

MONDAY, MARCH 22, 2021

3:06 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

Rabbi Butman will offer a prayer.

(Pause)

Rabbi Butman, you need to unmute yourself. We can't hear you, please.

RABBI SHMUEL M. BUTMAN: Can you hear me now?

MEMBERS: Yay.

(Applause)

RABBI BUTMAN: Can I continue?

ACTING SPEAKER AUBRY: Yes. Please proceed.

RABBI BUTMAN: Thank you so much. I want to

tell you that in our shuls, in our synagogues, every Saturday we say a special prayer for you. We say (speaking Yiddish). *All those who serve the public faithfully, as you do, we ask for a special prayer.*

And this year our prayer is even stronger. We ask for all of those who need to recover from COVID-19 should recover immediately, and all of those who are healthy should continue be healthy and Almighty God should give us good health and long life. We should be able to do what He tells us to do in this world. And we wish you, you are those who serve the public faithfully and you have influence over the whole world, says the Rebbe. And why is that? Because you are those who are the custodians of law and order in the State of New York. And because the State of New York is such a great state, the Empire State, you have influence all over the United States. And because the United States is a superpower, you have influence all over the world. So, therefore, what you are doing in the Assembly Chamber, you have influence all over the world and you have the ability to make this world a better place. And because of that, Almighty God, will bestow his blessings on you for good health, for long life and for prosperity and for great success in your communal life as well as in your private lives.

And let us say Amen.

MEMBERS: Amen.

ACTING SPEAKER AUBRY: Visitors are invited to join the members in the Pledge of Allegiance.

(Whereupon, Acting Speaker Aubry led visitors and

members in the Pledge of Allegiance.)

A quorum being present, the Clerk will read the Journal of Sunday, March 21st.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to dispense with the further reading of the Journal of March the 21st and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I certainly welcome colleagues back to the Chambers, those who are here with us and those who are here remotely. I do want to offer a quote today. It is from Edith Wharton. She was an American novelist, a short story writer and a designer. Edith's words for us today, *There are two ways of spreading light: To be the candle or to be the mirror that reflects it.* I want to thank Ms. Wharton for her words today and say to my colleagues that you have on your desk a main Calendar and an A-Calendar. Mr. Speaker, I would like to advance that A-Calendar.

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

MRS. PEOPLES-STOKES: Thank you. After any introductions and/or housekeeping, we're going to be taking up resolutions on page 3, and then we will take up the A-Calendar as well

as we will consent the new bills that are beginning with Calendar No. 176. Then we're going to go straight through to 189. Probably will be making future announcements should there be further consent bills and/or debate bills on today.

With that, Mr. Speaker, as a general outline on where we're going, if there's housekeeping, now would be an appropriate time.

ACTING SPEAKER AUBRY: No housekeeping, but an introduction by Assemblyman Weprin.

MR. WEPRIN: Thank you, Mr. Speaker. It's a great honor for me to introduce a very close family friend in Rabbi Shmuel Butman. Rabbi Butman has been a family friend of -- he -- he -- he always -- he was a close friend of my late father, Saul Weprin, and a close -- close friend of my late uncle, Jack Weprin. I know Rabbi Butman for over 40 years. He is here today, as he is every year, before the Passover holiday to celebrate the Lubavitcher Rebbe's anniversary of his birth which this year is 119 years. Rebbe Menachem Mendel Schneerson, who is responsible for the Chabad-Lubavitch Movement expanding throughout the world. They now have over 5,000 centers in over 120 countries and over -- over 5,000 cities across the world and they really -- we -- we're going to be voting on a resolution at the end of Session today to commemorate the Rebbe's 119th year and in -- in turn, declaring that the -- the State of New York should dedicate 119 years of education in honor of the anniversary of the Rebbe's birth.

So it's a great pleasure for me to introduce and welcome Rabbi Butman to the Chamber today.

ACTING SPEAKER AUBRY: Thank you. On behalf of Mr. Weprin, the Speaker and all the members, Rabbi, we welcome you here today. Thank you for your prayer. Appreciate that you had the fortitude to withstand the electronic difficulties we had. Please know that you are welcome here, you have the privileges of the floor and are always happy to see you. Thank you so very much.

(Applause)

Resolutions on page 3. The Clerk will read.

THE CLERK: Assembly Resolution No. 118, Ms. Lupardo.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim March 21-27, 2021 as Agriculture Week in the State of New York.

Ms. Lupardo on the resolution.

MS. LUPARDO: On the resolution. Thank you, Mr. Speaker. I'd just like to speak for a moment or two. We never want to miss an opportunity to bring attention to the role agriculture plays not only in our own lives but in the economic vitality of the State. You know, I think everyone shares a commitment to find ways not only to celebrate agriculture in resolutions like this, but also to support and promote the long-term success of our farms.

Just a few facts for people to keep in mind. This is a \$6 billion huge economic driver for New York State where New York

is home to 33,000 family farms and we'd like to see that number grow instead of recede as it has been in many years. We have seven million acres in farmland production. And we also rank in the top ten of nearly 30 commodities. And just a few facts I think the members might enjoy. We're the first in the country in the production of yogurt, sour cream, cottage cheese. We're the second-largest producer of apples, cabbage, snap peas and everyone's favorite, maple syrup. And finally, we're the -- we're the -- we're the ranking third in grapes and in dairy in the United States.

