

TUESDAY, JANUARY 11, 2022

1:41 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

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

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the Journal of Monday, January 10th.

Mrs. Peoples-Stokes.

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

dispense with the further reading of the Journal of January the 10th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker and colleagues. It's good to see folks in and around the Chambers. Now we're going to get started with our Session today. I would like to begin with a quote. This one is from an American painter who was one of the leading figures in the first generation of abstract expressionists. He came up with this approach immediately following World War II. His name is Clyfford Still. And his words are, I think, important today, Mr. Speaker. *It simply is, It's intolerable to be stopped by a frame's edge.* Again, that's the American painter Clyfford Still.

Mr. Speaker, members should note that our agenda for the day, we have a main Calendar on your desk and after we have done any housekeeping we are going to take up Rules Report No. 5 by Mr. Thiele, and immediately following that we're going to go to consent on our main Calendar.

So, Mr. Speaker, that's the general outline. If you have any housekeeping now would be an appropriate time.

ACTING SPEAKER AUBRY: Certainly, Mrs. Peoples-Stokes. We have a number of pieces of housekeeping.

On a motion by Ms. Paulin, page 4, Calendar No. 3,

Bill No. A.129, amendments are received and adopted.

On a motion by Ms. Paulin, page 8, Calendar No. 23,

Bill No. A.338, amendments are received and adopted.

On a motion by Ms. Paulin, page 11, Calendar No.

37, Bill No. A.563, amendments are received and adopted.

On a motion by Ms. Jean-Pierre, page 14, Calendar

No. 52, Bill No. 815, amendments are received and adopted.

On a motion by Ms. Buttenschon, page 16, Calendar

No. 62, Bill No. A.1121-A, amendments are received and adopted.

On a motion by Ms. Glick, page 37, Calendar No.

172, Bill No. 5473-A, amendments are received and adopted.

On a motion by Mr. Englebright, page 38, Calendar

No. 178, Bill No. A.5541-A, amendments are received and adopted.

On a motion by Ms. Paulin, page 44, Calendar No.

207, Bill No. A.6259, amendments are received and adopted.

On a motion by Ms. Cruz, page 44, Calendar No.

209, Bill No. A.6319, amendments are received and adopted.

On a motion by Mr. Magnarelli, page 46, Calendar

No. 218, Bill No. 6538-A, amendments are received and adopted.

At the request of Ms. Wallace, Calendar No. 278, Bill

No. A.7795 is recommitted to the Committee on Judiciary.

Page 3, Rules Report No. 5, the Clerk will read.

THE CLERK: Assembly No. A08591, Rules Report

No. 5, Thiele, Zebrowski, Paulin, Abinanti, McDonald, Otis, Niou,

Frontus, McMahon, Sillitti, L. Rosenthal, Dinowitz, Simon. An act to

amend Chapter 417 of the Laws of 2021 relating to authorizing political subdivisions to permit any public body to hold meetings remotely and without in-person access during the COVID-19 State disaster emergency, in relation to public bodies holding meetings remotely and to the effectiveness thereof.

ACTING SPEAKER AUBRY: There is a hostile amendment at the desk offered by Mr. Ra who will briefly explain the amendment while the Chair examines it.

Mr. Ra.

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

ACTING SPEAKER AUBRY: Please proceed.

MR. RA: Thank you, Mr. Speaker. The bill-in-chief ties the sunset date of this Open Meetings Law change to orders -- Executive Orders promulgated or extended by the Governor. The Governor's authority to rule by Executive Order permits her to extend this exception to the Open Meetings Law without any input or activity by the Legislature. Please keep in mind, the Legislature retains the authority to set a sunset date of this Open Meetings extension that differs from that of the Governor. Given the surge in COVID-19 cases caused by the Delta and Omicron variants, subject governments may be meeting remotely for the foreseeable future. However, the bill-in-chief amends the meeting procedures of the Assembly and Senate, not just those of local governments like this chapter did when

we first adopted it last fall. As such, the Legislature had control over the expiration date of this exception to the Open Meetings Law rather than having its sunset date be subject to the whims of the Governor and her Executive powers. Moreover, the bill-in-chief fails to recognize the challenges posed by audio-only meetings. Without a real-time video requirement included in the Open Meetings Law exception, participants are not visible to the public. People with difficulty hearing may have issues identifying participants in the meeting. Additionally, members of the public miss out on any non-verbal cues and expressions during discussions they would normally see in person. As such, this amendment will promote good government during a remote proceeding.

Now, I will just quickly read, since this is short, for my colleagues because this is all about transparency so I want to let you know exactly the text that I'm proposing be added to this bill. It says, "A public Body operating remotely must require that participants remain visible to the public during all recorded votes. This requirement may be satisfied by having the voting participant audibly identify themselves when casting their vote." And as I said, it also puts a firm date of January 31, 2022 for the sunset of this rather than allowing it to be determined by the Governor.

As we saw for the last couple years under the previous Governor, giving sole authority over to the Executive did not work out all that well. We need to maintain the checks and balances in our government, and having it up to the Governor when the

Legislature can or can't meet remotely, I think, is giving the Governor far too much authority. Now, if we were to extend this to -- just to January 31st, we can revisit it. We are in regular Session. We will have the ability to continue to meet remotely. There is no reason that we need to leave it completely up to the Governor. Moreover, with regard to the other piece of this amendment, we've seen over the years, over the last couple years meeting remotely, situations where, you know, we've had long, lengthy debates on bills and I'm sure that's happening with our local governments as well, and the people at home only see, you know, the person speaking. They don't know whether their representative has turned off their camera, gone shopping, gone out to do something or -- I mean, not out of the realm of the possible in this Chamber when we go into late nights, maybe they're sleeping. This would require that participants in a remote meeting, whether it be here in the State Legislature or a local Body, be identified when they're voting. Whether it's audibly by just stating their name and their vote, or by requiring that they be on camera when a vote is being recorded.

Yesterday we all voted almost in unison. It was to vote no on something. Let's all vote in unison today to vote yes on something and make this amendment that will help ensure transparency and open government, which is the point of the Open Meetings Law.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Ra.

The Chair has examined your amendment -- the Chair has examined your amendment and has found it germane to the bill before the House.

Mr. Ra on the amendment.

MR. RA: Thank you, Mr. Speaker. I don't have too much to add because I probably gave all of the information on the front end there. But I just want to again, you know, reiterate. This is about open and transparent government. And remote meetings have been a great tool to ensure governments can continue to function, but they've also at times in the last couple years become a way to exclude the public. Because the public doesn't get to see the full proceedings in the way they would in person. They don't know who is on, who's participating, who's not. And I think it's important for open government and transparent government that the public know that those elected officials, when they're casting a vote, are free from influence by anybody, are casting the vote for themselves, and it will continue to foster the transparency and open government that is what the Open Meetings Law is all about.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker. And I appreciate my colleague bringing forward what is an important -- important amendment on the Open Meetings Law. The Open Meetings Law in the State of New York guarantees that the citizens of this State are the ones that are in the power seat of this government.

