

**MONDAY, FEBRUARY 14, 2022**

**3:15 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 Saturday, February 12th.

Mrs. Peoples-Stokes.

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

dispense with the further reading of the Journal of Saturday, February the 12th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I'd like the opportunity to share this quote this afternoon, this early evening with colleagues. This one is from Katherine Johnson. Katherine Johnson, as many of you may know, was an African-American mathematician who spent more than 30 years of her life working for NASA. Katherine and her colleagues were regarded as human computers during the early NASA years. The words that Katherine is sharing with us today, Mr. Speaker, "Like what you do, and then you will do your best." Clearly she loved what she did.

Now, Mr. Speaker, if I could have members' attention. I would like to share what the schedule for today will be. Members have on their desks an A-Calendar and a main Calendar. At this time, Mr. Speaker, would you please advance the A-Calendar.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir. After housekeeping, we're going to take up resolutions on page 3. We have 34 new bills on the main Calendar. We're going to take these bills up on consent beginning with Calendar No. 332, it's on page 4, Mr.

Speaker. Then we're going to take up Rules Report No. 60 by Ms. Walker from the A-Calendar on consent, as well. We will then proceed to our debate list. We're going to be debating bills beginning with Calendar No. 315 on page 56 by Mr. Bronson, and we will follow through following that, Mr. Speaker. So that is a general outline, if there's housekeeping, now would be a great time.

ACTING SPEAKER AUBRY: We have no housekeeping so we will move directly to the resolutions on page 3.

The Clerk will read.

THE CLERK: Assembly Resolution No. 551, Ms. Solages.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 17, 2022 as Black Poetry Day in the State of New York.

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

THE CLERK: Assembly Resolution No. 552, Mr. Jones.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim February 14, 2022 as Canadian-American Heritage Day in the State of New York.

ACTING SPEAKER AUBRY: Mr. Jones on the resolution.

MR. JONES: Yes, thank you, Mr. Speaker, and

thank you for allowing me to briefly acknowledge Canadian-American Heritage Day here in the New York State Assembly. The past couple of years have been more than difficult on our -- on our relationships with Canada. Where I am from and where many of us represent, we have families and loved ones on the other side of the border, they have not been able to see us. We're not only connected to Canada economically, they are the largest trading partner, but culturally and historically. And, like I said, many of us have loved ones, family members and friends on the other side of that border and we've been separated for the last couple of years. It's been difficult on them, it's been difficult on us but on this day, let us recognize that our friends and our -- our families from the North and from Canada are recognized here on Canadian-American Heritage Day. Thank you for the opportunity to speak on this and we're with you, Canada.

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

THE CLERK: Assembly Resolution No. 553, Mrs. Gunther.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim February 14, 2022 as A Day for Hearts: Congenital Heart Defect Awareness Day in the State of New York.

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

adopted.

THE CLERK: Assembly Resolution No. 554, Mr. Sayegh.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim February 13, 2022 as Radio Day in the State of New York, in conjunction with the observance of World Radio Day.

ACTING SPEAKER AUBRY: Mr. Sayegh on the resolution.

MR. SAYEGH: Thank you very much for the opportunity. Resolution commemorating World Radio Day in the State of New York. Heinrich Hertz discovered radio waves in 1887 revolutionizing communication. And whereas, according to NASA, radio waves have the longest wavelengths in the electromagnetic spectrum. And radio devices work by receiving these electromagnetic radio waves and converting them to mechanical vibrations in the speaker to create the sound waves you can hear. And frequency modulation, FM systems of radio broadcasting, which is now the home of most music stations was invented in Yonkers, New York in 1937 by Edwin Armstrong. Mr. Armstrong's invention of FM radio here in Yonkers connected the world and was the genesis of American preeminence in communications and technology.

And radio has the ability to cross international boundaries and bring news, entertainment, and hope to those who live in unfree societies. On July 11, 1943, Anne Frank, while hiding from

the Nazis, wrote in her diary, quote, "The radio, with its wondrous voice, helps us not to lose heart and to keep telling others," quote, "Cheer up, keep your spirits high, things are bound to get better," unquote. And radio has advanced the cause of science even beyond the boundaries of our planet. And we know that in July, 1969 American astronaut Neil Armstrong used radio communications to transit a message on the surface of Earth's moon, quote, "That's one small step for mankind [sic], one giant leap for mankind." And today, recognizing radio is crucial to free speech and Constitutional rights.

So thank you for this opportunity to declare February 13th as World Radio Day here in the State of New York. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

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

Page 4, Calendar No. 382, the Clerk will read.

THE CLERK: Assembly No. A00159, Calendar No. 382, Gottfried, Paulin, Galef, Colton, Cahill, Englebright, Abinanti, Hyndman, Steck. An act to amend the Public Health Law, in relation to remedies available in private actions by patients of residential health care facilities.

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 A159. 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. A00384-A, Calendar No. 383, Braunstein. An act to amend Chapter 802 of the Laws of 1947, relating to facilitating the financing and effectuation of air terminals by the Port of New York Authority, in relation to prohibiting certain flights at LaGuardia Airport.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01635, Calendar No. 384, Perry. An act to amend the Criminal Procedure Law, in relation to establishing the Chance to Help Notification Act.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02344, Calendar No. 385, L. Rosenthal, Steck, Stern, Lavine, Magnarelli, Reyes, Griffin, Brabenec, Jackson, Abinanti, Carroll. An act to amend the Public Health Law, in relation to food allergy awareness in food service establishments and online food ordering services.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A03217-A, Calendar No. 386, Sayegh, Dickens, Griffin, Galef, Simon, Buttenschon, Montesano, Seawright, DeStefano, Thiele, Santabarbara, Tague,

Durso, Lemondes, Lawler, Otis. An act to amend the Public Service Law and the Public Authorities Law, in relation to defining medical needs for essential electricity and to require certain service providers' emergency response plans to include outreach plans for customers who have documented their need for essential electricity for medical needs.

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 3217-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 votes.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05376-B, Calendar No. 387, Quart, Hevesi, Anderson, Aubry, Zinerman, Jackson, Simon, Kelles. An act to amend the Civil Practice Law and Rules, in relation to evidence of lost earnings or impaired earning capacity.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07532, Calendar No. 388, Gottfried. An act to amend the Social Services Law and the Public Health Law, in relation to granting residents of adult care



facilities a cause of action to seek the appointment of temporary operators of such facilities.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07946-A, Calendar No. 389, Weprin. An act to amend Chapter 188 of the Laws of 1978, relating to incorporating the Colonial Farmhouse Restoration Society of Bellerose, Queens County, New York, in relation to providing for the powers and duties of such society.

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 7946-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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08328, Calendar No. 390, Stern. An act to amend the General Municipal Law, in relation to authorizing a municipality to increase the number of years of service that a participant in a defined contribution plan service award program or a defined benefit plan service award program may receive a contribution.

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 8328. 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. A08339, Calendar No. 391, González-Rojas, Simon, Griffin, Englebright, Seawright, Dickens, Gottfried, Abinanti, Kelles, Jacobson, McDonald, Dinowitz, Anderson, Cahill, Stirpe, Galef. An act to amend the Tax Law, in relation to requiring the Department of Health to publish certain reports on Department's website detailing sales of opioids in the State.

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 8339. 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. A08449, Calendar No. 392, Paulin. An act to amend the Business Corporation Law and the Limited Liability Company Law, in relation to requiring certain companies and corporations to report certain data regarding the gender, race and ethnicity of their employees.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A08493-A, Calendar No. 393, Paulin, Magnarelli, Santabarbara. An act to amend Chapter 3 of the Laws of 2020 relating to establishing the Stretch Limousine Passenger Safety Task Force, in relation to extending the date of the final report shall be issued and in relation to extending 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 8493-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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08631, Calendar No.

394, Seawright. An act to amend the Public Authorities Law, in relation to requiring certain directors of the Roosevelt Island Operating Corporation to be residents of Roosevelt Island and to require the appointment of certain vacant board positions within sixty days.

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 8631. 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. A08701, Calendar No. 395, Reyes. An act to amend the Executive Law, in relation to the "Hate Crimes Analysis and Review Act"; and to amend a chapter of the Laws of 2021, amending the Executive Law relating to enacting the "Hate Crimes Analysis and Review Act", as proposed in legislative bills numbers S. 70-A and A. 2230-A, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Ms. Reyes, 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 7807. 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. A08709, Calendar No. 396, Epstein. An act to amend the Education Law, in relation to preventing institutions from implementing contingencies on the receipt of State funding.

ACTING SPEAKER AUBRY: On a motion by Mr. Epstein, the Senate bill is before the House. The Senate bill is advanced and the bill is laid aside.

THE CLERK: Assembly No. A08747, Calendar No. 397, Griffin, Colton. An act to amend a chapter of the Laws of 2021 directing the Department of Environmental Conservation and other State departments and agencies to conduct a study on the quality of life and human health impacts at John F. Kennedy International Airport and LaGuardia Airport, as proposed in legislative bills numbers S. 966-B and A. 2140-B, in relation to the study on the quality of life and human health impacts of John F. Kennedy International Airport and LaGuardia Airport.

ACTING SPEAKER AUBRY: On a motion by Mrs. Griffin, 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 7732. 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.)

MRS. PEOPLES-STOKES: Mr. Speaker, if you could please record our colleague, Mr. Dilan, in the negative on this one.

ACTING SPEAKER AUBRY: So noted, thank you. Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08755, Calendar No. 398, Jones. An act to amend the Environmental Conservation Law, in relation to aquatic invasive species inspection stations and spread prevention efforts.

ACTING SPEAKER AUBRY: On a motion by Mr. Jones, 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 7827. 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. A08756, Calendar No. 399, Woerner, Vanel. An act to amend the Public Service Law, in relation to requiring the Public Service Commission to initiate a proceeding to examine a process for streamlining actions related to utility pole attachments.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7689. 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. A08757, Calendar No.

400, Woerner. An act to amend the State Finance Law, the Mental Hygiene Law and the Executive Law, in relation to establishing an opioid settlement fund.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7870. 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.

Without objection, on a motion by Ms. Lunsford to reconsider the substitution of Senate Bill No. 7882 for Assembly Bill No. 8852, said Senate bill is recommitted to the Committee on Judiciary, and said Assembly bill is restored to its place on the order of Third Reading.

The Clerk will read.

THE CLERK: Assembly No. A08828, Calendar No. 401, Cahill. An act to amend the Insurance Law, the General Business Law and the Tax Law in relation to peer-to-peer car sharing; to amend a chapter of the Laws of 2021 amending the Insurance Law,



the General Business Law, the Tax Law and the Vehicle and Traffic Law relating to enacting the Peer-to-Peer Car Sharing Program Act, as proposed in legislative bills numbers S. 6715 and A. 2349-A, in relation to the effectiveness thereof; and to repeal certain provisions of such laws relating thereto.

ACTING SPEAKER AUBRY: On a motion by Mr. Cahill, 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 7838. 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. A08833, Calendar No. 402, Gottfried, Sayegh. An act to amend the Public Health Law and the Education Law, in relation to expenses for potable water testing.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record

the print [sic] on Senate print 7840. 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. A08838, Calendar No. 403, Gottfried, Sayegh. An act to amend the Public Health Law, in relation to pharmacy benefit managers; to amend the Insurance Law, in relation to registration and licensing of pharmacy benefit managers; to amend the State Finance Law, in relation to establishing the Pharmacy Benefit Manager Regulatory Fund; and to amend a chapter of the Laws of 2021 amending the Public Health Law relating to pharmacy benefit managers; amending the Insurance Law relating to registration and licensing of pharmacy benefit managers; and repealing certain provisions of the Public Health Law relating thereto, as proposed in legislative bills numbers S. 3762 and A. 1396, in relation to the effectiveness thereof.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record

the vote on Senate print 7837. 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. A08844, Calendar No. 404, Simon. An act to amend the Tax Law, in relation to taxpayer gifts for firearms violence research; and to repeal Section 86 of the State Finance Law relating to the Gun Violence Research Fund.

