTELOW: Okay.

MS. ROSENTHAL: It was a class action suit. I don't think New York State should be held liable if anything happens to people who work with Roundup and glyphosate, as that happened to that poor groundskeeper in California.

MR. MANKTELOW: Okay, so we'll -- we'll skip --

MS. ROSENTHAL: Sorry, one more thing. There's a \$10 billion settlement fund.

MR. MANKTELOW: So, the money --

MS. ROSENTHAL: I don't think New York State has \$10 billion to put in a fund right now.

MR. MANKTELOW: So the \$10 billion makes it okay, then. Okay. Next question --

MS. ROSENTHAL: No, it doesn't make it okay.

MR. MANKTELOW: How many farmers did you actually talk to about this bill?

MS. ROSENTHAL: I don't know, maybe a few.

MR. MANKTELOW: Where were they from?

MS. ROSENTHAL: As I said, the goal is to protect the public from State-owned Parks, forests, campgrounds and

recreational areas to protect the people who use those areas from having to be exposed to glyphosate. It is a protective measure for the public.

MR. MANKTELOW: Okay. But as you just said earlier, that if this bill passes, it's going to also include the agricultural property that the State owns in New York State. That's what you said.

MS. ROSENTHAL: This bill is not just about one sector. It's about the public. It's public land under our purview.

MR. MANKTELOW: Then can we put that verbiage in there that says it's not for the ag part of the State?

MS. ROSENTHAL: No, I -- no one said that. I said it is for the public use.

MR. MANKTELOW: I understand that.

MS. ROSENTHAL: They are public -- public State lands.

MR. MANKTELOW: Okay.

MS. ROSENTHAL: If someone chooses to work on a public piece of property, then they have to follow the law. I'm sure there are many other laws that they have to follow when it comes to usage of State land.

MR. MANKTELOW: Okay. We'll move on then, thank you. Thank you, Madam Sponsor. Have you ever looked at a pesticide label?

MS. ROSENTHAL: Yes, I have.

MR. MANKTELOW: Can you tell me what's on

one?

MS. ROSENTHAL: I don't have one in front of me.

MR. MANKTELOW: Well, I'll give you just a quick example. I have one here in front of me, and it's actually a Roundup label. The first thing is *Ingredients*. Second thing is *Important phone numbers*. Third thing is *Precautionary statements*. Fourth thing is *Hazards to humans and domestic animals* and on this label it says, "Keep out of the reach of children." There's no skull and crossbones on this label. And if you go up to the next side of this label, it tells you how to deal with your eyes if you get it on there, or on your skin, and it says, in this label, is it's "relatively non-toxic to dogs and other domestic animals." That to me is very important. And the next thing on that label is the Personal Protective Equipment, what I, as an applicator, have to wear. And that is just as important to me, because as a farmer, I've applied tens of thousands of acres of glyphosate to my farm over the years, probably for 40 years. But I did adhere to the PPE, like we're doing here with the COVID and, at this point, I seem to be fine.

MS. ROSENTHAL: Well, I hope you -- I hope you stay fine, but I'd just like to point out that legislators have the ability to follow recommendations of experts who say it's a probable carcinogen and it has cost states millions upon millions of dollars defending lawsuits.

MR. MANKTELOW: Okay. So that's a -- that's a good point you just brought up. In 2018, agricultural house study, the

largest study of glyphosate-based herbicide supported by the U.S. National Cancer Institute, followed over 50,000 licensed pesticide applicators for 20 years from 1997 to 2017 and found no association between glyphosate use and cancer risk. Fifty thousand tests, 50,000 farmers they -- they followed for 20 years. I did a little more research. It's virtually non-toxic to mammals, birds, fish, insects; I've witnessed this personally. It breaks down quickly into the natural materials such as carbon dioxide and nitrogen, and it doesn't penetrate the woody stems of trees, shrubs and grapevines. That's just -- that's just one study. And I've reached out to Farm Bureau, they're in opposition to this and it will, again, put our farmers at a disadvantage here in New York State again with the rest of the State and part of the country, or some of the other countries. And also --

MS. ROSENTHAL: I think you're trying to create a narrative around this bill that actually doesn't exist. And the fact that the poor man developed non-Hodgkin's Lymphoma and died of it and was awarded millions of dollars means that that is a problem. And the fact is that there are plenty of experts that I trust, scientific experts, well-accredited, not fly-by-night people who say that it is a potential cancer-causing agent that ends up in water, soil and there are other studies, so...

MR. MANKTELOW: Okay. So, I didn't realize that the U.S. Cancer Institute is a fly-by-night, but I'll go on.

MS. ROSENTHAL: I said it's not a fly -- I did not say that. Please don't put words in my mouth.



MR. MANKTELOW: Well, don't put words in my mouth, ma'am. But here we go. The EPA, the Environmental Protection Agency, has thoroughly evaluated potential human health risks associated with the exposure to glyphosate and determined that there is no risk to human health through the current registration use of glyphosate, and that glyphosate is not likely to be a carcinogen to humans. That's the EPA.

MS. ROSENTHAL: I explained already about how the EPA worked hand and glove with the industry to squelch a report that would've revealed toxic implications for using Roundup.

MR. MANKTELOW: Absolutely, and that's why we have our labels and that's what -- that's what the labels are for. And it's remarkable. This morning I was brushing my teeth before I came over and I looked at my toothpaste container and on there it says, *Warning, keep out of the reach of children under the age of six-years-old. And, If you accidentally swallow more than the use of a toothbrush, contact medical help or the Poison Control Center.* Are we going to outlaw toothpaste on State property, as well, because there's a risk for a young person?

MS. ROSENTHAL: If you want to, you can introduce a bill to that effect.

MR. MANKTELOW: Oh, absolutely not.

Okay. Well, I just want to close out with one other piece here that I had put together.

MS. ROSENTHAL: You know, I'd like to say that

there's no reason for the State to take a risk that would both harm it financially and fiscally, which we can't afford, and also take a risk when our public lands are used by people who might get sick. We don't want that to happen.

MR. MANKTELOW: Okay.

MS. ROSENTHAL: This is about weeds. It's no emergency. It's about weeds.

MR. MANKTELOW: Well, weeds in an agricultural farm is an emergency, because any weeds cost money and take over the crop; it absolutely is. And I'd be glad to bring some farmers down and let you talk with them. So, just -- just one of the memorandums of opposition was from the dairy industry. This says, *The bill would have a direct impact on production of agriculture by restricting farmer's renting State land from applying this important pesticide. In addition, this bill would create a dangerous precedent of mandating pesticide use policy through legislative action, rather than deferring to the Department of Environmental Conservation, the legally-charged agency for pesticide review and registration here in New York State.*

MS. ROSENTHAL: Farmers do have other options than State land and when you go get into a contract with the State, you have to follow State rules.

MR. MANKTELOW: So -- so this will definitely affect the farmers, again.

MS. ROSENTHAL: Well, that's what you're saying,

but we have banded in -- we have banned pesticides use in playgrounds --

MR. MANKTELOW: But this is a --

MS. ROSENTHAL: You know, this is along the same vein of being protective of our residents and our park users.

MR. MANKTELOW: Okay. So -- so last year on April 30th, 2019, we passed a bill here on this floor, A02477-B; are you familiar with that?

MS. ROSENTHAL: I don't remember bills by number.

MR. MANKTELOW: That was the chlorpyrifos bill --

MS. ROSENTHAL: Yes.

MR. MANKTELOW: -- that is used on corn, soybeans, fruit, nut trees, brussel sprouts, broccoli, cauliflower, seed treatments, as well as other row crops. Non-agricultural uses include golf courses, turf, greenhouses and non-structural wood treatments, such as utility polls and fence posts. So, there was a veto message, No. 193, and this is what came down from our Governor: *New York State is one of the few states in the country that have the regulatory program designed specifically to review and register pesticides, implement regulations and controls. This bill - I'm talking about the bill that was passed here on this floor, from the legislators - this bill bypasses the rigorous process available to challenge and approve product and substitute the legislator's judgment for the expertise of*

*chemists, health experts and other subject matter experts in this field.*

And this is what his -- *I do not agree that a pesticide should be banned by legislative decree.* This is from the Governor's Office, from the Governor.

MS. ROSENTHAL: Okay, okay. So, I -- I hear you. This isn't about chlorpyrifos, first of all.

MR. MANKTELOW: Pardon me? Pardon me? I didn't hear that.

MS. ROSENTHAL: I said this is not about the chemical you cited, first of all. This is not a ban, again. This bill calls for prohibiting use on certain lands. It is not a ban of glyphosate and it only says the State shouldn't be buying it or applying it. In addition, we have separate branches of government. We pass the bills, that's our responsibility. The Governor gets to weigh in after we pass it. So, he can have his opinion, we're allowed to have ours.

ACTING SPEAKER AUBRY: Sir, your time has expired.

MR. MANKTELOW: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: You're quite welcome.

Ms. Woerner.

MS. WOERNER: Thank you, Mr. Speaker.

On the bill.

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

MS. WOERNER: I preface my colleague, Mr.

Manktelow, made a key point. We are one of two states in the United States that has its own Department of Environmental Conservation. And we invest in that agency millions of dollars every year. They hire scientists, they hire engineers, and their responsibility, as delegated by the EPA, is to review chemicals and their impact on human health and to determine legal standards and registration for those chemicals. And our DEC has determined that glyphosate -- glyphosate is a chemical that can be used safely in agricultural production.

The truth is the State owns a fair amount of agricultural land. This land used to be associated with institutions, primarily prisons, and they are now leased to farmers as productive -- productive land. Those farmers depend on being able to use the full range of tools available to them to maximize their investment and their crop production. We should not be second guessing the scientists and engineers that we pay for each and every year. We should invest in them the responsibility to do an ongoing analysis each and every year to make sure that the studies that are available on the use of various chemicals are -- remain -- our regulations remain up-to-date with the science.

This really is not the position of the Legislature to substitute our judgment for that of the experts. I will be voting in opposition to this and I encourage my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Glick.

MS. GLICK: We are not individually substituting our own beliefs or reading, but we are substituting the considerable knowledge and expertise of almost two dozen countries where their experts have decided to err on the side of caution. In addition, glyphosate is decidedly, in its wide application, dangerous to pollinators, which are suffering from a wide range of threats. We should not be adding to it.

In addition, we don't put it on playgrounds, but State Parks, in general, people take hikes, people camp, people could be, you know, sleeping on ground or playing frisbee or a catch up game of football - not now when we are in the middle of a pandemic, but at some point we all hope to be able to get back out there and engage in these kind of activities in our State Parks.

The fact that the State government might conceivably have some undue influence from industry; well, it's very possible. But we are looking at other places. And there are retailers that have looked at the danger and have decided they don't want to participate in being part of that chain of selling these pesticides, including something -- someone like an organization like Costco, which is very widespread across the State. They are withdrawing their sales of this material, as are several others.

And I appreciate that the State DEC has reviewed this and said it was fine for agricultural use. And that may or may not be okay, but on our State lands, and if there are lands that have been turned over for production of food, again, we see increased incidents

of various kinds of cancers and other kinds of ailments that have to do with the disruption of our body chemistry. And these chemicals are not necessarily safe, even if our DEC has - and the EPA, increasingly problematic - has decided it's not going to take a stand against this.

But my concern is the pollinators that are stressed. The change in climate is changing the ability of our forests to stay healthy. We see more invasive creatures and we cannot poison ourselves out of this. So, I thank the sponsor for bringing this forward and I'm going to very happily support it.

ACTING SPEAKER AUBRY: Mr. Tague.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. TAGUE: Always great to see you.

ACTING SPEAKER AUBRY: Always good to see you.

MR. TAGUE: Listen, I'm going to be very brief. And I actually appreciate the thoughtfulness that the sponsor has for this bill, but, again, this is one of those bills that one shoe fits all, a bill that is not going to work in rural Upstate New York, especially in our farming communities. You know, to be quiet simple, we continue on this track, no farms, no food. And I think people forget that. The folks that use and apply these pesticides are very well-trained, understand how to use them. The second thing is to apply these manually with the acreage that's used on the crops, just can't do it that way. And if you were somebody from rural Upstate New York that

understands the agriculture industry, you would know that.

I would suggest that the sponsor of this bill go back to the drawing board. I have no problem with parks and -- and picnic areas and stuff of that nature, not using these products, but to not use on areas like SUNY Cobleskill, SUNY Morrisville, places where we're actually teaching our young how to use these types of applications responsibly and in the right way I think is just wrong.

So with that, of course, I will be in the negative on this, and would be happy to work with the sponsor, as I'm also a member of the En Con Committee, would be happy to work with the sponsor on a bill that I think everyone would accept and appreciate, but please, please leave our farmers alone. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Jones.

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

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

MS. ROSENTHAL: Yes, I will.

ACTING SPEAKER AUBRY: Ms. Rosenthal yields.

MR. JONES: Hi, Linda. Just a question. I missed part of the beginning of the -- of the conversation, I do apologize. The Adirondack Park was mentioned. Could you clarify something for me there, and I -- and I believe in between listening to it, does this cover the entire Park? We have to realize the Adirondack Park is six million



acres, and there's a lot of private lands on there, as well, over half of it is private lands and private property. Could you clarify what that covers in the Adirondack State Park?

MS. ROSENTHAL: Sure. Not private land, only public land.

MR. JONES: Okay. So that's clearly defined in the legislation.

MS. ROSENTHAL: Yes.

MR. JONES: Okay. Thank you.

MS. ROSENTHAL: You're welcome.

MR. JONES: On the bill.

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

MR. JONES: I have to agree with -- with a lot of my colleagues that have spoken here today. I certainly understand the intent of this bill and I -- and I -- and, quite frankly, I agree with the intent of this bill to keep dangerous substances away from our parks, but we are dealing with a broader issue here, and we are dealing with the agricultural industry, as well. And I really encourage the sponsor to work -- to work with people in the agricultural community and colleagues that have spoken up against this, because I think there can be a reasonable solution to this. But this bill is too sweeping in manner, it really is. And, once again, it hurts our agricultural industry and it -- and it puts our farmers at a disadvantage to other places in this country. I certainly understand the intent of it, but, please, we can

do better than this, we can work on this - and I would be willing to work on that, as well. That, for many other reasons, will be why I'm voting in the negative. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Smullen.

MR. SMULLEN: Mr. Speaker, would the sponsor yield for a few more questions, please?