Thank you very much, my colleagues, Mr. Speaker, for letting me say a few words on behalf of Agricultural Week in New York State, which is part of a larger national Agricultural Week effort.

ACTING SPEAKER AUBRY: Thank you.

Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker. On the resolution, please.

ACTING SPEAKER AUBRY: On the resolution, sir.

MR. TAGUE: I just want to commend the sponsor, Chairwoman Lupardo. As a former dairy farmer and also the Ranker in our Conference for Agriculture, I'm just happy to support this. And remember, no farms no food. No farms. No food.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Tague.

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

THE CLERK: Assembly Resolution No. 119, Ms. Walsh.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim March 21, 2021 as Down Syndrome Awareness Day in the State of New York, in conjunction with the observance of World Down Syndrome Day.

ACTING SPEAKER AUBRY: Ms. Walsh on the resolution.

MS. WALSH: Thank you, Mr. Speaker. So, today we'll be passing a resolution memorializing Governor Andrew Cuomo to proclaim March 21, 2021 as Down Syndrome Awareness Day in the State of New York in conjunction with the observance of World Down Syndrome Day. That was yesterday, by the way, for those who are keeping track, right. So, World Down Syndrome Awareness Day is a global awareness day which has been officially observed by the United Nations since 2012. The date for World Down Syndrome Day has significance, being the 21st day of the third month which was selected to signify the uniqueness of the triplication, or trisomy, of the 21st chromosome which causes Down Syndrome. Down Syndrome is a naturally-occurring chromosomal arrangement that has always been part of the human condition, being universally present across racial, gender or socioeconomic lines in approximately 1 in 800 live births. Down Syndrome usually causes varying degrees of intellectual and

physical disability and associated medical issues. Each year the voice of the people with Down Syndrome and those who live and work with them continues to grow.

I wanted to specifically mention Christina Arangio, who many of you know is a -- a local reporter. Her son Luke has Down Syndrome and is completing elementary school this year. I have had the opportunity to meet Luke. I thought it was really beautiful that when Christina was writing yesterday on Down Syndrome awareness, she talked about having Luke as being a perspective changer. And that was something as the parent of a son with autism, I can certainly relate to. It -- it certainly does change your perspective when you have somebody with unique challenges, and you have an opportunity and a real privilege to see the -- the growth and the determination of individuals who meet those challenges with hard work and with perseverance. And, you know, certainly our hearts just ache for families that have to take a different path, and yet there's a real beauty and a dignity to also seeing these -- these kids grow into adulthood. You know, when I was a kid I remember there was a family, the MacFarland family, up the street from me, and their -- their son Jodie had Down Syndrome. And it was -- we felt really bad because it wasn't expected that Jodie would make it into adulthood because of the medical challenges that Down Syndrome presented. But now with medical advances, particularly treating heart conditions that are associated with Down's, there are many individuals that are living very -- you know, quite, quite a bit

longer than they -- than they used to. And I think our former Assembly colleague Marc Molinaro started an initiative in Dutchess County called "Think Differently." And I think that it is important that when we think differently, we recognize that individuals with intellectual, developmental disabilities are a part of our community, that they're a part of the fabric of our community. And helping them to receive the best medical treatment, education, housing and job opportunities is possible, really enhances -- enhances all of our lives and -- and the community that we live in.

So, Happy - yesterday - Down Syndrome Awareness Day for the State of New York. Let's all live the best life that we can and really commend all these families and think a little bit about the blessings that we all have. Thanks.

ACTING SPEAKER AUBRY: Thank you.

Ms. Miller on the resolution.

MS. MILLER: Thank you, Mr. Speaker. I, of course, want to comment on this resolution. You know, having two children who have special needs, special health care needs, and not Down Syndrome, I -- I completely identify with how years ago if you learned you were carrying a child with -- with Down Syndrome it was something to be feared, and families do a lot of mourning when you have that information in advance. You know, you -- you're -- you're going to have a baby, a child with Down Syndrome. And -- and as with I think many special children, it's not until you are living the life with these children with, you know, all children with special needs but

certainly with Down Syndrome, if you've ever met any child with Down Syndrome you are -- there is -- there is no room for pity, there is no room for mourning. These children are so special, they are so warm and affectionate and creative and resourceful. They're determined. And while there are varying degrees, you know, of -- of their, you know different -- some have more medical issues than others, but they all, all try so hard and many of them succeed in huge ways. We've seen -- we've seen adult actors who have -- have Down Syndrome. And so I think it's -- it's something that, you know, unless you really met somebody, it -- they brighten the world. They really are. I have to give a special shout-out to Oliver's great, great friends Sammy and Molly and Daquan, who have been friends of his throughout his life and they're just -- our lives are better because of it.

So, thank you for this resolution bringing awareness to Down Syndrome.

ACTING SPEAKER AUBRY: Thank you so much.