ACTING SPEAKER AUBRY: On a motion by Ms. Simon, the Senate bill is before the House. The Senate bill is advanced and the bill is laid aside.

THE CLERK: Assembly No. A08846, Calendar No. 405, Simon. An act to amend the Education Law and the State Finance Law, in relation to the New York State Firearm Violence Research Institute, and to amend a chapter of the Laws of 2021 amending the Education Law and the State Finance Law relating to creating a Firearm Violence Research Institute, as proposed in legislative bills numbers S. 2981 and A. 7302, in relation to the effectiveness thereof.

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

THE CLERK: Assembly No. A08848, Calendar No. 406, Cruz. An act to amend the Real Property Law, in relation to increasing required training for real estate brokers and real estate salespeople to prevent discrimination; and to amend a chapter of the Laws of 2021 amending the Real Property Law relating to increasing required training for real estate brokers and real estate salespeople to prevent discrimination, as proposed in legislative bills numbers A. 5359 and S. 2132-B, relating to the effectiveness thereof.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7730. 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. A08849, Calendar No. 407, Zinerman. An act to amend the Real Property Actions and Proceedings Law, in relation to requiring a plaintiff in a mortgage foreclosure action to maintain the subject property.

ACTING SPEAKER AUBRY: On a motion by Ms.

Zinerman, the Senate bill is before the House. The Senate bill is advanced. The bill is laid aside.

THE CLERK: Assembly No. A08856, Calendar No. 408, Solages. An act to amend a chapter of the Laws of 2021 authorizing the assessor of the Town of Hempstead, County of Nassau, to accept from Mercy Medical Center an application for exemption from real property taxes, as proposed in legislative bills numbers S. 1208-A and A. 7738-A, in relation to making technical corrections thereto.

ACTING SPEAKER AUBRY: On a motion by Ms. Solages, 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 7709. 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. A09021, Calendar No. 409, Montesano. An act to amend a chapter of the Laws of 2021 relating to authorizing the Town of Oyster Bay to grant Sai Mandir USA a real property tax exemption, as proposed in legislative bills

numbers S. 7110-A and A. 7908-A, in relation to making the exemption contingent upon the approval of the Legislature of the County of Nassau.

ACTING SPEAKER AUBRY: On a motion by Mr. Montesano, 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 7828. 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. A09025, Calendar No. 410, Bronson. An act to amend Chapter 60 of the Laws of 2021, amending the Education Law relating to absentee ballots for school district elections during a declared disaster emergency, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Bronson, the Senate bill is before the House. The Senate bill is advanced and the bill is laid aside.

THE CLERK: Assembly No. A09026, Calendar No. 411, McDonald. An act to amend the Tax Law, in relation to terminal

rental adjustment clauses in motor vehicle leases; and to amend a chapter of the Laws of 2021 amending the Tax Law relating to terminal rental adjustment clauses in motor vehicle leases, as proposed in legislative bills numbers S. 3926 and A. 5401, in relation to the effectiveness thereof.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7721. 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 MEEKS: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09036, Calendar No. 412, González-Rojas. An act to amend the Public Authorities Law, in relation to requiring the Metropolitan Transportation Authority to develop a strategic action plan to improve bicycle and pedestrian access at its bridges and passenger stations; and to amend a chapter of the Laws of 2021 amending the Public Authorities Law relating to requiring the Metropolitan Transportation Authority to develop a

strategic action plan to improve bicycle and pedestrian access at its bridges and passenger stations, as proposed in legislative bills numbers S. 4943-B and A. 6235-B, in relation to requiring the Metropolitan Transportation Authority to develop a strategic action plan to improve bicycle and pedestrian access at its bridges and passenger stations.

ACTING SPEAKER MEEKS: On a motion by Ms. González-Rojas, 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 MEEKS: The Clerk will record the vote on Senate print 7824. 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. A09146, Calendar No. 413, Otis. An act to amend Chapter 618 of the Laws of 1998, amending the General Municipal Law and the Education Law relating to disposal of surplus computer equipment by political subdivisions, in relation to the effectiveness thereof.

ACTING SPEAKER MEEKS: Read the last section.

THE CLERK: This act shall take effect immediately.



ACTING SPEAKER MEEKS: The Clerk will record the vote on Bill No. A9146. 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. A09161, Calendar No. 414, Magnarelli. An act to amend the Vehicle and Traffic Law, in relation to making technical corrections to such law.

ACTING SPEAKER MEEKS: The bill is laid aside.

THE CLERK: Assembly No. A09169, Calendar No. 415, Paulin, Otis. An act to amend Chapter 802 of the Laws of 1947, relating to facilitating the financing and effectuation of air terminals by the Port of New York Authority, in relation to information concerning services for human trafficking victims in Port Authority airports.

ACTING SPEAKER MEEKS: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER MEEKS: The Clerk will record the vote on Assembly Bill No. 9169. 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 AUBRY: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

We are now on Calendar A, page 3, Rules Report No. 60, the Clerk will read.

THE CLERK: Assembly No. A09280, Rules Report No. 60, Walker. An act to amend the Election Law, in relation to providing that in 2022, the statement of party positions to be filled at primary election shall be filed by February 28, 2022; and providing for the repeal upon the expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Ms. Walker, 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 8308. 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.

On the main Calendar, page 56, Calendar No. 315,

the Clerk will read.

THE CLERK: Senate Bill No. S07761, Calendar No. 315, Senator Savino (Bronson--A08702). An act to amend the Social Services Law, in relation to making care and services provided by licensed mental health counselors and marriage and family therapists eligible for coverage under the Medicaid Program.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7761. This is a Party vote. Any member who wishes to be recorded as an exception to the 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 will be generally opposed to this legislation for the reasons I hope to explain in a moment.

ACTING SPEAKER AUBRY: So noted.

MR. GOODELL: Those who wish to support it should certainly call the Minority Leader so we can record their vote. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Lupardo.

MS. LUPARDO: Thank you, Mr. Speaker. I would

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

ACTING SPEAKER AUBRY: Thank you, so noted.

Mr. Goodell to explain his vote.

(The Clerk recorded the vote.)

MR. GOODELL: Thank you, sir. This is a chapter amendment that addressed additional services that would be required to be covered by Medicaid. Last year, the original bill required Medicaid coverage to include marriage counseling, family therapists, creative art therapists or psychoanalysts. And the chapter amendment narrows that somewhat and provides that Medicaid will provide services or mental health counselors and marriage and family therapists. Every year, we look at the cost of the Medicaid program and once again this year, the cost is going up by a substantial amount. It is, I believe, the second or third -- I think it's the second highest category of all expenses incurred by State government. And of course, all those expenses are borne by the taxpayers both on the State level and on the county level. And while I have no doubt that all of these services, including marriage counseling and family counseling, are valuable, I would note that most private insurance doesn't cover it and, in fact, our own insurance here in the State for us as legislators and as employees does not cover marriage and family therapists.

In addition to the huge cost to all the taxpayers, we have a unique situation where we're asking the taxpayers to fund health care coverage that they don't get in their own program, in their insurance. And in addition to being fundamentally unfair to the taxpayers, we create a situation where anyone who is on Medicaid, if they're offered a job, lose services because their private sector insurance doesn't cover it. So because of the cost, the fact it's not covered in private insurance, and the fundamental fairness of trying to balance those competing interests, I recommend against it to my colleagues. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Bronson to explain his vote.

MR. BRONSON: Yes, Mr. Speaker. First of all, this bill is about access to mental health and behavioral health services so that our families and our children are able to deal with the many aspects of this very trying time during COVID. It's inaccurate to suggest that commercial insurance carriers do not cover these types of services; indeed, several have been sued by the Attorney General's Office and through their settlements have agreed to include provisions that would include coverage for therapy and counseling through those professions licensed under Article 163 of the Education Law.

So instead of suggesting that our families aren't receiving this under commercial carriers, the real analysis is if you are wealthy enough to self-pay for mental health services or you have it

covered on your commercial insurance coverage, then you get access to mental health. But if you're poor and you're on Medicaid, without this provision you don't have access to mental health services. And, in fact -- and, in fact, roughly 50 percent of the State's -- of the counties, rather, in New York State do not have one single mental health provider who accepts Medicaid, not one. This bill will allow professions who do desire to accept Medicaid as a reimbursable expense for their services will be able to fill that gap, predominantly in Upstate New York. Thank you.

ACTING SPEAKER AUBRY: Mr. Bronson in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleague, Mr. Ashby, in the affirmative on this bill. Thank you, sir.

ACTING SPEAKER AUBRY: So noted, thank you.

Read the last section.

Are -- are there any other votes? Excuse me.

Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 56, Calendar No. 324, the Clerk will read.

THE CLERK: Senate No. S07696, Calendar No. 324, Senator Brouk (Paulin, Sayegh--A08733). An act to amend the Public Health Law and the Environmental Conservation Law, in relation to pesticide use prohibited at certain children's camps.

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

MS. PAULIN: Sure. This is a chapter amendment to Chapter 783 of 2021 which prohibited the application of pesticides to any playground, athletic or playing field at a children's overnight or day camp at the request of the Department of Health and the Department of Environmental Conservation.

ACTING SPEAKER AUBRY: Ms. Walsh.

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

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

MS. PAULIN: I would be happy to.

ACTING SPEAKER AUBRY: Ms. Paulin yields.

MS. WALSH: Thank you so much. I remember when we debated this last year, there were -- you went through -- we went through the bill pretty -- pretty carefully, so I just want to touch on a few things that the chapter amendment has changed. I guess my first question, just broad picture, is with this chapter amendment and the underlying chapter, may any pesticides be used now at -- in a camp setting anymore?

MS. PAULIN: Yes, they would be allowed. The -- the -- it's going to be identical to what we do at schools which is what prompted some of the changes in the bill. And what would happen is if there was a problem, you know, a pest that they wanted to use any

kind of pesticide on it would require going to either the local Health Department or the State Health Department, depending on the jurisdiction of the camp, and then they would have to get approval through that method.

MS. WALSH: And under this -- this chapter amendment, is there any longer any time frame for getting a response from that local or county agency to apply pesticides?

MS. PAULIN: I think you're referring to the change that we made in the bill which would have allowed for one application within 24 hours if they didn't get a prompt response, and that was taken out of the bill to make it close -- more closely aligned or identically aligned with the schools which is working fine, and the camps did not object. They have a good relationship with the respective Health Departments; in fact, a better one than the schools who don't have a direct relationship. The -- in the case of camps, the Department of Health actually regulates those camps and has a much closer relationship. So the -- they didn't object and this way we have less pesticides applied to areas where there are children, so we went along.

MS. WALSH: So I think that they're actually -- I had two questions and I think you just kind of answered one of them. So during our debate last year, you did mention that you put in the bill after talking to the camps, working very cooperatively with the camps in developing the bill and having no opposition from them, the part about the emergency applications. So they could -- this chapter



amendment takes that out so I thanked you at the time for making that cooperative, collaborative change to the bill and then the Governor wanted it back out again.

MS. PAULIN: When -- when it was first proposed, I thought, *Okay, I'm going to have to fight this* because I did have that relationship with the camps, and went to the camps and said, *Do you want me to fight this*, and they said, *No, we're fine with it now*. So that's why we went along; I did not object because they did not object.

MS. WALSH: Okay. So the other -- I guess the other part of the question on timing then is with the -- with this chapter amendment taking out the single emergency application of pesticide if they don't get a response within 24 hours, that language now is taken out. So if there is a need to apply a pesticide, then you said that they'll make application to the local agency, whoever that might be, and -- but then does that local agency have any time limit or time -- or time frame for giving a response? Because I would imagine that if there is a pest, you want to get rid of it ASAP, you know, so that the campers aren't potentially harmed by it.