ACTING SPEAKER AUBRY: Mr. Smullen asks Ms. Rosenthal to yield. Will you yield, ma'am?

MS. ROSENTHAL: Yes.

ACTING SPEAKER AUBRY: Ms. Rosenthal yields.

MR. SMULLEN: Thank you very much, Mr. Speaker. Thank you, Ms. Rosenthal. This bill, as it's written, would it apply to State Highways where the State owns the property not just the right-of-way?

MS. ROSENTHAL: State-owned land --

MR. SMULLEN: So you're saying all --

MS. ROSENTHAL: -- including State Parks, forests, certain campgrounds and recreational facilities.

MR. SMULLEN: And would that include all the State Highways, such as the New York State Thruway?

MS. ROSENTHAL: I believe it would, yes.

MR. SMULLEN: It would include all State Highways, as well as the New York State Thruway. Have you done a carbon analysis between what it would cost -- so, saying that we

would not be able to use glyphosate for roadside vegetation control, do you know how many gallons are -- are used each year in New York State by the Department of Transportation?

MS. ROSENTHAL: I don't have those at my fingertips, but as I said, there are plenty of alternatives that accomplish the same goal.

MR. SMULLEN: So one of the alternatives that you mentioned was mechanically removing vegetation.

MS. ROSENTHAL: It was -- yeah.

MR. SMULLEN: There is also a -- a very significant roadside vegetation management program that uses tractors to mow grass and to be able to mow the medians of our State Highways. So, without using glyphosate, you would have to rely exclusively on mechanical vegetative control?

MS. ROSENTHAL: Can you repeat that last part?

MR. SMULLEN: Without using any chemicals, you would have to use -- the Department of Transportation would have to rely on mechanical vegetation control exclusively?

MS. ROSENTHAL: They can use other substances that are not -- that don't contain glyphosate.

MR. SMULLEN: What other substances would you recommend that the Department of Transportation analyze to be able to do vegetation control along State Highways, railroads, any of the areas where the State has jurisdiction over those routine maintenance tasks?

MS. ROSENTHAL: You know, it's -- it's not clear that they use glyphosate now, and many communities don't do it. Mowing -- mowing is -- is -- is fine, but countries and states have managed to control weeds without the use of glyphosate, and to protect the State's coiffures and to protect public health, this is a very commonsense proposal when there are alternatives that can do the job, as well.

MR. SMULLEN: Thank you very much, Mrs. [sic] Rosenthal.

Mr. Speaker, on the bill.

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

MR. SMULLEN: I think it's very important to recognize that mechanical vegetation control is -- is very both man power and resource intensive. It has a big carbon footprint, and that's why -- where the tradeoff comes between using chemicals and using tractors with diesel fuel to be able to maintain our State's highways and roadways and canalways and the various areas that this bill would prohibit a commonsense use of a chemical to be able to keep our transportation networks going. So for that reason, along with the agricultural reasons that my colleagues pointed out, I will be voting against this bill because it hasn't adequately examined all of the tradeoffs between cost and benefit between using glyphosate and the other alternatives that have been (unintelligible/mic problem) here as alternatives.

So, without the EPA and the Department of Environmental Conservation weighing in, I would be voting no in order to preserve our competitive advantage in the agriculture sector. We don't need more job killing regulations in New York, and our -- our position in New York is a great place in which to do business and commerce along our highways and our byways, our roadways, our railways. For those reasons, I'll be voting no for this bill. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you very much.

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

THE CLERK: This act shall take effect December 31st, 2021.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 220. 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, Speaker. The Republican Conference will be in the negative in general and if there's a member who would like to vote in the affirmative, please contact the Minority Leader's office. 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. Clearly, we have two members in the Chambers who have already stated their opposition, but if there are others, please feel free to contact the Office and we'll make sure your vote is recorded.

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

(The Clerk recorded the vote.)

Mr. Manktelow to explain his vote.

MR. MANKTELOW: Thank you, Mr. Speaker. As I listened here just a little while ago to my colleagues and other colleagues that have spoken to me, we, as American farmers and New York farmers, do our very best to protect our environment, to protect the people that we work with, that work on our farms, our children, our families and right now and today with what we have going on with COVID and every other aspect of the hardships that we're facing as New Yorkers, this bill could wait. This bill does not need to go forward. I absolutely agree with the sponsor about, you know, looking at the parks and looking at other alternatives there, but agriculture is not the time to do that now. And I ask my colleagues to vote no on this. Let's go back to the table, let's not pass another bill and then we'll fix it later. Or let's not pass a bill that will open this up to something even worse down the road. Let's take our time and vote no and let us grow and let us do what we need to do. Please, come out

and see our farms, come out and see us and see what we do and see how safe we really are.

So, I'm asking my colleagues, my friends here to say no to this bill, not for me, but for the people that we represent back home, the people that we represent as farmers and agricultural producers. We need to work together. We need to start doing this region by region, not a blanket piece of legislation for the whole State. We continue to push this. We need to grow together and I ask that we vote this down today. And I will be voting in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker, for allowing me to explain my vote. I would simply point out that there is a growing movement across the country for organic foods, and -- and fibers. And so, organic farming is gaining a foothold and there are more and more people interested and concerned about what is in the food they are eating. And so, at farmer's markets, people in my community certainly get to know the farmers who come to the farmer's markets, and they are attracted to those farmers who are engaged in organic farming, and people want to know that the food that they are eating has not been grown within pesticide-laden soils.

And, again, we have to ensure -- you know, we kill the bees, we might as well pack it in because no bees, no food. Einstein said that a couple of generations ago and we have not heeded

that message. So we need to be heading to less poison in our environment. With -- I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Mr. Dinowitz.

MR. DINOWITZ: Thank you. To explain my vote. First, I want to thank the sponsor. I have to admit, I was not an expert or anything approaching that on this issue or this chemical until the sponsor brought this to light, for me, and we should be doing everything we can, especially now in the time that -- times that we're in right now to protect the health and safety of all of us, particularly our children. The International Agency for Research on Cancer has declared this a possible -- a probable human carcinogen, and other countries have recognized this, as well. Why are we even hesitating on this? We cannot take a chance on having anything that's harmful to people in our environment, and I think especially now, this bill is relevant and it's also a very -- of limited nature. I mean, it's only dealing with State property. It's not dealing with every piece of land across the State. So I would urge everybody to vote yes, and I vote yes on this excellent legislation.

ACTING SPEAKER AUBRY: Mr. Dinowitz in the affirmative.

Mr. Rodriguez.

MR. RODRIGUEZ: Thank you, Mr. Speaker, for the



opportunity to explain my vote. And I certainly appreciate the comments that have been made, but I think there's a growing body of scientific evidence that demonstrates that this is a potentially harmful and carcinogenic substance, one that should not be in playgrounds or State Parks and, you know, as a dad of two young children, one who is seven and one who is three, we recognize how important those State Parks are and, more importantly, how the safety of these parks are paramount, especially when we have choices and alternative with respect to glyphosate. So, I think it's important that -- that we look at those and explore those alternatives. We've spoken about the benefits of organic -- of the organic movement to agriculture and, just to reiterate, this is not about agriculture, nor does it say that private, you know, farms can't use this substance; on the contrary, it says at State property, you know, and State facilities it's prohibited to be used.

So, I think that focus narrows it, you know, to a scope that is, I think, specific enough to the State and to State -- to benefit State Parks to warrant us taking this action now and, you know, I encourage my colleagues to do the same and I thank the sponsor for her work on this bill.

ACTING SPEAKER AUBRY: Mr. Rodriguez in the affirmative.

Mr. Abinanti.

MR. ABINANTI: Thank you, Mr. Speaker. I rise to support this legislation. We are making a policy determination as to how our State lands should be used. That is within our purview. We

are stating that we are very concerned that there is a growing consensus that glyphosate is a probable carcinogen and, therefore, we want to make sure that it is not being used where people of the State of New York are going to go and possibly be exposed to it. The owner of this product is now settling lawsuits; that's an admission that there is a problem here. We should be alert to that. There are many countries around the world that are way ahead of us, that have banned the use of glyphosate. The fact that some of the farmers have been applying this without any danger to themselves because they're using Personal Protective Equipment does not make me feel better. It makes me be very concerned that they need to use PPEs to properly apply this product.

I don't want to be near where it's used. I don't think we should allow the citizens of the State of New York to be near where it's used. I agree with the sponsor, we should not be possibly subjecting the State of New York to liability by not taking this action, and I'm not sure how effective it's turning out to be. There's also some evidence that there's an emergence of glyphosate-resistant weeds, and it's becoming very costly to remove those weeds. So, there are many reasons why this is good legislation and I support it and will vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Abinanti in the affirmative.

Ms. Griffin.

MS. GRIFFIN: Hello, thank you for allowing me to

explain my vote. I stand in support of this legislation and I commend the sponsor. This is a really important piece of legislation. I am a proud sponsor of it because this isn't new. This is a known toxin and it's been known for many, many years. And if we, in New York State, can do things to help have our parks and any State lands be safe, then we should do that. And I think there are many alternatives so it is unfortunate for any farmers on State land, but perhaps this will be an opportunity for those farmers to look at some other products, other alternatives so they can keep farming. But I know as someone who purchases fresh vegetables, I prefer to purchase them without being -- this product being used in it. And I think this is a step in the right direction for New York State. Thank you for allowing me to explain my vote.

ACTING SPEAKER AUBRY: Certainly. Ms. Griffin in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following Republican members voting in the affirmative: Ms. Malliotakis, Ms. Miller, Mr. DeStefano and Mr. Montesano. No relation to the company.

ACTING SPEAKER AUBRY: So noted, thank you.

Mr. Pretlow.

MR. PRETLOW: Yes, Mr. Speaker. On the Democratic side, we have the following exceptions: Ms. Lupardo, Mr. Stirpe, Mrs. Gunther, Mr. McDonald and Ms. Buttenschon.

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.

On a motion by Mrs. Peoples-Stokes, the B-Calendar is advanced.

SPEAKER HEASTIE: So, we are about to -- we're going to move on two bills that recognize two important dates in African-American history. The first is legislation by Assemblymember Gary Pretlow that recognizes the abolition commemoration date, which will be the second Monday in July. It commemorates the Abolition Act with end -- which ended slavery in New York State. It passed the Legislature March 31st, 1817, and abolished slavery effective July 4th, 1827. Slavery is often, too, remembered as the legacy of the South, but New York has its own dark history with the -- with the institution. At what -- at one point, 20 percent of New York City's population were slaves.

Abolition Commemoration Day also honors New York's abolitionist history. Harriet Tubman and the Underground Railroad; Frederick Douglass and *The North Star*, published in Rochester; *Freedom's Journal*, the first African-American newspaper published in the U.S. by John Russwurm and Samuel Cornish.

And I also want to want to give a -- a particular shoutout to Ms. Bessie Jackson, she is the Director of the Association

for the Study of African-American Life and History, a longtime public schoolteacher, a constituent of mine who is 94 years young who has fought for years to make this reality. She first came to me with this passionate advocacy in 2004. So, I know Ms. Jackson is watching and I hope she feels that the work that she has put in for the last 16 years has come to fruition. And this is going to ensure that the full, uncompromised history of our State is taught and remembered.

And then we have legislation by Assemblywoman Alicia Hyndman that makes Juneteenth a public holiday. When President Lincoln issued the Emancipation Proclamation on September 22nd, 1862, and which was to take effect on January 1st, 1863, people thought that that was the end of slavery in regards to the United States. But the importance of Juneteenth is that it -- on June 19th in 1865, Union General Gordon Granger and Federal troops arrived in Galveston, transparency, and took control of the state and enforced the Emancipation Proclamation, which finally ridded the country of slavery. It's a commemoration of Black and African-American freedom and -- and achievements. Too often Black and African-American history is overlooked, whitewashed and relegated to the confines of a single month. By recognizing Abolition Commemoration Day and Juneteenth, we remember the horrific legacy of slavery in our country and our State, and we honor the struggles of African-Americans and our ancestry. And we celebrate those that fought for abolition and freedom, and recognition of our history.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could now go to Rules Report No. 212, it's on the main Calendar, and immediately following that, we'll go to Rules Report No. 348, that's on the main Calendar, as well.

ACTING SPEAKER AUBRY: The Clerk will read.

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

(Pause)

ACTING SPEAKER AUBRY: Ms. Hyndman.

MS. HYNDMAN: On the bill, Mr. Speaker.

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

MS. HYNDMAN: Attending SUNY New Paltz will always be one of the best decisions my parents made for me. As a student in the Black Studies Department is when I became acquainted with June 19th, June -- Juneteenth. And the Union Army General, Gordon Granger, who was -- Union Army means he wasn't carrying a Confederate flag, marched into Galveston, transparency and freed over 250,000 slaves two year -- two-and-a-half years after the Emancipation Proclamation. These people were still in bondage. That means two years of being sold, two years of saying goodbye to family members, two years of being raped. Additionally, two years of

saying goodbye to children; you'd never know if they were -- became fully grown. Two years of being told that you're nothing more than property, nothing more to be bought or sold at the marketplace. Two years of not knowing whether each day on Earth would be your last day.

And so, when those slaves were freed, they left the plantations and went around looking for lost family members to see if they could find them. They went into other states throughout the -- the Union, looking to see if they could find the family members who were sold, looking to see if they could find those family members that maybe they had married them, they were sold. And that meant no more than what -- they were going to be used as free labor to continue to build this country. So, they left the -- they left the plantations. But even that wasn't the end of degradation and your rights as a human being.

But for Juneteenth in this House, for this State, it is part of the American history. And we know that American history is all encompassing. And this is not something that's taught in our classrooms for the usually -- for the K-12 age groups. I had to learn about this in college. And I thank my colleagues in the Assembly when we did our resolutions and celebrations here recognizing Juneteenth. But at this date and this time in this society, we know how important it is with the Black Lives Matter movement to encompass that our history is American history and our history, as dark as it was then, is what makes this country so great. That when

Juneteenth is omitted from the history books, in New York State there'll be now -- it will now be a public holiday. A holiday that people will recognize. But what does Juneteenth mean? It means freedom. It means justice. It means that in this country we have to recognize our history in order to move forward. And that is what Juneteenth means to me.

