

WEDNESDAY, FEBRUARY 9, 2022

10:48 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 Tuesday, February 8th.

Mrs. Peoples-Stokes.

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

dispense with the further reading of the Journal of Tuesday, February the 8th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker.

(Addressing members in the aisle) I'm sorry, gentlemen, excuse me one second. Thank you.

Thank you, Mr. Speaker. I would like to share with colleagues the quote for today. It comes from Booker T. Washington and it says, *All things that are purely social we can be as separate as fingers, yet as one hand in all things that are essential to mutual progress.*

So with that, Mr. Speaker, if you want to make sure colleagues know that you have on your desk a main Calendar, and after housekeeping has been completed we will take up resolutions on page 3, the first one beginning -- being a resolution by Speaker Heastie regarding Black History Month. And after resolutions we will consent -- go to our consent Calendar, Calendar No. 132. It's on page 22. Immediately following that we're going to continue with consent where we left off on yesterday, beginning with Calendar No. 176 on page 27 and going straight through to Calendar No. 200. Then we will proceed to our debate list as well, Mr. Speaker. We're going to begin with Rules Report No. 49. That's on page 4 and that is with

Member Carroll, and we have a few other colleagues that will debate as well today.

That is a basic outline, Mr. Speaker. If you have housekeeping, now would be a good time.

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

On a motion by Mr. Dinowitz, page 15, Calendar No. 73, Bill No. A.1423-B, amendments are received and adopted.

On a motion by Mr. Dinowitz, page 15, Calendar No. 77, Bill No. A.1464, amendments are received and adopted.

On a motion by Mr. Dinowitz, page 17, Calendar No. 95, Bill No. A.2189, amendments are received and adopted.

And on a motion by Mr. Dinowitz, page 19, Calendar No. 104, Bill No. A.2375-B, amendments are received and adopted.

We will go to resolutions on page 3. Assembly No. 546, the Clerk will read.

THE CLERK: Assembly No. 546, Mr. Heastie.

Legislative Resolution memorializing Kathy -- Governor Kathy Hochul to proclaim February 2022 as Black History Month in the State of New York.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for allowing the opportunity to share a few words on this reso. I certainly would like to honor Speaker Heastie for submitting it and, you know, acknowledging to people not just across the State of

New York but across America that, you know, this was originally started as Negro History Week. That was one week, and it was founded by Dr. Carter G. Woodson, and eventually it came to the point we now are actually celebrating an entire month. And in all honesty, Mr. Speaker, as a person born and raised in the State of New York from descendents of Africa, they came as slaves, I do hope we get to the point where we celebrate this history on a regular basis. On an everyday basis as opposed to just once a month. I want to also acknowledge, Mr. Speaker, that the more folks know about the history of African-Americans who are really the -- a huge piece of what made this country work and what made this democracy move forward, even though we had to fight every step of the way it is still progress. And I think the more people who know about that value of that history, the less obstacles there will be between racist -- the -- the whole idea of racism will go away when people understand me better in the same way that I understand them and their issue. And so I hope that, you know, this resolution and these sort of conversations are permeated throughout our society and people don't reject opportunities for history to be taught, no matter whose history it is.

So, with that, Mr. Speaker, thank you for the opportunity to speak on what I think is a critically important resolution before us today.

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

Mr. Gibbs on the resolution.

MR. GIBBS: Thank you, Mr. Speaker, for the opportunity to share with all regarding our Black History Month. I would like to acknowledge some of the individuals, starting with some of the African-American pioneers who many accomplishments -- (turning microphone on.) Thank you -- some African-American pioneers who many accomplishments, all which took place during the month of February went unnoticed, as well as numerous symbolic events in February that deserve to be memorialized, including John Swett Rock, a noted Boston lawyer who became the first African-American admitted to argue before the U.S. Supreme Court on February 1st, 1865, and the first African-American to be received on the floor of the U.S. House of Representatives. Jonathan Jasper Wright, the first African-American to hold a -- excuse me, the first African-American to hold a major judicial position who was elected to the South Carolina Supreme Court on February 1, 1870. I also want to acknowledge Autherine J. Lucy. She became the first African-American student to attend the University of Alabama on February 3, 1956. She was expelled three days later for her own safety in response to the threats of the mob. In 1992 Autherine Lucy Foster graduated from the University with a Master Degree in Education, the same day her daughter Grazia Foster graduated with a Bachelor Degree in Corporate Finance. I would also would like to acknowledge the Negro Baseball League, which was founded on February 3, 1920. Jack Johnson, the first African-American World Heavyweight Boxing Champion, won his first title on February 3,

1903. And Reginald F. Lewis was born on December 7, 1942. This all symbolizes why we celebrate Black History Month in the month of February, and all the contributions that we have contributed to this country.

I thank you for your time, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Gibbs.

On the resolution, all those in favor signify by saying aye; opposed nay. The resolution is adopted.

THE CLERK: Assembly No. 547, Mrs. Gunther. Legislative Resolution memorializing Governor Kathy Hochul to proclaim Friday, February 4, 2022 as Wear Red for Women Day in 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 No. 548, Mr. Epstein. Legislative Resolution memorializing Governor Kathy Hochul to proclaim February 10, 2022 as Students with Disabilities Advocacy Day in the State of New York.

ACTING SPEAKER AUBRY: Mr. Epstein on the resolution.

MR. EPSTEIN: Thank you, Mr. Speaker. The promise of our State is one of equity and equality for all. As New Yorkers we greatly value the diversity and being able to extend those

opportunities to those who are historically left behind. We have some incredible schools in our State. The students come from all over the country and the world to pursue education in New York. Education is the great equalizer, creating opportunity for economic and social justice. Students with disabilities take a path to higher education that can be extremely difficult. They have a responsibility to move barriers -- we have the responsibility to move barriers for those students that they face, to empower them to succeed in college and beyond. Students with disabilities are less likely to complete their bachelors degree, to finish their higher education, to get a job when they complete their -- their degree. (Inaudible) in 2018, just 35 percent of people with disabilities were employed, where nationally over 70 percent of the general population are. Students with disabilities need our help, and fortunately, we in New York have the opportunity to assist them. The support that we can give can be transformative, and we're lucky to have over 75 of our colleagues signing on to this resolution acknowledging Students with Disabilities Advocacy Day and encouraging us to stand with those students across our State.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Epstein.

Ms. Simon on the resolution.

MS. SIMON: Thank you, Mr. Speaker. I rise to join my colleague in support of this resolution for Students with

Disabilities Day. As he has pointed out, the amount of unemployment and underemployment among our graduates with disabilities is astronomical. This is a huge diversity issue, but it's really about opportunity. It is about opportunities to -- to help students achieve through higher education, to find work for them and to provide the accommodations they need both in institutions of higher education as well as in employment and transportation. So everything we do here talking about diversity and about access improves access for students with disabilities and gives them a life of independence and achievement and accomplishment, and that's what we are fighting for today.

So thank you very much and I'll be...

ACTING SPEAKER AUBRY: Thank you, Ms. Simon.

Ms. Walsh on the resolution.