MS. PAULIN: Well, I know that it's been working in the schools, you know, with the same kind of language that doesn't require a certain time frame. So -- so if there's a problem with camps that's different than the schools, you know, we will obviously have to address it, but there seems to have been no problem with the schools contacting the Health Department and getting a prompt response and they have children on those playgrounds every day during the school

year, so -- including warm months and fall months that are warm where there could be puddles or whatever leading to mosquitos, leading to all kinds of diseases.

MS. WALSH: Mm-hmm.

MS. PAULIN: So I think if it's working for the schools, the thought from DEC and DOH and the camps was let's give it a try like this so that we don't have unnecessary pesticides on these -- on these properties.

MS. WALSH: Okay. Now, I also noticed that the chapter amendment removed the Commissioner of Health's ability to grant exemptions. They're just completely taken out of it then; is that correct?

MS. PAULIN: Because we did it the way they do it for schools and the two agencies work collaboratively to get that language to work for them.

MS. WALSH: Okay. So the idea was to bring it down to a more local level for the approval or the denial as the case may be?

MS. PAULIN: Well, I think -- I think there are some areas -- I mean you might know better than I from Upstate that does rely on the State Health Department. So in that case, they are the local department. You know, down where we are, we have local commissioners for the most part.

MS. WALSH: Yeah, right. So I know that like when I was on my town board, we also sat as a -- as a board of health to

determine, for example, like failing septic systems or things like that. So I don't know whether an application would -- if we had a camp within our, you know, our town, I don't know if that would -- application or request would come to us as members of the town board sitting as a board of health or -- or what.

MS. PAULIN: I think it would work the same for any local community where you have -- where you already deal, because everybody has schools in their district so whatever which way it's working for schools, now it would work for camps the same exact -- the same way.

MS. WALSH: All right, very good. Thank you so much.

Mr. Speaker, on the bill.

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

MS. WALSH: So even though I didn't support the -- the bill last year, I have -- I have more concerns about it now actually after the chapter amendment. I just feel that there are a couple of -- I can understand the desire of the sponsor and the Governor and her office to try to remain consistent across schools and day care centers and now school camps -- or not school camps, summer camps, but I think that -- I think that there's another way that this could have been handled and I think that in a way, summer camps are different than -- than day care centers and schools and could have been treated differently.

We spoke last year when we were on debate about the idea of an integrated pest management plan as being, perhaps, a better solution to dealing with this issue and it could be preferable, the use of a pre-emergent herbicide, too, could be used. You know, when we've got things like mosquitoes and ticks, we know we're having more extreme, you know, weather events where we're getting possibly, you know, heavy rainfalls that could encourage -- encourage these types of pests and we want to protect our kids, of course, from -- from harmful ticks and mosquitoes that could contribute to Zika or West Nile Virus or Lyme Disease. I do understand and respect the fact that it's a balancing act, we want to protect our kids from too many pesticides that could provide -- be harmful to -- to kids.

But I do think that, you know, last year when we voted on this bill we did have 35 no votes, and I would continue to recommend my colleagues to vote in the negative on this chapter amendment because I think by removing that provision that allowed a camp to apply a single emergency application if they didn't get a timely response from the agency that was going to be giving permission or not, I think by taking that away we're eliminating, even though maybe the -- the camps aren't complaining about it, per se, but I think that that's a provision that I actually liked in the original bill that's been taken out. And I just think that there's another way to handle this and I think the chapter amendment doesn't improve the bill, in my -- in my opinion, and for that reason I would encourage my colleagues to vote in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Walsh.

Mr. Manktelow.

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

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

MS. PAULIN: Yes, I'd be happy to.

ACTING SPEAKER AUBRY: Ms. Paulin yields.

MR. MANKTELOW: Thank you, Ms. Paulin. You said earlier that DEC says let's give it a try?

MS. PAULIN: I'm sorry?

MR. MANKTELOW: You said earlier in the previous -- I'm sorry, the previous debate, the previous speaker, I'm sorry, DEC says let's give it a try?

MS. PAULIN: No, I don't know that I used those words. I said that the camps indicated no opposition to making the changes that DEC and the Department of Health recommended thinking that their relationship was a good one and that they would get the kind of response they needed to address the pesticide issues.

MR. MANKTELOW: Okay. Maybe I misunderstood, I will check -- I will check the -- the transcripts later on. You had also talked about it's working well for the schools throughout New York State. Has there been any issues with other schools that you know of?

MS. PAULIN: I haven't heard. All through the time that I was carrying this bill, which was for a good amount of time, I had -- and representing schools and hearing from my colleagues, I have never heard of a complaint or a problem. Also, we worked very closely with the Health Departments and they didn't report any problem with the schools.

MR. MANKTELOW: Okay. Another question I have in regards to day camps, if a day camp decides to visit another piece of property as part of their daily routine, it's not actually owned by the day camp but owned by a private individual, what takes place in that situation?

MS. PAULIN: I think if it was a use that was primarily for the camp, in other words, a ball field that might be a distance away that they travel to, then it would be probably considered part of the camp. I -- I -- I don't know that for 100 percent, but I think the way the language works if it's used by the camp then, yes; if it's an -- you know, they're visiting a -- a farm, you know, or a, you know, any -- or a museum that had grass, then it probably -- then it would not be appropriate.

MR. MANKTELOW: It wouldn't be appropriate to apply the pesticide, or it --

MS. PAULIN: Right. I mean, it's a camp, it's for the camp, it's for the kids on the camp. It's not for every time you visit somewhere. Just like a school, it's similar to the way a school would work.

MR. MANKTELOW: Okay. So in -- in our area Upstate where it's much more -- it's much more rural, some of our camps are actually along the lakeshore where we have a huge amount of mosquitoes and other insects, and I think earlier you had said that we would have to reach out to our local Department of Health, then, is that correct, to get a --

MS. PAULIN: Yes.

MR. MANKTELOW: How -- how long would that take, do you know?

MS. PAULIN: I -- I guess it would take the same amount of time that the response now would take for the schools, which seems to be pretty immediate because, again, we haven't heard any complaints and I'm assuming that your schools are also similar to your camps in that they're also on, you know, if you're in a rural area your schools are going to be in that same area just like your camps. So I don't -- I don't know that it makes sense to make a distinction between schools that might be in one area and camps that might be in the same area, and that's the same conclusion that was made by DEC, the Department of Health and the camps.

MR. MANKTELOW: All right. Have you spoken to any of our local health agencies within our counties to let them know that this may be coming?

MS. PAULIN: NYSACHO is aware of the change, yes.

MR. MANKTELOW: And do you know if they've

reached out to our local health authorities?

MS. PAULIN: I don't know the mechanism that NYSACHO uses, but I know that they, on their board, have a variety of people and variety of types of health departments on their board so that I would think that everyone is represented but individually, no, I haven't heard that they've reached out.

MR. MANKTELOW: Okay. Also during the summer months, we have a lot of 4-H programs where our 4-H kids go to different camps throughout the -- throughout the summer, different programs that they're doing, and some of the programs, they're actually producing vegetables and fruits and different items like that, and I believe some of those locations there would be pesticides used. Does that -- does that then, in turn, say they're not allowed to do that anymore?

MS. PAULIN: No, I don't think there's any prohibition on pesticide use.

MR. MANKTELOW: Okay.

MS. PAULIN: What the prohibition is, is if you're going to apply it then you need to get approval. So I don't see this bill preventing any valid use of the pesticide, you know, once the approval has taken place.

MR. MANKTELOW: Okay. In regard to that same questioning, on some of these camps where they are producing apples and if we have a wetting period prior to the day of the camp where you do have to do a coverup spray within 24 hours to stop the mildew



within the apples. So how would -- how would that take place in that situation, would we just not be able to apply the pesticide until after the appropriate time?

MS. PAULIN: So I guess -- just to understand it --

MR. MANKTELOW: Sure.

MS. PAULIN: So what you're saying is that, you know, there's an apple tree, right, you're saying that --

MR. MANKTELOW: Yes.

MS. PAULIN: -- you need to spray the apple tree?

MR. MANKTELOW: That's correct.

MS. PAULIN: Do you have an idea of when that might occur? Like, I guess I'm a little confused; is it so last minute?

MR. MANKTELOW: Well, it's pretty tough, you know, Mother Nature decides when we'd have to or not do it. So let me give you an example, it could be a Sunday afternoon, we have a thundershower go through, the trees stay wet overnight, that means the next day, within 24 hours we need to do a coverup spray. We now have campers or young people at the camp. What do we do in that situation?

MS. PAULIN: I would imagine that if you have, you know, an apple tree on your property you might -- and know that this is a common occurrence that you might have this storm that you might have to spray, that you could likely get an advance approval from the Health Department. I don't know why you would have to wait for that. You know, you could certainly have the conversation and the

cooperation, you know, with the Health Department to be able to, you know, to use a certain pesticide or whatever, you know, in a certain circumstance.

MR. MANKTELOW: Because I know, as you know probably, that many times we do not know if there's a thunderstorm coming until, you know, an hour ahead of time.

MS. PAULIN: But you know that there might be one, right, so that --

MR. MANKTELOW: No, not always. I mean, there's many times farming over my 30-plus years where I went to bed that evening and had no idea there was going to be a thunderstorm.

MS. PAULIN: No, no, I'm not suggesting that you might not know that it could occur, just like I didn't know there was going to be snow when I woke up the other morning.

MR. MANKTELOW: Sure.

MS. PAULIN: But you do know that there's a possibility of a thunderstorm. So if you're in an area that you would have a tree, like an apple tree or a pear tree or another fruit tree, you then could call the Health Department and say under the certain circumstance that there is, and I don't even -- I don't know whether you can -- whether -- what pesticide you would use or why --

MR. MANKTELOW: Sure.

MS. PAULIN: -- I'm not even pretending to know that, but if there was a circumstance that you know could occur on your campgrounds because you have that fruit tree, you could get

pre-approval to suggest that, you know, if there's an unexpected thunderstorm, is it okay, you know, what would be the mechanism for me to contact the Health Department so I can get that okay on a more immediate basis. So I think -- I think that what we know is that there's a strong collaboration and cooperation with the regulators and the camps and again, even more so than for the school districts that have no relationship really with the Health Departments, except for maybe during COVID, but other than that, there's no regulatory overseeing or relationship. But there is a direct one for the Health Departments and the camps so if it was ever going to work, it would work even better for the camps who do have this ongoing relationship, and usually an assigned person, an assigned department at the Health Department who oversees the camps.

So I think that, again, probably what I said, let's give it a chance, what I -- if I said that what I meant it as is as legislators, since the camps, the Department of Health and the Department of Environmental Conservation all believe that it's doable, then we as legislators should give that a chance before we change the system and -- because the current system of school districts is working beautifully, and that was the point that DEC and DOH made to my office and, again, we reached out to the camps and they were willing to go along.

MR. MANKTELOW: Okay. I appreciate your time and I appreciate your bringing this bill forward, and I hope you have a nice --

MS. PAULIN: Thank you.

MR. MANKTELOW: -- Valentine's Day.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MANKTELOW: Thank you, Mr. Speaker, on the bill. My concern here is we keep doing apples and oranges. Schools are not like summer camps, schools aren't along lakes, schools are not always along woods or other places where a lot of these ticks and mosquitoes would be born, would be there. And my concern is we're going to tie up our camps, our directors of camps to the point where they may have to shut down the camp for two or three days until they get an answer.

The second thing, much like here in Albany, we tend to do this, we put this -- this glorious idea forward without really talking to the entities that are going to be involved. My concern is if I go back home and I need to call my Health Department, first thing they're going to say, Mr. Speaker, is, *Well, we don't have any protocol over that, we'll have to check with Albany, with the State.* And again, we just pass the buck again and it's going to be a continued issue.