So, I want to thank Dr. Margaret Wade-Lewis, Dr. A.J. Williams-Myers, Dr. Zelbert Moore, Dr. Roberts, Dr. Branch, Dr. Chikwendu and the Black Studies Department at SUNY New Paltz who taught a lot of students from the cities exactly what Juneteenth means, exactly what American history means and what it means to this country moving forward. We need this holiday as a time to recognize the strifes of African-Americans, and that is what this holiday brings to us.

So, while we know that a lot of people will use it as a day off, for a lot of us it will mean the history and culture of a time in 1865 when 250,000 individuals that looked like me couldn't get married, couldn't raise their families, couldn't live as -- couldn't live as free persons. So this is history in the making. I do want to thank the Governor's Office for the Executive Order and his commitment to sign this legislation when it comes to his desk. And for other states to follow New York State in making sure that Juneteenth is a -- not just a holiday in this State, but around the country, recognizing the history of African-Americans in this country. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, ma'am.



Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I rise to thank the sponsor for this piece of legislation and certainly appreciate now, the Governor, for his Executive Order for Juneteenth Day. But let me just tell you, 45 years ago in the great City of Buffalo, we decided we were going to celebrate Juneteenth no matter what. And not just that we decided to do large parades that the entire community, and not just the Buffalo community, but the whole Western New York community enjoyed, but there was a school started around the whole idea of being freeish, if you will, called The BUILD Academy. Eventually through -- throughout the years, that school did such a great job of educating children from the perspective of their heritage and their culture that the system decided that they had to be engaged, they had to change the rules that had been set up to educate Black and Brown children to the rules that went across the district. And as a result of that, that school is now on a low achieving list. And so, you can see a difference when Black people get engaged in their own culture to give it to their children and to teach them that way, there's a huge difference. When that is eliminated, you see the results of that.

Now, I want to say when Mr. Pataki was Governor, that had to be a couple of decades ago, he came into Buffalo, he went on Michigan Avenue where three centuries of history have been created for Black people and he signed into law something called the Amistad Law. It was legislation that was passed by Assemblymember

Keith Wright that said the State Education Department should infuse the history of African-American people into the curriculum, because, quite honestly, American history is African-American history. To this day, that has not happened. And so perhaps three Governors later, an Executive Order to create a holiday and this piece of legislation right here will motivate not just the State Education Department, but all of us as New Yorkers and all of us as Americans to understand that when we hide truths, we create problems. We should put some light on the truth. I think this legislation does that, but, again, I want to honor the sponsor for submitting it. Thank you, Mr. Speaker.

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

Mr. Barron.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BARRON: You know, I always have a tough job up here because I'm wedded to the truth. Beware of wolves in sheep clothing, the Governor. This protest that put so much pressure on him that he came out early and said, *I will make Juneteenth a holiday; send me the bill, I'll sign it*, because of the protests and the pressure. The real bill he needs to be signing on to and we need to be passing is the reparations bill. We need to get paid for these years of enslavement in this State and all across the country. So, to avoid that, he openly says, *I will pass a Juneteenth bill*. And I commend the sponsor of this bill, I know where her heart is and her sincerity is, and

I support this bill 1,000 percent. But let's pressure this Governor and this Assembly to pass a reparations bill that is the remedy and really the answer to a lot of what's going on in this State.

And to the Majority Leader, Crystal Peoples-Stokes, I want to say I was there for some of the Juneteenth marches and -- and her continued support and commitment to reparations.

Now, let me get to the bill and some of the history around Juneteenth. I mean, a lot of people think the White General Granger came into transparency and we didn't know that we were free for two years and here comes the -- the White calvary, General Granger and he read it to them and we jumped for joy. That did not happen. It was the African soldiers. It was the African soldiers. And two of the biggest lies in America is that Lincoln freed the slaves and Columbus discovered America. Neither one of those things happened. In 1862, the South was actually winning the Civil War and it was about saving the Union. Ten states left the Union and headed up to the Confederacy, they head up that and then four slave states stayed with the union -- four slave states stayed with the Union.

But we have to understand that these states that stayed with the Union, the Emancipation Proclamation said all of those states that were in rebellion against the Union, Lincoln was cunning, scheming, and he was the racist. He wanted to free us and send us back to Africa. But what happened with that document, the Emancipation Proclamation, said that all the enslaved Africans in the slave states that left the Union, your slaves are free. The ones who

stayed, the ones he could have freed, he said it doesn't apply to you because you didn't leave. So the enslaved Africans that he had no longer jurisdiction over, they were in the Confederacy, they started to leave the South and come up North, cross Union lines. And he made slavery an issue when he said, *If I could free no slaves and save the Union*, Lincoln this is, *If I can free some and save the Union, I'll do it, we've got to save the Union*. Lincoln didn't want France and England to enter the war on the side of the Confederacy because they had abolished slavery, and they didn't enter the war because he said we're going to free enslaved Africans.

So, the African soldiers, 75,000, 100,000, there were 3.5 million enslaved Africans in the South, 500,000 up North and they started coming North. And Lincoln said and Frederick Douglass said if it wasn't for the African soldiers, they would not have won the Civil War. So they went from plantation to plantation freeing enslaved Africans. And guess who was with them some of the way? Harriet Tubman. She just didn't have the Underground Railroad and free 300, she freed 700 as a leader, a Sergeant or a General in the Union Army.

They finally got to Galveston, transparency, that was one of the last stops of the campaign, the military campaign, and when they got to Galveston, transparency, it wasn't that we didn't know, they weren't freed yet. So 10,000 African soldiers came in there with General Granger. General Granger was trying to tell them, *You're freed, but are you sure you want to leave? Because, you know, where are you gonna go? What kind of work are you gonna have?* The

African soldiers said, *We're free, let us go unite with our families and let's do the right thing by our people.* They came into Galveston, transparency in 18 -- on June 15th, and it took them four days to run the Governor and the 4,000 Confederate troops out to liberate their people. It's the African soldiers who did that, not General Granger. He was trying to talk them into staying.

And slavery didn't end then because the enslaved Africans in those states that Lincoln could've freed and didn't, they still had their enslaved Africans in Maryland. They still had their slave Africans in the four states that were still having slavery. It wasn't until 1865 in December when they ratified the 13th Amendment -- if the Emancipation Proclamation ended slavery, you wouldn't have needed the 13th Amendment. You needed that because it did not end slavery. And the last slaves were not in Galveston, transparency. That was the end of the military campaign and they celebrated.

So, while Juneteenth is a good thing, it's a good holiday to celebrate, let's tell the truth about the history. The 13th -- and the 13th amendment of the United States Constitution says slavery shall be abolished except as a punishment for crime. We went from the plantation to the penitentiary. And we're still in the penitentiary, thousands of us still providing free labor in the penitentiary to produce products for Capitalism.

So, I celebrate Juneteenth, but we're gonna celebrate the truth that comes along with Juneteenth. I commend the sponsor of

this. I'm supporting it 1,000 percent. But let's fight for reparations. Let's not him -- let him get away, the Governor, with Juneteenth, a holiday now, which is good. It's a good thing. But if he's serious about African people in this State, then I have a bill right in the Ways and Means Committee. Let's get that bill out there, let's set up that community commission and let's look at what is the remedy for the enslavement of Africans here and during Jim Crowism. That is a serious issue.

Hey, Governor, let's -- do a press conference now, say you support reparations for African people since you're so concerned about us and you support a holiday in Juneteenth, how about reparations? Straight ahead, for whatever. I vote in the affirmative.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 212. 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 to explain his vote.

MR. GOODELL: Thank you, Mr. Speaker. I'm pleased to vote in the affirmative, as will many of my colleagues, for recognizing Juneteenth. I just wanted to also point out while there are other dates that are really important here in New York State that we

want to celebrate, and some folks may not realize that July 4th, in addition to being one, when the Declaration of Independence was signed in 1776, July 4th, 1827 was the date that New York officially ended all slavery. And so, that's one more reason for us to be celebrating on July 4th.

So, in some ways, Juneteenth reminds me of the frustration that many of us recognize that it took almost two years for word to get down to transparency, and for two years those people were enslaved after the war ended. Nowadays, it takes less than two seconds to get news around the world. So, we've made lot of progress, but we certainly have a lot more progress to make. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you. Mr. Goodell in the affirmative.

Mr. Johns.

MR. JOHNS: Yes, Mr. Speaker. On the bill -- or to explain my vote.

ACTING SPEAKER AUBRY: To explain your vote, sir.

MR. JOHNS: We talked about something similar last year, and this -- first of all, I'm glad to support and be able to vote for this Rules Report. I think it's important to just give a little background on myself and my family. As I told everybody last year, my father was a disabled veteran from World War II, had one leg amputated, the other leg mangled up. He spent two-and-a-half years in Walter Reed

Army Hospital, where my mother happened to be working. And besides all that -- that they went through, I remember -- I grew up in Webster, New York, but my mother would always tell me about the kind of crimes that were committed down in Washington. And she thought that, invariably, every time a crime was committed, rape, murder, any type of thuggery whatsoever, they always seemed to find a Black man and blame it on him and convict him.

Now, I was four, five, six-years-old, I hardly knew anything about what was going on. And my mother drove my brother and I, who was even younger than I was, we went to Gettysburg, and this was in the late '50s, we went to Gettysburg and then we went down to Virginia, my mother told us about the old Jim Crow laws, Black Only, White Only drinking fountains, bathrooms, I saw it for myself. And anybody that -- as other speakers have said here, Black history is American history. June 19th is significant for everybody in this country.

And as you know, Mr. Speaker, I try and play a little basketball, not very good, and you're laughing because I'm bad, but I remember from around the year 2000 to 2010, I used to play a lot of outdoor ball, Cobbs Hill up in Rochester, and a lot of times I was the only White guy, or certainly the only old White guy, and I would talk with a lot of the young guys up there about June 19th, it started rolling around and I'd say, *Well, what about June 19th, Juneteenth*, and these were a lot of young African-American men that went to school in the City of Rochester, they didn't know what I was talking about.



So, it's American history. It's Black history. Thank God that recently it's come to light and it's a very important date in our country's history. So much so that even a lot of young African-Americans have never been taught it in school. I had a background because of my mother to learn a lot of things in life that everybody doesn't get a chance to understand and see, but I'm glad today to be a -- a co-sponsor on this bill and to be able to vote for it. Thank you so much, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly, sir. Mr. Johns in the affirmative.

Mr. Barron to explain his vote.

MR. BARRON: Thank you, Mr. Speaker. I just want to mention two other things very quickly. One, that we often say that our history is America's history, and I know that's a famous and uniting thing to say. But America's history is not our history. We are -- we are victims of American history, and we should be very clear on that.

And then, to mention the 4th of July with Juneteenth is an insult. The 4th of July, when Betsy Ross was stitching the American Flag in 1776, we were catching stitches in slavery. I want to suggest to all of my colleagues that they read Frederick Douglass' speech on what the 4th of July means to me, or means to Black people. We shouldn't even celebrate it. We were in such bad conditions when this country first started. So, I just wanted to make sure that it's not tainted with the 4th of July. This is a holiday that

we'll be celebrating separate from that, not in addition to it.

And then finally, the Amistad curriculum that the Majority Leader spoke of, we need to fight for that. We need to have mandatory African-American history in all of our schools in this State. That is something solid to go along with Juneteenth and to go along with reparations. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Barron in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

From the B-Calendar, Rules Report No. 348.

THE CLERK: Assembly No. A10831, Rules Report No. 348, Committee on Rules (Pretlow). An act to amend the Executive Law, in relation to the designation of Abolition Commemoration Day as a day of commemoration.

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

Mr. Pretlow on the bill.

MR. PRETLOW: Thank you, Mr. Speaker, on the bill.

In 1626, the Dutch West Indies Company brought the first 11 slaves to New Amsterdam. The first slave auction in New York was held in 1655, and by 1703 over 40 percent of New York

households had slaves. The road to freedom was long, arduous and dangerous. A number of abolitionist newspapers were published by African-Americans, such as the *The Elevator*, which was published right here in Albany, New York by Stephen Myers and backed by Horace Greeley, Gerrit Smith and other white abolitionists. Stephen Myers and his wife, Harriet Johnson, also operated the Albany Station of the Underground Railroad, which helped fugitive slaves make their way to Canada, and was known as the most organized section of the Railroad. The great Frederick Douglass also was a well-known for his publication, *The North Star*, as well as his famous speeches. Others, like Sojourner Truth, used their voices to advocate nationally for the abolishment of slavery and to ensure that the contributions and plight of women was included in the narrative around emancipation.

And while New York later became known as a free state, many abolitionists, like Harriet Tubman, helped African slaves escape on the Underground Railroad throughout the country, and specifically here in New York. Tubman and others used their platforms in New York State to call for the abolishment of slavery throughout the United States. There are also countless documented and undocumented uprisings by enslaved Africans who fought for their freedom and the many unsung heroes who spoke out against slavery when it was unpopular and dangerous to do so. For these people, New York State owes a great debt and must be acknowledged for their sacrifices and contributed for a more unified and stronger State.

The abolishment of slavery was not the result of one person's doing, rather, it was a collective movement. Nothing can remove the generational damages created as a result of the Transatlantic Slave Trade; however, a civilized state can do no less than to set aside one day a year to honor the brave abolitionists and atone for having engaged in the process of maintaining exploitive -- exploitive, abrasive slavish society for countless generations.

In 1817, the New York State General Assembly passed the Manumission Bill, which freed slaves ten years later. Slaves weren't freed, they were freed gradually and it didn't take full effect until January -- until July 4th, 1827. But as noted by one of our colleagues, July 4th was not the date that African former slaves celebrated. They celebrated on July 5th because as Fredrick Douglass said, *July 4th was not yet set aside for us.*

So, with that, Mr. Speaker, I want to thank the -- the Speaker for being behind this bill. I see Senator Bailey has already passed it in the Senate. And this will set aside the second Monday in July of every year to honor all the abolitionists in the United States. Thank you.

ACTING SPEAKER AUBRY: Thank you, Mr. Pretlow.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to rise and congratulate the sponsor of this piece of legislation. I think this is a critically important -- in fact,

I probably didn't realize how important it was given that I grew up in a community in and around a lot of abolitionists. As you know, Harriet Tubman actually still owns land in Auburn. She was actually buried by the funeral home of our dear colleague, Mr. Finch. She has a ton of land there. I grew up in the AME Zion Church where we always went throughout the summers to -- for youth counseling and for educational opportunities.