Mr. Salka on the resolution.

MR. SALKA: Thank you, Mr. Speaker. And I want to take this opportunity to thank the sponsor of this resolution. I have a little bragging to do. In my district is an organization called Pathfinder Village. And it's a wonderful setting in rural Otsego County. And this organization has been around for years and has an opportunity to give those young people and some older people with Down Syndrome a chance to flourish, a chance to become independent, a chance to be safe and to learn how society can work

with them to make sure that they can realize the potential that they have. And as my colleague Assemblywoman Miller said, these are wonderful individuals. And when I go to visit them they have a restaurant there, they grow food and a lot of organic foods that people from all over the area come to enjoy. So, again, I -- I want to just make mention of -- of Pathfinder Village and the wonderful things that they're doing with these wonderful people. They've been born with Down Syndrome, but that doesn't mean that these young men and women aren't able to explore every possibility that life gives them, and Pathfinder Village helps them so much along that way.

And again, I want to thank the sponsor for this.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Brown.

MR. BROWN: Thank you, Mr. Speaker. And I -- on the resolution.

ACTING SPEAKER AUBRY: On the resolution, sir.

MR. BROWN: I would like to thank the sponsor of this resolution proclaiming March 21, 2021 as Down Syndrome Awareness Day. And I want to give a special shout-out to my wife's cousin, Tony Colon, who holds a very special place in family's heart. And I just want to say to Tony, *You're the best.*

Thank you very much, sir.

ACTING SPEAKER AUBRY: Thank you, Mr. Brown.

Ms. Griffin.

MS. GRIFFIN: Hi. I just wanted to -- to thank the Speaker for -- for recognizing Down -- World Down Syndrome Day. I'm so grateful to have the opportunity to recognize many of the people with Down Syndrome right in my district. And they have warmed the hearts of many in our -- our school district. They have been friends to my kids. They are just -- you know, they really add to the fabric of our community and of our school district. And I'm so happy that, you know, we have them in our community. And I want to give a special shout-out to Danny, to Connor and to Jane, and also to a cousin of mine, Edward, who is now deceased but had Down Syndrome. These children as they grow up to be young adults and on are so important to all of us. And I just -- I'm happy and proud to recognize World -- World Down Syndrome Day and thank the Speaker -- thank the sponsor of this resolution.

Thank you.

ACTING SPEAKER AUBRY: Thank you very much.

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

Page 3 on the A-Calendar, Rules Report No. 42. The Clerk will read.

THE CLERK: Assembly No. A06336-A, Rules Report No. 42, Sillitti. An act to permit the Great Neck Union Free School District to move the date of their annual and election for the

2021 year so that it does not conflict with religious observances; and providing for the repeal of such provisions upon expiration thereof meeting.

ACTING SPEAKER AUBRY: On a motion by Ms. Sillitti, 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 05669-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.)

Ms. Sillitti to explain her.

MS. SILLITTI: Thank you so much, Mr. Speaker. So, this year school districts throughout New York with a significant Jewish population made a request to move their election so as not to conflict with Shavuot. Unfortunately, the Great Neck School District did not request a date change. The School District, along with many, many members of the community, reached out to my office over the last few weeks to work to rectify this oversight. And I just want to make mention of Assemblyman -- Assemblymember Benedetto who took many phone calls, anxious phone calls of mine. So I really appreciate that. For those who don't know, Shavous, or Shavuot, is an

important holiday to the Jewish people. It commemorates the giving of the Torah by God on Mount Sinai. This holiday is observed in multiple customs, most importantly which includes abstaining from certain activities, and also attending religious services. Not moving the date of this election would make it nearly impossible for an observant individual to vote in person for this election.

In order to prevent the disenfranchisement of observant Jews in the Great Neck community, I'm proud to sponsor this legislation and I vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Lawler.

MR. LAWLER: Thank you, Mr. Speaker. And I want to thank the sponsor of this bill. Even though it is a bill specific to her district, I, too, have a school district within my Assembly District that is going through the same process right now and -- and SED has been working with that district, as I know they did with Great Neck to try and address this issue. And so, you know, I -- I think getting this bill passed is important, as -- as the sponsor put forward, to try and address some of the concerns with residents within her district and I will be seeking in short order to do similar legislation for -- for my district which is going through the same challenge.

So, I will vote in the affirmative and I appreciate the sponsor for putting this bill forward.

ACTING SPEAKER AUBRY: Mr. Lawler in the affirmative.