MS. WALSH: Thank you, Mr. Speaker. I just want to thank the -- the sponsor of this resolution for bringing it forward. And I want to just really thank all of the teachers and support staff and parents of children with special needs who fight every single day to try to get the best life for their kids, the best education for their kids. It's -- when you have a child with special needs, you -- you're taking a different path and you're on a different -- you're on a different path and a different journey. And the people that you meet along the way who help you are worth their weight in gold.

So I want to thank -- thank the sponsor, and I -- I

think the fact that we did have so many members sign on to this resolution is a statement from this Body that we are all going to be advocates for students with disabilities.

Thank you very much.

ACTING SPEAKER AUBRY: Thank you, Ms. Walsh.

Ms. Griffin.

MS. GRIFFIN: Thank you for permitting me to speak on this important resolution. I commend the -- the sponsor of this resolution. New York State students experience the world around them in many different ways. It is our job in government to keep that in mind all year, but especially as we produce a budget. We must continue to work to make sure that every student is met with access and opportunity when they come to the classroom, not barriers to reasonable accommodations. That is the only way we can allow all of New York State's students and their families to engage as active members in the learning experience.

Thank you.

ACTING SPEAKER AUBRY: Thank you, Ms. Griffin.

On the resolution, all those in favor signify by saying aye; opposed, nay. The resolution is adopted.

THE CLERK: Assembly No. 549, Mr. Durso.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim February 11, 2022 as P.S. I Love You Day

in the State of New York.

ACTING SPEAKER AUBRY: On the resolution,
Mr. Durso.

MR. DURSO: Thank you, Mr. Speaker. I'm proud to stand before you today to honor an amazing group of people and organization, P.S. I Love You Day, Incorporated and its founders Jaimie and Brooke DiPalma, by recognizing February 11, 2022 as P.S. I Love You Day in the State of New York. On this day they ask everyone to stand up against bullying, help end depression and ultimately prevent suicide. On April 23, 2010 then only 14-year-old Brooke was dropped off at school by her dad Joseph DiPalma. On her way out of the car he said "I love you" and she said "I love you" back. Little did Brooke know, later that day she would be taken out of school and told that her father had tragically died by suicide. Joseph DiPalma was an active member in our community, a former NYPD officer, ex-chief of the West Islip Fire Department and president of the local Chamber of Commerce. P.S. I Love You Day was started in 2010 by sisters Jaimie and Brooke DiPalma along with their family and the West Islip High School class of 2014 to celebrate the memory of their father and others lost to suicide, also including one of their own classmates. They used the last three words that her father had said, "I love you," as the inspiration for this significant day. Part of their mission is to educate students early about mental health in order to remove the stigma and let them know that it's okay to ask for help. This year P.S. I Love You Day is celebrating its 12th anniversary, and

is recognized in over 400 schools and businesses around New York State. We invite all New Yorkers to wear purple on Friday, February 11, 2022 in an effort to bring awareness to the importance of mental health and suicide prevention, to stand up to bullying and to spread kindness.

I want to thank Jaimie and Brooke DiPalma and the P.S. I Love You Day group for their advocacy on mental health. It is imperative that more work must be done on the local, State and national levels to offer resources of treatment and prevent others from -- from -- another from being lost to suicide every day.

Thank you so much.

ACTING SPEAKER AUBRY: Thank you, Mr. Durso. And evidence that I believe in your resolution.

MR. DURSO: Thank you, sir.

ACTING SPEAKER AUBRY: On the resolution, all those in favor please signify by saying aye; opposed? The resolution is carried.

THE CLERK: Assembly Resolution No. 550, Mr. DiPietro.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim February 12, 2022 as Cholangiocarcinoma Awareness Day in the State of New York.

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

Page 22, Calendar No. 132, the Clerk will read.

THE CLERK: Assembly No. A03913-B, Calendar No. 132, McMahon, Magnarelli, Griffin, Hunter, Englebright, Buttenschon, Gottfried, Colton, Taylor, Santabarbara, Simon, B. Miller, Sillitti, Stern, Jackson, Otis, Perry, Jacobson, Morinello, Sayegh. An act to amend the Labor Law, in relation to requiring employers to display a poster containing information on veterans' benefits and services which shall be created and distributed by the Department of Labor.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 3913-B. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. This bill requires employers over 50 employees to post a poster that announces or explains to employees what veteran benefits might be available. This bill passed last year 143-4, and I was pleased to support it last year. Unfortunately, it was not taken up by the Senate and so we have it here again this year. My colleagues will note that this is a B-print.

The original bill applied to every employer, no matter how small. And I appreciate the fact that the sponsor has amended it to apply to larger employers over 50 employees. And that's an important and positive change. New York State currently has 17 posters that are required of employers, and that's on top of the Federal mandatory -- Federal employee posters. And so, our challenge always in the Legislature is to try to strike that right balance of making sure that employees know their benefits without imposing undue burdens on our employers. And this amendment accomplishes that and I'm proud to support it again this year.

So thank you very much to the sponsor for being sensitive to the needs of smaller employers while also making sure that our veterans are aware of the benefits that are available to them. Thank you, Mr. Speaker, and I'm pleased to support this.

ACTING SPEAKER AUBRY: Mr. Goodell in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 27, Calendar No. 176, the Clerk will read.

THE CLERK: Assembly No. A05531-A, Calendar No. 176, Bichotte Hermelyn. An act to amend the Election Law, in relation to voting by proxy at a judicial district convention due to novel coronavirus, COVID-19; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05532, Calendar No. 177, Englebright, Gunther, Joyner, Davila, Sayegh. An act to amend the Tax Law and the State Finance Law, in relation to providing for taxpayer gifts for diabetes research and education and establishing the Diabetes Research and Education Fund.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05541-B, Calendar No. 178, Englebright, Steck, O'Donnell, Griffin, Otis. An act directing the Departments of Environmental Conservation and Health to establish environmental standards for ambient lead and lead contamination in soils; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05542, Calendar No. 179, Englebright, L. Rosenthal, Glick, Colton, Gottfried, Schmitt, Hevesi, Epstein, Lavine, Paulin, Quart, Burdick, Kelles, Seawright, Lupardo, Brabenec, González-Rojas. An act to amend the Environmental Conservation Law, in relation to prohibiting the issuance of permits authorizing the use of wild animals in circuses or traveling animal acts.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05551, Calendar No. 180, Englebright, Montesano, Solages. An act to amend the Personal Property Law, in relation to prohibiting certain provisions in retail

lease agreements.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05585, Calendar No. 181, Schmitt. An act to amend the Town Law, in relation to authorizing the Town of Chester, County of Orange, to establish community preservation funds; to amend the Tax Law, in relation to authorizing the Town of Chester to impose a real estate transfer tax with revenues therefrom to be deposited in said community preservation fund; and providing for the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05618, Calendar No. 182, Hyndman. An act to amend the General Obligations Law, in relation to the provisions of consumer and employment contracts.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05668-A, Calendar No. 183, Gunther, Woerner, Santabarbara, Taylor, L. Rosenthal, Abinanti, Niou, Brabenec, Steck, Hevesi, Braunstein, Gottfried, McDonald, Barnwell, Galef, Reyes, Buttenschon, Sayegh. An act to amend the Public Health Law, in relation to the employment of persons to function as infection preventionists in certain general hospitals.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05688, Calendar No. 185, Cruz, Quart, L. Rosenthal, Perry, Jackson. An act to amend the