The principle is a great one, Mr. Speaker. It allows us to have citizens in the back of this Chamber and up in the Gallery and your local school board meetings or your town or village council meetings. It allows the citizens to participate because there's a direct reminder to the representatives that the citizens are their boss each and every day. When you kick your boss out of the room -- imagine yourself in any other profession, all right? Imagine you're not a State Assemblymember today, but you showed up to work at 9:00 a.m., you went in and the boss came in to check and see what you were doing that day. *Hey, just checking in.* And you said, *Get out of here* to your boss. You'd be fired. And frankly, without this amendment I think we have a great opportunity to lead by example here. In this Chamber we have a great opportunity to lead by example. My colleague has pointed out a couple of the reasons we can't. Already in the Rules in this Chamber, Mr. Speaker, we're supposed to broadcast all of our proceedings, including committee meetings. We know the technology has existed for a long time - it's been in use in this Chamber for two years now - to be able to do that. But still, we ignore that so that we can be under the veil of secrecy in Albany that is so frustrating our bosses. And honestly, if we don't start taking the Open Meetings Law in New York State seriously, we should be fired by those bosses that we got kicked out of the room.

I plan to support the amendment and encourage my colleagues to do the same. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Thiele on the

amendment.

MR. THIELE: Thank you, Mr. Speaker. With regard to the amendment, I just want to point out that the bill that is before the Legislature today that this amendment seeks to change have been the rules for local governments and State agencies in the State of New York beginning with the pandemic in March of 2020 to June of 2021. And then there was a period when it expired and we restored it in September until now. What is in the bill-in-chief is what the rules have been for local governments during that period of time, to have -- to be able to keep government operating to still meet the spirit, if not the letter, of the Open Meetings Law. And, you know, it is -- they have done an outstanding job - whether it be local governments or State bodies - not just keeping the government afloat, but responding in a heroic way to the pandemic and keeping our people safe. So this is something -- something that I believe as long as the pandemic continues, has worked well. And this is a true emergency response. We would not be putting a bill like this forward to amend the Open Meetings Law if not for the emergency. It is supposed to be in place during an emergency period. And that is why it is tied to when and how long the emergency and the emergency declaration is going to stay in place. I don't think anybody believes that this is all going to be over by January 31, 2022. While I'm sitting here there was an article that came across just in the *Wall Street Journal*. Hospitalizations are the highest they've been during the entire pandemic. This is not ending in the next two weeks. Local governments have to plan. Next

month, towns, villages, cities, they're planning and scheduling public hearings for zoning boards, for planning boards, for local laws. They have to know what to put in the newspaper. What notices to provide to the public as to when meetings are going to be and how they're going to be held. Extending this for two weeks for January 31st just isn't going to let them do that. Further, you know, to just suddenly change the rules with this amendment today for local governments, they -- they know what the rules are today, and they know how to handle them for their meetings. So to change those I just think is going to -- to bring about confusion.

With regard to the State Legislature and our role in this, and we are included in this bill, you know, I would just say that this legislation is an authorization. This authorizes local governments, State agencies, State bodies, even the Legislature. It's an authorization to us to be able to make these exceptions to the Open Meetings Law. It's not a mandate. It's an authorization. We're relying on Home Rule here. Local governments can decide to do or not decide to do it. We can decide to do it or not do it. The kind of things that are being talked about today don't belong in this legislation, but they'd perhaps be more suitable to talk about what our rules should be for the operation this year, when we talk about what the rules are going to be and any changes we're going to make to the rules. So I believe that this -- this amendment is ill-considered. You know, if -- you know, to quote the great orator Senator John Blutarsky, *It's not over until we say it's over*. And under Section 28 of the Executive Law, the

Legislature gets to decide ultimately when the emergency is over. The Governor doesn't let it expire and we think it should be over, we passed the concurrent resolution that -- to end the emergency. We're not giving up any control. We have control the whole time.

And for that reason, Mr. Speaker, I believe that the amendment as drafted will provide a continuation and continuity of government, will keep the rules the same for our local governments or will allow our local governments to continue to operate. I think just doing this for another two weeks is just going to sow the seeds of confusion, and I urge a no vote.

Thank you.

ACTING SPEAKER AUBRY: This is a Party vote. Any member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the number -- at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference supports this amendment and will be voting in favor of it. If, however, there's any members that would not like to support this they are encouraged to call the Minority Leader's Office so we can record their vote.

Thank you, sir.

ACTING SPEAKER AUBRY: Majority Leader.

MS. SOLAGES: Thank you, Mr. Speaker. I want to remind members that the committee process is an integral component

of reporting bills to the Assembly floor. The amendment before us bypasses that process. While I respect our colleagues on the other side, I believe that this bill in its existing form takes into consideration what is best for New Yorkers. So I urge my colleagues to vote against this amendment.

I also want to remind my colleagues that this is a Party vote. Majority members will be recorded in the negative. If there are any exceptions, I ask Majority Leader to contact the Majority's office at the number previously provided and I will then announce your name accordingly.

Thank you.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The amendment is defeated.

On the bill. Mr. Ra, I don't believe (inaudible).

MR. RA: I just --

ACTING SPEAKER AUBRY: One minute.

No, read the last section.

MR. RA: Mr. Speaker?

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: Mr. Ra.

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

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

MR. THIELE: Yes.

MR. RA: Thank you. So, I mean, you got into a little bit of, you know, the bill-in-chief during your successful, you know, argument against my amendment. I -- I think we gave the Majority members a taste of voting no yesterday and they must have enjoyed it because they were happy to do so again today on my amendment. But I -- I did have a couple questions, primarily with regard to -- to what you talked about. And, you know, our public bodies all over the State did rely on this authority over the last few years. And not having a date certain for the sunset, one of my concerns it -- it becomes up to the discretion of the Governor. So currently, though, it would expire when that emergency declaration expires. So what is the current expiration date of the emergency declaration?

MR. THIELE: Well, first of all, if we don't pass this bill this authority on the Open Meetings Law would expire on January 15th regardless of what happens with the -- with the Executive Order. But the answer to your question is that I believe the Executive Order expires on January 25th.

MR. RA: So technically, my amendment would have given our local governments an extra six days of certainty. But we -- I think we do expect that we are in the midst of where we are and that that will likely be extended. But really, my question, then, with regard

to this I guess is, you know, we had done this in the fall and as many of my colleagues would recall, it was tied with the eviction moratorium bill. And really, I don't recall there being too much discussion of -- of these particular provisions, but we know at that time it applied only to local governments, not to us in the State Legislature. The Governor in an order a few weeks ago applied these provisions to us up until that January 15th date. So is there any other difference between those Open Meetings Law changes we did in the fall and this bill other than it becoming applicable to the State Legislature as well as all those other levels of government?

MR. THIELE: I -- I think you identified them. I think -- as you mentioned, the Governor through an Executive Order had added the State Legislature. That is in here. That was not in Chapter 417. And the effective date was January 15th and -- I'm sorry, the expiration date is January 15th and this would change that expiration date as we have discussed.

MR. RA: And -- and just so we're clear, you did, I believe, mention this, but in addition to the Governor being able to, you know, end that declaration up until a certain date, we still, as the Legislature would retain the power to end the emergency declaration ourselves?