I would -- I applaud the sponsor for her concern and safety of the children, absolutely 100 percent, but I wish before we make this drop dead bill into a law, this amendment, I wish we could put those protocols in place so our camps, our 4-H'ers, our public health officials back in our home districts would know exactly what to do. What I'm hearing from the sponsor when I did the debate was this should be able to be done, so I will be more than willing to work with

her on this, and whoever else, to make sure we have those protocols in place so maybe our day camps can have something in place prior to the thunderstorm season or through a certain insect season. So if this was in there, I may be able to support it. I agree with my colleague earlier, I could have supported this earlier but I think right now, it really ties the hands -- and in one hand we're looking to keep our children safe, Mr. Speaker, but at the same time we have to trust the individuals running the day camps, running our local Health Departments to have the possibility and the ability to make a quick change. So I will be doing some looking on that, so hopefully the Governor will hold off on signing this amendment, but I do thank you for your time, Mr. Speaker, and I, again, I thank the sponsor for taking my questions. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

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

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

MS. PAULIN: I would be happy to.

MR. GOODELL: Thank you, Ms. Paulin. Am I correct that this applies only to pesticides being applied to playgrounds, turf or athletic or playing fields?

MS. PAULIN: I believe that's the language.

MR. GOODELL: So under this, a camp would be

able to apply pesticides anywhere else on the camp?

MS. PAULIN: Well, you know, the -- I think that we talked about this, or maybe not with you, but I remember talking about it at the last debate and that had to do with, you know, mice in a kitchen or something like that and they would be able to use appropriate means to get rid of those pests, yes. So it's only -- it's limited to the grounds that are indicated in the -- in the bill.

MR. GOODELL: And the only exception is if you have an emergency application that's been approved?

MS. PAULIN: So I guess I'm not clear exactly what you're asking. The emergency application was actually taken out of the bill.

MR. GOODELL: Well, I'm looking at page 2 starting on line 8. It says, *Except an emergency application for pesticide can be made*. So it's a general prohibition against any pesticide on any playground, turf or athletic playing field at any camp except that you can apply for emergency application.

MS. PAULIN: Right.

MR. GOODELL: And is there any guidance on what's an emergency?

MS. PAULIN: Well, you know, when we asked in the bill to allow for kind of rules and regs to develop it, they told us they have done this for years with schools and it works and they didn't want to reinvent the wheel, essentially. So -- so I believe, since that's identical language to what we have for schools that that -- that

emergency is, you know, already understood by the local Health Departments and the State Health Department because they have already administered this in two other situations, day care and schools.

MR. GOODELL: I see. Thank you, Ms. Paulin, I appreciate your comments. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

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 Senate print 7696. This is a Party vote. Any member who wishes to be recorded as an exception to the 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 for the reasons I hope to explain in a moment following up on the comments of my colleagues. Thank you, sir. Certainly those who wish to support it are encouraged to call the Minority Leader's Office and we will record their vote accordingly.

ACTING SPEAKER AUBRY: Certainly.

Ms. Solages.

MS. SOLAGES: Thank you, Mr. Speaker. I would like to remind my colleagues this is a Party vote. Majority members

will be recorded in the affirmative. If there are any exceptions, I ask Majority members to contact the Majority Leader's Office at the number previously provided and I will announce their name accordingly.

(The Clerk recorded the vote.)

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

MR. GOODELL: Thank you, sir. Both the original bill and the chapter amendment prohibit camps from applying pesticides on playgrounds, turf or athletic or playing fields at any time, and we're told that that prohibition is appropriate because it works in schools. Unfortunately, the chapter amendment eliminates the ability of a camp to get an exception within 24 hours in the event of emergency, which means you can have an emergency situation that directly impacts the health or safety of the children and with this chapter amendment you would not be assured of getting a response within 24 hours.

In my county and much of Upstate, our day camps are not an extended day care. It's not a school with a playground. My Boy Scout camp has hundreds and hundreds of acres, including beaver dams, wetlands, trails, all of which are great for enjoying the wildlife and great for breeding insects like those that cause ticks or mosquitoes. Last year, I actually got Lyme Disease from a tick. Let me tell you, it's not a fun experience. It was debilitating. And I was very thankful I caught it quickly and within a few weeks I regained



my coordination, could sign my own signature again, and could talk without sounding like I had been drinking all day. It's a serious issue. And for the last 22 years, we've had West Lyme -- West Nile Virus in New York State, and that's a very serious issue as well.

And so when we look at protecting our children, we should allow these rural camps to apply insecticide and protect the kids rather than forcing them to slather the kids up with highly toxic chemicals to protect them. So we all have the same objectives, unfortunately this doesn't provide enough flexibility. Thank you, Mr. Speaker, I recommend against this bill.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please add my colleague, Mr. Brown, as an affirmative on this bill. Thank you, sir.

ACTING SPEAKER AUBRY: So noted, thank you.

Ms. Solages.

MS. SOLAGES: Can you please add Mr. Cahill as an exception? Thank you.

ACTING SPEAKER AUBRY: Certainly, so noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 57, Calendar No. 327, the Clerk will read.

THE CLERK: Assembly No. A08743, Calendar No. 327, Niou, Burdick. An act to amend the Executive Law and a chapter of the Laws of 2021 amending the Executive Law relating to requiring the collection of certain demographic information by certain State agencies, boards, departments and commissions, as proposed in legislative bills numbers S. 6639-A and A. 6896-A, in relation to the collection of certain demographic information by certain State agencies, boards, departments and commissions; and to amend a chapter of the Laws of 2021 amending the Executive Law relating to requiring the collection of certain demographic information by certain State agencies, boards, departments and commissions, as proposed in legislative bills numbers S. 6639-A and A. 6896-A, in relation to the effectiveness thereof.

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

Mr. Goodell.

MR. GOODELL: On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: I know Ms. Niou has got a lot of answers to all my questions and I appreciate her courtesy in meeting with me prior to this moment to answer a lot of those questions. And so as long as it doesn't disappoint her to just speak on the bill, I'll -- I'll do so. The bill-in-chief required all the State agencies that collect demographics to collect information on every major Asian group, and last year we expressed concern that there are literally dozens of Asian

groups and that creates an issue. So if you're filling out an application, for example, with the Health Department, it would be Caucasian, Black, Hispanic, and any one of dozens of Asian nations or heritages. And it gets more complicated if you happen to have parents who were from Vietnam and one from a different Asian group, which one do you report?

So that is a concern we address. This chapter amendment addresses that concern somewhat by saying we want to have just the top ten Asian groups rather than all of them, which I think is a step in the right direction to manage our data collection, and then it lists certain Asian groups that we want the information on regardless of whether they're in the top ten. And those are the ones that are actually currently probably in the top ten with perhaps a few exceptions, where we're asking for information on every one from Guam and Chamorro. And just to put that in perspective, those two groups collectively in the entire United States have slightly more population than a New York State Assembly district. Likewise, Samoa, you know, Samoa has about 200,000 people in the entire United States, and a small fraction of those in New York State.

So our concern with the original bill was we're asking for too much data that is not easily allocated, for example, how do you know which to report if your parents came from two different Asian countries, as an example. But I suppose we rely on self-reporting. The bill sponsor made it clear that while we're requiring our State agencies to collect data on the ten most populous Asian groups plus

several Pacific islands, they are free to aggregate that information, or de-aggregate it as may be helpful. And as the sponsor explained to me, one reason why you might want to have a larger database is because certain Asian groups respond differently to certain diseases. So there are some Asian groups that were much more susceptible to having serious side effects of COVID, as an example, than others.

And so the original bill had 35 no votes. The amendment reduces the scope of the original bill, that's a positive step. It would still require reporting of ten separate Asian categories, plus native Hawaiian, those from Guam, Chamorro, and Samoa. That's still excessive, but not as excessive as it was. So again, I appreciate the enlightenment by my colleague and the explanation. I hope I have been able to summarize the pros and cons of this chapter amendment. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7821. 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.

Page 57, Calendar No. 333, the Clerk will read.

THE CLERK: Senate No. S07775, Calendar No. 333, Senator Hinchey (Lupardo--A08766). An act to amend the Agriculture and Markets Law, in relation to the climate resilient farming initiative; and to amend a chapter of the Laws of 2021 amending the Agriculture and Markets Law and the Soil and Water Conservation Districts Law relating to establishing the Soil Health and Climate Resiliency Act, as proposed in legislative bills numbers S. 4722-A and A. 5386-A, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

MS. LUPARDO: Yes, I'd be happy to.

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

MS. LUPARDO: Yes, I'd be happy to.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Ms. Lupardo. This is a chapter amendment that has a provision that says the Commissioner Ag and Markets and the Soil and Water Conservation Committee are empowered to promulgate rules and regulations as deemed necessary to effect the purposes of the original bill, which was to establish voluntary standards for soil health and encourage agriculture producers to reduce the effects of farming on climate change; is that a fair summary?

MS. LUPARDO: Correct.

MR. GOODELL: So if the original bill provides that the standards were all going to be voluntary --

MS. LUPARDO: Mm-hmm.

MR. GOODELL: -- why would the Ag Commissioner or the Water and Conservation Committee need to adopt regulations which normally have the force of law?

MS. LUPARDO: Sure. Well, let me just step back a minute to make it clear that the Soil, Health, and Climate Resiliency Act that we unanimously passed was and still remains -- the goal of the -- of that bill is to encourage and promote healthy soil practices. There is no mandate involved and nor is any mandate intended. The Commissioner -- I'm sorry, the Department asked us to simply clarify in this bill that they are in charge of the program. You may have noticed that the Governor put in her budget \$17 million towards climate resilient farming, which is a \$13 million increase, it's a substantial sum that's being put in to help stand up this initiative to help our farmers get better education and training if they are interested. And I think the Department just thought they wanted it crystal clear that they are in the charge of the program, and that's really all that amounts to.

MR. GOODELL: So it's your view --

MS. LUPARDO: It's obvious already that they are in charge of the program, but I think they wanted it specifically in here.

MR. GOODELL: So it's your view that the addition

of that language does not in any way change the voluntary nature of this program.

MS. LUPARDO: Absolutely not, you're correct on that. And to be honest with you, you know, anything that we have done is far more successful when it's voluntary. I think we would defeat the program if we made it mandatory, and I'm going on the record to say that.

MR. GOODELL: Thank you very much for that clarification, Ms. Lupardo.

On the bill.

MS. LUPARDO: You're welcome.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: I appreciate the sponsor's clarification that this program will remain voluntary. The original bill passed unanimously and with that clarification that this chapter amendment does not change the voluntary nature of it, I will recommend it to my colleagues. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell.

Read the last section.

THE CLERK: This act shall take effect January 1st, 2023.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7775. 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.

Page 57, Calendar No. 344.

THE CLERK: Senate No. S07805, Calendar No. 344, Senator Gianaris (Mamdani--A08796.) An act to amend the State Administrative Procedure Act, in relation to public hearings on proposed rules; and to amend a chapter of the Laws of 2021 amending the State Administrative Procedure Act relating to public hearings on proposed rules, as proposed in legislative bills numbers S. 155 and A. 6267, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: There is an amendment at the desk. Mr. Gandolfo to briefly explain the amendment while we examine it. Thank you.

MR. GANDOLFO: 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: Proceed.

MR. GANDOLFO: Thank you, Mr. Speaker. The bill-in-chief amends the State Administrative Procedure Act regarding the holding of public hearings by State agencies on proposed rules and regulations. This amendment adds to the bill-in-chief by providing that no State agency shall promulgate rules, regulations or any form of



guidance requiring individuals under the age of 18 who are not exhibiting COVID-19 symptoms to wear a mask or face covering in a public place or while participating in any recreational or organized sporting activity.

ACTING SPEAKER AUBRY: We have examined your amendment and found it not germane to the bill before the House. You may appeal the ruling of the Chair and speak to the issues of germaneness. Mr. Gandolfo, do you appeal?

MR. GANDOLFO: Yes, sir. Respectfully, I'd like to appeal the decision of the Speaker.

ACTING SPEAKER AUBRY: Proceed, on issue of germaneness.

