

MONDAY, JANUARY 25, 2021

3:37 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.)

Sergeant-at-Arms, are we in compliance?

(Pause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to dispense with the further reading of the Journal of Sunday, January the

24th and ask that the same stand approved.

ACTING SPEAKER AUBRY: So ordered.

MRS. PEOPLES-STOKES: Mr. Speaker, if I could just have the members and guests in the Chambers attention for a moment I'd like to share the schedule of the day as well as the quote of the day, which as stated earlier in the month of January they were all going to come from Reverend Dr. Martin Luther King as we celebrated him earlier this month. This one today, Mr. Speaker, reads, *Our lives begin to end the day we become silent about things that matter.* Again, that's Reverend Dr. Martin Luther King.

Members have on their desk a main Calendar with 28 bills. These new bills begin on page 4, Calendar No. 30 through Calendar No. 57. Our principal work for the day will be to consent the Calendar beginning where we left off on page 10 at Calendar No. 49. Immediately following this Session, Mr. Speaker -- immediately following this Session -- there will be a need for a Majority conference. And as usual, we will consult with our colleagues on the other side of the aisle to determine what their needs may be.

That's the general outline, Mr. Speaker, and if you have any housekeeping and/or resolutions, it would be an appropriate time to bring them up now.

ACTING SPEAKER AUBRY: Certainly, Mrs. Peoples-Stokes, but I do believe Mr. Goodell rises for the purposes of an introduction, the first of 2021.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. And starting off our very first introduction, as you noted, for this legislative Session we have with us Sean Brown, who is the proud son of Assemblyman Keith Brown, who was just elected. And Sean has come up and his father tells me he is very interested in the legislative Session and does a great job making sure that his father stays focused on the People's business.

So if you would welcome Sean Brown.

ACTING SPEAKER AUBRY: Certainly. Sean, on behalf of your father, Assemblyman Brown, the Speaker and all the members, I welcome you here to the New York State Assembly, extend to you the privileges of the floor. So happy that you could share with us this day. Hope that you will find it instructive, hope you will be as proud of your father as I am sure he is proud of you. Continue your great work, be well and join us again soon. Thank you so very much.

(Applause)

The Clerk will read resolution, page -- page 3.

THE CLERK: Assembly Resolution No. 22, Mr. Magnarelli.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim January 24-30, 2021 as Enrolled Agent Week in the State of New York.

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

adopted.

Page 10, the Clerk will read.

THE CLERK: Assembly No. A00973, Calendar No. 9, Williams. An act to amend a chapter of the Laws of 2020, relating to requiring the Department of Labor to produce a report regarding summer youth employment programs funded by State, Federal and local appropriations, as proposed in legislative bills numbers S.1079 and A.6393, in relation to requiring the Office of Temporary and Disability Assistance to produce a report regarding the Summer Youth Employment Program and to the effectiveness of the provisions thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar 9, Bill A.973. 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 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. A00974, Calendar No. 10, De La Rosa. An act to amend the Labor Law, in relation to establishing a registry of workplace fatalities in the construction

industry to record information pertaining to all incidents under which a worker performing construction work suffers a work-related fatal injury; and to amend a chapter of the Laws of 2020 amending the Labor Law relating to establishing a registry of workplace fatalities in the construction industry to record information pertaining to all incidents under which an employee performing construction work suffers a work-related fatal injury, as proposed in legislative bills numbers S.8828 and A.5965-A, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00975, Calendar No. 11, Dilan. An act to amend the Not-For-Profit Corporation Law, in relation to cemetery disclosure forms.

ACTING SPEAKER AUBRY: Read the last section.

On a motion by Mr. Dilan, 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 Assembly Bill -- Senate bill S.904. 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 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. A00976, Calendar No. 12, Seawright, Colton. An act to amend a chapter of the Laws of 2020 directing the New York State Department of Financial Services and the New York State Department of State's Consumer Protection Division to conduct a study on consumer awareness and financial education in New York State and making recommendations for a consumer awareness and financial education program, in relation to consumer financial literacy education.

