

THURSDAY, FEBRUARY 17, 2022

10:35 A.M.

ACTING SPEAKER AUBRY: The House will come to order.

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

(Whereupon, a moment of silence was observed.)

Visitors are invited to join 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 Wednesday, February 16th.

Ms. Solages.

MS. SOLAGES: Mr. -- Mr. Speaker, I move to

dispense with the further reading of the Journal of Wednesday, February 16th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Ms. Solages.

MS. SOLAGES: Well, good morning, Mr. Speaker and all my colleagues. Members have -- may I have members' attention so that we can have an announcement and discuss the schedule for the day? Members have on their desks a main Calendar. After any housekeeping we will take up the resolution on page 3. We will then continue on consent where we left off, beginning with Calendar No. 267 on page 38 through Calendar No. 284. We will then take up Calendar No. 378 by Ms. Lunsford on consent. At the conclusion of our day we will take up two resolutions seating our newest members; from the 60th Assembly District, Nikki Lucas, and from the 72nd Assembly District, Manny De Los Santos. At a later date we will -- we will more formally introduce them, but we will welcome both of these new members to our wonderful, beautiful Chamber.

So with that as a general outline, Mr. Speaker, if there is any housekeeping, now would be the appropriate time.

ACTING SPEAKER AUBRY: No housekeeping, but we do have an introduction. I believe Mr. Manktelow for the purposes of an introduction.

MR. MANKTELOW: Thank you, Mr. Speaker. It is

my privilege today to for the first time in four years to have my wife Crystal up here on the floor with me, and I ask, Mr. Speaker, that you extend all the cordialities of the House and it is my privilege to have her here with us today. And thank you so much.

ACTING SPEAKER AUBRY: Certainly. On behalf of your husband, the Speaker and all the members, Mrs. Manktelow, we welcome you here to the New York State Assembly, extend to you the privileges of the House, and our deep condolences because we live with him like you do.

(Laughter)

Thank you so very much. We're happy to have you.

(Applause)

MR. MANKTELOW: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: You're quite welcome.

On page 3, resolutions, the Clerk will read.

THE CLERK: Assembly No. 572, Ms. McMahon.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim February 21, 2022 as Mother Language Day in the State of New York, in conjunction with the observance of International Mother Language Day.

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

Page 38, Calendar No. 267.

THE CLERK: Assembly No. A07686, Calendar No. 267, Frontus. An act to amend the Mental Hygiene Law, in relation to providing crisis intervention team training, mental health first aid, implicit bias training and naloxone training to firefighters and emergency medical services personnel.

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 7686. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07695, Calendar No. 268, Englebright. An act to amend the Environmental Conservation Law, in relation to land use plan provisions for scientific research relating to the resources of the Central Pine Barrens and to the processing and approval of land use applications for projects relating to the Central Pine Barrens.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07696, Calendar No. 269, Barrett, Cusick. An act to amend the Public Authorities Law, in relation to prohibiting development of Build-Ready sites on viable

agricultural land.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07704, Calendar No. 270, Fernandez. An act to amend the Insurance Law, in relation to providing behavioral health parity (Part A); and to amend the Insurance Law, in relation to the authorization for certain drugs for the detoxification or maintenance of a substance use disorder (Part B).

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07705, Calendar No. 271, Walker. An act to amend the Criminal Procedure Law, in relation to issuance of appearance tickets to adolescent offenders pending appearances before youth parts of superior courts of criminal jurisdiction.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07710, Calendar No. 272, Englebright. An act to amend the Environmental Conservation Law, in relation to the regulation of taking crabs.

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 7710. 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. A07728-A, Calendar No. 273, Stern, Bronson, Stirpe, Griffin, Santabarbara. An act to amend the State Finance Law, in relation to the Excelsior Linked Deposit program.

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 7728-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. A07737-B, Calendar No. 274, Weinstein, Walker, Zinerman, Solages, Seawright, Colton, Simon, Zebrowski, Pretlow, Burdick, Bronson, Davila, Englebright, Dinowitz, Glick, Sayegh, Abinanti, Eichenstein, D. Rosenthal, Weprin, Gallagher. An act to amend the Real Property Actions and Proceedings Law and the Civil Practice Law and Rules, in relation to the rights of parties involved in foreclosure actions.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07768-A, Calendar No. 275, Kelles, Thiele, Magnarelli, Clark, Barrett, Lupardo, Colton, Perry, Gottfried, L. Rosenthal, Steck, Abinanti. An act to amend the Public Service Law, in relation to certificate and permit conditions for dormant power generating facilities that are in layup or out of service.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07785, Calendar No. 276, Woerner, Stirpe. An act to amend the Environmental Conservation Law, in relation to big-game hunting season.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07786, Calendar No. 277, Cahill. An act in relation to requiring the Department of Financial Services, in consultation with the Department of Tax and Finance, to conduct a study regarding insurance or other risk mitigation tools and third-party payroll service providers.