MR. GANDOLFO: The bill-in-chief relates to the promulgation of agency regulations and the amendment before us prohibits the promulgation of certain rules and regulations by State agencies. Ultimately, both the bill-in-chief and the hostile amendment deal with the purview of the State's agencies rule-making authority. This amendment is being offered in an effort to protect the rights of New York families to decide for themselves if masking their children is right for them. The number of COVID cases has decreased according to the Governor today, it is below 3 percent. Many children are vaccinated and the Statewide mask mandate has been lifted. Neighboring states such as New Jersey, Connecticut and Delaware have announced an end to their school mask mandates; yet, our children in New York are expected to continue wearing masks for

hours and hours each day.

I know the Legislature did not put that mandate in place, but we're able to repeal it right -- we're able to knock it out right here today. So I urge my colleagues to support this amendment before us and unmask our kids once and for all. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Tague on the amendment, on germaneness.

MR. TAGUE: Thank you, Mr. Speaker on the appeal of the amendment. Enough is enough, Mr. Speaker. We can't allow -- we can allow our children to go to movie theaters, restaurants, churches, and even places like Chuck E. Cheese's for birthdays without wearing a mask. But we are still mandating children to wear their masks in schools. What is the logic behind this, Mr. Speaker? It just doesn't make any sense. It is time to give our children both the lives and -- give them back both their lives and control back to their parents. Mr. Speaker, we need to leave the politics behind and do the right thing for the good of these children and their mental health. It's time for common sense to prevail. Let's act today to unmask our children. Like freedom and liberty and mental well-being, let that be our top priority. Let's do the right thing.

When government fears the people, this is liberty. When people fear the government, it's tyranny. Enough is enough. Give our children back their rights and give our parents back control. I believe in this amendment and this appeal and I will be voting in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Reilly on the amendment and its germaneness.

MR. REILLY: Thank you, Mr. Speaker. I rise today to talk about why this amendment is germane. This amendment is germane because if you look around at all the information we're hearing on social media, in the news, the Department of Health from our State is about to adopt mandates that go -- that coincide with the bill-in-chief. The process and that adoption will include the ability for the Health Commissioner of New York State to keep our kids masked whenever the Commissioner deems necessary. In the bill-in-chief, it actually states about residents, citizens of the State petitioning agencies to hold public hearings. Well, we're petitioning as parents, as legislators. It is now your responsibility. If you really want this bill-in-chief to be adopted and to mean what it says on paper, then this amendment is something that is necessary.

As a family member, as a father of two high school students, I can tell you the agony they feel. Just yesterday I had to send an e-mail to my daughter's teacher because she took the mask off for 30 seconds to get some air. I told her not to be combative about it, but I said if you need the opportunity to remove your mask and to gain your composure because of the anxiety and the stress, then do it respectfully. She did, and we got a call from the Assistant Principal. You know, it's amazing that we get calls about taking your mask off, but when there's violence in the school, they're hesitant about taking any action.

This is our opportunity to make the words in the actual bill-in-chief mean something. Stand up, unmask our kids because you'll be starting the first petition to make sure we hold our agencies accountable. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Ra.

MR. RA: Thank you, Mr. Speaker, on the germaneness of this amendment.

ACTING SPEAKER AUBRY: Sir.

MR. RA: You know, I just want to read real quick the sponsor's memo, and the justification says, *If the rules adopted by State agencies are to have minimal burdens and maximum effectiveness from the public's perspective, it is crucial that every effort be made to solicit and consider the views of the public in developing rules.* Well, I think what all of our constituents feel right now is that they haven't had that opportunity throughout this pandemic and, in particular, in the rules that are currently in effect. And I've heard from constituents over the last few weeks both who want mask mandates to remain and those who do not. But what I try to reiterate to both sides is that you're supposed to have a say for your elected representatives. That's us, that's all of us who were elected to serve in this Body, most of us who will put our name on the ballot this fall to be representatives of our communities in this Body, and if we're willing to continue to allow unelected bureaucrats to do our jobs for us, don't bother circulating petitions in a couple of weeks to run for

reelection this fall.

We are elected by the people, we're their voice, and we should be there to hear from people on both sides of this issue who want mask mandates to go away and who want them to continue. But they do not have any adequate say in what's going on when it's done through agencies. So I can't imagine a more germane amendment than this one because we're talking about ensuring that when agencies adopt rules, they're doing so while still hearing from the public. So I would urge my colleagues to even if you think that, you know, we need to continue with all these mandates to stand up for us as an elected Legislature. You know, the Governor came in and said that she was going to have respect for us as an elected Legislature. Well, certainly the way they're acting on -- on these COVID mandates in recent weeks doesn't indicate that to me at all.

So I urge my colleagues to vote against saying this is not germane and let's move forward, have a vote on this amendment and move forward through this pandemic. Lastly, let me remind everybody, everybody watched the Super Bowl last night, all these celebrities in Los Angeles hobnobbing around, there wasn't a mask in sight. But in that very county, all those kids went to school this morning and for eight hours in school wore masks, and the same was true in this State. So I urge you to adopt this amendment and move forward and put aside a process that is now basically treating the least vulnerable population in our State as the only ones that have to continue to suffer under mandates. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Giglio.

MS. GIGLIO: Thank you, Mr. Speaker. So my office has received hundreds of phone calls and e-mails regarding the proposed State Administrative Procedure Act which would codify whether or not the Health Department could say whether kids have to wear masks in school. And to me, this is very germane to the bill because the law and the rules are being created by the State Administrative Procedure Act which had public notice where people could write in their comments and I believe they're due by February 17th, it's just unbelievable that this is coming up today regarding the proposed rules and the mask mandates. I've attended several rallies for parents that are exercising their Constitutional right to protest the requirements of masks. I have letters from school districts that I'm looking at now saying that the local Health Departments can make those decisions based on infection rates, based on what is happening inside the school, based on the population in the classrooms, based on the classroom sizes. And I don't think that this should be a broad brush, one-size-fits-all throughout the whole State. I think that this is very germane to the bill because we're talking about rules and we're talking about the State Administrative Procedure Act and them dictating the rules, where it should be voted on by the Legislature.

So I think that we should be looking at this and not just flowing this through the State Administrative Procedures Act, but we should be making decisions as to whether or not the kids should be

wearing masks in school, and I think that it should be done on a local level as Governor Cuomo initially did in saying that he was leaving it up to the local schools to make the decisions, rather than the State with a broad brush. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Lawler.

MR. LAWLER: Thank you, Mr. Speaker, on the germaneness. Throughout this pandemic, one of the great tragedies has been that this Body has given up its authority and allowed the Executive branch unilateral control of the pandemic response. And what the amendment seeks to do is return that authority to the Legislature. What it seeks to do with respect to the bill-in-chief is actually make the bill-in-chief mean something. And all of us on both sides of the aisle have heard from constituents for and against the various mandates, whether it be mask mandates or vaccine mandates, and all of us have an obligation to respond to our constituents regardless of what our position may be on -- on the issue. And I have heard from constituents day in, day out, especially as it pertains to mask mandates in school. And the Governor recently announced the end to the indoor mask mandate for businesses in New York State. Our neighboring states have announced not only the removal of mask mandates for businesses, but for schools.

And so what this bill -- what the amendments seeks to do is restore legislative authority, and it seeks to ensure that agencies and unelected bureaucrats do not have the authority to just

make rules up and make them permanent. The agencies were given temporary authority during COVID. They are now seeking to make that authority permanent. And so it is critical in -- at this juncture that we move forward as a legislative Body, restore our authority and end the Governor's unilateral mask mandates throughout the State.

And let's be clear, even though this is a vote on the germaneness, that is semantics and it is procedural. This vote is a vote in favor of or against continuing the Governor's unilateral authority and continuing the mask mandate in schools. So we can hide behind semantics and procedure, but voters will see and our constituents will see where we all stand. So I encourage everyone in this Chamber to vote in favor of this amendment being germane and reject the Chair's determination. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Durso.

MR. DURSO: Thank you, Mr. Speaker. To discuss the -- the bill and the germaneness.

ACTING SPEAKER AUBRY: Yes, sir.

MR. DURSO: In relation to the bill currently that we're looking at, it says, *In relation to public hearings on proposed rules and to amend a chapter of the Laws of the 2021 amending the State Administrative Procedure Act relating to public hearings on proposed rules*. Public hearings would be the one that I would like to pick out of this.

We've had two years now of one of the largest public



hearings that I know, right. We've heard from tons of parents, grandparents, students, voters, people that cannot vote yet due to age. Everybody has an opinion on this. Again, we have never said, I have never stated from the beginning that you shouldn't wear a mask or that you should wear a mask. I said it's been a choice. We are now to the point where the Governor has said the infection rate is below 3 percent. We have the CDC saying that cloth masks do not protect children from COVID-19 or the transmission of COVID-19; yet, we're still sending our kids into school with cloth masks on. They cannot wear the KN95 masks in the school because it is not healthy for them to wear due to breathing issues. I say all this as I stand here with no mask on because we are now allowed to stand in this Chamber today without wearing a mask. The only people that have to wear a mask as of today are our children in school.

We hear from parents every day, that is the public hearing. We should be listening to them, listening to their concerns, listening to concerns of mental health. We talk about mental health every day in this Chamber; yet, we are doing nothing to combat the mental health of some of the issues for our children that are in school today. I will speak as a father of two young girls myself. I have a six-year-old daughter that goes to school who has never been in school without a mask on. In her three years in her elementary school has never been to school without a mask on, technically does not know what her teacher's face looks like. If we don't think that that has something to do with our children's mental health, this Body really

needs to get it together.

Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Tannousis.

MR. TANNOUSIS: Thank you, Mr. Speaker, as to the germaneness for this bill.

Thank you, Mr. Speaker, as to the germaneness for this bill. You know, after reviewing the justification and intent of the bill-in-chief, it's apparent that this bill is designed to have accountability for the taxpayers and for the residents of this State when it comes to State agencies and the government. And there's nothing better than holding that accountability than voting for this amendment that would give parents the ability to decide what is best for their children. Do the right thing. Vote for this amendment. Let's be done. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

MR. GOODELL: Thank you, sir. It's particularly relevant that this chapter amendment is coming up today along with this proposed amendment because the Health Department, as we meet here today, is considering permanent amendments that deal with masking requirements, isolation, and a raft of other changes. The bill-in-chief provided that you could have a public hearing upon the request of 125 individuals, and the chapter amendment changes that from 125 to 500. It increases the threshold for the petition process by

400 percent just before these regulations dealing with COVID and masking and quarantines had to be considered and approved on a permanent basis. There's no doubt that this legislation, this chapter amendment is designed specifically to make it four times harder for the public to demand a hearing.

And so the chapter amendment recognizes that we are on the cusp of adopting these new regulations, which is why the chapter amendment says let's be clear, these amendments that are being proposed by the chapter amendment should not allow the Health Department to sidestep the public hearing and impose a mask requirement on our children. That's why it's germane, because if we don't amend this and say you can't change those regs that you're planning to change within the next few days by sidestepping all of the public hearings by requiring an increase in the petition requirements by four times, just on the eve of adopting those regulations, there's no way for the public to step forward.

Now, we have known from the beginning of this pandemic that our children are the least vulnerable to serious ramifications. We have known that right from the get-go, haven't we? We knew that our senior citizens and those with comorbidities were at the highest risk, and we knew, thankfully and thank God, that our children were at the lowest risk. So where are we today? Well, all the adults no longer have to wear masks, I'm wearing one as a courtesy to my colleagues, but I'm doing it voluntarily. So we now have the unique situation in New York State where our senior citizens don't

have to wear masks even though they're the most vulnerable, none of the adults have to wear masks. The only ones that have to wear masks are the least vulnerable of all of our residents. And over and over, we keep hearing from educational professionals and mental health counselors that forcing our children to go to school wearing a mask and not being able to see their teacher talk and not seeing their full facial expression, and not seeing their friend's face in school is having a horrific impact not only on their mental health, but on the educational experience.

According to the CDC in 2020, the latest data, there were over 29,000 children under the age of 14 that died, and each one is tragic. To put that in perspective, there were 134 that died from COVID. And with very few exceptions, all of them had serious underlying health impact. So we require hundreds of thousands of children to wear a mask when we knew and we know and the data proves it that they're at very low risk.