Criminal Procedure Law, in relation to facilitating appellate review of rulings that implicate issues of public concern.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05728, Calendar No. 186, Glick, Gottfried, Abinanti, L. Rosenthal, Fahy, Colton, Jacobson, Steck, Perry, Paulin, Burdick, Kelles. An act to amend the Environmental Conservation Law, in relation to prohibiting the use of lead ammunition in the taking of wildlife on State-owned land and land contributing surface water to the New York City water supply.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05752, Calendar No. 187, Joyner, Perry. An act to amend the Criminal Procedure Law, in relation to youthful offender determinations.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05773, Calendar No. 188, Glick, Simon, Englebright, Rozic, Cruz, Williams, Epstein, Reyes, Gottfried, Joyner, Ramos, Fall, Fernandez, Weprin, Griffin, Meeks, Aubry. An act to amend the Executive Law, in relation to equal pay disclosure with respect to State contracts.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05841-B, Calendar No. 190, Gottfried, Weinstein, Sayegh, Steck, Simon, Cusick, Abinanti, Cook, Glick, Vanel, Lunsford, Cahill, L. Rosenthal, Bronson, Zebrowski, Thiele, Williams, Bichotte Hermelyn, Carroll, Fall, Gallagher, Forrest, Cruz, Stirpe, Nolan, Clark, Colton, Perry,

Santabarbara, Hunter, Jackson, Zinerman, Griffin, Kelles, Jacobson, Fernandez, Galef, Sillitti. An act to amend the Public Health Law, in relation to the use of psychotropic medications in nursing homes and adult care facilities.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05842, Calendar No. 191, Gottfried, Weinstein, Steck, Bronson, Simon, Abinanti, Cook, Anderson, Epstein, Otis, Stirpe, Woerner, Dinowitz, Glick, Vanel, Lunsford, Cahill, L. Rosenthal, Zebrowski, Thiele, Williams, Bichotte Hermelyn, Carroll, Gallagher, Aubry, Forrest, Nolan, Clark, Colton, Jackson, Perry, Peoples-Stokes, Kelles, Hunter, Jacobson, Burdick, McDonald, Seawright, Reyes, Santabarbara, Mamdani. An act to amend the Public Health Law, in relation to the establishment, incorporation, construction or increase in capacity of for-profit nursing homes.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05845, Calendar No. 192, O'Donnell, Vanel, Simon, Dickens, Epstein, Fernandez, Zinerman, Jackson. An act to amend the Criminal Procedure Law, in relation to grand jury proceedings.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05869, Calendar No. 193, Joyner, Cook. An act to amend the Public Housing Law, in relation to establishing the Lease and Landlord Fraud Public Awareness Program to promote public awareness of the potential risks

of signing a fraudulent lease with an individual misrepresenting themselves as a landlord.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 5869. 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. A05891-B, Calendar No. 194, Joyner, Simon, Dickens, Carroll, Aubry, O'Donnell, Dinowitz, Forrest, Jackson, Hevesi, Mitaynes, González-Rojas. An act to amend the Family Court Act and the Criminal Procedure Law, in relation to the custodial interrogation of juveniles by law enforcement.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05893-A, Calendar No. 195, Weprin. An act to amend the Correction Law, in relation to providing electronic mail services to an incarcerated individual.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06031-A, Calendar

No. 196, Taylor, Darling, Zinerman, Otis, Perry. An act to amend the Arts and Cultural Affairs Law, in relation to the Amistad Commission.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06041, Calendar No. 197, Rajkumar, Weprin. An act to amend the General Business Law, in relation to requiring motor vehicle dealers to search for recalls and make certain repairs prior to selling a used motor vehicle.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06052, Calendar No. 198, Lunsford, Weinstein, Burgos, Taylor, Fernandez, Carroll, Walker, Cruz, Galef, Epstein, Dinowitz, Clark, Stirpe, Lupardo, Conrad, Otis, Peoples-Stokes, Anderson, Jacobson, Griffin, Bronson, L. Rosenthal, Colton, Bichotte Hermelyn, J.D. Rivera, Rajkumar, Sayegh. An act to amend the Public Health Law, in relation to requiring infection updates and infection control planning in residential healthcare facilities.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06054, Calendar No. 199, Hunter, Mamdani, Epstein, Galef. An act to amend the Criminal Procedure Law and the Penal Law, in relation to abolishing citizen's arrests; and to repeal certain provisions of the Criminal Procedure Law and the Family Court Act relating thereto.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06055-A, Calendar No. 200, Woerner, Griffin, Barnwell, McMahon, Thiele, D.

Rosenthal, Simpson, Mikulin, Durso, McDonald, Colton, Sillitti, Sayegh. An act to amend the Real Property Tax Law, in relation to clarifying the definition of veteran to include career members of the Armed Forces for purposes of the veterans alternative tax exemption.

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 6055-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.

Page 4, Rules Report No. 49, the Clerk will read.

THE CLERK: Senate No. S07806, Rules Report No. 49, Gianaris (A08789, Carroll). An act to amend a chapter of the Laws of 2021 amending the Election Law, relating to the canvassing of absentee, military and special ballots and ballots cast in affidavit envelopes, as proposed in legislative bills numbers S.1027-A and A.7931, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MR. CARROLL: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Mr. Carroll. I appreciate the opportunity to have you clarify a few -- few issues for me if you don't mind. The original bill-in-chief, as I understand it, authorized absent -- not just authorized, required absentee ballots to be counted earlier in the process with the first counting occurring before early voting and the second one just after early voting, and then of course there would be a third one for ballots that arrived after that. There were a number of issues that were raised last year when we talked about this, and I just wanted to touch base and see whether this chapter amendment that was required by the Governor addresses any of those issues.

MR. CARROLL: Well, first let me say the bill does not authorize the counting of absentee ballots prior to Election Day. Now, it does allow for the canvassing and scanning of those ballots but they would not be tabulated until 8:00 P.M. on election night. And I do think that that's an important difference to just mark here. But as for the chapter amendment here, the only change in the bill is the effective date which went from January 1, 2022 to April 1, 2022.

MR. GOODELL: And I appreciate that clarification, and -- and you're of course correct on that. I note that under the original bill there is a cure process, and I just wanted to touch base

with you on that because it was curious to me. It said that a curable defect includes instances where the ballot envelope has a signature that doesn't correspond to the voter or contains a signature of someone other than the voter himself. Is that a common issue?

MR. CARROLL: Well, so I think, one, that we debated yesterday and I think we can agree that sometimes the signature that is on the buff card or is on the electronic record can change over time. And so if there is an objection to that signature because it has changed over time, that is a curable defect which they would go through the curing process that the bill explains. And then as for a signature that doesn't match or is different, is obviously different than the person's name, that does happen from time to time. And the most likely example of that is a husband and wife or two partners who live at the same address and they for some reason cannot make it to the polling place because they'll be away or they're sick, you know, are filling out their ballots and they accidentally switched them. So, you know, my wife and I, for instance, right, it's very obvious, her signature versus mine. We have very different names, and I can see that we accidentally switched them and that's how that can happen and, thus, we would like to cure that defect.