MR. THIELE: That's correct. Under Section 28 of the Executive Law the Legislature by concurrent resolution can terminate an Executive Order.

MR. RA: Okay. Thank you, Mr. Thiele.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: Just quickly, you know, I wanted to just make that point one more time with regard to this Executive Order emergency declaration and its impact on extending this. Sure, if we were to do a date certain, whether it was January 31st or any other date, it may be extended. But one of the problems we saw far too often both on the previous Governor and, unfortunately, I think this has been somewhat continued, is these announcements come about all of a sudden. Even this one that applied to the Legislature kind of was in the middle of the holidays and stuff. Nobody -- it just all of a sudden, you know, late one night this -- this order was put out. And I don't see how that gives any certainty to our local governments when it comes to planning. I think it is much clearer that there be a sunset date and a date certain. Maybe -- and maybe January 31st is -- is soon. You know, the reason we were suggesting that date is because it gets us out another few weeks and we can really talk about some of the transparency issues that I talked about that I think are important when -- when governments are meeting remotely. One of the points I would make under this language -- and -- and I raised this back in, I guess, the end of August when -- when we did the original bill -- was the fact that it really doesn't require two-way communication, yet it requires things to be put someplace so that the public could view them. But it doesn't necessarily require that there be anything in place to allow the public to interface with that level of government, which I

think we all know, especially on the local level, that it's normally a part of a lot of local meetings is -- is an opportunity for the public to comment on things, and that really can be lost here. So while I do think that, you know, we're trying to do the best we can under these circumstances to ensure our local governments and our State government can continue to function, I do think we saw over the last almost two years now plenty of instances where there have been frustrations of the public, that they didn't have full transparency as to what was going on or that they were frustrated with their inability to participate in -- in a meeting in the way they would normally be able to in person. The technology is there. We've all learned how to use it. We use it in our everyday lives, whether it's meeting with constituents, meeting with organizations or having actual meetings here in the Legislature, our committee meetings. So the technology certainly exists. And I think that our goal should be to continue going forward and functioning as a government, but doing everything we can do to make it as close to the level of openness that people are used to if we were all together in the same place. And again, I think that some simple measures like what was suggested by myself earlier would help accomplish that.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

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

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

MR. THIELE: Yes.

ACTING SPEAKER AUBRY: Mr. Thiele yields.

MR. GOODELL: Thank you, Mr. Thiele. As you know, we've gone through a lot of COVID restrictions over the last year-and-a-half, two years almost now. And we started out with the Governor closing down massive parts of our State. I mean, he closed down all of our schools, including all the schools in my district when we didn't have a single recorded COVID case. He closed down various businesses, he closed down all the local retail stores but not Walmart. He closed down the churches but not the liquor stores. And there's a lot of frustration with all these businesses being closed in what appeared to be an arbitrary manner. But over time, as you know, they've all reopened. Sometimes with restrictions like you have to wear a mask. Sports venues no longer require that you have a vaccination, right, to show that, or a restaurant might. Are there any other businesses that are currently closed by legislation or Executive Order currently?

MR. THIELE: Not to my knowledge.

MR. GOODELL: So at this point all of our schools are open or (inaudible). There's no Executive Order closing our schools. No Executive Order closing businesses or stores, sports arenas or courts. But this bill says that local governments would be authorized to meet and take action authorized by law without

permitting the public in-person access. Right? That's what this bill says. Why is it that we are passing a law to allow government to ban the public at a time when no other business in this State is banning the public from access?

MR. THIELE: We're not doing that.

MR. GOODELL: It's (inaudible) --

MR. THIELE: You asked me a question and I'm going to answer it. That's a mischaracterization of that. We are providing the authority to local governments to make that decision for themselves. They can continue to meet in person if they want to. Perhaps the numbers are high in that particular local government and they think this is a better way to go. This is an authorization for local governments. We are letting local governments use their Home Rule authority. But there's nothing in the bill that precludes local governments from meeting in person if they want to. That's their decision. That's what this bill does. It is an authorization, not a mandate.

MR. GOODELL: And I appreciate that it's a local option. I do. But the local option that we're giving under this legislation, am I correct, would authorize every government in the State of New York to take action without permitting public in-person access, correct?

MR. THIELE: That would be a local government judgment. And I will tell you, there are situations out there right now, I've seen it where --

MR. GOODELL: But that's exactly what this bill --

MR. THIELE: Let me answer the question. Where between March of 2020 and -- and July or June of 2021 where meeting remotely, actually public participation improved, increased. More people participated. And I -- I also saw in local governments across the State that when this authority was taken away because the pandemic numbers were down but not over from -- from June until September that the -- the attendance at local government meetings that I saw and watched was below normal. Because even though the local governments were allowed to have in-person meetings, people still didn't want to be in a room. So again, we're not mandating local governments to do anything. I think they -- we're giving them the authority to kind of judge what is the best way under these unique and trying circumstances. What is the best way where they can conduct business and hear from their public -- from the public and how do -- how do they best feel safe and what's the best way to do that. And I don't think the bill does anything more than that.

MR. GOODELL: Even if we don't pass this legislation, am I correct that every single government in the State of New York can, without this legislation, put their proceedings online on like a Zoom or some other video platform so that people can stay at home and watch it? Correct? They don't need our authorization to do that?

MR. THIELE: We don't -- that's an interesting question because the -- you know, the Open Meetings Law is actually

silent on that point. And local governments have questions -- clearly, they can put it on YouTube and things of that nature. But there have been some questions which I hope we will, you know, with the new technology after the emergency is over - we had some hearings in the fall - we will learn how to best amend our law to allow maximized public participation using this -- this new technology. But, you know, there is some question, for example, with public hearings. Like the zoning board which quasi-judicial. You know, can you have the hearing on Zoom? Can people -- can people testify on Zoom? There are some questions with regard to that. But the general answer to your question is, you know, certainly as far as being on YouTube or being for the public to view, there's no question that they could do that now.

MR. GOODELL: Now, this legislation only authorizes local governments to bar people from coming into the building. And they can do that as long as they provide the public with the ability to view or listen. This legislation does not in any way authorize local governments to run a public hearing where the public can make comments online such as through Zoom or anything like that. This is -- this bill doesn't deal with that, right?

MR. THIELE: It doesn't. And I -- I think it's something that we will -- when -- you know, I think one of the -- we learned -- we learned a lot of things during the pandemic about ways to foster and improve public participation, and the law needs to catch up to technology. So I think those are things we should be addressing and looking at as far as improving the Open Meetings Law, you know,

going forward. We had some hearings on that in the fall.

Assemblymember Zebrowski and I and Assemblymember Braunstein, our committees, you know, had hearings on that. We got some good suggestions. I think that we should be addressing those issues going forward, no question.

MR. GOODELL: I -- I would agree. Now, I'm thankful that our Assembly live feed has closed caption. This doesn't require closed caption for the hearing impaired or other disabled individuals, correct?

MR. THIELE: The bill that's before us today?

MR. GOODELL: Yes.

MR. THIELE: It is simply an extension of -- of the prior law. And those certainly are things -- again, I think it's time to update the Open Meetings Law and make it more friendly to public participation, and I think all those suggestions are good ones. But we -- we need to, you know, work out, you know, what is the best way to do that. And right now we're in the middle of an emergency and we, as I said, you know, we're going to continue with the existing rules.