First vote of the day, members.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00172, Calendar No. 176, Paulin, L. Rosenthal, Colton. An act to amend the Civil Practice Law and Rules, in relation to limited liability of persons jointly liable.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00603, Calendar No. 177, D. Rosenthal, Stirpe, Steck, Seawright, L. Rosenthal, Jacobson. An act to repeal a provision of the Insurance Law relating to anti-arson applications.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on A.603. 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. A00724, Calendar No. 178, D. Rosenthal. An act in relation to requiring certain provisions to be included in any procurement or agreement prior to disposing of any asset owned, leased or otherwise controlled on or in the immediate

vicinity of the Lefferts Boulevard Bridge.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 3266. 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. A01423-A, Calendar No. 179, Dinowitz, Quart, Seawright, Walker. An act in relation to enacting the Pandemic Self-Storage Act; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A03427, Calendar No. 180, L. Rosenthal. An act to amend the Public Service Law, in relation to prohibiting telephone, cable and utility companies from charging a fee to customers who request copies of previous billing statements or statements verifying that they are a customer.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on A.3427. 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. A04302, Calendar No. 181, Englebright, González-Rojas, Kelles, Griffin. An act to amend the Environmental Conservation Law, in relation to providing that 100 percent of in-State sales of new passenger cars and trucks shall be zero-emissions by 2035.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A04596, Calendar No. 182, Englebright, Colton, Cook, L. Rosenthal, Carroll, Abinanti, Otis, Glick, Barrett, Griffin. An act to amend the Environmental Conservation Law, in relation to compilation of data of pesticides.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05379, Calendar No. 183, Hunter, Jacobson. An act to amend the Insurance Law, in relation to providing for a policy term of less than one year in certain situations.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 30th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote on A.5379. 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. A05495, Calendar No. 184, Glick, Fahy, Stirpe, Griffin, Colton. An act to amend the Education Law, in relation to mandatory reporting of certain convictions, professional misconduct and/or employment termination; and to amend the Criminal Procedure Law, in relation to notice to the Education Department.

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 A.5495. 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. A05541-A, Calendar No. 185, Englebright, Steck, O'Donnell, Griffin. 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. A05972, Calendar No. 186, Bronson, Buttenschon, Abinanti. An act to amend the Alcoholic Beverage Control Law, in relation to providing for alternative penalties for a first-time violation of certain provisions of the Alcoholic Beverage Control Law; and to repeal certain provisions of such law related thereto.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect in 45 days.

ACTING SPEAKER AUBRY: The Clerk will record the vote on A.5972. 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. A06040, Calendar No. 187, Burgos, Otis. An act to amend the General Business Law, in relation to including electronic messaging texts as a form of telemarketing communication.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 30th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 6040. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or the Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06077, Calendar No. 188, Rajkumar, Griffin. An act to amend the Workers' Compensation Law, in relation to covered employment as a domestic worker for temporary disability benefits.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06080, Calendar No. 189, Lunsford, Colton. An act to amend the Labor Law, in relation to compelling family reasons and the continuance of unemployment benefits.

ACTING SPEAKER AUBRY: On a motion by Ms.

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

Ms. Hyndman.

MS. HYNDMAN: We are now taking up the following bills on debate: Calendar No. 57, Calendar No. 123 and Calendar No. 128.

ACTING SPEAKER AUBRY: Page 9, Calendar No. 57, the Clerk will read.

THE CLERK: Assembly No. A02354, Calendar No. 57, Dinowitz, Vanel, Abinanti. An act to amend the Criminal Procedure Law, the Civil Practice Law and Rules and the Executive Law, in relation to the possession of opioid antagonists.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Dinowitz.

MR. DINOWITZ: Okay. What this bill does is to promote the use of opioid antagonists to combat and prevent drug-related overdoses.

ACTING SPEAKER AUBRY: Ms. Giglio.

MS. GIGLIO: Mr. Speaker, will the sponsor please yield for a few questions?

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

MR. DINOWITZ: I will.

MS. GIGLIO: Thank you --

ACTING SPEAKER AUBRY: Mr. Dinowitz yields.

MS. GIGLIO: Thank you, Ms. Dinowitz. This bill would prevent any evidence that a person was in possession of an opioid antagonist such as Narcan from being admitted into evidence. After speaking to a representative from my local District Attorney's office, under this bill, if there is a photo taken at a crime scene, homicide, or overdose death and Narcan is in the photo, wouldn't this prevent the crime scene photo from being entered into evidence?

MR. DINOWITZ: No.

MS. GIGLIO: Okay. Thank you. If an officer arrives to the scene of an unresponsive person with a needle in their arm that appears to be overdosed and the officer administers Narcan and the person awakens combative, which they often do after Narcan is administered, and the officer is injured when they awaken because they're combative, under this bill how would the police officer document that the person was injured after Narcan was administered if that fact can't be included into evidence?

MR. DINOWITZ: Whether or not an officer is injured cannot necessarily be excluded from evidence. The whole point of this legislation is to make sure that everybody can get the lifesaving Naloxone, and I think ultimately, our primary objective should be to save people's lives. That's what Naloxone does. It's been very successful. I've had a few bills going -- one of them going back a number of years, and the whole point is to make Naloxone more readily available because we want to save lives. And I -- I would bet -- and I can't give you, you know, specifics to back it up, but I would

bet that thousands and thousands of the lives of New Yorkers have been saved because of the use of Naloxone. So we certainly don't want to create a situation where -- where its use is discouraged. And what this bill does is it -- it takes away that -- that disincentive to using Naloxone.

MS. GIGLIO: Okay. So back to the question. If an officer was injured after administering Narcan and he had to save it for a judge or a jury that he was assaulted, per se, as per 120.05 of the Penal Law, would he be able to say that and could it be included into evidence?