MR. GOODELL: As you know, reviewing the absentee ballots is often a tedious process because the candidates want to make sure that the signatures match a valid ballot or a valid -- validly-registered individual, and that requires them to compare individual signatures on a ballot envelope with the voter registration

signature. And that can be time-consuming and tedious. Most of the time if the election has a wide gap nobody -- nobody pays attention because it isn't going to make a difference. But on close races, that's watched very, very closely. Under this bill as amended, that tedious process starts while the balloting is still occurring on the machines, correct?

MR. CARROLL: Yes. I mean, in the bill-in-chief we require the Board to review the absentee ballot within four days and come up with a designation; whether the ballot is valid, whether it is invalid but curable, and then a letter must be sent to the voter to cure that defect, or if it is invalid and not curable. If the ballot falls into one -- it will fall into one of those three categories. If it falls into the valid category, which most ballots in almost all elections do before this law and after this law, those ballots will be canvassed and scanned. They will be scanned starting the day of early voting and that will continue through Election Day.

MR. GOODELL: As you know, we always hope that the elections run smoothly, but certainly in the last few years we've had multiple examples where the elections did not run smoothly, where there were very long lines, some people couldn't stay in line long enough to vote. Particularly when we started with the early voting we had, as I recall, somewhere between 50- and 75,000 absentee ballots rejected in New York City, for example, in one of the primaries. Wouldn't it make more sense to have the Board of Elections staff focusing on ensuring that the polling sites are properly

staffed, people aren't calling in sick or that they're replaced if they are, and that the machines are operating properly rather than engaging in this laborious, tedious time-consuming ballot verification process during the last couple of weeks of an election cycle?

MR. CARROLL: So -- so -- so, Mr. Goodell, I -- your first supposition I agree with 100 percent. It is always ever green that we should better fund and better manage our elections. And so you and I can agree on that. Now, we disagree that I think it is imperative for all people to have trust in our elections, to make sure that we efficiently and fairly canvas and count absentee ballots. We know what happened in 2020. The fact that there were certain political actors who could spread, in my opinion, lies that there was election fraud because of the delay in voting of absentee ballots is a clear and present danger to our democracy. New York was the last state in the Union to certify our elections because of our arcane laws around counting absentee ballots. We must make sure that voters have faith in that system. This bill does that by making sure that we efficiently and fairly canvas and then count those absentee ballots. And the way that we delineate what is a valid and invalid but curable ballot and an invalid ballot I think is fair, is clear and will make sure that all New Yorkers of all political stripes have faith in our elections.

MR. GOODELL: And I -- I agree with your comments about how there's a lot of public concern over the validity of the balloting process, and that was heightened even last year. But at the same time, we've had multiple situations with political

operatives being arrested for fraudulent absentee ballots, including last year. And there's an ongoing State Police investigation in our neighboring city here of Rensselaer. We had -- and that was just last year. In the New York City Council race between Brian Fox and Brannan, Justin Brannan, there were 11 absentee ballot applications from people who were dead, which makes you kind of wonder how they could cure that. Of course over in Suffolk County the year before, an individual was caught submitting two absentee ballots for his deceased mother. And (inaudible) --

MR. CARROLL: Mr. Goodell -- Mr. Goodell, is there a question here? Because I do believe that those frauds would be caught. There's nowhere in the law that says if somebody submits an absentee ballot and we look up and we find out that they're on the rolls and they're deceased, well that ballot would still be invalid under this law. I don't understand the question.

MR. GOODELL: The irony is that a lot of those frauds were not caught by the Board of Elections. They were caught by candidates who took the time and effort to make sure that they had qualified individuals when those ballot applications came in. And what strikes me is that the original bill, which is being amended today, provides all these what appear to be opportunities for fraud. So, we talk about affidavit ballots that aren't even signed?

MR. CARROLL: Which is a curable, right? There's a curable --

MR. GOODELL: How can you have an affidavit

that's not signed?

MR. CARROLL: But -- but Mr. Goodell, I don't understand your point. If -- if there is a -- if it is a curable defect it does not get counted. So they'll still have to reach out to that voter and cure that defect. Now, if you're suggesting that there is going to be wide-scale voter fraud through deceased -- through deceased people, please show me where that's happened. You -- you found one instance in Brooklyn. I can tell -- I can -- I can find anecdotal points to the opposite. You know, I'll -- I'll give you an example. My own aunt was kicked off the rolls because she shares the same name as her mother -- my grandmother -- and my grandmother died. So I -- you know, I could -- anecdotal examples do not prove the rule. And so I push back forcefully against that. But please give me an example of where a curable defect which requires the Board to contact that person to cure it before they're counted, how does that allow for voter fraud?

MR. GOODELL: Well, first I'll answer your first question which is has there been examples of widespread absentee voter fraud, and of course one of our own members was a victim of such an effort where he was in a primary and his opponent submitted 242 fraudulent absentee ballots and almost won the primary. If he had only submitted 247 fraudulent ballots he would have won initially. I mean, that's massive widespread fraud. That's just an example --

MR. CARROLL: Mr. Goodell, I do not believe the bill that we are passing today or the bill that we passed last year in any way demonstrably changes our laws that would still not allow for

somebody who is patently going to try to break the law to try to do that. I also want to make sure that it's very clear that our Board of Elections is partisan, and thus means that there are Democratic and Republican members of the Board, which allows for -- if there -- if you believe that there is some type of fraud, for multiple stopgaps and firewalls in this process.

MR. GOODELL: And I appreciate that perspective and I appreciate your comments, Mr. Carroll. Thank you very much.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: So, we have multiple examples in New York State that happens almost every single year where we have fraudulent absentee ballots or affidavit ballots that are submitted. Now, normally it doesn't make any difference because numbers are normally too small to change the outcome. Not always, but normally. And so those ballots are examined very carefully when it's a close race. And we don't know when it's going to be a close race oftentimes until after the polls have closed and you get the initial results. And we all know of so many situations where polsters are saying, *This candidate will win by a large margin* and it turns out it's razor thin. And since none of us, no one in the public, and certainly no politician can predict with precision how an election will turn out, having the absentee ballots examined after the vote tally is the right way to go because it's so much more efficient because you only examine the ballots in a close race. Now, we're told that this legislation, as being

amended, doesn't increase the opportunity for fraud. But here's the amazing thing: What this legislation says is you can try a whole bunch of things that all of us would think is fraudulent and see if you could make it past the initial screening. If you can, you can throw a little party. If you can't, this legislation requires the Board of Elections to see if they can actually contact the real voter and solve a problem. So think about this. You've got a political operative who's working on some fraudulent affidavit ballots or absentee ballots. They submit it, they're caught. The signature doesn't match. What's this bill say? *Oh, we'll send it back. Try again.* That's cool. Or what happens if it comes back and it's signed by somebody else completely different and it's caught? *Oh, that's okay, we'll send it back. Try it again.* Or what if -- this bill actually says that if you get more than one absentee ballot we count the second. Wait a minute. How were you able to have more than one? You're only entitled to one. So what, you submit two or three and see if one of them or all of them get through? This is the second chance fraud bill. The second chance fraud bill. And to make it even easier, what we do is we schedule the examination of these affidavit ballots right in the height of the voting process when the Board of Elections staff is as thin as it can possibly be because they're dealing with people who called in sick that morning. And so while they're scrambling to make sure the machines are operating, that the voting sites are scheduled (inaudible), when this bill schedules the fraud examination at the very time we know they have the fewest resources.