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 7786. 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. A07797, Calendar No. 279, Rajkumar. An act to amend the Court -- the Court -- Court of Claims Act, in relation to allowing for dismissal of a claim based on claimant's failure to comply with pleading requirements.

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 7797. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Palmesano.

MR. PALMESANO: Yes, thank you, Mr. Speaker. Could you please record our colleague Mr. Norris in the negative on this bill, please?

ACTING SPEAKER AUBRY: Mr. Norris in the negative. So noted. Thank you, sir.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07926, Calendar No. 280, L. Rosenthal, Meeks, Simon, Epstein, Zinerman, Galef, Fernandez, Burgos, Gottfried, Steck. An act to amend the Penal Law, in relation to requiring semiautomatic pistols manufactured or delivered to any licensed dealer in this State to be capable of

microstamping ammunition.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07938, Calendar No. 281, Ashby. An act to amend the Criminal Procedure Law, in relation to designating the animal control officer in the Town of Sand Lake as a peace officer.

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 7938. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Ms. Solages.

MS. SOLAGES: Mr. Speaker, can you please record my colleague Ms. González-Rojas in the negative?

ACTING SPEAKER AUBRY: So noted.

MS. SOLAGES: Thank you.

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

(The Clerk announced the results.)

The bill is passed.

Ms. Solages.

MS. SOLAGES: It's always nice to welcome new members back, and so back in the Chamber we have our former

colleague Rafael Espinal, Jr. who has come to visit us. And so, Mr. Speaker, if can you give him the cordialities of the House we'd appreciate that.

ACTING SPEAKER AUBRY: Certainly. On behalf of the Speaker, Ms. Solages and all the members, we welcome you back. Once a member, always a member. You always have the privileges of the House. Good to see you. And I see you brought new and fresh individuals to us, and we appreciate you guiding them through that journey. Thank you so very much.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A08022, Calendar No. 284, Davila, Burgos, Zinerman, González-Rojas, Dickens, Clark, Gottfried, Perry, Joyner, Anderson, Reyes, Taylor, Gallagher, Dinowitz, Aubry, Cruz, Sayegh. An act to amend the Correction Law, in relation to the role of the Department of Corrections and Community Supervision in panning and facilitating the discharge or release of incarcerated persons to the community.

ACTING SPEAKER AUBRY: The bill is laid aside.

Page 46, Calendar No. 378, the Clerk will read.

THE CLERK: Assembly No. A08852-A, Calendar No. 378, Lunsford. An act to amend the Civil Practice Law and Rules, in relation to insurance disclosures; and to amend a chapter of the Laws of 2021 amending the Civil Practice Law and Rules relating t insurance disclosures, as provided in legislative bills numbers S.7052

and A.8041, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Ms. Lunsford, 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 7882-A. 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 will be generally opposed to this legislation for the reasons I'll explain in a moment. Thank you, sir. Those who wish to vote in favor it, of course, are encouraged to call the Minority Leader's Office and we'll record their vote accordingly.

Thank you, sir.

ACTING SPEAKER AUBRY: As noted. Thank you.

Ms. Solages.

MS. SOLAGES: I would like to remind my colleagues that this is a Party vote. Majority members be recorded in the affirmative. If there are any exceptions I ask the Majority members to contact the Majority Leader's Office at the number

previously provided and I will then announce their name accordingly.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. This is a chapter amendment that deals with the obligation of defense counsel to provide copies of all the insurance information for their client. The original bill that was passed last year was opposed unanimously by the Republican Conference because it distorts what should be a system of justice that focuses on what the actual liability is of the defendant, if any, and what the amount of damages, if any, should be. And unfortunately, some of us think this is part of an effort to ensure that attorneys and their pocketbook comes first and the justice system comes second. We've always been concerned, of course, when we see all these advertisements for lawyers urging people to call them. And you might say, *How can they pay for all these incredibly expensive television advertising?* And the answer is, they get a percentage of every case. And so if you settled a personal injury action, for example, the attorney won't take any more from one-quarter to one-third of the entire amount. And that can be substantial. And so what this chapter amendment says is you have to provide the attorney right at the beginning of the case with all the insurance information so that the attorney knows right at the beginning how much gold is at the end of that rainbow. And this makes sure that our attorney colleagues know how much effort to put in, how much cash they'll make if they

settle a case, how much the case is worth right from the beginning. So rather than focusing on the merits of the case and the actual damages, they know how much cash is involved and it distorts the whole process.