MR. GOODELL: Six years ago this legislative Body in 2016 passed an amendment to our Rules that required that audio and/or visual broadband at committee meetings shall be made available to the Assembly Internet site as soon as practical. Now, I'm glad that we now have audio. We still don't have a video or a visual recording of any of our committee meetings six years after we adopted this legislation. And I listened to one of our committee meetings on

audio, and I found it very difficult to tell who the speakers were because they're not always identified. Does this bill require as a condition of just a simple audio feed that the speakers be identified so that those in the public know how their elected representatives are voting or speaking on a particular issue?

MR. THIELE: You know, again, as I've seen this implemented that's what local governments do. They -- they require that, whether it's the town supervisor or the village mayor or chair of the zoning board, they run the meetings and they -- certainly they do that. And they've been doing that for the better part of the last two years.

MR. GOODELL: Thank -- thank you very much, Mr. Thiele. And I appreciate your desire to give this local option to local governments.

MR. THIELE: Thank you.

MR. GOODELL: On the bill, sir.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: Thank you. In one respect I like this bill because, as the sponsor has -- has pointed out, it merely authorizes local government. It doesn't require them to do anything. And this bill only sets the minimum standards. So local governments are certainly free under current law, without this bill, to do much more. And I would encourage all local governments to do everything they can to maximize the ability of the public to have their voices heard and the ability to the public to listen to how their elected

representatives are discussing an issue and voting on it. But I have deep concerns with this bill because what this bill fundamentally does is authorize every local government in the State of New York to bar people from the public from attending their meeting. That's what it says. If you read it, it's right in there. It says local governments shall be, quote, "authorized to meet and take action authorized by law without permitting the public in-person access." Which is the exact opposite, isn't it, of the Open Meetings Law. Before we passed the Open Meetings Law to guarantee that people could attend a public hearing or a public meeting, before we did that, those public meetings could be carried live on the local radio station. There's nothing preventing that. But we took steps and we said, *It's important for the public to be -- be able to actually watch and hear and see how their elected representative is voting on a bill and what they have to say.* Now, nothing, nothing currently bars a local government from adding Zoom. They can do that right now. There's nothing that bars a local government from putting their meetings on live YouTube. They can do that. But what this bill does, it allows local governments to bar in-person participation by the public. And why? Why do we want to allow every local government, every school board, every town to bar the public from attending in person? We're told it's because of COVID. Yet as the sponsor acknowledged and I agree with him, certainly, there's no other business in the State of New York that bars the public. You want to watch a football game with 60,000 other people, you can come. You have to show -- you might -- you might

have to show you're vaccinated, you might have to wear a mask, you can come. You want to go to a store or a business or any other activity in the State of New York, you can legally attend. But if we pass this, you can go to any store or business in the State of New York except your local school board or your local town board or your county legislature because they can ban you. And we allow them to ban you in person as long as they broadcast an audio. And good luck if you don't know the Internet access point. Good luck if you don't know how to access at all. Good luck if you don't have a computer or cell phone. This bill is the exact opposite of the Open Meetings Law and we're being asked to approve it at the very time we've opened up the rest of the State of New York.

And for that reason I will not be supporting it and encourage my colleagues to vote against it as well. Thank you, sir.

ACTING SPEAKER AUBRY: Ms. Griffin.

MS. GRIFFIN: Yes. I wanted to thank Assemblymember Thiele for this bill. It's important to note that the New York Conference of Mayors and Municipal Workers support this. And in my district we had more participation on these Zoom meetings because many people who are concerned about COVID, they're sick or something, they've been able to attend.

ACTING SPEAKER AUBRY: Ms. Griffin, are you asking a question of the sponsor?

MS. GRIFFIN: No, I just want to say how --

ACTING SPEAKER AUBRY: So you are on the

bill?

MS. GRIFFIN: Yes.

ACTING SPEAKER AUBRY: Okay. You have to clarify.

MS. GRIFFIN: I think it's important for many reasons, mostly it increases participation in many areas. And our New York Conference of Mayors supports this for this time of this emergency where many people are concerned about COVID.

Thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Walsh.

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

MR. THIELE: Yes.

ACTING SPEAKER AUBRY: Mr. Thiele yields.

MS. WALSH: Thank you so much. I have just have a couple of clarifying questions about the bill. Does the bill authorize or require a, say, a municipality or a public entity to choose only once how the meetings are going to take place or does it allow them to make different decisions month by month during this period of time?

MR. THIELE: Well, my experience with this is usually, you know, the boards will set a policy one way or another (inaudible) local governments. But, you know, I -- I can point to one case in my home village where even though the village board had the authority to be able to meet remotely, they still continue to meet in

person in that, you know, larger -- larger hall. But then as the numbers continued to spike, even they decided to go to -- to virtual meetings. So it -- it -- it gives that flexibility. It gives that, you know, that authority to the local government. Obviously, all these meetings have to be noticed. So a public hearing or public meeting, whatever it is, the monthly meeting, those meetings under -- under the -- under the -- the Public Officers Law all have to be noticed. They've got to be in the newspaper noticed. They've got to be on their -- the sign board. They're going to be on the website so the public knows where, when, what time and how they can access the meetings.

MS. WALSH: Does this bill, though, require that those -- that decision or that policy is made and it's got to be that policy the whole time?

MR. THIELE: No, it's local government decision.

MS. WALSH: So month-to-month-to-month as this situation continues, they can change their minds month-to-month what they're going to do.

MR. THIELE: Well, based on, I would think, on circumstances. I mean, that -- that's certainly something that local governments do now. I mean, sometimes they'll -- you know, if there's a particular interest in a meeting, maybe they normally meet at village hall, they decide they're going to meet at the school auditorium. You know, there could be changes in -- in where meetings are. Sometimes the times gets changed, you know, for this or that. And so, yeah, I mean, these are Home Rule decisions. Yes,

they have that authority.

MS. WALSH: And I --

MR. THIELE: And this bill doesn't convey that to them, that's something they've always had.

MS. WALSH: And does this bill specify at all how they should be weighing how they make their policy or just leaves it completely up to the -- the public entity to make that decision with whatever basis?

MR. THIELE: Well, it is -- as would be -- this -- this bill doesn't change that. I mean, where, when and how villages, towns, cities, counties want to meet is their determination. I would say ultimately it's -- it's -- it's the voters and their constituents that might have something to say about that. If -- if you were a local government that tried to move the meetings around for the purposes of trying to confuse people as to where the meetings were, I suspect you might pay a price for that.

MS. WALSH: And just following up a little bit on that, so, in -- in my town we have a zoning board, we have a planning board, we have a town board. We've got different committees, too, that meet within the town regularly. May each one of those boards or committees have their -- have a different -- it's not required that they all be unanimously the same in terms of in person versus online, you know, or anything like that? They could set -- they could each set their own policies of how they're going to meet (inaudible cross-talk)?