MR. DINOWITZ: I -- I guess that would be up to a judge. But I -- I think the point of this bill is that the issue of whether Naloxone was being used is not really relevant to whether or not an officer was injured. I mean, you say that people who take Naloxone react in a violent way in certain cases but I don't know if that's the case. What I do know is that in the absence of Naloxone, many people would die and I know that you and I would both agree that we want to see people live, not die.

MS. GIGLIO: Okay. So if this bill becomes law, under what circumstances would it be appropriate for Narcan possession to be entered as evidence for a trial hearing or other proceeding?

MR. DINOWITZ: I -- I think the point of the legislation is that we're not to use the possession of Narcan as proof that some illegal activity was taking place. Because if that's the case

then it would discourage the use of Naloxone and, therefore, there would be more deaths.

MS. GIGLIO: So in the legislation where it says that for any offense under this Section 220.03, 220.06, 220.09, 220.16, 220.18, 220.21 of the Penal Law that you could not enter that into evidence. But isn't that all measuring how much of a narcotic that a person actually has on them? All those sections of the Penal Law?

MR. DINOWITZ: Maybe -- maybe if I'm not understanding, but you're -- it sounds like you possibly may be missing the point. The point is that somebody should not be arrested -- I mean, it's written right here. They can't be arrested if they're in possession of an opioid antagonist. It can't -- let me backtrack. I should say it can't be admitted into trial and it can't be used for the purpose of establishing probable cause for the arrest or for proving any person's commission of such offense. So it gets back to what I've already said. If we take -- we don't want to create a situation where people are not going to want to use or possess Naloxone because we know it is a lifesaving -- it's a lifesaving drug that -- that has been fantastically successful.

MS. GIGLIO: Okay.

MR. DINOWITZ: So I -- I believe that we all want to save lives here.

MS. GIGLIO: Agreed.

Under the current law, isn't it true that the defense and prosecution can argue whether the possession of Narcan is

relevant and that a judge would ultimately decide whether or not the possession of Narcan is relevant and whether or not it can be entered into evidence?

MR. DINOWITZ: Well, that -- that would be the purpose of the bill. If -- if that's the case, this bill would change that.

MS. GIGLIO: Right. So it would take that process out of the equation where a defense attorney and a prosecutor and a judge could decide whether or not the administer -- or the presence of Narcan could be entered into evidence for any trial, proceeding or law. Is that -- or hearing, is that correct?

MR. DINOWITZ: Right. And -- and -- and this bill, which I -- I believe it's passed the Assembly at least seven times, is one of a series of bills that we have passed concerning Naloxone, and as I said, thousands of lives have been saved and we want to save even more lives.

MS. GIGLIO: Right. In 2017 and 2018 there was no Senate companion for this bill. In 2019 it died on the Calendar, and in 2020 it died in Codes. Can you please tell me why it died on the Calendar in 2019 and why it died in 2020?

MR. DINOWITZ: In the Senate you're talking about?

MS. GIGLIO: No --

MR. DINOWITZ: No, it passed the Assembly every year according to my notes for the past seven years.

MS. GIGLIO: So then it died on the Calendar in the

Senate in 2019 and it died in Codes in 2020. Can you tell me why and if it's been amended?

MR. DINOWITZ: In -- in the Senate you're talking about now?

MS. GIGLIO: Yes.

MR. DINOWITZ: I -- I could barely explain the Assembly, so how would I possibly explain the Senate except we're going to keep trying to convince the Senate to also pass this bill. But I -- I certainly couldn't give you the reason why they chose not to do it or they just ran out of time, perhaps, in one of the Sessions. But maybe this year will be the year that the Senate does --

MS. GIGLIO: Yeah, because I see that it's been -- this has been happening since I believe 2014 this has been trying to get passed through the Assembly and the Senate.

MR. DINOWITZ: Sometimes it takes a little time to get good legislation passed, and this is one example of that.

MS. GIGLIO: Okay. This bill adds a new Section 4519 (a) that would eliminate the ability to enter Narcan into evidence when Narcan is found in a building or premise that is suspected to being used for illegal trade, illegal manufacturing or other illegal business. What is the reasoning that this section was added?

MR. DINOWITZ: Again, to encourage the use of -- of Naloxone to save lives. That's what -- that's what this is all about. Straight -- very simply.

MS. GIGLIO: Thank you, Mr. Dinowitz.

MR. DINOWITZ: You're very welcome.