Now, the chapter amendment makes the original bill somewhat better because the original bill required that disclosure to be within 60 days and this chapter amendment moves it to 90 days. But it doesn't address the fundamental problem, that is, the focus on the attorneys' pocketbook rather than the justice for the plaintiff. And for that reason I'll oppose it and recommend my colleagues do the same.

Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Ms. Lunsford to explain her vote.

MS. LUNSFORD: Thank you very much, Mr. Speaker. The purpose of this bill is simply to clarify the nature, timing and scope of insurance disclosure. It's to stop gamesmanship from insurance companies preventing plaintiffs attorneys and trial attorneys from understanding who they are seeking information from, which attorneys need to be involved, and delaying justice for the people of this State who are seeking redress for harms against them. This change helps clarify the timing. It helps relieve some undue burdens on larger organizations that have many claims. Happy to make those changes. And it clarifies that the relevant policies simply need to be disclosed in a reasonable amount of time so that attorneys

are not two, three, four years into a case and suddenly finding out there's another insurance company involved, another attorney involved to make this case take even longer for their clients. You know, these questions of relevancy, which are of course for the courts to decide, are something that we are constantly fighting with insurance companies about. So what these chapter amendments do is simply clarify what is expected of players in a game that is rigged against people in this State, and I'm happy to sponsor this bill.

Thank you.

ACTING SPEAKER AUBRY: Ms. Lunsford in the affirmative.

Mr. Abinanti to explain his vote.

MR. ABINANTI: Thank you, Mr. Speaker. The sponsor of this legislation just gave a very good explanation that this is purely a technical amendment that makes it clear what we did last year. Some people are trying to turn this legislation into an attack on the system of -- of the lawyers getting a percentage of the take at the end and saying that that is a -- a bad system, while the ones who benefit by doing away with the contingency approach are the insurance companies, are the defendants, because poor people cannot afford to hire a lawyer. And when a poor person is damaged, the only way they can get a lawyer is if the lawyer works on a contingency. Similarly, good disclosure limits the amount of litigation in court. If a plaintiff's lawyer understands that there's only a \$10,000 policy, they will not ask for \$400,000 even if \$400,000 worth of damages is

warranted because they will know that defendant cannot pay \$400,000 and they will settle the case much quicker.

This makes the system -- this bill makes the system more efficient and fairer for everyone. Therefore, I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Abinanti in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleague Mr. Montesano in the affirmative.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Ms. Solages.

MS. SOLAGES: Mr. Speaker, we will now take up two resolutions for the purpose of seating our newest members.

ACTING SPEAKER AUBRY: The Clerk will read the title of the resolutions.

THE CLERK: Assembly No. 576, Mr. Heastie.

Assembly Resolution in relation to the election and seating of Nikki Lucas as a Member of the Assembly from the 60th Assembly District.

ACTING SPEAKER AUBRY: The Clerk will record the vote on the resolution, 576. 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 resolution is adopted.

(Applause)

Ms. Lucas -- Assemblymember Lucas, we welcome you here to the New York State Assembly. This is the family that is you have joined. We hope that your time here will be beneficial and that you will find the purpose that you sought. Thank you so very much, and welcome.

(Applause)

The Clerk will read the title of the resolution.

THE CLERK: Assembly No. 577, Mr. Heastie.

Assembly Resolution in relation to the election and seating of Manny De Los Santos as a Member of the Assembly from the 72nd Assembly District.

ACTING SPEAKER AUBRY: The Clerk will record the vote on resolution 577. 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 resolution is adopted.

(Applause)

Assemblymember De Los Santos, welcome to the New York State Assembly. Again, you joined this family. We are happy to have you. And you and Assemblymember Lucas are forever bound as a party of two that arrived at the same date. We are happy that you are here. Hope that your time here will be successful and that you will achieve the things that you seek to achieve here in this Body. Thank you again, and welcome.

(Applause)

Ms. Solages.

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

ACTING SPEAKER AUBRY: We do 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. 573-575 and 578 were unanimously adopted.)

Ms. Solages.

MS. SOLAGES: I now move that the Assembly stand adjourned until Friday, February 18th, tomorrow being a Legislative day, and that we reconvene at 2:00 p.m., February 28th --

February 28th -- that Monday being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 11:20 a.m., the House stood adjourned until Friday, February 18th, that being a Legislative day, and to reconvene on Monday, February 28th at 2:00 p.m., that being a Session day.)