And so, when I had the opportunity to go to Israel earlier this year, pre-pandemic, and I had a chance to go to the Holocaust Museum and noticed the way they really honor the abolitionists who helped the Jewish people as they suffered through the Holocaust. It occurred to me that -- how powerful abolitionists really are because they are not the same as the people who are necessarily being hurt, with the exception of people like Frederick Douglass, clearly was an African-American man, but generally, they are White people and they're helping other people who don't even have the same experience they have, which really brings to me the real humanity of the world. And unless you know that even though there are some people who don't look like you who are willing to hurt you, there are also some people who don't look like you who are willing to help you.

So, I really honor the fact that Mr. Pretlow would see it right to make it a day for the abolitionist movement. And I hope that as we begin to think about how we celebrate so many things in life, that we will celebrate abolitionists, as well. And so, again, I want

to congratulate him on that and just say how important it is for this story officially to go forward. I didn't really know until not long ago that former Governor Seward was -- had a good relationship with Harriet Tubman, and he actually helped her get access to a lot of the land that she -- it's still in her family in -- in the great area of Auburn.

Lastly, I will say this, just in -- on these two topics, we fought for five years to get a sign up, maybe longer than that, Mr. Speaker, to get a sign up on the Thruway that says, *This exit for the Harriet Tubman home*. Well, it's about this big (indicating). When you've got all these giant signs along the 90 and you get close to the exit, and that's the one that says 41, the sign is about this big (indicating), but it will tell you that you can actually go and see where people like Harriet Tubman lived, see where Frederick Douglass visited, see where Governor Seward actually -- because he has a lot of history in that area, as well.

And so I think for us as a people, no matter what our ethnicity is, we should always be in search of history. We should always be in search of history. And so, again, I want to congratulate the sponsor and thank you for the opportunity to make comments on this bill.

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

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. 348. 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. Reilly to explain his vote.

MR. REILLY: Thank you, Mr. Speaker. I just want to thank the sponsor for this bill. I wanted to share that in my district I started doing a -- walking around and I use the hashtag #AroundThe62AD, and, you know, I -- I grew up in Brooklyn, I moved out to Staten Island when I was 19, and then to the South Shore, the 62nd Assembly District after I got married in 2000. So, I moved out here in 2003. What I share about my walks is I found a deep connection with -- which is inside the 62nd Assembly District, Sandy Ground, which is the first free Black Settlement in New York State. And it was a great learning experience for myself representing this area. And I continually walk by there and see the graves of those former slaves that are -- that were freed, and it's -- it's deeply moving.

Another spot that I saw and I was able to highlight was the memorial for Fredrick Douglass, which is also in the 62nd Assembly District. So, hearing -- I've become very aware of the history and -- and the struggles throughout our history here. But I just wanted to share that if anybody's interested in visiting the 62nd and seeing Sandy Ground and the Frederick Douglass Memorial in Oakwood, I would gladly accompany them. But I, once again, I think this is a proud moment and a proud legislation to support, so I vote in

the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Reilly in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Pause)

MRS. PEOPLES-STOKES: -- return to our debate list, we want to go right back to Mr. Epstein and Rules Report No. 221, then Rules Report No. 222 by Mr. Lavine and Rules Report No. 224 by Mr. Zebrowski.

ACTING SPEAKER AUBRY: The Clerk will read.

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, Crespo, 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: An explanation is



requested, Mr. Epstein.

MR. EPSTEIN: So in New York State there are numerous children in foster care and they're in care for various purposes there -- because they're here for Federal -- Federal reasons or State reasons, and we don't have any good information about why they're here, what services they have, they're in group homes, family homes, we need that information. This bill provides a comprehensive list of kids in care in New York State so we can, then, use that information as we move forward.

MS. WALSH: Thank you very much. Will the sponsor yield?

MR. EPSTEIN: Happy to.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. WALSH: Thank you. So, when I first read the bill, I -- I guess I flagged it because I just found it very difficult to believe that we didn't already have data like this. Doesn't the Departments of Social Services maintain data on how many children are in foster care and where they are?

MR. EPSTEIN: So, this information is not available. This -- especially where the kids are, what kind of care they're in. They don't have a -- a list of this information and this is really an important piece of information that we need to have.

MS. WALSH: So as far as where they are, does this envision that there would be lists, data, showing, you know, addresses of where the kids are? No, right?

MR. EPSTEIN: Of course not.

MS. WALSH: Okay.

MR. EPSTEIN: This is just aggregated information.

We have, just in making up a number, 1,000 kids in group foster homes, 1,000 kids in foster homes, and these kids are in kinship homes and out of that 1,000, 300 are from Federal custody and 600, 700 are from New York State.

MS. WALSH: You -- you've mentioned Federal a couple of times. I did read the memo that accompanied the bill and it did seem as though possibly part of the impetus for the bill was the -- the Federal placement of some children in foster care who were -- had been separated from their parents possibly or other adults when crossing into the United States that -- is that correct?

MR. EPSTEIN: I -- there have been numerous versions of the bill and earlier on, it was -- it was more focused on the children in Federal care that were here in New York.

MS. WALSH: Yeah.

MR. EPSTEIN: But when we dug deeper into it, we realized that not only do we want to know the -- how many children from Federal care are in our State, but also, we needed a better data about kids who are in State care, as well, and where they're placed and what's being offered to them.

MS. WALSH: All right. Thank you very much. I appreciate your comments.

Mr. Speaker, on the bill.

ACTING SPEAKER JONES: On the bill.

MS. WALSH: So, as many people know I -- I worked for a few years in -- for -- as an assistant county attorney representing foster care in my -- in my county, and also Child Protective Services. So, I have a little bit of familiarity with the foster care system at least in the small area that I -- where I live. I also did a little bit of research and it looks as though there was something called the Federal Family First Prevention Services Act of 2018, the FFPSA. It was signed into law as part of Public Law 115 to 123. And it required states to compile some of the foster care data that is required by this bill. And, interestingly, I thought, as part of our Fiscal Year 2019, New York State Budget, it was Assembly Bill No. A09503-C, we appropriated in funding for local Social Service Districts to assist with reporting on the total number of children in foster care. But I notice that this bill does not provide any such funding.

So, I do think that it is a pretty exhaustive list of things that would be required to be reported, and much like I -- I commented on an earlier debate with the sponsor of a different reporting kind of bill, I do think that, of course, it is absolutely necessary that we understand how many children are in foster care. Some of the other things that are part of this bill that are going to be required I think might be going maybe a little too far, but -- I mean I -- I will support this, I just think that, you know, I think we just have to be careful when we're doing these report bills that this is information that's not just duplicative, it's not just an additional mandate or burden

that we're putting on our local Social Services districts because as -- as I stated earlier -- even earlier today, I just think it's very important that with the limited resources that our Departments of Social Services have, I'd rather see them take their time and their energy into actually providing services than in having to fill out reports. But I will be supporting the bill and I thank the sponsor.

ACTING SPEAKER JONES: Mr. Epstein.

MR. EPSTEIN: Just on the bill. I just want to just give a little bit more information about the bill. This -- so that we would need to know the total number of children who are placed into care and the -- and will have that information over time. It will be cumulative information, so we'll know quarter-by-quarter after the first year of the reporting, you know, whether they're voluntary placements or they're removal from parents due to some kind of Family Court Act. Will, you know -- needs -- special needs, are there services received by these children? And maybe these children have been previously placed in care and that agencies that they're being placed with and what preventative services are available, either they're in a residential treatment program or other group home. This service report will happen in December of 2021 and then quarterly after that.

And so, why is this information? This information is important because this is important information for us as a government to have. It's also important to know as the making of this publicly available so the public will know how we are doing with our foster care population. And then, and as we continue to look for

resources, this will be good to figure out how we need to provide resources.

Foster care is a really difficult time in people's lives. I, earlier in my career, I was a foster care worker in the South Bronx in the early '90s and the issues that the young people were experiencing were really traumatic and we need additional support and resources. And the goal there is with the data, with the information, we will be able to provide the support the foster care agencies need and the foster care families need to bring their lives together. And that's critically what we want. We want kids to go home, we want kids to be with their families, we don't want kids separated from their parents whether they're in Federal care or State care. We want to reunite families and this data reporting bill will help us get there.

I want to thank my colleagues, I want to thank Program and Counsel staff for helping us get this bill. And I encourage my colleagues to support this bill because I think it's a critical piece of information we need. Thank you all.

ACTING SPEAKER JONES: Thank you, Mr. Epstein.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER JONES: The Clerk will record the vote on Rules Report No. 221. 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. A02644, Rules Report No. 222, Lavine. 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 JONES: Mr. Ra.

MR. RA: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER JONES: On the bill.

MR. RA: Thank you. For my colleagues, you know, this -- this bill -- and I -- I would say I support the intent, but not the way, you know, we're going about it here.

So, years back on Long Island, there was a public referendum that -- that went out and this stems from that situation because, you know, the voters were going to have the opportunity to approve, you know, an expenditure of -- of public funds, but it also was going to be a benefit to a private organization. And the offer was made that they would pay for the cost of that referendum. And a county the size of Nassau County, it's a large number of -- of voters and having a referendum requires staffing polling sites and bringing out all the, you know, voting machines and counting all the votes and

everything that we're -- we're used to seeing in any election. And I think at some level, it's fair to say if a private entity -- entity is going to benefit, perhaps they should pay for the course -- cost of reimbursing the municipality for the cost.

The problem with that particular situation was the agreement was we will pay for it if it passes and we get the benefit. It ended up failing and the county, you know, had -- had to pay the cost. So, if this was a bill that said that the private entity couldn't condition paying the cost or couldn't condition reimbursing the municipality on getting a successful result they like, I would be one hundred percent supportive of that. I think that makes sense, that, you know, it shouldn't be, *Taxpayers, you're on the hook if I don't -- if I don't get my benefit, but if I do I'll -- I'll pay for it.* But that's not what this bill does. This bill would completely make it not legal to have that private entity pay the costs of the referendum. And -- and I think if a private entity is getting a benefit, you know, it -- there should be the ability when you have some type of project that does have to go out to a public vote, that the municipality can perhaps have that conversation with the developer and say, *Listen, we have to put this out for a vote, it costs X, and maybe as part of the negotiation we would like you to agree to reimburse the county for the costs of conducting that referendum.* I think -- I think it's fair that -- that there would be -- that should be able to happen. I -- I don't think this approach where that couldn't happen is -- is the right one.

Again, I would support legislation that said you can

pay regardless of the outcome, not with the condition paying, you know, whether -- whether it's to your benefit or not. That was the problem in the instance that this arose from. I don't think that the general idea of -- of the private entity paying is -- is the problem. So, I -- I thank, you know, the sponsor for putting this forward again. I, you know, certainly understand his -- his intent, but -- but I think there's -- there's a better way to do this that both can producing -- protect the integrity of the -- the process of putting out that referendum, but also recognize the fact that a private entity is getting a benefit and that they might be able to then pay the costs or reimburse the costs to the taxpayers. So, I'll be casting my vote in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER JONES: Thank you, Mr. Ra.  
Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER JONES: The Clerk will record the vote on Rules Report No. 222. 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 opposed to this bill. If there are those within the Republican Conference that would like to support it, please contact the Minority Office so we can



properly record your vote. Thank you, sir.

ACTING SPEAKER JONES: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Majority Conference will be in support of this legislation. Those who desire not to be in support should feel free to contact our offices and we will record your vote in accordance.

ACTING SPEAKER JONES: Thank you.

(The Clerk recorded the vote.)

Mr. Lavine as to explain his vote.

MR. LAVINE: Thank you, Mr. Speaker. So, well-financed individuals and -- entities, associations, corporations, businesses shouldn't be able to buy elections. This legislation ensures a fair and an equitable ballot process that prevents special interests from placing countless referendums before voters because they are able to finance the elections. It also prevents governmental entities and municipalities from forcing private people to pay for the costs associated with elections. In 2011, Nassau County's then County Executive, who now, along with his wife, awaits sentence for Federal corruption charges "persuaded", quote/unquote, persuaded a developer to enter into an arrangement to call for an election for a half a billion -- nearly half a billion dollar bond to renovate the Nassau Coliseum. I doubt very, very much that that developer offered to do this of his own free will. This was something that the -- that County Executive wanted.

Now, the argument has been made that the intent is good here, but the process we're going about is wrong. Well, buying elections is wrong and forcing private developers to pay for elections is wrong. I spent years as counsel to an I -- an Industrial Development Agency and a Community Development Agency, and if anyone had ever suggested that I, as counsel, offer a deal to a developer, *Hey, you pay for the election and if you -- if you win the election, if you get -- get the grant, if you get the bond, then heh, I'll pay for the election. And if you lose, you pay.* That's cynicism. That's no way to run a government. My vote is in the affirmative.

ACTING SPEAKER JONES: Mr. Lavine in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following Republican members voting in the affirmative for this legislation: Mr. Norris, Mr. Smullen, Mr. Fitzpatrick, Mr. Miller - that would be Brian Miller - and Mr. Montesano. 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: Senate No. S01714, Rules Report No. 224, Senator Brooks (Assembly No. A03343, Rules Report No. 224, Zebrowski). An act to amend the Executive Law, in relation to

violations of the Uniform Fire Prevention and Building Code.

ACTING SPEAKER JONES: Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER JONES: On the bill.

MR. GOODELL: This bill is pretty straightforward.

It says where a building has been altered in violation of the Uniform Building Code or any similar order in a way that blocks access or egress from the building in the event of a fire emergency, the owner of the building who has knowledge of that violation or alteration or should have that knowledge, is subject to a fine of up to \$7,500.

The concern that has been expressed to us and is a concern for many of us is that it places one hundred percent of any liability on an owner without recognizing that these alterations may have been made by a tenant in violation of a lease. And this language goes on to say that the owner doesn't have to have actual knowledge, it's if the owner "should" have knowledge. And so, we have a situation where a tenant might violate the terms and conditions of the lease, make an unauthorized alteration in the building which results, unfortunately, in blocking egress, and the owner who has no actual knowledge is facing a \$7,500 fine.

The concept of having a significant fine if you violate the Building and Safety Codes and create a serious health risk is a concept that we all support, but I think it's important that the statutory language that we vote on places the liability on the person who

violates the law and not necessarily on the owner who may not actually have actual knowledge. For that reason, I will be voting against it and, certainly, some of my colleagues will, as well. Thank you, Mr. Speaker.