MS. GIGLIO: On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. GIGLIO: Where the intent of the bill is that every person using or selling drugs should be comfortable carrying Narcan and that it can't be used against them, I say that people are not getting arrested or prosecuted for carrying Narcan. Narcan is legal. In my opinion, this takes the tool out of the toolbox and does not allow for due process which may help stop drug traffickers and get people the help if they need it. The Criminal Procedure Law currently permits a district attorney to ask that Narcan be entered into evidence when found at a crime scene. The defense attorney can argue why it shouldn't be, and the judge makes the decision as to relevance. This bill removes that process. Additionally, by not allowing Narcan to be entered into evidence under several serious crimes including Criminal Possession of a Controlled Substance in the Second Degree, Second Degree which is an A-2 felony, one of the most serious crimes in the Penal Code, where if convicted they could face life imprisonment. Criminal Possession of a Controlled Substance in the First Degree, A-1 felony degree Criminal Possession of a Controlled Substance, the highest degree of felony reserved for murder, arson, terrorism, kidnapping and operating as a major trafficker facing life imprisonment. This bill is not saving lives. It is helping drug traffickers become enriched from a drug pandemic. When a drug trafficker has Narcan in a building and stations for users and Narcan is

at the scene, it is voiding the traffickers and users of any help the system may provide. Some people belong in jail to save their lives. Some people need help and can get it through a probation hearing or a trial or a proceeding. This bill, in my opinion, is condoning drug trafficking and use and tying the hands of law enforcement.

For that reason, I will be voting no and I encourage my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Angelino.

MR. ANGELINO: Will the sponsor yield for a couple of quick questions?

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

MR. DINOWITZ: Yes.

ACTING SPEAKER AUBRY: Mr. Dinowitz yields, sir.

MR. ANGELINO: Thank you. Do you have any examples of a prosecution that had used Narcan as evidence?

MR. DINOWITZ: No.

MR. ANGELINO: Is there any example of anybody dying because Narcan was introduced as evidence in any proceeding?

MR. DINOWITZ: It -- it's a little hard to know that. I would say that if we discourage the use of Narcan it's quite likely people have died. But obviously, if something is introduced in evidence later on, it's hard to know going back if -- if, in fact,

somebody died as a result of that. But I think it's almost inevitable that that has been the case.

MR. ANGELINO: So you -- you believe that this legislation will encourage the possession of Narcan.

MR. DINOWITZ: I believe that this legislation will remove an incentive not to possess Narcan. That's right.

MR. ANGELINO: Okay.

Mr. Speaker, on the bill.

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

MR. ANGELINO: So, Narcan has been issued to police officers in my region for years, and we have scores of rescue saves and lives returned from what would have been sure death. It's a miracle drug. I carry it. I have it in my personal vehicle right now in the -- in the parking lot. You never know when you're going to encounter someone. I've never known a police officer to not use Narcan, or if he did use it to think that that was going to somehow be introduced as evidence of a crime. The -- I've written scores of search warrants that use the -- the terminology of glassine envelopes, wax papers, scales. All the things that people who are trafficking in narcotics. Never once have I typed the word "Naloxone" or "Narcan" as a probable cause to think that there is drug sales afoot. I think this is legislation that is already taken care of when the prosecutors and defense attorneys are arguing evidence. I -- I believe this might just be a feel-good type of legislation. Officers are using Narcan daily. I

used it on Christmas Eve and it works. And never once has an officer ever thought of not using it. But I don't think that creating a legislation to tie the hands of prosecutors or all the things that my colleague in front mentioned, I don't believe this is needed and it's just a cumbersome law that's going to muddle up our courts.

And for those reasons I'll be voting no. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

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

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

MR. DINOWITZ: Yes, I will.

ACTING SPEAKER AUBRY: Mr. Dinowitz yields, sir.

MR. GOODELL: Thank you, Mr. Dinowitz. I very much appreciate your desire to certainly minimize any deaths and many overdoses, and certainly Narcan can be an important tool. But we all know that Narcan is really designed to be used in a situation with an overdose. And that situation is inherently extremely dangerous to an individual who may be abusing drugs. Wouldn't a preferable long-term approach be to encourage the arrest and then a referral to a drug treatment court so that the individual has a maximum possibility of a long life by getting drug treatment

supervised by a drug court? Wouldn't that be a preferable way than to simply ignore the fact that Narcan is at the scene?

MR. DINOWITZ: It -- it certainly would be beneficial if those people who are drug users would go into treatment. But I -- I think there's something that's being left out here, and that is, not every instance of the administer -- administering of Narcan, Naloxone, is done by police. It could be done by a parent or another family member. I -- theoretically, it can be done by the -- by the drug user himself or herself. So there's -- there's a lot of different ways that Narcan can be used by somebody. So we just -- we shouldn't just think of it as -- as the police doing it, although they're obviously a major component of this, which is why it's so important that they have that available. Should people who have major drug issues go into treatment? Of course they should. But I'm not going to say that it's better for them to be arrested and referred to treatment. I -- I think the issue here is simply making sure that -- that they can get the -- the Naloxone and that there's no reason that they wouldn't.

MR. GOODELL: Now, possession of Narcan, for example, or any opiate antagonist, that is not illegal, correct?

MR. DINOWITZ: Correct.

MR. GOODELL: And so, under what conceivable circumstances would possession of a legal chemical be evidence of possession of something that's illegal? I mean, by definition you can only be convicted of possession of an illegal drug if the prosecution establishes beyond a reasonable doubt that you are in possession of an

illegal drug. Not a legal opiate antagonist, right? So, by law, the Narcan presence is legally irrelevant to a prosecution for possession of an illegal drug, isn't that correct?