MR. THIELE: My experience -- my experience with

that has been that, you know, the -- the legislative Body, whether it's the village board or the town board or the county legislature, the city council, they can determine whether or not they want to have one uniform policy for all the boards of the town, or I've seen some local governments that -- that where -- where the legislative Body decided to leave it up to the individual boards. But again, that -- that's a matter, I think, for the -- the local legislative body, whether it be the county, the town, the village, the city.

MS. WALSH: Very good. And I know that when I served on -- on my town's planning board years ago, if we got a very controversial issue that came in front of the planning board -- I think you referenced earlier that if you expect a very large group of people, you could maybe move to a different venue, maybe a larger venue. Wouldn't this bill, though, also give the option to the town of just saying, *We're not going to have any in-person meetings, it's all going to be virtual at this time?*

MR. THIELE: Well, again, the -- the basis for that is -- is based on the emergency. In fact, the issue that you're raising is one of the things when we were holding public hearings about how do we update the Open Meetings Law to facilitate more public participation, is there's a balance that has to be struck here. We want more people to be able to participate. Zoom, YouTube, all of those things are a way where people could participate in a way they couldn't participate before. That's one side of the equation. And then when you've got the public body itself and -- you know, we shouldn't be --

we shouldn't be allowing technology to be used so that the public -- so that public bodies can evade the public on difficult issues by suddenly meeting remotely. You know, now we're in the middle of an emergency, and, you know, the basis of allowing this is for public health and public safety. But I think the point you're raising is one of the issues that we're looking at long-term with regard to how do we incorporate this new technology to improve public participation? You know, it can be used for good and it can be used for evil. And I think when we look at permanent changes to the law, we have to keep that in mind and try to find that balance between public participation and public accountability. Where -- you know, find it in the Constitution. People have the right to confront and -- and to petition their government -- government. And that means in person. So, you know, technology should not be an excuse to be able to avoid that. I just happen to think in this particular emergency where there -- where there -- you know, where people literally would prefer not to, you know, be in the same room at the same time that you have to provide these other alternatives for people to be able to participate. But I think the point that you're raising as we go forward is a really critical point that we need to weigh when we're looking at what the future of the Open Meetings Law should be.

MS. WALSH: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, Ms.

Walsh.

MS. WALSH: I very much appreciate the sponsor's conversation with me just now about the bill, what it does and what it doesn't do. And I -- I share concerns that are very similar to those raised by my colleague to the -- to the right of me. I think that one of the things that I'm concerned about is that when we passed this underlying bill, you know, last year, we were -- we were in a different place. And I feel that we have -- although we are masked and we are distant and we -- we're operating in person in this Chamber, doing the People's business. And I really think that on the local level where really, as somebody who's -- you know, that has come up from the local level to become a State representative, I can tell you that at the local level that's where the rubber really meets the road here. Whether it's a school board or whether it's your local zoning board, planning board or town board meetings, village meetings, what -- what have you. That's -- that's where you want to encourage public participation. You should want to encourage public participation. I have no problem at all. I think it's really -- if there's been a silver lining to any of what we've been going through over the last two years is that we have realized that we can reach people through technology and make these public meetings more accessible to people who for whatever reason cannot make it in person or don't want to -- to a meeting. So I would see it as -- as an in-person meeting and -- not or -- and an option to see on YouTube, see a live stream, watch it on Facebook Live. We would do it in any other different way that you can do it. But I don't think it should be "or." I -- I am concerned that right now,

and I think we've -- we've seen it over the last couple of years and we've seen it in this Chamber sometimes. We are deeply divided on really significant issues having to do with personal freedoms and liberties. However you want to describe it. We have a number of significant issues where the public is significantly divided. We are seeing it right now. I -- I'm being inundated in my office right now with e-mails - I'm sure you are, too - about masking requirements in schools. About vaccination requirements in schools. The individuals want to be able to go to their school board meetings and in person raise these issues with their duly-elected members of their school board. And what I'm afraid of is that as we get into these controversial topics, there may be a tendency -- as -- as the sponsor acknowledged, it is an issue that we need to consider -- to keep the public out from an in-person meeting when it gets a little bit too hot and too heated. And I think that that is a -- is a danger for us as a democracy to -- to use a current emergency to -- to exclude for an indeterminate period of time the public from these types of meetings in person. And again, I think that we have learned a lot over the last couple of years in terms of masking and social distancing and vaccines. I think that there is a way for us, too - and we're learning this year - for us to safely meet and invite the public to also safely meet with us to conduct our business.

So I think that although decisions -- I like the idea -- as my colleague stated, I like the idea of allowing the localities to make their own rules. I like that idea of giving that local control. But

I -- I do worry about how it would be exercised. And sometimes under the guise of concern for public safety it may be actually a way to try to chill legitimate public participation that can be done in a safe manner.

So for those reasons I won't be able to support the bill as it's currently written. I would have supported it probably if that hostile amendment had passed and we had to find limits. But as it stands right now in its current form I can't support it. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Salka on the bill.

MR. SALKA: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SALKA: There's a key word that comes to my mind when we talk about issues pertaining to -- of what the sponsor has brought forward, and the key word is "confusion." First it was two weeks to flatten the curve. Then it was wear a mask, don't wear a mask. Wear two masks. Wear three masks. And then it was to get a vaccine, you can take the mask off. Nope. Now you've got to keep the mask on with the vaccine. Now you're gonna need another vaccine and a booster and fourth booster, confusion. When I talked to school superintendents, they don't know whether or not they should be remote. Whether or not they should be hybrid. Whether or not they could have their kids in school. Confusion. When I talked to hospital

administrators, they're not exactly sure how they're supposed to be running their institutions. More confusion. The mixed messages that have been coming through from government, from health agencies, from different various entities that have the awesome responsibility of giving direction to the people has failed us. And now we're asking through this bill for us to be able to again possibly circumvent one of the most favorite things in our democracy, and that's public access to government. So as a town supervisor for 11 years and a school board president, we needed good, clear direction when we had to make critical decisions. Now, if there's a town official, our government agency is supposed to base their information, how are they supposed to base their decision when all they have in their equation is confusion? So my concern -- and again, I -- I -- I -- I think that the -- the -- any bill that's offered that increases transparency and increases accessibility in such trying times is a great bill and I -- and I applaud the sponsor. But when decisions, critical decisions have to be made that give access or potentially cut off public access to what government is doing, I think there's a real danger there.

Given that, it's a great bill in a lot of respects, but I can't in good conscience -- if I had to make the decision I -- I wouldn't have the right data to make that decision. So in good conscience, I can't support this bill. But again, I thank the sponsor. I know his intentions were good. But as every -- as many things I've seen that this Body initiate, the intentions are there but sometimes we're just going about it the wrong way. But thank you, Mr. Sponsor, and thank

you, Mr. Speaker, and thank you for allowing me to -- to address the bill.

ACTING SPEAKER AUBRY: Certainly.

Mr. Zebrowski.