ACTING SPEAKER AUBRY: On a motion by Ms. Seawright, 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 Senate bill S.876. 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 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. A00977, Calendar No. 13, Epstein. An act to amend a chapter of the Laws of 2020, directing

the Department of Financial Services to study, evaluate and make recommendations concerning lending practices by financial institutions to landlords acquiring property that includes small business tenants and/or rent-regulated tenants, as proposed in legislative bills numbers S.1476-B and A.3275-B, in relation to information for study.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00979, Calendar No. 14, Zebrowski. An act to amend the Financial Services Law, in relation to exempting certain commercial financing transactions from certain disclosure requirements; and to amend a chapter of the Laws of 2020 amending the Financial Services Law relating to requiring certain providers that extend specific terms of commercial financing to a recipient to disclose certain information about the offer to the recipient, as proposed in legislative bills numbers S.5470-B and A.10118-A, in relation to the effectiveness thereof.

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

The bill is laid aside.

THE CLERK: Assembly No. A00980, Calendar No. 15, Abbate, Colton. An act to amend the Labor Law, in relation to requiring public employers to adopt a plan for operations in the event of a declared State disaster emergency involving a communicable disease; to amend the Education Law, in relation to certain protocols

for responding to a declared State disaster emergency involving a communicable disease; and to amend a chapter of the Laws of 2020 amending the Labor Law relating to requiring public employers to adopt a plan for operations in the event of a declared public health emergency involving a communicable disease; and amending the Education Law relating to certain protocols for responding to a declared public health emergency involving a communicable disease; and amending the Education Law relating to certain protocols for responding to a declared public health emergency involving a communicable disease, as proposed in legislative bills numbers S.8617-B and A.10832, in relation to requiring public employers to adopt a plan for operations in the event of a declared State disaster emergency involving a communicable disease.

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 Bill A.980. 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 number previously provided.

(The Clerk recorded the vote.)

MS. HYNDMAN: Lay it aside -- no, sorry.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00981, Calendar No. 16, Dilan. An act to amend the Public Service Law, in relation to the expiration of minutes purchased with prepaid cellular telephone cards.

ACTING SPEAKER AUBRY: The bill is --

MS. HYNDMAN: Laid aside.

ACTING SPEAKER AUBRY: -- laid aside. Thank you.

The Clerk will read.

THE CLERK: Assembly No. A00982, Calendar No. 17, Hyndman. An act to amend the Education Law, in relation to the State University of New York Educational Opportunity Centers.

ACTING SPEAKER AUBRY: On a motion by Ms. Hyndman, 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 Senate bill S.874. This is a fast roll call. The Clerk will record -- 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 number previously provided.

(The Clerk recorded the vote.)

Ms. Hyndman to explain her vote.

MS. HYNDMAN: Thank you for allowing me to

explain my vote. Over the years, support for SUNY's Educational Opportunity Centers, EOC, has been a priority of this House. EOCs located across the State provide academic and vocational training to adults to help them attain the skills and credentials they need to either pursue higher education or secure career-oriented employment. Last year EOCs were codified in Education Law. This bill will provide SUNY with additional flexibility in the administration and operation of EOCs. I would also like to thank the Program Counsel [sic] for their diligence in making this happen and the EOC directors in Syracuse and in Jamaica, Queens for making sure that we had everything we needed in this bill to pass.

I'll be voting in the affirmative and I encourage my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Ms. Hyndman in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00983, Calendar No. 18, Stirpe. An act to amend the Economic Development Law, in relation to directing the Department of Economic Development to publish and maintain a list of available programs to assist small businesses; and to repeal certain provisions of the Executive Law relating thereto.

ACTING SPEAKER AUBRY: On a motion by Mr.

Stirpe, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate bill S.889. 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. A01249, Calendar No. 19, Weprin. An act to amend the Correction Law, in relation to the Correctional Association's ability to access, visit, inspect, and examine all State correctional facilities; and to amend a chapter of the Laws of 2020 amending the Correction Law relating to permitting the Correctional Association to access, visit, inspect, and examine all State correctional facilities, as proposed in legislative bills numbers S.8046 and A.10194, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly 1249. 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 number previously provided.

(The Clerk recorded the vote.)

Mr. Weprin to explain his vote.