Sir, is there anyone else?

ACTING SPEAKER AUBRY: Thank you, Mr.

Goodell.

MR. GOODELL: Thank you.

ACTING SPEAKER AUBRY: Ms. Seawright.

(Pause)

Ms. Seawright, are you on line with us?

(Pause)

Mr. Lawler.

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

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

MR. CARROLL: I do, Mr. Speaker.

ACTING SPEAKER AUBRY: Okay.

MR. LAWLER: Thank you. Now, I voted for the original bill last year, so this is not an adversarial line of questioning. I just want to go back a little bit and just make sure I'm clear on some of the content of the original bill. So, the objective is to canvas the absentee ballots as they come in so that they are ready to be counted at 8:00 p.m. on Election Day, correct?

MR. CARROLL: Basically, yes.

MR. LAWLER: Okay. Does the bill -- does the original bill speak to a situation where somebody will apply for an absentee ballot, they will submit their absentee ballot and then they

will show up on Election Day to vote on the machines or during early voting on the machines? How -- how does the bill speak to addressing that conflict?

MR. CARROLL: So, the previous law in New York where New York was the only state in the nation that did this, you could apply for an absentee ballot and you still had a right to show up at your early voting place or your polling place and vote on the machine. And we would invalidate your absentee ballot whether or not you had submitted it or not, which is why our process was so laborious. In this new bill, the new law, you could still show up to your polling place but you would have to vote via affidavit ballot. And if you did vote via affidavit ballot and had submitted your absentee ballot, it is your absentee ballot that would control. We would invalidate that affidavit ballot. But if for some reason it never came in the mail or you misplaced it, you could show up and you could assert your right to vote and that affidavit ballot would, in fact, be counted once it was properly canvassed.

MR. LAWLER: Okay. And just to add a little more to what you were saying -- which I agree with your -- your analysis of it -- part of the reason that it took so long to count votes was to verify whether or not somebody submitted an absentee and then voted on the machine. Obviously, technology has changed. We now have the electronic poll books which makes it a little faster to determine whether or not somebody --

MR. CARROLL: That was one of a number of

problems --

MR. LAWLER: Right.

MR. CARROLL: Yes, you're correct.

MR. LAWLER: Okay. So, just to -- to reiterate the point, so somebody submits their absentee ballot, they show up at the polls on Election Day, and the electronic poll book will indicate that the person has submitted an absentee ballot and therefore can only vote by affidavit, correct?

MR. CARROLL: Correct.

MR. LAWLER: Okay. So they will not be able to vote on the machine.

MR. CARROLL: They will not be able to vote on the machine, that's correct.

MR. LAWLER: Okay. Very good. Thank -- thank you.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, Mr. Lawler. Which of course only changes the effective date. So I understand we want to go back and have a discussion about the prior bill, which is the law. However, this bill only changes the effective date of that law.

Go ahead.

MR. LAWLER: So, I -- I support the bill, as I have in the past, because I do think New York State's old way of doing things was clearly outdated. And I think the Board of Elections

obviously have requested more time to implement this law. I do think it will help ensure that election results in the State of New York are counted in a timely manner. We have seen year after year, so many elections take weeks and at times months to be determined in New York State because of the laborious way that we do elections. The fact that a voter who submits an absentee ballot will not be able to vote on a machine is critical. Because the only way to speed up the count is to ensure that two ballots cannot be submitted into the machines. So, that is a critical distinction and it is why I supported the original bill and why I support this bill to give the Board of Elections time to implement these necessary changes.

So I vote yes, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell for a second.

MR. GOODELL: Thank you, sir.

On -- on the bill.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: I appreciate the sponsor's comments and my colleague's comments. And as -- as their colloquy pointed out, up until this bill, or the original bill, a voter could change their mind after casting an absentee ballot. And that's important because sometimes during that interim something substantial happens. A few years back we had a horrific tragedy, I thought, here in the Assembly. One -- an Assemblymember just a few days before the election died. Mr. Nojay. And if you had voted by absentee ballot for

that particular candidate, under the prior law you could show up at the polls and vote for a different candidate who is still alive. Under this bill and the original bill, you no longer have that opportunity. And sadly we've seen many situations, often in a multi-person primary where someone drops out of the race a few weeks before the election, and if you can't show up and cast your vote on the election and you're bound by an absentee ballot that you submitted weeks earlier, you're removed from the electoral process. You are disenfranchised from the electoral process. And I think all of us want to make sure that every voter has the maximum opportunity to impact an election. The comments between my colleagues also pointed out an interesting issue. In the past, if you showed up on Election Day they allowed you to vote and they threw away your earlier absentee ballot. Under this approach they count the absent -- they put the prior absentee ballot into a group with every other absentee ballot with no identification before you show up. So what happens under this bill if you show up and you want to vote and they say, *Oh, you cannot vote because you already voted by absentee ballot* and you say, *No, I haven't. I never asked for an absentee ballot. The application with that electronic signature was not mine. I want to exercise my right to vote*, and the answer is you can't. You cannot. Because even if you fill out an affidavit ballot, no one under this bill can identify the original fraudulent ballot because it's now been removed from the absentee ballot envelope, there's no identification on it. So what this legislation says is no longer can you be sure that your vote counts, because if

someone slips in a fraudulent absentee ballot ahead of you, you're out. And there's nothing you can say or do about it. And if it turns out your primary candidate drops out of the race or is arrested for a heinous crime or any other reason, you can't change your mind. So not only is this legislation an invitation for fraud because it gives them multiple tries to get through the process, it minimizes the ability of the Board of Elections to put in an adequate staff because it occurs at the most busiest time they have when their staff is stretched to the max, but eliminates every single voter's right to change their mind or to vote in the event there's a fraudulent ballot. And so why is it that we're going down this path? And the answer is because we want to have results faster. Who's the "we" in this? The answer is it's the politicians. The politicians want to know sooner. Does it matter to the public? Not really. Why? Because the elections are held in November and you don't take office until the following January. So there's typically seven or eight weeks. Now, I understand how stressful it is for politicians in a tight race to have to wait to know whether they won or lost. And indeed, during the last Assembly election there were like almost a dozen candidates, members of the Assembly, who were behind on election night and ended up winning with the absentee ballots, had to wait on pins and needles for a few weeks. So what we are saying with this legislation is that it's more important that politicians not be stressed by waiting a few weeks than it is to make sure that the voters have every opportunity to cast a vote that makes a difference, that they can make sure that if there's a

fraudulent application that's filed before them that they can vote theirs and the fraudulent ballot is thrown out. That they can change their mind if there's something that comes out late. (Inaudible) by the voters' rights so that we can avoid the awkwardness of waiting for the results. Let's put the voters first rather than the politicians first.

For that reason I encourage my colleagues to vote against this bill, which it's just an amendment that changes the effective date from January to April and has absolutely no difference in the way this bill moves forward. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Carroll.