MR. ZEBROWSKI: Thanks, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. ZEBROWSKI: Mr. Speaker, I don't think any of us really know where this epidemic is going. You know, the twists and turns are not easily predictable. And if you would have asked me back in even as soon as October or November whether or not we would have had to pass an extender like this I think I probably would have said no. I think we all agree that in-person public meetings with a robust dialogue between the elected officials and the folks that live within that municipality is best. And we've attempted throughout this pandemic using the knowledge we had at that time, what doctors are telling us, to attempt to run this State and our municipalities in the best way possible to keep people safe. But also to ensure that the people's work is done. This -- I don't know about everybody in this room, but with this current variant, I personally anecdotally feel like I know more people that have currently gotten COVID in the last several weeks than it seemed like at any time throughout this pandemic. And regardless on -- on how you may feel about the seriousness or the unseriousness of the disease, I think we would all agree that if you have COVID - even if you think it's no different than

the flu - if you have COVID or if you have the flu, you shouldn't be sitting next to somebody and giving them COVID or the flu. Or the common cold, quite frankly, sometimes. But certainly, we're not dealing, you know, with the common cold. So, you know, we're in a situation right now where not only is it about whether or not you can run a meeting safely -- and I think -- you know, there was how we conducted ourselves in the beginning of this pandemic, the middle of the pandemic and the current phase of the pandemic. But it's not just whether or not you can run a meeting safely, but it's sometimes whether or not these elected officials can even run the meeting at all. You know, if they -- if they have COVID currently they can't show up to a meeting to do the business that needs to be done. And you never really know what is on an agenda for a municipality. There may be contracts that need to be executed. There may be things that have very real time constraints to get done. And what this bill at the end of the day does is it allows during this phase of the pandemic for municipalities to decide what's best for them and their constituencies and what's best to get the work that needs to be done done. Many municipalities can -- can run that live. Many maybe can't. Many have figured out ways to have a robust dialogue electronically, and hopefully they'll continue to do that if they have to. And if they don't, great. We all prefer an in-person process. But the one thing that I think confuses me a bit during this debate is that oftentimes we hear during a debate that we should trust our municipalities. Trust these folks, they know what they're doing. They're the closest form of

government to the people and we shouldn't be passing rules and regulations down upon it. Well, that's exactly what this bill does. Exactly what it does. So, in any of my colleagues' districts where they feel that they can run these meetings openly and safely, they can do so tomorrow, just like they could do so today. But in a given school district or fire district or library board where this current variant is preventing two, three, four folks from appearing because they have COVID, not just because they can't run the meeting safely but because they currently have COVID, well, this gives them the ability to do that for the time period. And then like any other issue, they'd have to answer to their constituents for it. And quite frankly, I trust them during this current surge to make that decision. And I expect that this will be revisited at some point, hopefully. I listen to the same evidence and opinions from medical professionals as other folks, and I truly hope that this surge, as quickly as it went up is as quickly as it goes down and maybe we're in a different place in -- by the end of January. Maybe we're in a different place by the end of February. But I personally -- whenever we're in a different place I think we should then get back to public meetings. Just like we have here and we're doing the best we can, right? We're all here in Albany, but we're attempting not to have 200 people in this room at once so that it spreads rapidly amongst the entire Legislature. But we're trying to do as much as we possibly can given the circumstances, and the same thing for our municipalities. I trust them now to make those decisions. I trust them now to get the people's work done in the most

open and transparent way possible. But this just gives them the tools. This gives them the tools to continue to do what they need to do as municipalities. And if they don't need those tools, by all means don't use them. If you don't need it right now -- as I think the sponsor said earlier, if you have a big open meeting hall that you can utilize that can keep everybody safe, if nobody currently has COVID on the board, or maybe if everybody has had COVID on the board already recently, if you think you can conduct a meeting safely, then by all means, do it. But I can't figure all those things out right now for every municipality around the State. I can't put that into bill language. The sponsor can't put that into bill language. Nobody can put that into bill language. The only people that know exactly what's going on in that municipality right now are those folks that live in that municipality and those folks that have to execute those official duties.

So this bill, Mr. Speaker, gives them that ability and that authority, and that's why I think it's the right thing for us to do. And I thank the sponsor for all of his hard work on this. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I just want to rise and I've listened intently at the debate here today and it made me think about the City Council member in the City of Buffalo is a very tech-savvy guy. So I want to say somewhere around 2018 or maybe even before that, he started putting the entire City Council meetings on Facebook. I thought, *Wow, on Facebook?*

He's putting the City Council members on Facebook? But he did that consistently every week. Every time we had a meeting it was on Facebook. This is way before anybody ever heard of COVID. And so to suggest that somehow we here in the State of New York, in this Body, can figure out what's in the best interest of local governments, it wasn't true before COVID and it's not true now. And they can make those decisions on their own. They have and they will continue to do that. This legislation allows them to do that.

Secondly, I want to add this, Mr. Speaker. Last week there was some people in this room who are not in this room today because they tested positive. Last week our Speaker wasn't even here because he tested positive. So this is not like we are in a clear day where everything is going to be fine. Everything is not fine yet. And so I think it's important for us to give local governments an opportunity not just to realize everything is not fine, but do what you need to do to handle your business in your district.

Lastly, Mr. Speaker, on January the 5th there were some under 10,000 people hospitalized in the State of New York. Now here we are on January 11th, there's over 12,000 people hospitalized in the State of New York. Not because they're having elective service, but because they're there for COVID. There is a reason why we still have to be cautious. And I applaud the sponsor of this legislation. I applaud the members in this Body, my colleagues, for understanding that we still have to deal with a serious pandemic. We're doing the best we can and still being able to deliver good

government service.

So with that, Mr. Speaker, I certainly look forward to voting in the affirmative on this piece of legislation and I hope my colleagues will join me.

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 A.8591. This is a Party vote. Any member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation. However, those members who wish to support it, please contact our Minority Leader's Office and let them know so we can properly record your vote.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference will generally be voting in the affirmative on this one. However, there may be some of our colleagues who would like to do otherwise. They should feel free to contact the Majority Leader's Office and their vote will be properly recorded.

ACTING SPEAKER AUBRY: Thank you very much.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, Mr. Speaker. It is essential to the maintenance of a Democratic society that the public business be performed in an open and public manner, and that the citizens of this State be fully aware and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into making of public policy. The people must be able to remain informed if they are to retain control over those who are their public servants. It is the only climate under which a common wheel will prosper and enable the government to operate to the benefit of those who created them. Those are not my words. That's Section 100 of the Public Officers Law that was adopted 46 years ago. And even though that was adopted by this Legislature and signed by the Governor almost a half-a-century ago, those words are true today as they were then. It's essential to the Democratic process that members of the public be able to attend and observe how their public meetings are being operated. But not only is it the public policy as stated in the Public Officers Law, it's actually a legislative mandate that appears over and over and over again, as we require public hearings on so many issues. Every local law, zoning boards, public hearings are required throughout. And this is a fundamental lesson that allow local governments to meet and ban

public attendance.

Therefore, I'm opposing it. Thank you, sir.

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

MR. ABINANTI: Thank you, Mr. Speaker. I rise to support this legislation. I've heard from a lot of my communities that are very concerned that they will have to go back in person, and they want to continue to operate. As my colleagues have explained before, there are many circumstances where we need to have meetings continue with public participation that cannot be done in person. One of the paragraphs in here, I believe, deserves some emphasis. The law itself states that, *The municipalities shall be authorized to meet and take such action authorized by law without permitting in-public -- in-person access and they are authorized to have such meetings held remotely.* It goes on to say, *Provided that the public has the ability to view or listen to such proceedings.* There may be some confusion as to whether a meeting can be held without having remote access by the public. The way I read this is such remote access by the public is mandatory. They cannot escape the public view. They must allow the public to view or hear the meeting.