The reason this chapter amendment is germane is because if we don't act and amend this chapter amendment, this chapter amendment will undoubtedly be signed by the Governor tonight and will raise the threshold for a public hearing by a factor of four just before the Health Department considers regulations that would allow the extension and continuation of this mask requirement on children. So the amendment says if you're going to make the amendments, you have the legal process and the policy to do it, but don't ram down mask requirements through this amendment by

undercutting the ability of the public to pass for a public hearing at the same time. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Salka.

MR. SALKA: Thank you, Mr. Speaker. My colleagues had made some very compelling arguments about why we should consider the germaneness of this, and I'm going to go a little bit farther. The question is how are we going to be thought of some day when the data is finally in, when the evidence is finally in that what we did either worked or it didn't. How are we going to be thought of in the future when we locked down an entire society, caused incredible amount of damage both to the economy and to the psychology of thousands, of millions of people, millions; an entire -- an entire world for that matter. And how are we going to be thought of some day when we look back and we see thousands and millions of children have that have been harmed by this mask mandate. What is going to be our legacy, that we destroyed an entire generation? That we set ourselves back years upon years in the developmental characteristics of children who were forced to not be able to recognize their classmates, that weren't able to breathe properly?

You know, I was at a stoplight and I saw a school bus go by in my district, and every single one of those children that I could see through those windows had their heads down. Now, I remember when I was on the school bus, we had a great time, we were running around, probably doing more than we should have, and that's when the

school bus driver would stop and say, *All right, settle down*. But every single one of those kids that I saw had their head down because they couldn't be allowed to be kids, to recognize their classmates, to be able to grow, to be able to prosper educationally and socially because of those masks.

And you know, as a respiratory therapist, I did fit testing for quite some time and it's anecdotal, of course, but when we were testing N95s and we were going through the maneuvers that a health care professional would do as they were doing patient care, moving up and down, making their head go around, you know, like this and whatever just while they were doing patient care, cleaning, someone, you know, setting up an IV, 70 percent, 70 percent of those health care professionals flunked that fit test. So we understand the limitations of not only an N95, but extrapolate that out to the limitations of a cloth mask or a piece of paper on their face.

So just some day when we're looking back and we're realizing what we did to society, what we did to our children, I hope we're able to realize that there were things that we did that just were not right. We need to be able to give parents back the choice of how to protect their children. When we look back some day and we know that vaccines didn't work the way they were supposed to, boosters didn't work the way they were supposed to, the way we were promised, and masks sure as heck didn't work the way that we were promised.

So I say lift this mask mandate. Make sure the

children and parents have the liberty to live life in this great country with freedom, with expression, with the ability to be able to express who they are and have each other recognize that. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker, just briefly on the germaneness issue. Both the bill-in-chief here and the hostile amendment deal with the purview of a State agency's rulemaking authority. I mean, that -- that's it. I don't see how you could find this to be not germane. It's -- you know, over -- much like my colleagues have said, over the last month or so I have received so many inquiries from people within my district, really concerned about the way that agencies are stepping in as -- to -- to basically put into place rules and regulations that we're not dealing with on the floor that we have sometimes one-House bills or bills that are out there that are maybe stuck in Committee or aren't really being dealt with, but through this shadow government, the -- the use of agency rulemaking, it's an end around the regular process of deliberating and debating and passing or not passing legislation.

So that -- that's been a real awakening for people in my district. I have been asked to speak to a number of groups over the last few weeks and I go in and I feel almost like I'm doing a couple of hours just on civics, you know, this is how -- this is how a law gets passed, you need a matching bill, and I'm going through the whole --

the whole description and then inevitably the hand goes up and a person says, *But what about this State Administrative Procedure Act, what about this SAPA procedure?* And then I have to explain that in some instances, the Administrative Procedure Act allows rulemaking to occur that we don't really have anything to do with, but we can here. We can retake the authority that we should have, that we should be exercising as a way to represent the people that have put us here.

And for that reason, I believe that the -- the proposed amendment is absolutely germane to the bill-in-chief which, as my colleagues stated, makes it harder to require a public hearing on these -- on agency rulemaking. So for those reasons, I -- I would encourage a different outcome and I would encourage my colleagues to reject the idea that this hostile amendment is not germane, to find that it's germane, and then let's debate it and vote on it. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker, on the germaneness of this -- of this amendment. I really wasn't going to say anything on this, but as I listen here this afternoon, I just realized that our -- we went from 100-and-some people now to 400 or 500 and all of our local communities back home, some of them so small, it'd be tough for them to put up 500 people. But why I'm speaking is yesterday my granddaughter, Aliyah, came over to the house. She has asthma, she is four years old. Every day she goes to school and wears



a mask because she has to. She just wants to take it off for a little while. She's not allowed to. She has long, thick blond hair and behind her ears, there's a rash from the -- from the cords of the mask because they don't all fit right. How could I not speak on this? How can we, as legislators, allow this to happen, for one individual to make a decision for any of our children, for our grandchildren. This is not a third-world country. This is not socialism. *Papa, when can I stop wearing the mask? When can I breathe?*

There's a way to work through this. Give the kids the option, give the families the option. If you want your child masked in school, let that parent make that decision for their child. Let's not one person make it for all of our children. Because I'm not going to stop. I have the life of my granddaughter to think about. And how dare we allow this to happen to someone we don't even know? So please, vote for the germaneness of this to the bill and let's do the right thing here. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Fitzpatrick.

MR. FITZPATRICK: Thank you, Mr. Speaker. This bill is germane -- or this amendment, the challenge is germane because freedom is always germane to what we do here. And resisting tyranny is also germane to what we are trying to accomplish here. This is -- like my colleague, the previous speaker, I have a similar story with my own grandchildren who are not happy. My seven-year-old grandson hates wearing his mask because he finds it

difficult to breathe, as well as my three-year-old granddaughter. It makes me very, very angry as a grandparent watching these children, and others, suffer in these classrooms when there are thousands of people at the Super Bowl last night partying, today children in California have to wear a mask. This is nonsense. It's got to stop. This is tyranny and we're making it more difficult for people to express their concerns for what this bill-in-chief is trying to accomplish.

We're all fed up with this. It's got to stop. And I want to ask the Governor, with all due respect, listen to the people of the State of New York, the parents who want their children set free, they want their children to breathe so they can learn. They want their children without masks so they can continue to develop. This has got to stop. Governor, I hope you're listening because this is a very, very important year for all of us. But our children have got to stop being abused by bureaucrats in the Department of Health who know very well that the science says they don't need to wear a mask. They are the lowest risk.

The tyranny has to end. This madness has to end. Please support this amendment. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. McDonough.

MR. MCDONOUGH: Thank you, Mr. Speaker. You know, I think back, every one of the people out there voted for their representatives, 150 of us who are sitting here today are those representatives that they selected. And the idea is that we are their

representatives. Now, talk about the germaneness of this bill. We think it's germane. And once it's decided that it is germane, then it would go to a vote. And then every member has to stop and think, how many calls did they get in their office regarding this mask mandate, and how many were for it and how many were against it. We represent those people, and we have to do what they ask us to do, and that's to represent them. And when the overwhelming calls that I've gotten in my office and I'm sure every member has gotten most calls against it, not for it. Not people saying, *Oh, keep masking my child*. No. They go to their representative and they say, *We don't want this*. I'm one of those representatives, as everybody else in this Chamber is, and I think we were elected to represent them. This is not representing them. If we vote this as not germane then it's dead, it is germane. And then letting it go to the whole House to decide on a vote and let them tell their constituents, *This is how I voted to represent you*. That's it. We are a representative government and that's our job to do, and we have to listen to the people. As I said before, I would imagine that 90 percent of the calls that every member has received in their office has been against the mask mandate. So everybody think about this when you vote.

Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. McDonough.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I -- I respect and admire the position you take in saying that this amendment is not germane, because it is not. And I also respect and admire the (inaudible) that you have, as well as how all the rest of us have had, to listen to our colleagues to try to suggest how it is germane by basically talking about an issue that's important to them. And I want to say that I think the person who is the sponsor of this legislation cares as much about the children in his family as they do about the children in their communities. And I'm confident that most of my colleagues care as much about the children in their communities as well. I do know that, you know, in these positions there are people who are -- and agencies, the head of agencies that are selected by the Executive Branch of government and sometimes confirmed by the Senate that serve these roles. And it's a role that they're serving. And I won't say that we always will disagree with it, but I do think that sometimes we have to honor their opinion. And I think in this case this is one of those times that we have to honor that opinion. Not because it has anything to do with necessarily the bill that was put -- the bill-in-chief, but because our colleagues have spoke so passionately about it. I think we have to give it some consideration. But it doesn't belong attached to this bill. And if there are some bills out that there where this is being dealt with, then let's talk about that. Because quite honestly, it's almost unfair for the time that we spend here for people to have an opportunity to campaign. And to -- and I think there are many cases that we can look back and if this was the other party, we wouldn't be minding the CDC. We would say this bill

is not even a problem. Well, it is a problem. It's damaging our economy, people have lost their lives and children are in jeopardy. Not because the CDC said they are or they're not. Not because the Health Commissioner says they are or they're not. It's because there's a virus that's still out there that could very much -- very much impact them. And I think that we --

ACTING SPEAKER AUBRY: Mr. Tague --

MRS. PEOPLES-STOKES: -- as concerned about that as we are concerned about changing the direction of the bill-in-chief. Let's keep the bill-in-chief as it is and move forward, Mr. Speaker.

MR. TAGUE: Madam Majority Leader, will you yield?

MRS. PEOPLES-STOKES: No, sir. I will not.

ACTING SPEAKER AUBRY: The Majority Leader does not yield.

MR. TAGUE: Thank you. My other 15 minutes, then.

ACTING SPEAKER AUBRY: You certainly have that -- you haven't spoken before, you have that right.

MR. TAGUE: Thank you, Mr. Speaker. There's a couple of things that Madam Majority Leader had mentioned (inaudible/mic not on).

ACTING SPEAKER AUBRY: Hold -- hold one minute, Mr. Tague.

(Pause)

Mr. Tague, first of all, you were out of order trying to interrupt the Majority Leader as she was explaining the talk about germaneness. And you cannot talk about the bill-in-chief.

MR. TAGUE: You recognized me, sir.

(Inaudible/mic not on.)

ACTING SPEAKER AUBRY: And -- and, as I would if you stood up because I would always ask you why you stand. But when you explain (inaudible) to it, then --

MR. TAGUE: Well, I think there was some important questions (inaudible/mic not on).

ACTING SPEAKER AUBRY: Well, we're speaking to germaneness now and you're not arguing the bill-in-chief. So we're speaking to the germaneness of the bill based on my ruling that the amendment was not germane.

MR. TAGUE: I think it's obvious it's germane.

ACTING SPEAKER AUBRY: Okay. So, Mr. Gandolfo appeals the decision of the Chair. The question before the House is shall the decision of the Chair stand as the judgment of the House. Those who are voting yes vote to sustain the ruling of the Chair. Those voting no vote to override the decision of the Chair.

The Clerk will record the vote. 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, Mr. Speaker. The Republican Conference generally supports this amendment. However, if there any members that do not support the proposed amendment they should contact the Minority Leader's Office and we'll record their vote accordingly. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to remind my colleagues that this will be -- should be a vote in the affirmative, affirming your decision that the amendment is not germane and that members are asked to support your decision. Those deciding that they cannot, they should contact the Majority Leader's Office and we will be pleased to record their vote.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

MR. GOODELL: Mr. Speaker, if I may interrupt. The Republican Conference generally supports the amendment, which means we are generally opposed to your ruling on germaneness.

ACTING SPEAKER AUBRY: Well, we are voting on germaneness at the moment.

MR. GOODELL: Right. We're voting on germaneness. So, the Republican Conference believes this is germane, which I believe means we vote to overturn the Speaker's

ruling.

ACTING SPEAKER AUBRY: Exactly right.