(Pause)

ACTING SPEAKER JONES: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER JONES: The Clerk will record the vote on Rules Report No. 224. This is a Party vote. Any member wishing to -- 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 opposition, but certainly anyone who would like to vote for this should contact the Minority Leader's Office and advise them. 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 the affirmative on this bill. We would ask colleagues who would choose not to vote with us on it to please contact the office and we will record your vote as requested.

ACTING SPEAKER JONES: Thank you.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Please record Mr. Garbarino as voting yes on this bill. Thank you, sir.

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

(The Clerk announced the results.)

The bill is passed.

Mrs. Crystal Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, we will continue our work on our debate list. We are going to go to Rules Report No. 225 by Mrs. Barrett; 230, Ms. Weinstein; 236, Ms. Woerner; 241, Mr. Pichardo. And on our main Calendar we will go to Rules Report No. 174 by Ms. Hyndman. In that order, Mr. Speaker. Thank you.

ACTING SPEAKER AUBRY: Certainly.

The Clerk will read.

THE CLERK: Assembly No. A04077-A, Rules Report No. 225, Barrett, Ortiz, 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: An explanation is requested, Mrs. Barrett.

MRS. BARRETT: Explanation. Thank you, Mr.

Speaker. Currently, there are primarily two ways that a species gets added to the State's Endangered Species List. One of those is that they're added at the Federal level and automatically become part of the -- of the State-level Endangered Species List. And two, is that the DEC Commissioner has the authority to designate species. This legislation would simply allow the Endangered Species designation by the Federal government to remain on the State's Endangered Species List even if it's removed by the Federal government until the DEC Commissioner him or herself makes that call.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

ACTING SPEAKER AUBRY: Mrs. Barrett, will you yield?

MRS. BARRETT: Yes.

ACTING SPEAKER AUBRY: Mrs. Barrett yields.

MR. GOODELL: Thank you, Mrs. Barrett. The reason we asked for an opportunity to ask you a couple of questions is because the language of this bill provides that any endangered or threatened species as so designated by the Secretary of the Interior shall be subject to the State's restrictions regardless of the removal. And in your explanation you seemed to indicate that what you meant was that the removal on the Federal level would not automatically remove it from the State, even though the language of the bill suggests that it shall stay on. Can you clarify that?

MRS. BARRETT: Well, the current -- under current law if a species is taken off the Federal list it's automatically taken off the DEC list as well, and so this legislation allows the DEC Commissioner discretion to keep it on.

MR. GOODELL: Would the DEC Commissioner also have the discretion to remove it?

MRS. BARRETT: Yes.

MR. GOODELL: So it is your intent, if you will, that what happens on the Federal level is not automatically followed by the State. It could be, but it doesn't have to be. Is that correct?

MRS. BARRETT: Yes, in terms of the removal. If -- if it's included at the Federal level it automatically is included at the State level. But the removal by the Federal -- at the Federal level doesn't automatically make it removed at the State level.

MR. GOODELL: Now as you know, the Federal government includes on its Endangered Species List a number of species that would never normally appear in New York ever because they have a limited range or a habitat or other geographical limitation. Is there any reason why a species that would never normally be in New York anyway shouldn't automatically be removed if it's removed from the Federal Endangered Species List?

MRS. BARRETT: Yes. In fact, there is a good reason, and that is because the law states the taking, importation, transportation, possession or sale of any endangered or threatened species of fish, shellfish, crustacea, wildlife or hides or other parts

thereof, or the sale or possession with intent to sell any article made in whole or in part from the skin, hide or other parts of any endangered or threatened species, et cetera, except under license. So it's not just a giraffe in Manhattan or in Chautauqua or something like that. It's about the parts and it's about the -- the marketing and the processing of these parts.

MR. GOODELL: Well, certainly in Chautauqua County we love giraffes. I -- it's actually one of my wife's favorite animals, and so we had a (unintelligible) come out.

MRS. BARRETT: I like them, too. They stick their neck out.

MR. GOODELL: Indeed. But don't we all sometimes. But if the Federal government makes the determination that that particular species is no longer endangered, certainly, their expertise is far greater than our own DEC's expertise as it relates to international or multinational issues. Would you agree?

MRS. BARRETT: Not necessarily because I think I can give you a very specific example from my region, the Atlantic Sturgeon, which has made the Hudson River its home for a very long time. And industrial activity and resource extraction have made it an endangered fish in this area, but other versions of the Atlantic Sturgeon are in the Chesapeake Bay or the Gulf of Mexico and elsewhere, and it's possible that, say, the Secretary of the Interior could conclude that the fish is already protected and -- and -- and is successful and flourishing enough, but it still needs protecting in New



York State. So I think -- I think there are times when we need the discretion to be able to make our own call.

MR. GOODELL: Thank you very much, Mrs. Barrett.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: I very much appreciate my colleague's clarification of this language because I was a little concerned when I read it that once on the Endangered Species List in New York you could never, ever take the species off. And my colleague -- my colleague made it quite clear, as part of the legislative record, that the real intent of this bill is that the Department of Conservation [sic] would retain independent authority to evaluate whether any particular species should be removed from the New York Endangered Species List after it was removed from the Federal Endangered Species List.

And with that clear understanding that we are really just simply delegating more authority to our DEC Commissioner and make that independent evaluation, I will be supporting this legislation. And again, I thank my colleague for those clarifications.

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 Rules Report No. 225. 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. Brabenec as voting no on this legislation.

Thank you, sir.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Senate No. S04408, Rules Report No. 230, Senator Gounardes (A05627, 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: Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: This bill provides various statutory

restrictions and requirements that apply to reverse mortgages. And for those who aren't familiar with a reverse mortgage, basically what happens is the lender on the reverse mortgage gives monthly payments to the homeowners, up to a certain designated value of the property. There's no obligation for the homeowner to repay that advance, if you will. But upon the passing, the death of the homeowner, the property then is owned by the lender. And that's why it's called a reverse mortgage. They're advancing the payments almost in the reverse order that you would normally make payments. And it's a product, financial product, that sometimes senior citizens who have a lot of property but not a lot of cash can appreciate because they're under no obligation to repay the advances as long as they're alive. And then typically, the lender will back the policies with a life insurance policy or some other security. But a typical reverse mortgage requires the homeowner who is residing in the House to keep the House insured so if -- if there's a fire or other casualty there's insurance coverage, and to pay the property taxes so that the House doesn't go into foreclosure during that time period. And a concern has been raised that sometimes a reverse mortgage lender, the concern is that they might make those payments for property taxes or insurance in advance, before they're past due, and then use that advance as a justification for a default. The concern that I have on this legislation is this legislation, by statute, states that no authorized lender shall make an advance payment and specifically shall not make an advance payment for mortgage insurance premium, homeowner's insurance premium or real

property taxes related to the property, and can only pay those premiums or taxes which are in arrears. So this bill would say that the only time the lender can pay the homeowner's insurance or the taxes would be in those situations when those payments are in arrears. And the problem with that is that if your homeowners insurance goes into arrears, you run the risk that the insurance company will cancel coverage. And so if we, by law, make it illegal for the lender to make sure that the insurance premium is current, we place both the lender and the homeowner at great risk if the homeowner for some reason is facing cash flow issues and doesn't make that payment. And all of us who pay property taxes know how important it is to pay them on time. There's a 1 percent per month interest charge on your property taxes, and if they go into arrears there's a huge penalty. And so if we, by statute, say that the reverse mortgage lender can only pay the property taxes after they go into arrears, we are guaranteeing high penalties on those taxes. Now, I appreciate very much my colleague's desire to protect homeowners from reverse mortgage lenders who are using this advance payment as an excuse. But rather than prohibit the payment of property insurance or taxes before they're in arrears, a better approach for both the homeowner and for the reverse mortgage lender would be to allow those premiums and taxes to be paid on time, but guarantee that the homeowner has a grace period to repay those.

And so this language I will recommend that we vote against, but I would encourage the sponsor to consider a different approach that addresses the same issue and enables the homeowner to

have a grace period to repay the reverse mortgage lender while still allowing the reverse mortgage lender to make sure the property insurance never lapsed, and that the homeowner doesn't face large tax penalties. So I appreciate the desire, but I think there's a better approach that would be better for both parties.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

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. 230. 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 voting no, but I encourage any member that would like to vote yes to contact the Minority Leader's office.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Ms. Hyndman.

MS. HYNDMAN: This is a Majority vote in the affirmative. Any member wishing to vote no should contact the

Majority Leader's office at the designated phone number.

Thank you.

ACTING SPEAKER AUBRY: Thank you, Ms.

Hyndman.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Senate No. S05421-A, Rules Report No. 236, Senator Ramos (A07498-A, Woerner, Dickens, McDonald, D'Urso, Brabenec, DeStefano, Gottfried, Barron, Lupardo, Jones). An act to amend the Workers' Compensation Law, in relation to including coverage of treatment rendered by a massage therapist.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker.

On the bill.

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

MS. WALSH: So this bill would amend the Workers' Compensation Law to allow for a fee schedule to be established for payment from for massage therapy services rendered to an injured employee. And this is a bill that we've talked about for a couple of years and voted on. So I think if I had to summarize what the primary concern is that's been expressed regarding the bill, it is cost. We all know that -- I think we all know that our Workers' Compensation system in New York State is one of the costliest in the entire nation. I

think it's in the -- in the top five most costliest. And so at a time, particularly now, when we need to be working extra hard to try and find efficiencies, and at a time when we know that our business climate is very difficult, it's very hard to be a business in New York State and we don't want to impose additional costs on those employees -- those employers. For those reasons, we've had some opposition in the past to the bill from places like the Business Council, AFL-CIO, NFIB and others. And -- and that's been the primary kind of summary of what the opposition has been. So this would -- just so my colleagues know, this would only allow a licensed massage therapist to do it. And we do already under the Workers' Compensation Law allow things like acupuncture, occupational therapy, physical therapy. And those physical therapists or occupational therapists may utilize massage as part of their technique in working with the patient. But the -- under our current law we don't have an ability for a licensed massage therapist to provide those same services.

So with all of that being said, I will say that I have supported this bill in the past and I will be supporting it again. And the reason is that I really do believe that when somebody is in intractable pain, we have to look at alternative therapies like massage. They could be really helpful in controlling pain, reducing anxiety. And it could potentially save money, ironically, because if you -- if you're paying for massage therapy services, you may be able to delay or even eliminate the need for surgery for some patients.

So for those reasons, I think that although it may --

we don't really know - and that's the hard thing about this bill - we don't really know how much or to what extent it's going to increase costs on employers, but I think that -- I think it's a reasonable addition and alternative that we should approve under the Workers' Compensation Law, and for that reason I'll be sponsoring this bill, but some of my colleagues may not for the reasons stated.

Thank you.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 236. 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. Woerner to explain her vote.

MS. WOERNER: Thank you, Mr. Speaker. My colleague did a wonderful job explaining what the bill did, and I would just add to this that massage therapists are small businesses. And for many years the Workers' Comp system has recognized the value of -- of massage therapy as a therapeutic modality and there has been a code for massage therapy provided in a doctor's office. And when this first started that was appropriate. But now massage therapists, generally speaking, practice in their own offices and have



set up their own businesses and are employers in our communities. And this just gives them the ability to practice their profession, to provide relief to injured workers in -- in their own offices.

So I -- I hope all of you will join me in supporting this great bill. Thank you.

ACTING SPEAKER AUBRY: Ms. Woerner in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Please report the following Republican members in the negative: Mr. Tague, Mr. Blankenbush, Mr. Friend, Mr. Norris, Mr. Manktelow and Mr. Fitzpatrick.

Thank you, sir.

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

Are there any other votes? All I can say is, oh, my aching back.

(Laughter)

Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08147-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: Mr. Goodell.

MR. GOODELL: On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: Thank you very much. This act would require individuals that work for airlines either directly or as subcontractors to be paid State-determined prevailing -- this bill has nothing to do with what I was talking about --

(Laughter)

-- which will be the next bill.

ACTING SPEAKER AUBRY: Sounded good, Mr. Goodell.

MR. GOODELL: So, back to this bill. This bill would only apply to airline employees that might be working as an undocumented immigrant as well as all other undocumented immigrants. Is that correct?

ACTING SPEAKER AUBRY: You are asking Mr. Pichardo?

MR. GOODELL: No, I didn't mean for him to answer it, I'm just trying to provide a graceful transition to this bill.

(Laughter)

ACTING SPEAKER AUBRY: Mr. Pichardo, why don't you explain your bill?

MR. PICHARDO: I'd be very happy to do so, Mr. Goodell and Mr. Speaker. So, it's -- it's pretty straightforward what

this bill does. It relates to discrimination and retaliation against employees who claim Workers' Compensation benefits specifically in the context of strengthening the rules for the Workers' Compensation Board dealing with individual employers who tend to or who would discriminate against an employee, and -- and according to their -- their documentation or their legal status here in the United States.

MR. GOODELL: Thank you very much, Mr. Pichardo. Thank you for getting me on the right bill with the right issues.

MR. PICHARDO: Sure. Not a problem.

MR. GOODELL: So under current law, we are really clear that if you -- if an employer discriminates against an employee because that employee files for Workers' Comp, it's a violation of the Labor Law subject to a significant penalty. And that's the way it should be. No worker should be fired because they've taken advantage of the Workers' Compensation Law that provides coverage for a work-related injury. This bill adds additional language that said discrimination or retaliation includes contacting the United States Immigration authorities or otherwise reporting or threatening to report an employee's suspected citizenship or immigration status. This creates some very interesting dynamics because under Federal law it is illegal for an employer to hire an illegal immigrant. Now, an immigrant can be hired who's not a citizen if they have a working visa, like an H-1 or a temporary work visa or even a green card, a permanent work visa. But if they're not authorized and they don't

have a proper visa or other work authorization, it's illegal for an employer anywhere in the United States, including New York, to hire a person who is here without proper documentation. So this bill says that if an employer discovers that an employee who may also have been injured on the job was working for the employer illegally and reports that illegal activity to the Federal government, the employer would be facing a \$2,500 fine which creates a unique situation in New York where it's almost like a reverse whistleblower. If you report illegal activity to the Federal government you will be fined \$2,500 if the employee believes that that report in any way related to their desire to collect Workers' Compensation. The current law is very clear. You cannot discriminate against a person by firing them if they apply for Workers' Comp. Current law is also clear, you cannot blackmail or extort a person. And that's very clear and that's what it should be. But we should not be in a situation in New York State where we subject someone for reporting illegal conduct to a \$2,500 fine.