Therefore, Mr. Speaker, I think this covers all the things that have to be covered and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Abinanti in the affirmative.

Mr. Ra.

MR. RA: Thank you, Mr. Speaker, to explain my vote.

ACTING SPEAKER AUBRY: Sir.

MR. RA: You know, just to reiterate what I said earlier, and I heard a lot during this debate about, you know, concerns, making sure, you know, if members of a Body are quarantined they can operate and everything. And I don't think that's the point that many of my colleagues on my side of the aisle are making, being one of we don't want there to be any remote meetings. The point we're trying to make is that the ability of the public to listen or view is a one-way ability. It doesn't require in this legislation any ability for the governing Body, whether it's a town board, a village board, a school board, or -- to hear what the public has to say. There is no requirement in here that requires that. Nothing. They just have to be able to listen to it. And maybe it's archived and they can go back and look at it. But there's no requirement for that two-way communication that is so vital when many of these entities meet. And as my colleague mentioned, there were tons of issues going on all over the State that people feel very passionately about, and they deserve the opportunity to be heard by their elected officials on those -- on those issues.

So I'm voting no on this. Not because I don't recognize the dangers of the pandemic. Not because I don't recognize the need to make sure government can keep functioning. But because I've seen for the better part of two years now, COVID being used far

too often as an excuse to exclude the public. And I think -- and if we're all honest with ourselves, can you really say that even in our operations remotely for the last few years we can't do any better than we've done in terms of transparency? That our local governments can't do any better than they've done -- they've done in terms of transparency? I think we can do better, and I'm casting my vote in the negative for that reason.

Thank you.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, could you please record our colleagues Ms. Forrest, Ms. Mitaynes and Ms. Gallagher in the negative on this one?

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 4, Calendar No. 1, the Clerk will read.

THE CLERK: Assembly No. A00081, Calendar No. 1, Quart, Jackson, Vanel, Hevesi, Seawright, Forrest, Simon, Gonzalez-Rojás, Gottfried, Zinerman, Kelles. An act to amend the Social Services Law, in relation to criminal history record checks of certain foster youths.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00083, Calendar No. 2, Quart, Blankenbush, Otis. An act to amend the General Business

Law, in relation to raising the maximum fine for persons who violate the law regulating telemarketing.

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 Assembly print 83. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers 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. A00129, Calendar No. 3 was previously amended on Third Reading.

Assembly No. A00172, Calendar No. 4, Paulin, L. Rosenthal, Colton. An act to amend the Civil Practice Law and Rules, in relation to limited liability of persons jointly liable.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00181-A, Calendar No. 5, Gunther, Colton, Perry, Englebright, Steck, Cook, Abinanti, Jacobson, Griffin, Santabarbara. An act to amend the Labor Law the Education Law, in relation to the hours worked by nurses.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00189, Calendar No. 6, Perry, Dickens, Taylor, Colton, Cook, Williams, Seawright,

Jacobson. An act to amend the Insurance Law, in relation to prohibiting an insurer from cancelling or refusing to renew or condition its renewal of automobile insurance policies in certain cases.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00190, Calendar No. 7, Gottfried, Paulin, L. Rosenthal, Abinanti, Colton, Sayegh, Galef.

An act to amend the Public Health Law, in relation to hospital establishment.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00196, Calendar No. 8, Gottfried, Bronson, Steck, Galef, L. Rosenthal, Abinanti, Benedetto, Dinowitz, Hyndman, Lupardo, Sayegh, Darling, Seawright, Englebright, Colton, Stirpe, Griffin, Jacobson, Epstein, Walker, Perry, Simon, Jackson, Forrest, Cruz, Carroll, Frontus, Hunter, Meeks, Fernandez, Wallace, McMahon, Lunsford, Clark, J. Rivera, Kelles, Quart, Mitaynes, Zinerman. An act to amend the Social Services Law and the Mental Hygiene Law, in relation to violations of safety conditions in adult care facilities.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00210, Calendar No. 9, L. Rosenthal, Gottfried, Bronson, Seawright. An act to amend the Public Health Law, in relation to requiring pre-admission notification of policies authorizing the refusal to follow directives in health care proxies that are contrary to a hospital's operating principles.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00216, Calendar No. 10, Gottfried, Paulin, Otis. An act to amend the Public Health Law, in relation to retail clinics.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00217, Calendar No. 11, Paulin, Gottfried, Galef, Dickens, Colton, Cook, Epstein, Seawright, Taylor, Woerner, McDonough, Jean-Pierre, Fernandez, Walker, Hyndman, Buttenschon, Jacobson, Griffin, Ashby, Simon, Otis, Sayegh, González-Rojas, Jackson, Rajkumar. An act to amend the Public Health Law, in relation to informing maternity patients about the risks associated with cesarean section.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 217. This is a -- the bill is laid aside.

THE CLERK: Assembly No. A00232-C, Calendar No. 12, Gottfried, Darling, Woerner, Galef, Dinowitz, Bronson, González-Rojas, Cusick, Steck, Anderson, Simon, Jacobson, Cook, Colton, Forrest, Santabarbara, Griffin, Walker, Weinstein, Burgos, Taylor, Fernandez, Carroll, Cruz, Epstein, Lunsford, Clark, Bichotte Hermelyn, Zebrowski, Peoples-Stokes, L. Rosenthal, Reyes, Fall. An act to amend the Public Health Law, in relation to increasing monetary penalties for public health law violations and providing support for the Nursing Home Quality Improvement Demonstration

Program.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00244-A, Calendar No. 13, Gottfried, Weinstein, Thiele, Seawright, Paulin, McDonald, Abinanti, Lupardo, Dinowitz, Jackson, Englebright, Nolan, Meeks, Hevesi, Cahill, Bronson, Magnarelli, Montesano, Lawler, Schmitt, Brabenec, McDonough, Salka, Cusick, Lunsford, Kelles, Byrne, Zebrowski, Steck, Anderson, Simon, Glick, Vanel, L. Rosenthal, Richardson, Williams, Bichotte Hermelyn, Walker, Otis, Sayegh, Stirpe, Woerner, Stern, Sillitti, J.D. Rivera, Abbate, Jacobson, Cook, Carroll, Gallagher, Colton, Fall, Aubry, Forrest, Cruz, Clark, Perry, Griffin, Santabarbara, Hunter, Fahy, Jones, Zinerman, M. Miller. An act to amend the Public Health Law, in relation to creating the Health Emergency Response Data System.