MR. WEPRIN: The Correctional Association of New York has had specific and unique statutory authority to visit State prisons and report to the Legislature on conditions that they find for more than 150 years. This is not a new authority. What is new is the 2020 law and this chapter amendment brought the Association, the State and the State Legislature to the table to work out an agreement that respects security, but gives appropriate access for oversight and reporting. This bill makes several changes to Chapter 320 of the Laws of 2020, including providing DOCS 72 hours notice in advance of a visit; limiting four members to a Special Housing Unit at the same time; requires the Correctional Association to provide DOCS with a list of names and contact information of people visiting; provides the definition of "emergency"; requires the Correctional Association to include DOCS' written response regarding facility conditions and related issues in certain Association finals report -- final report to the Governor and the Legislature. It also provides Correctional Association employees, board members and designees to sign a waiver and currently -- that -- which currently occurs as a condition of entry into a DOCS facility.

I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Weprin in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. To explain my vote. Last year when this bill came up there were a number of concerns that were raised, and I want to commend my colleague Mr. Weprin for discussing those concerns and taking them into consideration and working with the Governor's office. There is obviously always a balancing act in our legislation, and the challenge we have is to balance the need for this organization to be able to perform its not-for-profit mission, ensuring that our prisons are operated properly, with the security concerns that the -- the prisons have as well. And I think the amendments properly balance those two competing concerns. And again, I want to commend my sponsor. Although I voted against the original bill last year, I'm very thankful that the sponsor has made these improvements and, again, I -- I commend him for his thoughtfulness and I will be supporting it and recommend the same to my colleagues.

Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following Republicans in the negative on this bill: Mr. Walczyk, Mr. Schmitt and Mr. Brabenec.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could please record our colleagues Souffrant Forrest, Gallagher, Mamdani, González-Rojas, Epstein, Barnwell, Kelles and Mitaynes in the negative. Thank you.

ACTING SPEAKER AUBRY: So recorded. Thank you.

Are there any other votes?

Yes, there are. Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record Mr. DiPietro in the negative as well as Mr. Manktelow.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Could we also add our colleague Mr. Barron as a negative?

ACTING SPEAKER AUBRY: Thank you. So noted.

Announce the results.

(The Clerk announced the results.)

The bill is passed.

The Clerk will read.

THE CLERK: Assembly No. A01250, Calendar No.

20, Gunther. An act to direct the Commissioner of Mental Health to create a workgroup and report regarding frontline worker trauma informed care; to repeal Section 7.48 of the Mental Hygiene Law relating thereto; and providing for the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 1250. 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 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. A01251, Calendar No. 21, Reyes. An act to amend the Workers' Compensation Law, in relation to the direct deposit of benefits; and amending a chapter of the Laws of 2020 amending the Workers' Compensation Law relating to the direct deposit of benefits, as proposed in legislative bills numbers S.7210 and A.7579, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will

record the vote on Assembly print 1251. 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 Bill No. A01252, Calendar No. 22, Gunther. An act to amend the Insurance Law, in relation to the organization of assessment corporations.

ACTING SPEAKER AUBRY: On a motion by --
oh, excuse me.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on A -- Assembly print 1252. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leaders 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 Bill No. A01255, Calendar

No. 23, Hevesi, Vanel. An act to amend the Family Court Act and a chapter of the Laws of 2020 amending the Family Court Act, relating to the placement of a former foster care youth during a certain state of emergency, as proposed in legislative bills numbers S.8834 and A.10581-B, in relation to placement without a motion and motions being heard and determined on an expedited basis and in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: Mr. Goodell.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 1255. 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 to explain her vote.

MS. WALSH: Oh, there we go. Thank you, Mr. Speaker. To explain my vote. So when we first took up the bill-in-chief last July, I actually debated against this bill because what the bill does is it -- well, it does a couple of things. The bill-in-chief, though, allows a foster care youth that wants to reenter foster care to do so without having to get pre-approval from the family court, which would be the ordinary course of events. The -- the reason given was that during COVID we wanted to be sure that if youth wanted to

reenter they could do that. At the time, last July, I said I didn't really think that there was such an exigency caused by COVID to allow for the temporary suspension of that requirement in the family court system. I honestly think now that we've lived through a few more months of this to know that that is not the case. Family court, along with most of our other courts, have pretty much well, maybe not ground to a halt, but things are really, really backed up. So I like this chapter amendment. I will be supporting it. It does a couple of things. It -- it allows reentry without court approval, but it requires that once the youth has gone back into foster care, that they then have to petition the family court for approval after the fact. I think that's great. And it also has a sunset date after the COVID emergency has passed. And although it does allow a waiver of educational or vocational program temporarily for youth, I think that, you know, there are very few foster care youth that want to reenter at all, and I think that although this might only come into play a little bit, I think it's important that if there is somebody affected by COVID who wants to get back into foster care, we want to eliminate any barriers.