For that reason, I and several of my colleagues will be opposing it. And, again, thank you to my colleague for directing me to the proper bill that's up for debate at this time. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Pichardo.

MR. PICHARDO: Thank you, Mr. Speaker. On the bill. So, just very quickly, I just wanted to clarify and make sure that context is everything. Particularly on making sure that we enforce the laws of this country, but also that people are treated with dignity and

fairness that they deserve. In circumstances and in times that I've interacted with and dealt with individuals either through mixed-status households and -- and things of that nature, particularly around the issue of housing, people are very reticent to apply for any type of benefit they may or may not be entitled to. So what this bill is doing, it's actually pretty simple. It basically says if you are using a person's documented status or undocumented status against them in order to dissuade them, particularly in the context of Workers' Compensation Board, Workers' Comp and other benefits that they may or may not be entitled to, that -- that in that context can be seen as a formed practice of discrimination. So again, everything that we do -- and you have to consider the context, particularly the context of the day where we have potentially -- you know, and it's not partisan, it's actual fact that we do have a government that is fairly hostile to immigrants regardless of their documentation status and we want to make sure that here in New York we make it clear to everybody, employers and employees alike, families, New Yorkers across the State, that discrimination in any way, shape or form is not going to be tolerated. But more importantly, if you use this specific issue about legality and documentation status and creating this idea that a person may or may not be documented, then it is creating a hostile environment for all New Yorkers to be able to participate and access benefits that they may be entitled to.

So with that being said, Mr. Speaker, thank you for this opportunity to explain this, and I hope that once the opportunity

comes by that my colleagues would support this piece of legislation.

Thank you so very much.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the -- will record the vote on Rules Report No. 241. 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. On this particular bill the Republican Conference will be generally in the negative. However, if any member of the Republican Conference would like to vote for this bill, they should promptly contact the Minority Leader's office.

Thank you, sir.

ACTING SPEAKER AUBRY: Certainly. So noted.

Ms. Hyndman.

MS. HYNDMAN: This is a Majority vote in the affirmative. Any member wishing to vote negative will please contact the Majority Leader's office at the designated phone number.

ACTING SPEAKER AUBRY: Thank you so much, Ms. Hyndman.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record Mr. DeStefano as voting in the affirmative on this legislation.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you. So noted.

Ms. Hyndman.

MS. HYNDMAN: Mr. Speaker, please let -- please reflect that Assemblymember Santabarbara is a negative on this vote.

ACTING SPEAKER AUBRY: So noted. Thank you, Ms. Hyndman.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08142-E, Rules Report No. 174, Hyndman, Carroll, Taylor, Reyes, Griffin, Gottfried, Paulin, Dinowitz, Niou, Blake, Weprin, De La Rosa, Simon, Simotas, D. Rosenthal, Aubry, Perry, Barnwell, Mosley, Ortiz, Seawright, Jean-Pierre, Walker, Quart, DenDekker, Ryan, Nolan, Benedetto, Solages, Braunstein, Abbate, Kim, Jacobson, Hevesi, Fernandez, Colton, Arroyo, Frontus, L. Rosenthal, Williams, Epstein, Buchwald, Joyner, O'Donnell, Pheffer Amato, M.G. Miller, Wright, Rivera, Pichardo, Sayegh, Cruz, Ramos, Dickens, D'Urso, Bichotte, Rozic, Rodriguez, Dilan, Thiele, Abinanti. An act to amend the Labor Law,

in relation to enacting the "Healthy Terminals Act."

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

An explanation is requested by Mr. Goodell. This time, the right bill.

(Laughter)

MS. HYNDMAN: Okay. This bill would amend Article 9 of the Labor Law to require workers employed at airports operated by the Port Authority of New York and New Jersey to be paid prevailing wages and supplements. This would include John F. Kennedy International Airport, LaGuardia International Airport and New -- and New York Stewart International Airport. This would require the fiscal office of the designated (unintelligible) publish the wage and supplemental benefits -- benefit rates by classification and region on or before September 1, 2020. And -- and covered airport workers means that those individuals that work under the cover of the -- of these three airports at least half their time. And that is the explanation of the bill.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. HYNDMAN: Gladly.



ACTING SPEAKER AUBRY: Ms. Hyndman yields.

MR. GOODELL: So, it is always a pleasure to discuss with my colleagues the bill that's up for a vote as opposed to some other bill.

(Laughter)

And the reason I started off the previous debate talking about this bill is because I had the good fortune of standing right next to the sponsor of this particular bill, and we were discussing it. And so I was looking forward to getting more information. So if the sponsor doesn't mind, this bill would cover private-sector employees that work for airlines as well as the airline employees that are working in those three airports. Is that correct?

MS. HYNDMAN: Correct.

MR. GOODELL: And so, for example, they would cover private contract employees that might be hired under a subcontractor to clean the airplanes, as an example.

MS. HYNDMAN: So, most of the staff that works for or cleans airplanes, they are under the -- the airline. The subcontracted individuals are usually those who are making the meals for the international flights.

MR. GOODELL: Okay. And they -- they might be working off site and the meals might then be delivered to the plane?

MS. HYNDMAN: Right. Off site, but in very close proximity to the airport.

MR. GOODELL: Certainly in the same country.

MS. HYNDMAN: Yes, absolutely.

MR. GOODELL: All right. And the airline employees themselves, would they be covered by this?

MS. HYNDMAN: No.

MR. GOODELL: Okay, so you're looking really at the subcontractors.

MS. HYNDMAN: Yes. Well, those individuals that get your bags -- your bags to the -- to the belts on time. The individuals that clean the restrooms in airports. The individuals that will move the passengers by wheelchair from the gate to the baggage claim areas, and those individuals, like I said before, who are making the meals for the airlines.

MR. GOODELL: Thank you very much for explaining this bill.

On the bill, sir.

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

MR. GOODELL: Thank you very much. Certainly, I appreciate the sponsor's desire to provide -- ensure a higher wage for all these employees. And we have required, historically, that on public works projects where the State itself or a local subdivision is the employer or is the contractor, we require it on State- or municipally- funded projects that workers be paid a prevailing wage. In many situations that prevailing wage is significantly higher than the typical wage in that particular occupation and in that particular

location. Rarely -- not never, but rarely has the State taken the position that the State should require private employers to pay higher mandated wages to their employees when there's no State funding or governmental funding to pay. And from the description from the sponsor it appears that this bill would require certain privately-owned and operated companies to pay their privately-contracted employees a higher wage. Typically, government does not set individual wage -- wage rates in the private sector. This bill would be different. This bill would take a different approach. We've all seen the devastating impact of COVID-19 on the airline industry. I, myself, witnessed it firsthand when a flight that I and my wife had booked a month or two in advance was canceled. In fact, there were so many flights canceled for a while, you couldn't fly almost anywhere in the United States. The Airlines for America, which is a trade association, indicates that given the data from past crises, the trajectory of the virus, the widespread deployment of a vaccine and global economic outlook, they anticipate that air traffic recovery is expected to take at least three years. And once demand has recovered, it will take years for the airlines to retire the billions of dollars of debt and address the sizeable associated interest expense that they've been accruing in the meantime for all the airlines' airplanes that they purchased with the expectation of a much higher traffic volume. Because the airlines are going through such horrific financial stress, and indeed, some are facing actual bankruptcy, this is probably not the best time for government to require these privately-contracted employees to be paid significantly

higher rates. And so if this airline -- if the airlines were flush, if business was great, if there was tremendous demand, the economic outlook would be very different. But as a general principle, government should be very hesitant about setting wage rates for specific occupations and specific individuals working within those occupations where those occupations are in the private sector and not being paid by a government fund.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Hyndman.

MS. HYNDMAN: I think it's important to point out that when it came to this legislation that we're thinking about the airport workers who -- and the airports that are owned and operated by public entities. It's also important to note that these airlines have received billions of dollars in bailout money from economic stimulus packages. They -- they have not passed this on to their workers. When times were great when we asked for this legislation, there was no room for it to happen. And one of the things we also have to remember is that the individuals that get your bags, clean the bathrooms, clean the planes and transport passengers to different terminals were at the front lines when it came to COVID-19. They showed up for work. And unfortunately, some of these workers have passed. Particularly, Mr. Leland Jordan, who was very active in getting this legislation. I think it's important to also point out that legislation -- this legislation has passed in transparency, in

Pennsylvania and in California for airport workers. We're talking about individuals who were paid so low that they had to choose between paying for health insurance and putting food on the table. So what we have to remember that those workers who make the airports run whether the airlines are doing well or not, are still showing up for work every day. And we don't want to make -- we don't want these workers to feel that their work is insignificant because without them the airports do not run. Without them, JFK would not run, LaGuardia Airport would not run, and Stewart -- Stewart Airport would not be operational. So this bill, while it is, people will say, at a bad time, it's always the right time to do the right thing by workers in the State of New York, and that's what this bill speaks to. Airport workers need affordable, quality healthcare to keep our airports safe and ready. And this bill is not enacted until September 2021. So when you book a ticket, you have to pay for your hand luggage, you have to pay for a checked bag, you have to pay for headphones, you have to pay for blankets, all of those things that used to be given to airline passengers now have to be paid for. Airlines have not refunded money to individuals. If you booked a ticket on the airline in the last three months or previously, they deferred it to a later date. So they're not exactly giving money back to consumers. So we have to make sure that in New York State we're taking care of employees also, because these workers were first line when it came to COVID, and many of the workers unfortunately did contract COVID-19, and some of them are no longer here, like Leland Jordan, to speak up for themselves. So it's

left to his daughter, Dazilia, to make sure that she advocates for the father that's no longer there to make sure that other workers who are -- who may be infected have the ability to pay for health insurance, something so basic. As we know, this country's healthcare should be a right and not a privilege for those.

So I want to say to all my colleagues, I hope you vote in favor of this legislation. I thank the Speaker's office, Program and Counsel for their -- their help in making sure that this bill came to the floor this evening. I thank my colleague on the other side for his brilliant questions, as always. And most importantly, I want to thank all the workers in those three airports -- one in particular where the planes fly over our -- our heads every night in the 29th Assembly District -- to make sure that this House, the People's House, stands up for the rights of workers, stands up for those who can't fight themselves, to make sure that healthcare is a right and not a privilege in the State of New York.

Thank you, Mr. Speaker. I will be voting in the affirmative and I encourage my colleagues to do the same.

ACTING SPEAKER AUBRY: Thank you, Ms. Hyndman.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 174. This is a Party vote. Any member

wishing to record it 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 particular legislation. But any member who would like to vote in the affirmative should contact the Minority Leader's office.

Thank you, sir.

ACTING SPEAKER AUBRY: Sir, so noted.

Ms. Hyndman.

MS. HYNDMAN: This is a Party vote in the affirmative. All of those members wishing to vote in the negative will please contact the Majority Leader's office at the designated phone number.

ACTING SPEAKER AUBRY: Thank you, Ms. Hyndman.

(The Clerk recorded the vote.)

Ms. Bichotte to explain her vote.

MS. BICHOTTE: Thank you, Mr. Speaker, for allowing me to explain my vote. I want to first commend the sponsor for introducing the Healthy Terminals Act requiring the payment of prevailing wages to these essential workers to ensure they have access to better wages and benefits including healthcare. Trained and experienced airport workers are needed to ensure the safety of every

passenger. On the other hand, employment security is paramount for every worker. With the COVID crisis impacting the health and well-being of everyone, it's important for covered airport workers to know that we, the legislators, stand by them. We have to support our covered airport workers by providing prevailing wages and benefits. I would like to acknowledge (unintelligible) SEIU, United Care 100 and RWDSU for all the work they continue to do to protect these workers. Healthcare is a right.

Mr. Speaker, with that I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Ms. Bichotte in the affirmative.

Ms. Walker to explain her vote.

MS. WALKER: Hi. Thank you, Mr. Speaker. One of the things that I wanted to note is I'm going to take this vote in honor of my mom. When I decided that I wanted to take the bar -- go to law school, take the bar, my mom went to work at the airport in order to help me have all of the necessities that I needed in order to be successful on the bar exam. And I remember the toil that she went through, her and colleagues, and I remember hearing all the stories of the sacrifices that they've made each and every day to ensure that the things that we take advantage of; a clean seat, a clean plane. But it was -- it was what they did in order to ensure that their families are fed and the necessities are met. And so I think that we owe it to all of those workers to let them know that we care about them, we



acknowledge the service that they do to all of the consumers of all airline industries, and that we are concerned about your healthcare and the healthcare of your family.

So I proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Walker in the affirmative.

Mr. Pichardo.

MR. PICHARDO: Thank you, Mr. Speaker, for allowing me to explain my vote. First of all, I want to thank and congratulate the sponsor of this very important piece of legislation. And what this bill is basically going to do is it -- we, as the State, are recognizing the dignity of these workers who do so much not only for our State but for the national economy as a whole. And the fact that we, as a -- as a country, were so quick to make sure that we maintain and sustain these large corporations and they were able to receive bailouts not only in this instance but other instances in the last few decades, but also the fact that we need to make sure that we balance this equation, that we support the workers who are making sure that these industries are continuing to function even under very dangerous and difficult circumstances.

So I withdraw my request and I vote in the affirmative. Thank you, Mr. Speaker.

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

Mr. Epstein.

MR. EPSTEIN: Thank you, Mr. Speaker. I -- I just want to rise to explain my vote. I, again, thank the sponsor. This is a critical piece of legislation. Our terminals are places that so many people use every day, and the rights of the workers who are there is of critical importance to the future of a high and well-functioning State. The Healthy Terminals Act goes a long way in doing that. The organizations and unions that are behind it really made a difference to talk about those struggles of individual workers who are working in these terminals. I'm proud to be a cosponsor, and I encourage my clients -- my colleagues to vote in favor of it.

I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Epstein in the affirmative.

Mr. Barron.

MR. BARRON: Thank you, Mr. Speaker, to explain my vote. This is a victory for the workers. One for the workers. It's not too often that you get victories under this racist, parasitic capitalist system where the profits are at the top and the developers and the rich get richer and the poor working-class gets poorer. So this is one for the workers, and I want to encourage workers to unite in all unions and all labor. We need to unite and bring some radical changes to this system, not just your jobs, not just terminal jobs, but across this State. It's time for workers to rise up and unite and say that the workers must get living wages, prevailing wages, not just minimum wages, for the work that's being done. So congratulations to the sponsor of this bill.