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 Assembly print 244-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my friend Assemblyman Friend in the negative.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00254, Calendar No. 14, Perry, Vanel, Zinerman. An act to amend the Public Officers Law, in relation to the unauthorized release of sealed records.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00255-A, Calendar No. 15, Gottfried, Seawright, Sayegh, Simon, Steck, Quart, Paulin, Gallagher, Vanel, Hevesi, Otis, González-Rojas, Epstein. An act to amend the Penal Law, in relation to individuals engaged in prostitution who are victims of or witnesses to a crime.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00256, Calendar No. 16, Paulin, Dinowitz, Englebright, Galef, Griffin, Jacobson, McDonough, Seawright. An act to amend the General Business Law, in relation to the prohibition of the sale of infant inclined sleepers and the restriction of the use of such sleepers in certain settings.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 256. This is a fast roll call. Any member

who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers 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. A00263, Calendar No. 17, Steck, Zinerman, Seawright. An act to amend the Civil Rights Law, in relation to the imposition of penalties and remedies in suits brought for the vindication of civil rights or human rights.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00267-A, Calendar No. 18, Gunther. An act to amend the Arts and Cultural Affairs Law, in relation to creating arts and cultural districts.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 120th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 267-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00273, Calendar No. 19, Gottfried, Griffin, Galef, Kelles, Seawright, Thiele, McDonald, Jensen. An act to amend the Public Health Law, in relation to consideration and prescription of non-opioid treatment alternatives for treatment of neuromusculoskeletal conditions.

ACTING SPEAKER EICHENSTEIN: The bill is laid aside.

THE CLERK: Assembly No. A00289-C, Calendar No. 20 was previously amended on Third Reading and is high.

Assembly No. A00299-B, Calendar No. 21, Gottfried, previously amended on Third Reading and is high.

Assembly No. A00306, Calendar No. 22, Gottfried, Cahill, J. Rivera, Glick, Paulin, Cook, Perry, Englebright, O'Donnell, L. Rosenthal, Hevesi, Bronson, Fahy, Dickens, Taylor, Simon, Sayegh, Cruz, Reyes, Abinanti, Darling, Fernandez, Gallagher, Griffin, Seawright, Burdick, Kelles, Jackson, Lavine, González-Rojas, Bichotte Hermelyn, Otis. An act to amend the Public Health Law, the Education Law and the Labor Law, in relation to prohibiting participation in torture and improper treatment of prisoners by health care professionals.

ACTING SPEAKER EICHENSTEIN: The bill is laid aside.

THE CLERK: Assembly No. A00338, Calendar No.

23 was previously amended on Third Reading.

Assembly No. A00349-A, Calendar No. 24, Jacobson, Otis. An act to amend the Municipal Home Rule Law, in relation to the definition of "population" for purposes of providing substantially equal weight for the population of that local government in the allocation of representation in the local legislative Body.

ACTING SPEAKER EICHENSTEIN: The bill is laid aside.

THE CLERK: Assembly No. A00354-A, Calendar No. 25, Magnarelli, Seawright, Abinanti, Epstein, Anderson, Englebright, Simon, Galef, Kelles, Bronson, Cruz, Clark, Barrett, Meeks, Jacobson. An act to amend the Real Property Actions and Proceedings Law, in relation to special proceedings by tenants for judgment directing repairs of conditions and other relief in residential real property; and to amend the Uniform City Court Act, the Uniform District Court Act, and the Uniform Justice Act, in relation to summary proceedings relating thereto.

ACTING SPEAKER EICHENSTEIN: Laid aside.

THE CLERK: Assembly No. A00355, Calendar No. 26, Braunstein, Eichenstein, Taylor, Carroll, Reilly. An act to amend the Administrative Code of the City of New York and the Public Authorities Law, in relation to requiring notice to members of the Legislature and certain local officials relating to certain construction and other projects affecting such members' and officials' districts.

ACTING SPEAKER EICHENSTEIN: The bill is

laid aside.

THE CLERK: Assembly No. A00372, Calendar No. 27, L. Rosenthal, Jacobson, Carroll, Weprin, Richardson, Gottfried, Griffin, Epstein, Braunstein, Stirpe. An act to amend the Insurance Law, in relation to prohibiting co-payments for treatment at an opioid treatment program.

ACTING SPEAKER EICHENSTEIN: Read the last section.

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

ACTING SPEAKER EICHENSTEIN: The Clerk will record the vote on Assembly print 372. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Ms. Walsh.

MS. WALSH: Thank you very much, Mr. Speaker. Would you please record Mr. Friend in the negative on this bill?

Thank you.

ACTING SPEAKER EICHENSTEIN: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00381-A, Calendar No. 28, Paulin, Griffin. An act to amend the General Business Law,

in relation to the sale of new motor vehicle child restraint systems.

ACTING SPEAKER EICHENSTEIN: The bill is laid side.

THE CLERK: Assembly No. A00382, Calendar No. 29, Paulin, L. Rosenthal, Jacobson, Colton, Quart, Gottfried, Vanel, Hevesi, Fahy, Lupardo, Kelles, Wallace, Lunsford, Forrest, Gallagher, Stirpe, González-Rojas. An act to amend the Not-for-Profit Corporation Law, in relation to the creation, operation and duties of natural organic reduction facilities as cemetery corporations.

ACTING SPEAKER EICHENSTEIN: The bill is laid aside.

THE CLERK: Assembly No. A00413, Calendar No. 30, L. Rosenthal, Lupardo, Sayegh, Zinerman. An act to amend the Public Health Law, in relation to adding dysmenorrhea to the list of conditions covered for lawful medical use of marihuana.

ACTING SPEAKER EICHENSTEIN: The bill is laid aside.

THE CLERK: Assembly No. A00431-C, Calendar No. 31, Rozic, Seawright, Epstein, Otis, Simon, Jacobson, McDonald, Lupardo, Colton. An act to amend the General Business Law, in relation to establishing restrictions on the sale of over-the-counter diet pills and dietary supplements for weight loss or muscle building.

ACTING SPEAKER EICHENSTEIN: Read the last section.

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

day.

ACTING SPEAKER EICHENSTEIN: The Clerk will record the vote on Assembly print 431-C. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleague Mr. DiPietro in the negative.

Thank you, sir.

ACTING SPEAKER EICHENSTEIN: So noted.

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

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

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

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

On a motion by Ms. Pheffer Amato, page 15, Calendar No. 58, Bill No. 950-B, the amendments are received and adopted.

On a motion by Ms. Cruz, page 21, Calendar No. 89,

Bill No. 1957, amendments are received and adopted.

On a motion by Ms. Jean-Pierre, page 22, Calendar No. 93, Bill No. 2147, amendments are received and adopted.

On a motion by Mr. Sayegh, page 28, Calendar No. 123, Bill No. 3318-A, amendments are received and adopted.

On a motion by Ms. Richardson, page 28, Calendar No. 124, Bill No. 3366, amendments are received and adopted.

On a motion by Mr. Weprin, page 32, Calendar No. 146, Bill No. 4363, amendments are received and adopted.

On a motion by Mr. Weprin, page 41, Calendar No. 195, Bill No. 5893, amendments are received and adopted.

On a motion by Mr. Abinanti, page 49, Calendar No. 235, Bill No. 7247, the amendments are received and adopted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I now move that the Assembly stands adjourned and that we reconvene at 10:00 a.m., Wednesday, January the 12th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 3:41, the Assembly stood adjourned until Wednesday, January 12th at 10:00 a.m., that being a Session day.)