So I will be supporting the chapter amendment.

Thank you.

ACTING SPEAKER AUBRY: Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01256, Calendar No.

24, Epstein, Vanel. An act to amend a chapter of the Laws of 2020, amending the Social Services Law relating to reporting of youth placed in foster care settings and recruitment of foster parents, as proposed in legislative bills numbers A.1436-C and S.222-C, in relation to directing the Office of Children and Family Services to make information publicly available on the number of youth placed in foster care settings and recruitment of foster parents and the effectiveness thereof; and to repeal certain provisions of the Social Services Law relating thereto.

ACTING SPEAKER AUBRY: On a motion by Mr. Epstein, 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 Senate bill S.872. 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...

(The Clerk recorded the vote.)

Mr. Epstein on -- to explain his vote.

MR. EPSTEIN: Thank you, Mr. Speaker. I rise to explain my vote. This is a chapter amendment from a bill that we passed last year, and the basis was ensuring that we had information about children in Federal care or in State care that were in the boundaries of New York State. The amendments were instead of

quarterly reports we're going to do two reports a year, and -- and there still will be -- this information will be available on the website. While I, you know, I really appreciate the -- us getting behind this bill, these amendments don't affect the substantive nature of the bill and allows us to get good information if kids were in Federal care or State care. This came out of an issue of children being brought to our State and we didn't know that they were here, children who were apprehended at the border or other issues.

I'm glad that this chapter amendment is moving forward and I encourage my colleagues to vote in favor of it. I'll be voting in favor of it. Thank you, Mr. Speaker.

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

Are there any votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01258, Calendar No. 25, Hevesi. An act to amend the Social Services Law, in relation to requiring the Commissioner to prepare a report of the homeless population during a State disaster emergency in publicly-funded shelters, residential programs for victims of domestic violence, and residential programs for runaway and homeless youth.

ACTING SPEAKER AUBRY: On a motion by Mr. Hevesi, 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 Senate bill S.873. 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 number previously provided.

(The Clerk recorded the vote.)

Mr. Lawler to explain his vote.

MR. LAWLER: Thank you, Mr. Speaker. I take note of the fact that this legislation requires a review of the homeless population, and the information review shall include the number of confirmed infected individuals, the number of hospitalizations and the number of deaths, and that this information shall be posted within 60 days of the effective date of the bill. I support that. I would hope that we could also pass legislation that would force the Department of Health and the Governor's Office to release all of the information related to the nursing home deaths and make that readily available within 60 days.

I vote in the affirmative and I hope my colleagues will join me in asking -- demanding that the Governor do the same with respect to the nursing homes.

ACTING SPEAKER AUBRY: Mr. Lawler in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly Bill No. A01259, Calendar No. 26, Dinowitz, Seawright, Vanel. An act to amend the Public Authorities Law, in relation to the availability of criteria used in formulating capital program plans of the Metropolitan Transportation Authority.

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 1259. 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 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 Bill No. A01261, Calendar No. 27, Hevesi, Vanel. An act to amend the Social Services Law, in relation to certain data to be reported regarding child welfare preventive services; and to amend a chapter of the Laws of 2020 amending the Social Services Law relating to reporting data on child welfare preventive services, as proposed in legislative bills numbers S.8421-A and A.10513, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Mr.

Hevesi, 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 Assembly print 882. This is a fast roll call. Any member who wishes to record it in the negative is reminded to contact the Majority or the Minority Leader at the number -- 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 Bill No. A01262, Calendar No. 28, Hevesi. An act to amend the Social Services Law, in relation to working with the USDA to receive approvals and develop online fresh food purchasing options throughout the State; and to amend a chapter of the Laws of 2020 amending the Social Services Law relating to using Supplemental Nutrition Assistance Program benefits to purchase online groceries and to the State Supplemental Nutrition Assistance Program Outreach Program, as proposed in legislative bills numbers S.8247-A and A.10673, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: Read the last section.