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

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

MR. CARROLL: First, I would like to make for the record clear that this is a chapter amendment to change the effective date of this piece of legislation from January 1st to April 1st of 2022, which gives the Board of Elections more time to make sure they have the ability to get this done right. But, I would be remiss if I did not push back against hypothetical and fanciful illusions of fraud. This bill is not going to disenfranchise voters or allow rampant fraud, it's going to do just the opposite. It's going to make sure that New Yorkers are able to vote absentee and have that ballot counted. For too often we have allowed for erroneous errors to invalidate absentee ballots, and have allowed for a drawn-out process of certifying those

elections. This bill corrects both of those. Stories of fraud where you have to commit mail fraud, you have to commit identity theft to then get to the place where you were able to submit an absentee ballot fraudulently are stories. They're just that. This is untrue. These are canards. And it's ideas like this that are put forward take away the faith in our electoral system. This bill allows for candidates to assert just as many rights. They have abilities to push back if they see fraudulent practices. Our Board of Elections has the ability to push back against fraudulent practices. What this bill doesn't allow is for minuscule errors to invalidate an otherwise valid ballot. What this bill does is make sure that we efficiently and effectively count absentee ballots so that New Yorkers have faith in their elections.

And for all of those reasons I supported the bill previously, I support the bill today and I hope that my colleagues will do the same. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7806. 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. This vote is a

Party vote. The Republican Conference is generally opposed to this bill, but those who support it should contact the Minority Leader's Office and we will ensure that your vote is properly counted.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Hyndman.

MS. HYNDMAN: 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 Office of the Majority Leader and then your name will be announced accordingly.

Thank you.

ACTING SPEAKER AUBRY: Thank you.

(The Clerk recorded the vote.)

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. I think that this bill -- I -- I understand it's a chapter amendment. But I think that this bill is a perfect example of what we've seen in the last couple of years in a couple areas, criminal justice being one, voting -- voting issues, election issues being another. Too many changes at once causing an overall problem. So, the voters last year, last November, rejected no excuse absentee voting. But a couple of weeks ago this Body said that despite that we're going to allow essentially no excuse absentee voting going through the rest of this year. So what happens when you allow no excuse absentee voting is you get a lot of absentee

ballots coming in. So, but instead of recognizing that that is going to (inaudible) a delay getting election results, a bill like this comes up which I think really mishandles the issue for all the reasons that my colleague has stated. And I won't restate them.

So I don't support this bill. I don't -- and then -- and then of course we've got this chapter amendment to give more time for the Boards of Elections to implement what I think was an underlying bad bill. So, I'll be voting no as I did to the bill-in-chief. I would encourage my colleagues to do the same. When we move too fast and we try to change too many things at once, this is where we find ourselves. And I think it's a cautionary tale.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Walsh in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 4, Rules Report No. 50.

THE CLERK: Assembly No. A08791, Rules Report No. 50, Rozic, Colton, Sayegh. An act to amend the Workers' Compensation Law, in relation to requiring the Workers' Compensation Board to provide translations of certain documents and forms.

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

advanced.

Ms. Rozic, an explanation has been requested.

MS. ROZIC: Certainly, Mr. Speaker. This chapter amendment makes technical changes to Chapter 622 of last year to clarify that the Workers' Compensation Board shall provide translation of forms which the Board can create and which are issued to employees. And it clarifies that the Board does not need to translate documents which are not published by the Board or which the employee will never see.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. ROZIC: Yes, I will.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Ms. Rozic. I -- I looked up on the computer what the ten most common languages were in New York State, and I'm sure you know them as well. And of course English is number one. Not surprising. Spanish is number two with about 19.4 percent. Chinese is third at 3.1 percent. Russian 1.35. Other Indo European, 1.3. Italian, 1.2. And then all of the rest of them are less than 1 percent. So my first question is why do we require the Workers' Comp Board to publish all their forms in languages that are only spoken by a fraction of 1 percent of the people

in New York State?

MS. ROZIC: I think it's essential for any worker who has limited English proficiency to be able to communicate and to understand the forms that they have to fill out.

MR. GOODELL: If the form is translated by the Workers' Comp Board into Tagalog, for example, do we anticipate that the person who is filling out the Workers' Compensation form will fill it out in their native language?

MS. ROZIC: I presume that there are a standard set of forms that the Workers' Compensation Board puts out that will be standardized and will be translated in all of these ten languages.

MR. GOODELL: So, if an individual fills out a Workers' Comp form and -- and they can be filled out in -- in longhand and -- and if they filled it out in Chinese -- Mandarin, for example, is the third most common, or Cantonese -- is there someone at the Workers' Comp Board, then, that's going to take the answers that are written in Chinese symbols -- I mean, letters, words, and translate that into English so that the employer can understand the answers?

MS. ROZIC: Last year under the chapter there was a language access coordinator that was included in the bill. That is not subject to the chapter amendment that we're discussing right now.

MR. GOODELL: And -- and if you can refresh my recollection, who translates the Chinese so that the employer can understand what the claim is? Or so that the Workers' Comp Board

itself can understand the claim?

MS. ROZIC: The Workers' Comp Board has a lot of professionals who work there. They are able to figure that out. The language access coordinator can work with both the Board, the employees who work there to help these employees.

MR. GOODELL: Now, of course as you know, if there's a dispute between an employee and employer over whether or not the injury occurred say on the job or -- or as a result of an unrelated car accident that was not related to employment, for example, they can have a hearing. Is that hearing going to be held in Chinese or is it going to be held in English?

MS. ROZIC: Again, that is not subject to this chapter amendment. This chapter amendment only clarifies which documents the Workers' Comp Board must have available in the top ten languages.

MR. GOODELL: I see. And assuming that either the employer at its own expense or the Workers' Compensation Board translates the Chinese answers, questions and answers into English and the employer then responds, perhaps requesting a hearing, for example, does this bill require the Workers' Compensation Board then to translate the employer's response into Chinese?

MS. ROZIC: No.

MR. GOODELL: Okay. Thank you very much, Ms. Rozic for clarifying that.

On the bill, Mr. Speaker.

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

MR. GOODELL: I appreciate the fact that New York State has so many diverse nationalities and backgrounds, and that diverse mix really, really enriches New York State. And just from my own perspective, my grandparents immigrated to the United States and when they arrived they couldn't speak English. But one of the first things they realized is that the faster they could speak English, the native language, the easier it would be for them to get a job and to help their kids in school and then assimilate into the United States. And the great corollary to our wealth of diversity is the fact that that diversity also integrates and assimilates within the United States. To be honest, I -- I can't read Chinese. It doesn't even use, as you know, any letters, English letters. I had a friend once who could write and speak Chinese, to take a business card and -- and translate it into English -- or into Chinese and I was really hoping he didn't say anything obscene about me in the translation. So this bill says, *Okay, we're going to produce all the Workers' Comp forms in the top ten languages: French, Korean, Italian, Russian, Chinese, Spanish, English.* And as the sponsor pointed out, presumably the employee will be able to fill out the form in their own language. So now an employer gets a form that's in Chinese. It would be -- this -- it may -- I mean, maybe the employer's Chinese so it's not an issue. If they're not Chinese they get a form in Chinese which they can't read, with answers they can't read that will affect their Workers' Comp rate for

years to come. Sometimes we need the commonality in New York State. And so while we can recognize and celebrate our diversity and our cultural differences, we need a commonality. The employer should be able to read what the questions are on the form that was filled out by the employee. I mean -- and he ought to be able to read what the answers are. And as a matter of fairness to the employee, the employee ought to be able to read or arrange for someone to help them read the employer's response. And of course submitting the application is just the first step in the process. If the employer challenges it and goes to a hearing, that hearing is going to be in English. The medical experts or the rehabilitation experts, they're going to testify in English. Are we next going to require the Workers' Compensation Board to provide translators in multiple languages for all these hearings? Maybe that's next.