MR. DINOWITZ: I'm -- I'm not sure that that's the case. I think that a prosecutor could very well want to use the possession of this legal substance as an indication that something illegal may have been happening, and we simply want to remove that from the equation so that, again, we can keep people alive and that no one is discouraged -- you know, it -- it was mentioned we talk about police, and I mentioned what about a friend? You know, they may be nervous about having it on the scene because they're afraid that they're going to get arrested or something like that. So, I --

MR. GOODELL: But it's not illegal -- it's not illegal to possess Narcan, right? It's only illegal to possess opiates without a prescription.

MR. DINOWITZ: The issue here is not --

MR. GOODELL: The possession of Narcan is not illegal. And -- and what public defender or public attorney would ever allow that evidence in -- into a case?

MR. DINOWITZ: Well, I think the issue here is whether or not this possession can in some way be used to -- against somebody. And we don't want that to happen. And if --

MR. GOODELL: Do you have any example of any case, either on a trial level or on appeal, where Narcan was used as evidence -- the legal possession of Narcan was used as evidence of

illegal activity?

MR. DINOWITZ: I -- as I said earlier when I was asked the same question, I don't have data or evidence like that. But I will say if -- if it's the case that a prosecutor perhaps doesn't like this bill, I think maybe they think that this bill would inhibit their ability to prosecute somebody.

MR. GOODELL: Of course it is.

MR. DINOWITZ: But I think the bottom line is -- is whether or not Naloxone is going to be used in every possible case that it could potentially be used for to save lives.

MR. GOODELL: Of course this is -- this bill covers not just criminal prosecutions where it can't be used anyway under any established standards of criminal prosecution. Can I ask you a couple of other questions, though? Because bill goes beyond criminal law. It also would amend the Real Property Law and the Real Property Actions and Proceedings Law, correct?

MR. DINOWITZ: Yes.

MR. GOODELL: So, under Section 231, subparagraph 2 of the Real Property Law, a landlord is liable to tenants if there's any illegal activity that might affect the tenants, correct?

MR. DINOWITZ: If you say so, yes.

MR. GOODELL: Well, your bill amends Section 231, subparagraph 1 --

MR. DINOWITZ: Mm-hmm.

MR. GOODELL: -- saying that the possession of Narcan in an apartment cannot be used as evidence by a landlord who wants to evict that tenant in order to protect the other tenants, is that correct?

MR. DINOWITZ: The landlord can't use the possession of Narcan to draw an inference that the tenant is doing something illegal and they, therefore, use it as -- as an excuse to get rid of somebody. Perhaps someone they wanted to get rid of in the first place.

MR. GOODELL: Well, no doubt if they have Narcan around and they're engaged in illegal activity and the landlord has personal liability under subparagraph 2 -- is there anything in this bill, by the way, that exempts the landlord from liability under subparagraph 231(2) if they don't use that evidence to evict a tenant that is using or abusing drugs to the detriment of the other tenants?

MR. DINOWITZ: I'd have had to check, but I don't know that there is. But, I mean, the mere possession of Narcan, one of your own colleagues just said that he carries Narcan, I guess, in his car. So a lot of people may have that. That doesn't mean anybody should draw a negative inference. That doesn't mean that anybody should assume that something illegal is going on simply because they have -- they're possessing it. It might mean that they want to be prepared in case they see a situation where they could save somebody's life. So I applaud him for that.

MR. GOODELL: Well, I certainly would applaud

him as well. This provides -- your bill provides that you couldn't use the possession of Narcan as evidence of possession of an illegal drug. Can the possession of Narcan be used in connection with a parole violation or a probation violation, or in the context of a drug court treatment plan where the drug court might expressly prohibit possession of any drugs or drug paraphernalia?

MR. DINOWITZ: The bill says it may not admitted at any trial, hearing or other proceeding in a prosecution for any offense under the sections enumerated in the bill.

MR. GOODELL: So would you consider a probation, revocation or a parole revocation to be a prosecution, or is that something different?

MR. DINOWITZ: Well, it doesn't matter what I consider, and that is what -- what -- it says here any trial, hearing or other proceeding in a prosecution. A probationary -- a probation hearing is not a prosecution.

MR. GOODELL: Okay. And likewise, if it triggers a violation of a drug court term condition or anything like that which -- you would consider that to be outside of the scope of this bill?

MR. DINOWITZ: I would have to, you know, read -- read the wording of the bill to give you an authoritative answer, but it just occurs to me that we're talking about what I just said.

MR. GOODELL: Okay. Thank you very much, Mr. Dinowitz.

On the bill, sir.