Oh, excuse me. On a motion by Mr. Hevesi, 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 Senate bill S.878. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or the 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 Bill No. A01263, Calendar No. 29, L. Rosenthal. An act to amend the Environmental Conservation Law, in relation to prohibiting the use of glyphosate on State property.

ACTING SPEAKER AUBRY: 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 immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate bill S.899. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority and/or Minority Leader at the number previously

provided.

(The Clerk recorded the vote.)

Ms. Rosenthal to explain her vote.

MS. ROSENTHAL: Okay. Thank you, Mr. Speaker.

To explain my vote. Last year the Legislature passed a -- a bill which became Chapter 378 that prohibited the use of the pesticide glyphosate on State property. This chapter amendment amends that law and permits very limited circumstances in which glyphosate - commonly known as Roundup - may be used on State land. It will be permitted only for uses where there is no actual significant threat of direct human exposure and if there's no effective and practicable alternative. In addition, the Department of Environmental Conservation would be required to promulgate regulations and report annually on usage, including the amount and the location.

And I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Rosenthal in the affirmative.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. Last year on the -- on the original bill there was mixed votes within the Republican Caucus; some voted yes, some voted no. Overall, there was also bipartisan opposition. So overall, there were, I think, 42 negative votes. And the concern that was raised last year was that the legislation banned the use of glyphosate on State property. There are a couple of concerns that were raised. One concern was that some of

the alternatives were more toxic. And certainly the sponsor, along with the rest of us, want to minimize the use of toxic chemicals whenever possible. There's also considerable concern that a lot of State property was leased to farmers around the State, and the farmers need to use effective and environmentally-safe herbicides as part of their farming operations. And farmers that use herbicides are highly trained, they're very knowledgeable, and they know how to safely use this type of herbicide. These concerns have been addressed in the chapter amendment. First, we've received clarifications that farmers who are leasing lands would not be considered State contractors or subcontractors. They're tenants, not subcontractors and, therefore, this bill wouldn't apply to them. And as the sponsor correctly noted, this chapter amendment would allow the use of this chemical, glyphosate, on State property when there's no actual or significant threat of direct human exposure, no effective or practical alternative, or it can be applied in specific situations.

So, with those adjustments I will be supporting the amendment, and I know there are some of my colleagues that may be opposed to the amendment because they would prefer a stronger restriction. So thank you, sir, for allowing me to explain my vote.

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

MR. MONTESANO: Thank you. To explain my vote. You know, I had the concerns with the bill-in-chief and I voted in the negative, and I also have a problem with this amendment. If

glyphosate was so dangerous the way it was presented to us on the last bill and there was a -- a clear elimination of it on the use of State property, the reasons that the Governor gives in his veto message, to me, does not support a justification to not allow the application of this herbicide on State property. Why? Because it's too expensive, he says. It has to go to a more costly alternative. Well, if the farmers and other people and homeowners have to use more costly alternatives on their property or organic treatments on their property, so should the State. He puts on here that, you know, the proper application. We have State employees that have to apply this dangerous chemical. We don't know if they have the right apparatus, equipment, protective gear to administer this. And who knows where they're spraying it. If they're spraying it on the side of the Thruway to kill the weeds, the public has access to those side roads. How many times you drive on the Thruway, stop your car and get out and walk on that grass. Or people get a disabled vehicle. Or people let their pets out on the ground. So, this whole thing just to satisfy the Governor's problem that well, it's going to be an inconvenience to the State to -- to apply something different than glyphosate so you should let us use it for now and let us continue to poison people for the financial benefit of the State doesn't really work for me.

So, I'll be voting in the negative and I would encourage my colleagues to do the same. Thank you.

ACTING SPEAKER WOERNER: Thank you. Mr. Montesano in the negative.

Mr. Manktelow.