You've done a great job with it. And congratulations to the workers. This is one for the workers, a victory for the workers. Let's keep it rolling and get some more.

I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Barron in the affirmative.

Mr. Sayegh.

(Pause)

Mr. Sayegh.

We'll come back to him.

Ms. De La Rosa.

MS. DE LA ROSA: Thank you, Mr. Speaker, to explain my vote. I simply want to take this opportunity to thank my colleague who has championed this legislation, but also to send my -- extend my sincere condolences to all the families of the workers who have lost their loved ones. During the struggle to make sure that this legislation was passed, we learned of the stories of the men and women, grandparents, who lost their lives due to COVID because they were exposed, unfortunately, to conditions that were not safe. And that is the plight of workers every single day, pre-COVID and now that we are living in this crisis. And so like Mr. Barron said, this is for the workers. I want to thank my colleague and organized labor for coming behind this. In a time of health crises and pandemics we must make sure that workers have the right to have the benefit they need in order to stay alive.

I vote in the affirmative.

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

Mr. Sayegh.

(Pause)

Ms. Simon.

MS. SIMON: Yes, thank you, Mr. Speaker, to explain my vote. I simply want to say that this has been a long time coming. It's a bill that is a victory for the workers, and it's a bill that I have been proud to cosponsor. And I just want to commend the sponsor for all of her hard work on this, pulling this -- this bill together and developing support for it. It's critically important, and I can't imagine a reason not to support this bill.

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

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Mr. Sayegh.

MR. SAYEGH: Hello. Thank you very much. I -- I'd like to also rise to explain my vote. I'd like to commend the sponsor and to really restate the importance of a healthy workforce and terminal workers during the pandemic where they're working. So when we look at all the workers that served us in many different capacities, we recognized them as heroes. And these workers deserve the healthcare benefits. And I, for one, truly respect the fact that we, as a legislative Body, and here in New York, have moved in the

direction of protecting labor and protecting workers and making sure that the workforce has stability when they have wage -- wage benefits and they have healthcare services and benefits. And this is what we need to stabilize our workforce in the entire State.

So I will vote in the affirmative, and I again commend the sponsor.

ACTING SPEAKER AUBRY: Mr. Sayegh in the affirmative.

Ms. Cruz.

MS. CRUZ: Thank you, Mr. Speaker, to explain my vote. I proudly will be voting in the affirmative. A few years ago when I was the Director of the Exploited Workers Task Force, I had the opportunity to meet and actually become friends with so many of these workers. And it is incredible that we actually have to pass legislation to require an employer to do what should be the bare minimum. These folks are keeping this industry alive while their employers get richer. They should have something as basic as healthcare. For me it is an honor to get to vote yes because it is what we, as legislators, get to do to thank these workers for their sacrifice, for their work, for their commitment, and for, frankly, helping us get here today. It was them coming to Albany, it was them rallying, it was them protesting. So I want to give a shout-out and, frankly, thank the workers from this industry who never let us forget that this was about them.

And so in honor of those workers who were

unfortunately lost and in honor of the workers who will get to benefit from this, I want to thank the sponsor and I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Ms. Cruz in the affirmative.

Mrs. Gunther.

MRS. GUNTHER: I'd like to thank the sponsor for this bill. I think it's important to protect all healthcare workers at the airport. And I will also say that it's also time to protect our healthcare workers and pass Safe Staffing.

So thank you very much. I appreciate this bill. It's the right thing to do, and let's continue doing the right thing.

ACTING SPEAKER AUBRY: Mrs. Gunther in the affirmative.

Mr. Kim.

(Pause)

Ms. Reyes.

MS. REYES: Thank you, Mr. Speaker. I just would like to commend the sponsor of this bill for her dedication, and I would like to dedicate my vote, again, to all the workers and the organizers that have really made sure that this comes to fruition. There should be no circumstance where somebody works full-time and has no access to healthcare. And until we can guarantee healthcare to every person and every worker, not just in our State but in our country, I'm happy to be doing the right thing by these workers

and making sure that they are able to access and afford healthcare, particularly in a time like -- the times that we're living right now.

So thank you, and I'm happy to vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Reyes in the affirmative.

Mr. Kim.

MR. KIM: Thank you, Mr. Speaker. I, too, want to just take a moment to thank the sponsor for her leadership on this very critical bill that we're passing today. And I do also want to remind everyone that overall, even though we have a win today, (unintelligible) stagnant in this State and this country for almost 40 years. So don't think of this as charity or compassion. This is real economic growth for all of us. When workers have benefits and wages, we all prosper. And that's a model that every economist in this world understands. But the truth is, we have normalized a society where the rich are getting richer while the poor are getting killed during this pandemic. And enough is enough, and today is a win and we must continue to protect workers moving forward.

Thank you. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Kim in the affirmative.

Ms. Niou.

MS. NIOU: Thank you, Mr. Speaker, for allowing me to just say a few words. I just wanted to say how important this

bill was and also to commend the sponsor of this bill for working so hard on getting it passed. This is a very critical bill in this critical moment because, you know, like other people have said, we should never allow for folks who are on the frontlines to be without healthcare. Right now, more than ever, our -- our world is interconnected and we are seeing that. And our healthcare is interconnected. What we have seen and what has always been is very -- it's very amplified and even more obvious than ever is that when my healthcare depends on your healthcare and your healthcare depends on my healthcare, it's -- it's more apparent than ever that we need to take care of each other, and this is a way for us to take care of our workers and the folks who are taking care of us. And I just wanted to say that, you know, this is something that was taught to me very early on by a mentor of mine, Hector (unintelligible), who -- who passed away but has always been somebody who has worked to fight for the rights of workers and led 32BJ to be able to help our workers to be able to get these rights. And so this is why this bill is so important. It is so important to know that how we are connected every single day has been amplified, and we need to make sure that we are taking care of one another in this time in order to take care of each other some more.

So thank you so much, Mr. Speaker, and I wanted to thank all of the folks, especially the advocates, who worked on this bill. Thank you. And I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Niou in the affirmative.



Ms. Seawright.

MS. SEAWRIGHT: Thank you, Mr. Speaker, for allowing me to explain my vote. This is a huge win and victory for the workers. I commend the bill sponsor and I proudly cast my vote today. We stand together, we stand united. And today is a victory that we come together in this national time of crisis to do something that is right. And to echo the words of my colleague Charles Barron who said the time is right to rise and unite together.

So again, I commend the bill sponsor and all the activists and 32BJ as we vote to pass this legislation. I cast my vote proudly in the affirmative.

ACTING SPEAKER AUBRY: Ms. Seawright in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, we are going to continue on our debate list. We're going to go with Rules Report No. 248. That one is sponsored by Mr. Buchwald. Following that we'll do Rules Report No. 253 by Mr. Weprin. No, I'm sorry, 253 by Mr. Weprin and 265 by Mr. Weprin as well. And Calendar No. 469 by Mr. Perry.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A09525, Rules Report

No. 248, Buchwald, Zebrowski. An act to amend the Executive Law, in relation to providing that, in housing cases only, after a dismissal for lack of probable cause or lack of jurisdiction, a complainant would have the option to appeal the final order, or bring a de novo action in court.

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

Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: This bill relates to how we address individuals who file a complaint alleging housing discrimination and they file a complaint with the Division of Human Rights. So if an individual thinks they're a victim of housing discrimination under current law, they have an option. They have an election. They can file the complaint with the Division of Human Rights or they can go directly to court. If they file the complaint with the Division of Human Rights, then the Division of Human Rights, using government employees, presumably investigates the complaint, and if they rule in favor of the tenant then the tenant wins. If they rule against the person who brought the complaint, then the person can appeal that decision and have it reviewed by a court. So there's due process under either approach. So you can either go with the Division of Human Rights

and if you don't like the decision you can appeal it, or you can go directly to court in the first instance. Well, there's one caveat under current law that this bill addressed, and that is if you go to the Division of Human Rights and they determine that the complaint has no probable cause, this bill would allow you to change your option, if you will, instead of appealing it and instead go directly to court with what's known as a de novo case, a brand-new case. Unfortunately, what this means is that someone who is exonerated in front of the Division of Human Rights or the Division of Human Rights found that there was no probable cause to believe there was any discrimination can face the prospect of having to defend the case all over again in court, which is very, very unusual. Normally, if you have an administrative hearing and there's no probable cause, that's the end of it. And it's the end of the case because no probable cause is a very, very low standard. Now, when you're dealing in the legal field you have different levels of proof. I mean, you have beyond a reasonable doubt. That's a very high standard. You have a preponderance of evidence. That's more than 50 percent. You have clear and convincing. That's somewhere in between. And then the lowest standard is probable cause. Probable cause just means there's some ground to believe you might be right. Some ground. And so when the Division of Human Rights determines that there's no probable cause to believe there was any discrimination, that's a very strong statement by a government agency whose mission is to prevent discrimination.

There's one other quirky thing about this, if you will.

New York recognizes that sometimes people abuse the legal process. And so we have two causes of action that can be brought by the innocent victim of a malicious or unfounded lawsuit. And that's abuse of process or malicious prosecution. And so if we adopt this law and someone who thought they were the victim of discrimination goes to the Human Rights Commission and they determine there wasn't even probable cause for discrimination and then that same person turns around and brings a lawsuit, if a court agrees there's no probable cause, that person who filed the complaint could be the next defendant in court on a counterclaim for abuse of process. The current system has checks and balances. It's the person who is filing the complaint, not the other side. It's the person who is filing the complaint that decides whether they want to go to the Human Rights Commission or go to court. That's their option. Their choice. And if they choose to go with the Human Rights Commission and lose, they have a -- they can take it up on appeal. But this bill says that even if you not only lose, but there's no probable cause, you can file a new action in court anyway. That's inappropriate. It is almost the definition of abuse of process, and we should not, by statute, authorize a process that's unfair to the respondent when the Division of Human Rights determines there's no probable cause.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Buchwald.

MR. BUCHWALD: Thank you, Mr. Speaker. This

bill stands for the basic principle that New York stands against, housing discrimination, hopefully something a principle that we all share. I've heard the honorable gentleman on the other side of the aisle, we've actually debated this bill I think this is now our fourth time in this House. And when listening to him, I think that the view on the other side is that the Division of Human Rights is this fantastic organization, we should always abide by their views. In this case on this bill, I agree because I bring this bill on behalf of the Division of Human Rights. I was asked for this bill to be enacted into law for the very simple reason that enacting this bill into law brings New York State into compliance with the Federal Fair Housing Act. New Yorkers deserve to make sure that their housing discrimination claims are heard. And as another member of the Body said in the prior year, it is not inevitably the case, that when an administrative agency finds that there is no probable cause, that they've actually done a thorough investigation. They've even interviewed the complainant. But fundamentally here, we are upholding the Division of Human Rights' ability to properly enforce housing discrimination laws in our country under the Fair Housing Act, something that we should have done a while ago.

As I said, this will now be actually the fifth time that this Body has enacted -- has passed this bill. But today is the first time the other Body in the State Legislature has enacted the bill. So, and I'm very pleased to be bringing this bill to this House for I believe its final time, and I hope that every Member of the House can affirm

the principle that housing discrimination has no place in our State.

And let me just say, Mr. Speaker, that I owe a debt of gratitude to the current Majority Leader, the then-Chair of the Governmental Operations Committee who provided this opportunity for me to carry this bill when I was a freshman Assemblymember, to the current Chair of the Governmental Operations Committee, who is a cosponsor of the bill, the staff of the Governmental Operations Committee who has been supportive throughout. I'm just pleased that this is something that I get to be here in Albany to make sure that we are standing up for the basic rights of all New Yorkers. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 248. 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 in the negative on this legislation. Those who wish to vote in the affirmative should contact the Minority Leader's office. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, so noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. -- Mr. Speaker, this is a Party vote in the affirmative. Those choosing to not vote with the Party can certainly feel free to contact our offices and we'll be happy to record you as such.

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

(The Clerk recorded the vote.)

Mr. Byrne to explain his vote.

MR. BYRNE: Thank you, Mr. Speaker. I'm not in Albany today, I'm voting remotely from home in Putnam County, but I -- I just wanted to speak briefly to explain my vote. I do apologize to the sponsor, he's not going to get my vote on this particular bill, but I do want to say I support him as a -- as a colleague and a Member. And this may, hopefully not, be his last bill before our Session concludes. I represent the -- the district that's immediately adjacent and North to the 93rd Assembly District that the sponsor represents. We've worked very well together serving the people of Westchester County. It's been an honor to work with him. I know he's extremely passionate and caring about the people that he serves and, David, it's just been an honor and I want to thank you and wish you well. I am sure that we'll still be working together in some capacity in Westchester in the -- in the future years. Thanks again and, sorry, but I do vote negative.

ACTING SPEAKER AUBRY: Mr. Byrne in the negative.

Mr. Goodell.

MR. GOODELL: Thank you, to explain my vote. I will be voting no, but I want to make it clear that while I may disagree with this legislation, I have the greatest respect for the sponsor. I think Mr. Buchwald has done a great job as a Member of this Assembly. I echo the comments of my colleague, Mr. Byrne. I had the pleasure of serving with him on some of our Committees and every time he spoke, we listened because he was always knowledgeable, thoughtful, deliberate and certainly a great asset for us here in the Assembly. So, again, thank you to my colleague. That doesn't mean, even though I have the greatest respect, I always agree, but, nevertheless, he really was a great asset to our -- to our Chamber. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative. Thank you.

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: An explanation is requested, Mr. Weprin.

MR. WEPRIN: Thank you, Mr. Speaker. This bill would add a new subdivision 5 to Section 112 of the Correction Law that would prohibit the Commissioner of the Department of Correction from promulgating any policy requiring an incarcerated individual to waive any religious right as a condition for participating in any inmate program. The bill would also grant incarcerated individuals exemptions for activities that coincide with religious holidays in -- in violation of their religious rights.

ACTING SPEAKER AUBRY: Ms. Walsh.

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

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

MR. WEPRIN: I'd be happy to.

ACTING SPEAKER AUBRY: Mr. Weprin yields.

MS. WALSH: Thank you, Mr. Weprin. So, as I was reading through this bill and the bill memo, it -- it sounded as though the -- what prompted this bill was the idea that inmates were being asked to sign written waivers saying that they would not exercise their religion in order to participate in different programs; do I have that right?