MR. GOODELL: Thank you, sir.

(The Clerk recorded the vote.)

MRS. PEOPLES-STOKES: (Inaudible), Mr.

Speaker. I believe you understood me thoroughly that we are voting to support your decision.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please record our colleagues Mr. Stern, Ms. Wallace and Ms. Buttenschon in the negative on --

ACTING SPEAKER AUBRY: So noted. Thank you.

Announce the results.

(The Clerk announced the results.)

The ruling of the Chair is sustained on the bill.

Mr. Mamdani, an explanation is requested.

MR. MAMDANI: Good evening. Good evening.

An explanation of this bill -- would you like an explanation of the bill or of the chapter amendment?

MR. LAWLER: Of the chapter amendment.

MR. MAMDANI: The chapter amendment changes some of the thresholds of petitioning from 125 to 500, and then for two specific agencies to 750. It also changes the date on which the



bill will become applicable into law to the 1st of January of next year. Additionally, it changes the deadline by which these petitions have to be received from 20 days before the end of the public comment period to 30 days before the end of the public comment period. All of these chapter amendments were made following feedback from various agency heads as to the ways in which this bill could actually be put into law and enforced.

MR. LAWLER: Thank you. Will the sponsor yield?

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

MR. MAMDANI: It takes great patience, but I will.

MR. LAWLER: What was your original intent of the bill?

MR. MAMDANI: It definitely wasn't the previous amendment, I can tell you that. But the original intent of this bill was to ensure that New Yorkers have a greater ability to hold agencies accountable as to their rule changes. And they'd have a greater means by which to be heard because the bill also permits hearings to take place evenings as well as weekends, and changes the format to allow individuals to ask agency representatives questions directly.

MR. LAWLER: So would -- would you say that accountability and transparency are two words that you would've used to describe the intent of your bill?

MR. MAMDANI: I would.

MR. LAWLER: Okay. In the Governor's approval

memo she said that there are problematic portions and that she came to an agreement with the Legislature. What was problematic with the original bill, and what was the agreement?

MR. MAMDANI: I think the things that were found to be problematic were the changes that I specified earlier. The thresholds, the -- the dates by which things were due. And all of this comes from the fact that we want to ensure that we create laws that are not simply unfunded or inenforceable -- unenforceable, rather. And so these agency heads made clear that if the law passed in its original language, they would not actually be able to carry it out. So these are changes which allow for it to truly be carried out.

MR. LAWLER: So, how would 125 residents of the State of New York petitioning an agency make it harder to carry out that agency's mission as opposed to 500 or 750?

MR. MAMDANI: I think what it does is it raises the threshold to ensure that an agency is not going to be holding as many hearings as would be possible at 125 versus 500. Raising the threshold I think, you know -- I understand what you're getting at, but I think that I would also underline is that this just means it's a little more strenuous of an organizing opportunity, but it means that New Yorkers get a chance to speak to more of their neighbors in trying to make this happen. I don't believe that 500 or 750 signatures is out of reach for any organizer that is angered by any rule or interested in hearing more direct feedback by it. If I did believe it was prohibitive, I would not have agreed to these chapter amendments.

MR. LAWLER: Okay. What is the difference between the State Education Department, let's say, and changing it from 125 to 500 versus the Department of Health and changing it to 750? Why the discrepancy in -- in the number of signatures required?

MR. MAMDANI: My opinion is that the discrepancy comes to the amount of applicable rules within those two agencies. But I can also check with counsel to make sure. That is correct.

MR. LAWLER: Okay. So you believe that to petition the Department of Health should require 250 more residents than to petition the Department of Education.

MR. MAMDANI: These chapter amendments are not the end result of purely my beliefs, they're also the result of how we come about to a three-way compromise on legislation to be enacted.

MR. LAWLER: Fair enough. Do you think that raising the signature threshold is in keeping with the small D democratic principles of the great State of New York?

MR. MAMDANI: I think that raising the threshold is in keeping with the promise that I have made to my constituents that I would use my time in the Legislature to pass bills which could actually see the light of day and the way that they are enforced and put into practice. Because at the end of it, what I want to ensure is that we can pass a law that these agencies would actually abide by and hold hearings for. And so they have said that they require an additional 250 signatures in order to ensure that they can actually hold those

hearings, and I'm willing to take their word at it because this is also a pilot program. If it does not seem to be the case, then we will change the law in the future.

MR. LAWLER: So this applies to State agencies. Do you think New Yorkers should have the ability to petition their legislators, for instance, on legislation?

MR. MAMDANI: Can you expand on that?

MR. LAWLER: Do you think that, for instance, in other states there is an initiative and referendum which allows New Yorkers to petition to bring legislation on to the ballot? This is about agency regs, obviously, and the ability of New Yorkers to petition agencies on those proposed regulations. Do you think New Yorkers should have the ability to petition their elected representatives about proposed legislation?

MR. MAMDANI: I'm in favor of any measure that would increase the level of democracy within our State. But I would gladly speak to you about this outside of the Chamber in terms of specifics to these kinds of rules, given that they're not - in the words of the Chamber - germane to today's discussion.

MR. LAWLER: As some people think you and I are brothers, I would welcome that discussion. But I guess the question is really ultimately, if this is about transparency and accountability for State government and State agencies, aren't we making it harder for New Yorkers to petition their government by raising the signature requirement?

MR. MAMDANI: I would argue that in raising -- in agreeing to these chapter amendments that were proposed at the recommendation of these very agencies, we are ensuring that this law actually has a chance to see the light of day and be enforced. If we do not agree to these chapter amendments and we insist on it being at 500 signatures, there is a possibility that this law could be vetoed by the Executive as it had been prior by the previous Executive. And yes, I understand there are some who confuse us, but we are both loud-mouthed freshman legislators. Minorities in different senses; you're Republican, I'm Brown. But yes, there are some differences.

MR. LAWLER: I would just remind you that there are supermajorities in both Houses, and the Majority certainly, if they ever so chose, could override the Governor's veto. And I recall reading this morning in a profile on the Speaker another individual saying -- talking about, *We have the votes, we have the votes*. And you guys certainly have the votes if you ever want to use it to override the Governor. In the -- what was the impetus for the change from 20 days to 30 days?

MR. MAMDANI: I think that just ensures that there's a greater amount of time for the agencies to respond.

MR. LAWLER: Doesn't it limit the time in which residents may be able to circulate and gather signatures? So not only are we increasing the number of signatures required, we're actually decreasing the time by which they can submit them after being notified that there's even a proposed regulation. So not only are we

making it harder on the signature end of it, we're actually shortening the period of time to collect those signatures.

MR. MAMDANI: We are shortening the period, but I think as with all of these chapter amendments there also comes a decision that we make as to whether something is worth voting down to the extent of using the supermajority. And I do sincerely believe that these changes, while different from the ones that I had put forward in my bill, are not to the extent required that we would need to vote this down. And I tell you that as somebody who has previously voted against chapter amendments with that very concern.

MR. LAWLER: Thank you.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. LAWLER: Thank you. So, what I find very interesting is I -- I think the sponsor's original intent is very laudable and was to bring accountability and transparency to State government and State agencies. And the previous amendment that was proposed was intended to do that, to bring accountability to State government and to allow the representatives of the people to have a say in legislating and governing. And what I think is unfortunate about this chapter amendment is that this is another attempt by the Executive to limit our legislative authority, and another attempt by the Executive to limit the power of the people. The Executive's proposed chapter amendment would increase the number of signatures required to petition an agency. And what is alarming is that the Executive is

trying to differentiate between agencies. The idea that somehow the Department of Health should require 750 signatures but the Department of Education should only require 500 is -- is very arbitrary and capricious. The bottom line is that the Department of Health, as we pointed out in our amendment, is proposing to -- to make permanent and lasting regulations based on temporary powers it was given during the pandemic. And the fact that that somehow requires 750 signatures, 250 more than other agencies, is trouble. And I think the sponsor's original intent was right. Unelected bureaucrats should not have more authority than this Body. This Body should be coming up with laws that are implemented by the Executive. The Executive should not be taking away our legislative authority, and the Executive certainly should not be making it more difficult for the people of the State of New York to petition its government. And I think, as the sponsor said, 150 -- 125 to 500 or 750 is not that many more signatures. That may be the case, but then there's really no reason to do it at all. It's about control and it's about limiting the voice of the people. And I think we, as a Body, need to take back our legislative authority and oversight, and stop allowing the Executive more and more power with every passing bill. Last week we had chapter amendments allowing the Executive more appointments to various boards. It's a slow creep and it limits the authority that the people of the State of New York have vested in us, not unelected bureaucrats.

And so while I think this bill is important and I think it should pass, I would encourage my colleagues to vote no on this

chapter amendment and to use our legislative prerogative with supermajorities in both Houses to override the Governor's veto. And so I encourage all of my colleagues to vote no on this amendment.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Ms. Giglio.

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

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

MR. MAMDANI: I yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. GIGLIO: Okay. Are you familiar with a petition that was submitted by a couple of residents in my district to the Department of Health? It contained 200 original signatures and 3,000 electronic signatures requesting a public hearing on these changes.

MR. MAMDANI: I -- I am not familiar. I also don't know what "these changes" refers to.

MS. GIGLIO: "These changes" refer to the rules that are currently being considered under SAPA and face coverings happen to be one of them.

MR. MAMDANI: Okay. Thank you for --

MS. GIGLIO: So you're familiar with it now?

MR. MAMDANI: I -- I'm now familiar with what it



refers to, but not with the petition that was submitted by your constituents.

MS. GIGLIO: Okay. Because I'm being told by the people that had submitted the petition that they were completely ignored. They told us that they received an e-mail and there was no response and they forwarded it to two different people to basically get rid of us. That's what I'm being told by one of my constituents. That they had 200 live signatures and actually 4,449 electronic signatures. So I would ask you that seeing as the 125 signatures -- more than 125 signatures were submitted to the Department of Health prior to what I believe you will be adopting this afternoon and the Senate probably will be also, would you say that a public hearing was in order?

MR. MAMDANI: As per the language of the original legislation, it was December 15th that the proposal was put in place with the Department of Health. The language of this legislation before having the chapter amendments required that all petitions be submitted 20 days before the end of the public comment period. So if those petitions were sent at that time, then it would perhaps match the intent of this legislation. But the issue is is that this legislation was not signed into law, and as a request by the Republicans -- by all of you, rather, the Party -- was laid aside and so we're debating it today. And so there is no -- it does not have any affect on the existing law at this moment until we pass it.

MS. GIGLIO: Okay, so, terrific. That -- so this -- this was sent to the Department of Health -- I'm looking at the letter

right now -- on January 31st of 2022. So, therefore, would you say that the request with the signatures of more than 125 would warrant a public hearing on these changes?

MR. MAMDANI: By this bill?

MS. GIGLIO: Yes.

MR. MAMDANI: The -- the -- original -- whether the original legislation or the chapter amendment --

MS. GIGLIO: Okay. So, I'm just asking because we're changing it to say that if it's the Department of Health it's going to be 750 signatures instead of 125. So I'm asking you, do you think that the 200 signatures requesting a public hearing on these changes to the rules in the State that was submitted to the Department of Health on January 31st would warrant a public hearing?

MR. MAMDANI: By the original legislation or the chapter, one, it would not because even the original one with the larger timeline still required the petitions to be submitted 20 days before the end of the public comment period. Given that today is the end of the public comment period, the 31st would not fall within that timeline.

MS. GIGLIO: Amazing. Okay, so I guess we'll just have to focus on getting more signatures once this is adopted and then they would have additional time to submit a petition prior to, you know, 30 days I guess, before?

MR. MAMDANI: It would be 30 days before. But I do not think that it would still have any relevance to what they're

petitioning right now, given that that public comment period ends today and this would only pertain to rules moving forward, not retroactively.

MS. GIGLIO: What a shame. What a shame that the people can't be heard and that we're shortening the amount of time to which they can submit this petition and that this petition falls a few days short of when it would be relevant for a public hearing. And, you know, the fact that they have 4,449 electronic signatures and 200 signatures. Thank you, Mr. Mamdani. Thank you for your time.