So while I appreciate the desire to make it easier for people who use a different alphabet or no English alphabet at all like Chinese, Mandarin, Cantonese, it just presents practical issues that are not addressed by either the original bill or by this chapter amendment. And that's why I think we should work on this and address and solve those answers before we move forward with legislation that creates more problems that we have not yet addressed legislatively.

For that reason, I will be recommending against it. Thank you, Mr. Speaker. And again, thank you to my colleague for her answers.

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 7843. This is a Party vote. Any member who wishes to be recorded as an exception to their conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation, but those who support it should call the Minority Leader's Office and we will properly record their vote.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference will be generally in favor of this piece of legislation. However, there may be a few who difference and they're welcome to call the Majority Leader's Office and we'll be pleased to record your vote.

ACTING SPEAKER AUBRY: Thank you.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to explain my vote. I actually rise to

commend the sponsor of this legislation. I realize that, you know, in a society where there are so many people joining our communities that speak so many different languages, there is really no excuse for us not being willing to communicate with them. In fact, we'd like to employ their opportunities on our jobs, be it farms or in factories, or there are a number of companies in and around the great City of Buffalo who actually seek out our new immigrant populations to work for them. So at a minimum, if folks are interested in having you employ with them, they should be interested in having opportunities for you not only to understand what you're saying to them but what we're saying to them. In this -- I think sometimes as Americans we get a little taken aback because we think everybody should speak like we speak. Maybe they should speak like we speak and maybe we should speak like they speak as well. But we won't ever have an opportunity to engage ourself and having different conversations in different languages if we won't be willing to do the small things like allow there to be a translator on the spot. Or to allow a person to fill out an application in something that they can understand and then have a lot of -- to be their responsibility to figure out what that application says because you're the one who wanted to communicate with them. I think we have to open ourselves up to the growing of our society not just in terms of this diversity in people, but its diversity in language as well.

So I'm going to commend the sponsor of this legislation for pushing that agenda forward.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes
in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 4, Rules Report No. 53.

THE CLERK: Assembly No. A08798, Rules Report
No. 53, Cruz. An act to amend a chapter of the Laws of 2021 enacting
the "Reimagining Long-Term Care Task Force" creating a task force
to study the state of long-term care services in this State, as proposed
in legislative bills numbers S.598-B and A.3922-A, in relation to the
membership of such task force and the effectiveness of such
provisions.

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

An explanation is requested, Ms. Cruz.

MS. CRUZ: Thank you, Mr. Speaker. This is an act
to amend a chapter of the Laws of 2021 enacting the "Reimagining
Long -- Long-Term Care Task Force, creating a task force to study the
state of long-term care services in -- in the State as proposed in
legislative bills numbers S.590-B and A.3922-A in relation to the
membership of such task force and the effectiveness of such
provisions.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Will the

sponsor yield for just a quick question?

ACTING SPEAKER AUBRY: Ms. Cruz --

MS. CRUZ: Yes.

ACTING SPEAKER AUBRY: -- will you yield?

Ms. Cruz yields.

MS. WALSH: Thank you so much. As you know, last year when the bill-in-chief came up there was -- it was almost unanimous support within the Chamber for -- for the bill. So I did notice, though, that when we we're talking about the chapter amendment that a few things changed. So I'd like to just go through that for the benefit of -- of our colleagues. The original bill and this chapter amendment both recognize that the task force is going to have 26 members, correct?

MS. CRUZ: That's right.

MS. WALSH: But the difference is that the chapter amendment changes who gets to appoint the different members to the task force, doesn't it?

MS. CRUZ: Arguably I would say it's just a change of words. But it's still -- we recommend and she needs to -- well, I say she, but the Governor would need to be the one that actually appoints. We're changing words -- in essence, it's the same thing because it says she "shall", not she "may." So she -- she still has to appoint whoever we recommend.

MS. WALSH: Well, so then I would say that if it's really the same thing then why did the bill -- why did it have to -- why

do we need a chapter amendment, then? Why -- why did the language change?

MS. CRUZ: It's in order to make it consistent with other task forces in the same chapter to make sure that the language is more or less the same.

MS. WALSH: All right. So the -- the language said -- the language change that was made in this chapter amendment says that the Speaker of the Assembly, the Minority Leader of the Senate, the Minority Leader of the Assembly and the Majority Leader, I believe, of the Senate all get appointments on this task force. But the chapter amendment adds the language "on the recommendation of..." So the Governor shall make -- oh, shall make -- shall -- sorry, there was a little background noise --

MS. CRUZ: No worries.

MS. WALSH: -- shall make appointments, but only based on the recommendation of -- instead of having the -- those leaders be able to just make the appointments to the task force themselves, choose and select the people that they want to have on the task force and have those people go on, now the Governor is just going to take the recommendation of these individuals and then make the appointments. So, there is a difference. I mean, theoretically, technically speaking, based on the chapter amendment's language the Governor really controls those appointments, doesn't she?

MS. CRUZ: Well, that's your opinion. Our opinion and our analysis is that from the get-go she gets to recommend -- she

gets to appoint everybody else on the task force. We get to recommend and she still has to appoint. Again, I go back to the change in the language that says that while we now get to make the recommendation that -- the direct appointment, she then has to because -- to actually accept it because it says "shall." Shall make the appointments based on our recommendation. Not that she may, not that perhaps, but that she shall make it.

MS. WALSH: So I just - I get it. I question why that language is even added because, I mean --

MS. CRUZ: As I said earlier -- as I said earlier, it's because we -- she is -- her -- the Executive would like to make sure that the language is in line with other language in the same chapter related to task forces. Because this isn't the first time that a similar change has been made. As a matter of fact we've been debating similar language over the past few days here in the Chamber. It's about consistency.

MS. WALSH: Okay. So if, for example, the Minority Leader, just for example, recommends Joe Smith to be on this task force and has made that recommendation to the Governor, are you saying that she must then, she shall appoint Joe Smith?

MS. CRUZ: Yes.

MS. WALSH: Okay. All right. I -- I hear your answers --

MS. CRUZ: I trust you wouldn't recommend someone that probably shouldn't be recommended, so yes.

MS. WALSH: Okay. Well, that's interesting. So -- so she still gets to -- the Governor still gets to weigh in in determining whether or not --

MS. CRUZ: Oh, no, no, that's more -- that's more of a reflection on who you guys will recommend. Even if you recommend someone that the rest of us doesn't think should be appointed, the language is clear. It says "shall" appoint a person based on the recommendation.