MR. WEPRIN: That is correct.

MS. WALSH: Did -- did you see any of these waivers? Is this -- is this -- is this an issue that we're seeing across the State? This just seems really kind of shocking to me.

MR. WEPRIN: Well, that's why I introduced the bill. It was shocking to me, as well, and I actually had been contacted by a number of people who were incarcerated who would like to participate, for example, in the Shock Incarceration Program, they're eligible because they meet all the criteria except they refuse to waive their religious rights, you know, in violation -- in my opinion, you know, of their Freedom of Religion and the Constitution of the United States.

MS. WALSH: And I would absolutely tend to agree with you about that. The -- the question I guess I've got is one of, for lack of a better term, like "logistics." So, you've got a Shock program which, from what I understand, is a very intensive experience -- program similar to like a military boot camp. And could it be possible that -- that these inmates who do have religious observance needs could not be -- it could not be programmed around these individuals? I mean, I'm just -- I'm struggling to understand why a waiver would be something that would be even asked for of these inmates.

MR. WEPRIN: Well, I agree. I don't see why they can't have religious accommodations just like they do for any other person, you know, in any, you know, capacity of any State program, but incarcerated individuals should not be deprived of their ability to exercise their Freedom of Religion and if they otherwise would be

eligible for this program, it seems to me that that should not be a hindrance to -- to them being eligible and participating in the program, which could result in a reduction of their sentence.

MS. WALSH: Thank you very much, Mr. Weprin.

Mr. Speaker, on the bill.

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

MS. WALSH: Yeah. I -- I'm really grateful that the sponsor has brought a bill like this forward. This is something that I -- I'm very surprised would be a thing, that this would even be something that would be asked for. Something like a Shock program is something that could be a tremendous benefit to what used to be just younger, non-violent offenders. Now I think that they've actually expanded the age bracket of people who could take advantage of this program. But, I mean, the substance abuse treatment, the academic education, the value of a program like this, to -- to only admit individuals who are willing to walk away from their religion and not -- agree not to observe their religion and to sign a waiver saying that they would not exercise that in order to participate in that program is difficult to wrap my mind around. And I will be voting in the affirmative on this bill and I would encourage all of my colleagues to do the same and I thank the sponsor for bringing this forward.

ACTING SPEAKER AUBRY: Thank you, Ms. Walsh.

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. 253. 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. Weprin to explain his vote.

MR. WEPRIN: Thank you, Mr. Speaker. I thank my colleagues for supporting this legislation. When I first heard about it, I was, frankly, a little shocked, as well, that we've gone out of our way in the State system, whether it be in the Correction system or any other State agencies to accommodate individual's Freedom of Religion and exercising their religious rights. As a matter of fact, there are many provisions for incarcerated individuals to get special dietary meals for their religious observance, and to have religious services. So, you know, I think it's really -- it goes against, you know, all First Amendment rights and Freedom of Religion. So, I withdraw my request and proudly 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 A10194, Rules Report No. 265, Weprin, Simon, Gottfried, Seawright. An act to amend Correction Law, in relation to permitting the Correctional Association

to access, visit, inspect, and examine all State correctional facilities.

ACTING SPEAKER AUBRY: First, on a motion by Mr. Weprin, the Senate bill is before the House. The Senate bill is advanced. Mr. Weprin, a [sic] explanation is required.

MR. WEPRIN: Yes. This bill would add a new subdivision 32 in Section 2 of the Correction Law to define the Correctional Association of New York, and adds a new subdivision 3 to Section 146 of the Correction Law to permit the Correctional Association of New York to access, visit, inspect and examine all State correctional facilities, and further the mission of the Correctional Association of New York, which was granted legislative authority under New York State Law in 1846 to monitor prisons and issue reports to the Legislature.

ACTING SPEAKER AUBRY: Ms Walsh. No?  
Mr. Giglio.

MR. GIGLIO: Thank you, Mr. Speaker. It is really good to see all of you up front. I haven't seen you in a long time. And it's great to be in this room, I haven't been here in a long time either. But I wish I wasn't here for the reason I am. It's about this bill. On this bill.

Let me start with Corrections. What happens in our corrections facilities, the most important thing that happens there on a daily basis is called *Safe and Secure*. You are supposed to keep everybody within those walls safe and secure. I believe that this bill goes a long way to stopping that and to making -- infringing on that. I

also believe this bill is so expansive that I've never seen anything like it in all the years I've been involved.

And let me start with the original premise. They can show up at a correctional facility at any time without any notice with up to 12 people. I'll go back to the 12 people. Who are these 12 people? What kind of vetting have they had? Why are they there? And just because the Correctional Association says, *These are the 12 people we designate*, there has been no vetting and no background. So, I was told during the Committee meeting that, well, as elected officials, we have that same right, and it's true, but then again, we're vetted every two years. We're sent here by our districts as their delegate. Everybody knows who we are and why we're here. Nobody knows who these folks are. Who are these designees who are not necessarily part of the Correctional Association, but have decided to come along. They're allowed to walk into that facility without any notice when they're on lockdown. Let me remind you, lockdown does not happen every day. It happens when there is big trouble within the facility. Why would we introduce civilians into a place that might be dangerous?

Let me go further than that. Now let's get into the things they can look at, the log books, e-mails, books, data, video, audio recording, policy and procedure pertaining to all those things. Log books are a special thing on a block in a correctional facility because they tell you about the comings and goings of the day. And I'm not sure what in a log book would have anything to do with what

they're looking for or exactly what their mission is.

Let me go down further, and this one really gets me. It says it *Authorizes the Correctional Association request to promptly receive from DOCS or - or - any other State agency or public authority such paper, electronic and digital records so to enable the Correctional Association to carry out its mission and duties regardless of whether such requested records could have been withheld under Article XI of FOIL and the Public Officers Law. It provides that any such record does not constitute a waiver for any confidentiality or privilege regarding such records.* Now you're not just talking about correctional facilities, now you're talking about every single State agency. Every single one. I'm not sure exactly what that would have to do with the operations of a correctional facility or by DOCS, but that's where you are.

Then, the last part of this that got me a little bit frightened is it says, *In any case where DOCS or an employee failed to comply with the provisions of this bill authorized the Correctional Association to apply to the Supreme Court for an order directed to DOCS, or such employee requiring compliance therewith. Failure to comply with this order shall be contempt of court. Any action or proceeding commenced by this group pursuant to this bill shall have -* and this is the key word - *preference over all other cases except habeas corpus proceedings and pending before the court.*

So not only do they want to go to every single State agency and be able to get all their records, not only will they file a

FOIL because they don't have to, but then when you get to the Supreme Court, your case takes precedence over everything. Let me remind you that the women and men in DOCS and any other civilian employees have union representation. They have rights, too. And, again, this -- this goes way beyond it. I can't believe that anybody could even think of these things. And let's get back to who runs these facilities. The State of New York runs these facilities. We are a public entity that runs these facilities. The people in the State of New York give us, by their consent, the ability to do these things. If you look at this bill, they don't only want to do to the Commission of Correction's work and DOCS' work, but everyone else's, too. I have never seen a bill this expansive in all my time in this Body and all my time working in Corrections. I find this unbelievably broad and expansive.

I'm not sure what the goal is and what they really want out of this. There has been great cooperation between the Executive Branch and this Legislature with the Correctional Association, and we are not arguing over their mission. Their mission is very important, but you have to get out of your mind to believe that you would suspend everybody else's rights for them and then not knowing who or what they are when they're coming behind those -- those walls.

I'm sorry. This bill is way too expansive, way too dangerous and it does no good for anybody within those walls or the public outside those walls. Thank you, Mr. Speaker.



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. 265. 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 voting in the negative; however, if I'm mistaken about any Member, they should contact the Leader's office, the Minority Leader's office and advise them that they want a different vote. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, the Majority Conference will be voting in the affirmative on this piece of legislation. Should any of our colleagues desire to do otherwise, they can feel free to contact the offices and we will properly record their vote.

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

(The Clerk recorded the vote.)

Mr. Palmesano to explain his vote.

MR. PALMESANO: Thank you, Mr. Speaker. My colleague did a great job explaining the problems with this bill. I'm going to be voting no. What I wanted to emphasize, though, if we really want to get serious about addressing policies going in our correctional facilities, why don't we look at providing tools and resources to our correction's officers and staff that working in a very dangerous environment. We continue to see it from our prison closures, from the policies taking tools and resources away from our correction's officers.

Over the past five years, violence is up dramatically in our prisons. It's a powder keg environment based on the policies we continue to see out of this Administration. There's gang violence, inmate on inmate staff assault -- inmate on inmate assaults are up over 40 percent. Inmate on staff assaults are up 40 percent. I mean, we continue to see this powder keg environment going on in our facilities. It's a very dangerous environment. Drugs are getting into our facilities left and right, whether they're through visitation or whether through package. We had a secure vendor pilot program that was supposed to be started. It started and it got cancelled by the Administration. We have nothing there to help stop getting contraband into our facilities, and we had legislation in Committee to try to move that forward. It was -- it was turned down. We had ideas that could help keep the drugs out of the prisons. The drugs getting in our prisons are the things that help cause violence. We have gang activity.

Let's get serious about addressing what's going in our

facilities. There's too much violence. Our -- our brave men and women who are working in these facilities risk their lives each and every day, and the assaults that are going on, it's not safe for them and it's not safe for other inmates with the violence we see going on. So, those are some of the things we should be working on if we want to deal with what's going on in our correctional facilities, because the policies that we're seeing coming out of the Administration and this Body is not working, it's not doing anything to keep our -- corrections officers and staff working in those facilities any safer; in fact, it's getting more and more dangerous each and every day, each and every year, and we need to do something about it and we need to do something about it now. Thank you, Mr. Speaker.

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

MRS. PEOPLES-STOKES: Mr. Speaker, if you would please have our colleague, Mrs. Gunther, voting in the negative.

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

MRS. PEOPLES-STOKES: There might be more,  
Mr. Speaker. Thank you.

And Mrs. -- Ms. Buttenschon, as well. And Ms.  
Griffin.

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

MR. BARRON: Thank you, Mr. Speaker. This is a great bill. I know this agency for a long time, the Correctional Association of New York. They do great work in prisons and they push for reform, they push for positive things in the prison system. I think it's a good bill. I think their oversight over the years, even when they don't have amenable access has been phenomenal. I can remember years ago when they were even campaigning against the prison bond issue where they wanted to use State bonds to build more prisons and they were saying, no, there are alternatives to incarceration, like community sentencing and -- and other kinds of things.

So, I think this is a great bill. I think it will do all of those things that the prior speaker spoke of. The Correctional Association of New York has been always a positive force to remediate and resolve some of those issues. So, I don't see why they shouldn't have access, and easy access. I think it will be a benefit to the State prison system to have a group like this involved. So, I want to commend the sponsor of this bill and vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Barron in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, there is a

brief change in our originally proposed agenda, so we're going to go to Calendar No. 47, which is by Member Rosenthal.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A01026, Calendar No. 47, L. Rosenthal, Perry, Weprin, Seawright, Blake. An act to amend the Civil Practice Law and Rules, in relation to increasing penalties for failure to execute and file satisfied judgments of \$5,000 or more with the court clerk.

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

Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: Under current law, if a judgment is rendered by a court against a debtor, and the debtor eventually pays off the judgment, which we always hope happens, under current law the creditor who finally got paid has 20 days to file a satisfaction, and if they don't, they can be subjected to a \$500 fine -- or a \$100 civil penalty, which is a little bit ironic that you might go to court, go through a whole trial, get a judgment, chase after the judgment creditor, have depositions, do executions - that's not with a gun, that's with legal process - seize certain property, go through a sale by the sheriff. And after all that effort, you finally get paid, often with no

cooperation from the judgment debtor. You then have to file a satisfaction within 20 days, even though it may have taken you five years to get there, you have 20 days to file a satisfaction and if you don't, you end up paying \$100 to the judgment debtor who owed you all that money for all that time.

Well, this bill amends the law and says if the original judgment was for more than \$5,000, then you -- and you don't satisfy the judgment within 20 days, the penalty is five times higher than it is under current law, it'd be \$500. The problem with that is as the judgment gets larger, so does the complexity sometimes in getting a satisfaction signed because the judgment might come from a corporation, and the lawsuit may involve lawyers. And so, the payment might be to a clerk of a corporation and it may take time for that clerk to notify the proper staff and the corporation to get back to the attorney to make sure a proper release or a discharge is prepared and sent back to the corporation to be signed. And, of course, these are recorded so it has to be notarized, and back to the county clerk all within less than three weeks.

So, this is an interesting bill where we provide a much bigger opportunity for a judgment creditor who owes a lot more money, who finally pays off the judgment, to collect a \$500 refund, if you will, if that satisfaction isn't filed within 20 days. I think the \$100 incentive is enough and I always wince when we increase the penalty to someone who doesn't respond in less than three weeks to a judgment they may have been seeking to get satisfied for years.

So, for that reason, I will not be supporting this and recommending to my colleagues that they also not support this change. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

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 Calendar No. 47. 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, but if there are those who wish to support this legislation, they should call the Minority Leader's office.

ACTING SPEAKER AUBRY: Thank you. So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference will be voting in the affirmative on this one. We ask colleagues who would choose not to vote in the affirmative, to please contact the respective office and we will record your vote.

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

(The Clerk recorded the vote.)

MRS. PEOPLES-STOKES: Mr. Speaker.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: If we could record our colleagues Mr. Dilan and Ms. Woerner in the negative.

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, do we have any housekeeping and/or resolutions to take up?

ACTING SPEAKER AUBRY: No housekeeping, Mrs. Peoples-Stokes; however, we do have a number of fine resolutions which we will take up with one vote.

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

(Whereupon, Assembly Resolution Nos. 974-977 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I now move that the Assembly stand adjourned until 10:00 a.m., Thursday, July the 23rd, tomorrow being a Session day. Again, 10:00 a.m.,



Thursday, July the 23rd. Tomorrow is a Session day.

ACTING SPEAKER AUBRY: I'm not going to ask you that time again, because I was fooled once. Fool me twice, I don't know.

The Assembly stands adjourned.

(Whereupon, at 9:05 p.m., the Assembly stood adjourned until Thursday, July 23rd at 10:00 a.m., Thursday being a Session day.)