ACTING SPEAKER AUBRY: You're now on the bill.

MS. GIGLIO: It's a disgrace.

On the bill, yes.

ACTING SPEAKER AUBRY: Yes, ma'am. Go ahead.

MS. GIGLIO: It's a disgrace. And, you know, it's -- it's overreach. It's government overreach and it's not allowing the people to be heard. You're changing the thresholds, which any -- anybody that has concern with the Department of Health should be able to have a public hearing, I don't even know why we wouldn't have a public hearing. So many people didn't even know about these changes that SAPA was considering. And the way it's done is just completely blindsiding the public. And that's not what we, as legislators, should be doing. We should be making it an open, transparent process. And I'm appalled by the fact that because they

were a few days short that they are not able to get a public hearing. Because I'm sure you would hear from hundreds of thousands throughout the State if there were a public hearing on this. Parents don't want their kids masked anymore. The parents want control of it. And in all this -- with all the discussions with superintendents and the school board presidents and school board members, they are saying that they want local control or they want metrics. I have been talking to the Governor's rep for the past three months about give us the metrics. The same as when we opened up the businesses as to when the kids could take their masks off. There was green, there was yellow, there was orange and now it's red. Red, we were Zooming. Orange, we were in school wearing masks. Yellow, it got a little more lenient, and green, now, you know, no masks. So that's how it happened with the businesses. But the school districts do not have any metrics as to when they can unmask the kids. So I -- I ask the Governor again, as I've asked her rep for the past three months, to please come up with metrics that the Department of Health must live by when it comes to, you know, the Department of Health mandating that the kids wear masks.

I don't know if anybody saw it on the news the other night, but when a teacher announced, *As of tomorrow, no more masks* and you heard a classroom full of children screaming in excitement --

ACTING SPEAKER AUBRY: Ms. Giglio --

MS. GIGLIO: -- these children have never seen their teacher's face.

ACTING SPEAKER AUBRY: While I understand your passion, we are on a bill that you need to refer to.

MS. GIGLIO: Yes. Well, the rules are cutting people out is what I'm trying to say. And by raising the petition number from 125 to 750 when it comes to the Department of Health is losing track of what we as government should be doing, and that's being transparent and having public hearings.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect January 1, 2023.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7805. 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 chapter amendment. Those who support it should call the Minority Leader's Office and we'll record their vote accordingly.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: (Inaudible-mic not on).

However, there may be some who may disagree. They should feel free to contact that Majority Leader's Office and their vote will be properly recorded.

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

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. Last year the sponsor presented a bill that would require our administrative agencies to hold a public hearing if they were petitioned by 125 people and the petition was filed at least 20 days before the effective date of the proposed rule. And it had unanimous bipartisan support, we thought it was a great bill. The Governor signed that bill. It's now law. So, today we're being asked to approve an amendment to that bill that was pushed by the Governor, insisted on by the Governor, which would increase the hearing threshold by a factor of four times for most agencies -- four times more people -- and six times more people if the regulation involved the Health Department or the Education Department. So we're going backwards with this amendment in a big, big way. And to just put this in perspective, for many of our Assembly seats, the number of signatures that you would need from a member of the public on a designated petition to get you on the ballot for the New York State Assembly would be less than the petition numbers under this bill to just have a public hearing. Just to have a

public hearing. I'm frustrated with the fact that this legislative Body this year keeps passing one bill after another to reduce or restrict or prohibit public input and involvement. Unlike the entire rest of the State of New York, we don't allow the public on the Chamber. The public can't come here. They can go anywhere else they want in the State of New York, but they can't come here to the Assembly Chamber and watch us in Session. They can't come to our Legislative Office Building. We have armed State Troopers to make sure the public can't come into our Legislative Office Building and meet with us. We passed legislation to allow local governments to ban the public from public hearings. We have our committee meetings on Zoom, but you can't see who is talking, it's only an audio. So we've closed our Legislative Office Buildings, we've closed those Assembly Chambers, and now we're increasing the petition requirement dramatically. It's a step in the wrong direction.

Thank you, Mr. Speaker. I'm voting against this.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Walczyk to explain his vote.

MR. WALCZYK: Thank you, Mr. Speaker, to explain my vote. The State Administrative Procedure Act turns out government's a little bit more than just what I would consider administrative procedural things. You know, bureaucratic paperwork. It turns out, and most New Yorkers found out recently, that this actually can be used to affect some things that matter very close to their homes. Things that impact even their children's function in their

day-to-day life. So we've got the opportunity with bills like this to continue to hide from our constituents. We have the opportunity to vote for something like this that will allow us to hide behind those government bureaucrats and give decision-making power over to them. We can hide behind the Governor, which I think this Body has been pretty good at, at least since I've been here. We can hide within the comfort of our own tribe and doctrine, or we could do what our constituents sent us here to do, and that would be make decisions on rules and legislation that govern all New Yorkers. We can debate them in an open process. We don't have to continue to hand power over to the Executive Branch through the Administrative Procedures Act which gets more and more onerous with this bill here today. I didn't think the Administrative Procedures Act was going to have major policy initiatives, but it does. I mean, it usurps legislative authority in this instance and we're abandoning the duties of the Legislative Body. So I'm -- like, I'm sorry if that this job sometimes is inconvenient. Sometimes when you're in the Majority you're going to have to listen for 15 minutes or your (inaudible) staff will listen for 30 minutes to the thoughts of somebody on the other side of the aisle who has different ideas for how to get to the same (inaudible) in the State of New York.

(Buzzer sounds)

I'll finish out, Mr. Speaker. But nobody says you have to be here and nobody says you have to come back. And I look forward to working with whoever fills your seat that wants to do the



job of this Legislative Body. With that I vote no, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. I would just like to point out that last August we -- we got a new Governor. We -- our former Governor resigned and we got a new Governor who basically on day one said that -- insisted, in fact -- that transparency will be the hallmark of my Administration. Quote, "The public deserves a clear, honest picture of what's happening, and that's whether it's good or bad. They need to know the truth, and that's how we restore confidence" closed quote. So my problem with this bill -- and I -- and I -- really, I feel bad for the sponsor because I think that the original bill was a good bill. As -- as it has been said, it was unanimously approved by us last year. And I also have heard the saying many times that, *You can't allow the perfect get in the way of the good*. And that's a comfort, I think to my colleagues on the other side of the aisle who will have to deal with these chapter amendments. And there have been a lot of them this year. The Governor has insisted on a number of chapter amendments. But I can't support this one because I agree with my colleagues when they say that this is really about control. It's about a lack of transparency. It's going to affect people's ability to know what's going on in their government and to be able to fairly comment about it. And, you know, it limits the power of the people. So I cannot support this chapter amendment. With all due respect to the sponsor, I think he had it right the first time.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms.

Walsh.

Mr. Fitzpatrick to explain his vote.

MR. FITZPATRICK: Thank you, Mr. Speaker, to explain my vote. You know, as I've mentioned in many of the debates in housing when the rent control laws were extended when they should have expired, where property owners weren't treated fairly and allowed to privatize their buildings, the goal posts were constantly moved. And that's what happening here. The sponsor is attempting to move the goal posts to make it harder for the public to petition their government. It's -- what it does, the more you move the goal posts on the public, the more you create an environment where tyranny can prevail, and that's what's happening here.

This is a bad bill. It should not be passed and I urge people to not -- to vote against tyranny and defeat this bill. Thank you.

ACTING SPEAKER AUBRY: Mr. Fitzpatrick in the negative.

Ms. Giglio to explain her vote.

MS. GIGLIO: Thank you, Mr. Speaker, to explain my vote. So, in texting back and forth to the person that submitted the petition, she said she could not find the information anywhere on the website that says that you had to submit the petition no sooner than 20 days prior to the adoption or prior to the end of the written comment

period. And I'm going through that website and I can't find it either. I see "proposed rulemaking", I see all the dates as to when these new laws were put up January 5th with a comment expiration period of March 7th. December 15th the comment period ending February 14th, which is the one that we're -- that's the communicable disease and isolation and quarantine. February -- or December 15th -- the comment period ends today, February 14th. But nowhere on here does it say that you must submit your comments no sooner than 20 days before the end of the comment period. Another lack of transparency. And if the Governor would, please, let's -- let's do this again. Let's -- if they -- if this gets passed, let's veto it. Let's allow these petitions, let's allowing the public hearings. Let's be transparent, which is what we were hoping for with the new Governor. So I just ask that you -- this must be vetoed. The public must be heard. And from this day forward, it should be on the website with the rulemaking as to how many signatures they need on a petition if they want a public hearing and how many days they need to submit it prior to the cutoff.

Thank you.

ACTING SPEAKER AUBRY: Ms. Giglio in the negative.

Mr. Mamdani.

MR. MAMDANI: Thank you, sir. I do appreciate the spirited debate and the comments and respect that has been given as to the intent of this bill. I think the point of disagreement we have

as is -- is as to whether the increase in the threshold warrants enough to reject this compromise or to accept it. I understand and respect that others have a different opinion. For me, I do not believe that the increase in this threshold and the lengthening of the period of time that the signatures are required merits opposition to the chapter amendment.

I do want to clarify a number of things. One is the reason that this kind of language could not be found on any website was because for it to become law we had to pass this chapter amendment, and when this chapter amendment is passed, it would only become law on January 1st of next year. I also think, with all due respect, that the raising of the threshold by 375 signatures is not what should be understood as tyranny. I think that word should still have meaning, and I think that that is not in keeping with what these changes really are. I am very proud at the opportunity. I hope to pass this bill. And I believe that even with these changes, though they are different from the initially-proposed version, residents of my neighborhood, Astoria, Queens, as well as New Yorkers across this entire beautiful State will have a chance that they did not have before to hold agencies accountable and to get direct access to agency representatives that they have thus far been denied. And I am sympathetic to a lot of the concerns that have been raised from the other side today as to the amount of anguish that many New Yorkers are feeling in their inability to get direct answers from government or to feel that their voices are heard. And while I think that that's true of

this moment right now in the pandemic, I think it's also been true many times before. And my hope for this bill is that when it is enacted and then the pilot program that it be successful and that it leads to New Yorkers feeling that they have a place in this government, that their voices are heard. And though it will not please my colleagues on the other side, this is, for me, the essence of socialism, which is the extension of democracy from the ballot box to rest of our society the ability for each and every person to have the control over their own lives.

So I'm very excited for this being a first step. Thank you.

ACTING SPEAKER AUBRY: Mr. Mamdani in the affirmative.

Mr. Lawler to explain his vote.

MR. LAWLER: Thank you, Mr. Speaker. I would just note, labeling this bill the extension of socialism makes me reaffirm my negative vote.

Thank you.

ACTING SPEAKER AUBRY: Mr. Lawler in the negative.

Ms. Solages.

MS. SOLAGES: Can you please log our colleague Mr. Stern in the negative?

ACTING SPEAKER AUBRY: So noted.

MS. SOLAGES: Thank you.

ACTING SPEAKER AUBRY: Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Ms. Solages.

MS. SOLAGES: Mr. Speaker, do we have any further housekeeping or resolutions?

ACTING SPEAKER AUBRY: We have both, Ms. Solages.

On a motion by Ms. Weinstein, page 54, Calendar No. 274, Bill No. 7737-A, amendments are received and adopted.

On a motion by Ms. Lunsford, page 61, Calendar No. 378, Bill No. 8852, amendments are received and adopted.

We have numerous fine resolutions. We will take them up with one vote.

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

(Whereupon, Assembly Resolution Nos. 555-558 were unanimously adopted.)

Ms. Solages.

MS. SOLAGES: Thank you, Mr. Speaker. I now move that the Assembly stand adjourned and that we reconvene at 3:00 p.m., Tuesday, February 15th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 7:09 p.m., the Assembly stood adjourned until Tuesday, February 15th at 3:00 p.m., that being a Session day.)