MS. WALSH: Well, just for an example, all right. So this -- this task force is going to -- it's not an investigation, our debate last year made that clear. This task force is studying the state of long-term care services in this State. Let's just say that the Minority Leader, just for example, wants to use his appointment to put somebody on who represents a for-profit nursing home. So, you know, we know that there's been some legislation in this Chamber over the last, you know, couple of years kind of coming down on for-profit nursing homes. Maybe they were kind of out of favor. But you're saying that the -- if the Minority Leader wants to put that individual on the task force, the Governor shall do it.

MS. CRUZ: That's correct.

MS. WALSH: Okay. Well, thank you very much for your answers, Ms. Cruz.

Mr. Speaker, on the bill.

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

MS. WALSH: I don't want to belabor this. I think that the task force overall is -- is a good idea. I think that we need to get a better handle on the state of long-term care services in our State. I think that as I spoke on the bill-in-chief last time, I was kind of saying that I don't think that this long-term care task force is a substitute, an adequate substitute for an investigation into the nursing home deaths that were experienced during the COVID pandemic. And, you know, I expressed my -- my hope last time and I -- I restate it now that we continue to look at that issue. But this bill as it stands, I think, is -- is an important inquiry and I think the task force is important. I just -- I just -- I guess the reason why I wanted to stand up and talk to the sponsor about the chapter amendment is that sometimes chapter amendments are just changing a date here, a couple of words there. But I think it kind of raises our -- a little red flag in our minds when it appears to be giving the Governor power to make all appointments to a task force. Because as you know, we have been talking a lot over the last couple of years about inappropriate check and balance of power as between our -- our different branches of government. And I think that when something as innocent as this chapter amendment appears to shift authority to -- to the Executive Branch over that of the Legislature, I think that should make us all kind of take pause. I completely credit what the sponsor of this chapter amendment is stating as to the true intention, and I'm glad that that's going to be part of the legislative record. And I certainly hope that the Governor will take a look at the people that are being

recommended for these different appointments and will not try to impose any type of control and will just simply make the appointment as the sponsor has indicated.

So with that, I will support the chapter amendment. But I do think that we always have to be careful to -- to make sure that we, as a coequal branch of government, have some control over the individuals that we put on these task forces. So thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7776. 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. Miller to explain her vote.

MS. MILLER: Thank you, Mr. Speaker. I, too, want to say that I will support this bill. I'm intimately experienced in the need for studying issues of long-term care. And I do also just want to say that I wish that there was more representation from both Houses than so heavily from the Executive Branch.

That being said, this will be my last bill that I will be speaking on from this Chamber. And I just want to say it's been an honor for me to be able to serve in the New York State Assembly to

help the people in my district and all around the State. After much soul searching, I have decided to resign from my seat as of this coming Tuesday. It's no secret that the reason I ran for the Assembly was because of my experiences as a parent of children with special needs. I wanted to make a difference and represent the most vulnerable people in our society, people who desperately need a voice in government. Indeed, I have worked very hard to help people like Oliver who is developmentally disabled and medically frail. It's also no secret that due to lack of home nursing care, I have brought Oliver up here to Albany with me every year so that I could do my work for the people. COVID has not been easy for anyone, especially those with special needs. Many who could not get the care that is so vital to their well-being, and Oliver was no exception. He has regressed and is very frail. And I can no longer in good conscience bring him to Albany every week for the next four months. I need to do what's best for my son. At the same time, I do believe in the adage "out of adversity comes opportunity." I've been presented with an opportunity to continue my work helping constituents and vulnerable people as I am accepting an appointment to the Town of Hempstead Council. This would enable me to continue to make a positive difference for the residents whom I will serve. At the same time it will afford me the ability to be close to home and to Oliver.

I am so very grateful for the honor of being able to serve in this House. Thank you.

(Applause/Standing ovation)

ACTING SPEAKER AUBRY: Ms. Miller in the affirmative.

May I just say, Ms. Miller, you have brought a certain something to this House with your family and your devotion to each other. I think it will long be remembered and long be credited to you and your family, and we wish you so much success in wherever you go. But remember, once a member, always a member. So whenever you want to come back, bring them all back. Thank you.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker, for the opportunity to explain my vote and at the same time honor my colleague who just spoke. I am heartened by the fact that we started out today celebrating Black History Month and pushing up to understanding the value of understanding everyone's history. That we also celebrated a call for the Governor to acknowledge Students with -- with Disabilities Advocacy Day. A powerful statement to be stating from a House like this. And then we also talked about P.S. I Love You, which is another really, really powerful message that needs to get out much more often, particularly as in -- in light of the fact there -- that there are so many bullies in the world. And they're everywhere. They show up on the media every night. Some of them are elected in our national government, in our local government and even in our State government. But I think all of these messages combined with the fact that there is a task force in clear view that will

begin looking at issues as they impact people's lives who are in need of long-term care. People who need long-term care come in all colors, all shapes, all sizes and all ages. We know that because we know Oliver. We know Oliver because his mother has shared him with us.

And so, Mr. Speaker, it is my pleasure to vote in support of this legislation and encourage my colleagues to be more compassionate in every aspect of life. Thank you.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. I'm glad we are moving forward on the Reimagining Long-Term Care Task Force and I will be voting in favor of this legislation. And I join my colleagues in extending our appreciation to Assemblymember Missy Miller, who brought a special perspective, background and experience to this legislative floor. And all of us benefitted from her compassion and her empathy and her knowledge. And sometimes we're not even aware of what an impact a person can have on this Chamber. And I just want to mention one instance. Just last week we were going to the consent Calendar and we were about to consent a bill that dealt with disabilities. And we actually had started the Party vote, all in favor, when I received a phone call or a text message from Assemblywoman Missy Miller saying there's a problem with the language of this bill. And you may recall, Mr. Speaker, that you withdrew the roll call and we laid aside the bill. And the bill sponsor

then changed the language in the bill to address the issue that Assemblymember Missy Miller brought up. And if I didn't mention it right now, with the exception of the sponsor and a couple of us, most of you would probably never know that just within the last few days Missy Miller has changed legislation that will be considered by this House.

And so for all the things that Missy Miller has done publicly and privately to make New York State better for its residents, thank you so much, Missy.

(Applause)

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Please record my colleagues Mr. DiPietro and Mr. Friend in the negative.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 4, Rules Report No. 55.

THE CLERK: Senate No. S07719, Rules Report No. 55, Senator Kennedy (A08800, Cruz). An act to amend a chapter of the Laws of 2021 establishing a private student loan refinance task force, as proposed in legislative bills numbers S.2767-A and A.5423-A, in relation to establishing a private student loan refinance task force.

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 Senate print 7719. 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.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: We do have a piece of housekeeping.

At the request of Mr. Abinanti, Calendar No. 64, Bill No. A.1150, the bill is starred.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I now move that the Assembly stand adjourned until Thursday, February the 10th, tomorrow being a Legislative day, and that we reconvene at 2:00 p.m. on February the 14th, Monday being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 12:41 p.m., the Assembly stood

adjourned until Thursday, February 10th, Thursday being a Legislative day, and to reconvene on Monday, February 14th at 2:00 p.m., that being a Session day.)