(Pause)

MR. MANKTELOW: There we go. First of all, I'd like to thank the sponsor for bringing our concerns back to the table and allowing this chemical to be used in agricultural production. You know, some of the positive things about glyphosate is it will definitely improve water quality because in situations where we have no till planting or minimum till planting, we need to have a burn-off product. And this is reasonable, very safe to use, especially in the farming communities because we are trained, we do have the proper gear, and it does a great job. And it doesn't kill anything -- one of the -- one of the questions in Committee was, you know, does it kill insects? Absolutely not. And this is not an insecticide, this is a herbicide. So again, I want to commend the sponsor. This is a great move for our agricultural communities in New York State, and in -- in a time where we need more food and safe food, this is absolutely the right thing to do.

So I just want to say thank you and I will be voting yes on this amendment. Thank you.

ACTING SPEAKER WOERNER: Thank you. Mr. Manktelow in the affirmative.

Mr. Brown.

MR. BROWN: Thank you, Speaker. I want to join with Mr. Montesano in my comments today. I first heard of this legislation in Committee. I raised several concerns about the chapter

amendments in Committee. I -- the answers I received and the responses I got were not satisfactory, so I'll be voting in the negative on this bill. Thank you.

ACTING SPEAKER WOERNER: Thank you. Mr. Brown in the negative.

Ms. Kelles to explain her vote.

MS. KELLES: Yes, thank you. That's Ms. Kelles (Kel-les phonetic). Thank you so much. I -- I just want to make one clarification. My understanding is this relates to any practices but only exclusively on State farm -- or State land. But I did also want to clarify one thing that is very important to me, is the science specifically with respect to glyphosates and insect populations, and in specific, honey bees. There's been substantial research, and there are farmers in New York that this would dramatically affect. We also know that they are a huge part of a balanced and healthy ecosystem. There is scientific research on other insect populations that is ongoing as well. I would love to see this be stronger. There are other chemicals that can be used that I think are safer than glyphosates and I think that they should be phased out because of this.

So I am in strong support and I thank Assemblymember Rosenthal for bringing this forward and I will be supporting in the affirmative.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the

following Republican Assemblymembers in the negative: Mr. Smith, Mr. Durso, Mr. Palmesano, Mr. Gandolfo, Mr. Walczyk and Mr. McDonough.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. If you could record our colleagues Ms. Buttenschon and Ms. Griffin in the negative.

ACTING SPEAKER AUBRY: Certainly. Thank you.

Mr. Abinanti to explain his vote.

MR. ABINANTI: Thank you, Mr. Speaker.

Glyphosate is dangerous. It causes cancer. The manufacturer has lost several lawsuits. I believe we should ban it everywhere. But since the Governor is unwilling to do that, I will take any restriction on it possible. This is a chapter amendment so that we would get some restrictions, otherwise we would've seen the Governor veto this bill. I will take whatever restriction we can get, therefore, I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Abinanti in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could go back to page 12 and take up Calendar No. 16 by Mr. Dilan.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly Bill No. A00981, Calendar No. 16, Dilan. An act to amend the Public Service Law, in relation to the expiration of minutes purchased with prepaid cellular telephone cards.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 892. 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, Mr. Speaker. Please record Assemblyman Walczyk in the negative on this bill.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted, sir.

Mrs. Peoples-Stokes. No?

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 neither, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Well, then can you call on Ms. Hunter, who just left the building?

Well, Mr. Speaker, if you can call on Ms. Hyndman for an announcement.

ACTING SPEAKER AUBRY: Ms. Hyndman for the purposes of a announcement.

MS. HYNDMAN: The Assembly Majority will have a conference immediately after Session.

ACTING SPEAKER AUBRY: Assembly Majority conference immediately after Session.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Would you please call on Mr. Norris for an announcement?

ACTING SPEAKER AUBRY: Mr. Norris for the purposes of a announcement.

MR. NORRIS: Thank you, Mr. Speaker. There will be a Minority conference immediately following Session via Zoom.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Norris

announces a Minority conference immediately after Session via Zoom.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. If I could remind colleagues who are participating remotely either in your offices and/or district offices, please stay on the Zoom. We're going to go immediately into our conference with the Speaker.

With that, Mr. Speaker, I now move that the Assembly stand adjourned until 2:00 p.m., Tuesday, January the 26th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 4:47 p.m., the Assembly stood adjourned until Tuesday, January 26th at 2:00 p.m., that being a Session day.)