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

MR. GOODELL: I appreciate the sponsor's desire to make sure that we save as many lives as possible. Certainly, that's an objective that everybody here certainly shares. Narcan or an opioid antagonist is not illegal. It's not illegal to possess. And since it's not illegal to possess Narcan or an opiate antagonist, that legal possession, by definition, under all the rules of evidence is irrelevant to illegal possession. The only way a person can be convicted of illegal possession of an opioid is if they have the person in possession of an opioid. That's the only way you can be convicted. You can't be convicted of opioid possession because you have a legal drug with you that's not an opioid. And so this bill is entirely unnecessary in terms of a prosecution because that evidence is already legally inadmissible and irrelevant. But this bill goes further. This bill says you can't use the possession of Narcan in evaluating whether or not a tenant should be evicted for injuring or potentially injuring other tenants. Our Real Property Law says that a landlord not only can evict a tenant that's engaged in illegal activity, but if the landlord doesn't evict such a tenant, the landlord has personal liability from the other tenants for not taking steps to ensure that the apartment building is safe. So the problem the landlord has is that unlike the police, the landlord cannot get a search warrant. So what happens is the landlord gets a call from the other tenants, complaining about the traffic at all hours of the night, complaining about perhaps finding other drug paraphernalia in

the hallways or on the sidewalk in front of the apartment. And the landlord facing personal liability would then begin an eviction proceeding to protect the other tenants. And this bill says, *Sorry to the other tenants. The landlord cannot use obvious evidence of illegal conduct to protect you and to protect your children from another tenant that's engaged in illegal activity.* The bill goes too far and creates problems in an effort to solve something that is not a problem under current law.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell.

Read the last -- read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 2354. 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. Obviously, many of us have mixed feelings about this bill because we certainly want to make sure that Narcan is readily available and that nobody is hesitant about having it in their possession and using it to save their own life or the lives of somebody else. On the other hand, many of us are

concerned about the unintended consequences in terms of real estate and in terms of other drug enforcement activities, in terms of how a drug court should operate. We think it should be clear that this could be used, as -- as the sponsor alluded to, in probation or parole violations. And overall, our primary objective is not to have people using Narcan on a regular basis, it's to help get those people into drug court or drug treatment and seek a long-term solution. Many of my colleagues in the past voted in favor of this because they want to make sure that Narcan is readily available. Myself and many of my colleagues will be voting no this year because of our concern over the unintended consequences.

So I will be voting no, but certainly many of my colleagues on both sides of the aisle will be supporting this bill. Again, thank you, sir, and thank you to the sponsor.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Dinowitz to explain his vote.

MR. DINOWITZ: Very briefly. I -- I'm amazed at how the discussion of this bill got to a point where we're talking about how it's going to hurt or protect landlords. This is not a housing bill. I understand my other bills that I've had recently were housing bills. This is not that. And we shouldn't be looking at it from the point of view of whether or not this is going to protect or hurt a landlord because that's not what it's all about.

Here's the intended consequence of this bill. We, as

legislators, should be working to protect New Yorkers and to save lives. And I believe somehow, some way, somewhere in the future, this legislation, once it's signed into law after passed by the Senate, will save lives. So I would urge a yes vote, as I vote yes.

ACTING SPEAKER AUBRY: Mr. Dinowitz in the affirmative.

Mrs. Gunther.

MRS. GUNTHER: Just a word on this bill. I'm, of course, voting positive -- in the positive or -- because I know how important this bill is. You know, this medication -- Narcaning somebody saves lives. And, you know, I -- I will always remember that addiction is a disease. It's like any other disease that we have; if you have cancer. It is a disease. And saving one's life is very important. So, you know, I -- I -- I don't see how we can bring in landlords and all those kinds of things. And I would say to people, *There by the grace of God go I or you*, because there are so many people that because of pharmaceutical companies and the lack of pain management, there are so many people that are addicted. And they go from, you know, pills like Percocet, Percodan, and they go to heroin because it's a lot cheaper. And, you know, Narcan can save lives. And I certainly thank you, Jeff Dinowitz. It's so important. I know I've been trained in Narcan and my whole office has because we believe in saving lives and giving people a second chance.

ACTING SPEAKER AUBRY: Mrs. Gunther in the affirmative.

Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker, to briefly explain my vote. I -- I think that there are a great many people, other than police officers, who may, in fact, be use carrying Narcan to save lives. We have a lot of people who do outreach to homeless people in New York City. They may be social workers, they may be addiction treatment counselors, and they go out to the streets to help people. And they should not fear that having this on their person when they are interacting with people who may have illegal drugs that they get caught up in some situation. Or if they for some reason have, you know, a problem with their apartment and the fire department comes to deal with something and there's Narcan out, that that somehow indicates that there's illegal drug activity happening in that apartment.

So, I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Ms. Giglio.

MS. GIGLIO: Thank you, Mr. Speaker, to explain my vote.

ACTING SPEAKER AUBRY: Please.

MS. GIGLIO: I am also Narcan trained. And I know that it is instrumental in preventing death in an overdose situation. I don't think that Narcan is being used as probable cause. The sponsor of bill could not give us any examples of when Narcan was used as

probable cause. And the exemptions to where Narcan can't be introduced into evidence is for actual drug -- people that are carrying drugs. It's just the amount of drugs that they have on them as to when Narcan can't be introduced. I think that due process is a defense attorney and/or a district attorney, a defense attorney and the judge deciding whether or not bringing Narcan into evidence is relevant in any proceeding. So, for that reason, again, I stated I will be voting no. I do believe that Narcan is lifesaving, but I think that also being able to use it in a probation hearing or in a trial or in a criminal proceeding, that we are denying the people the help that they would need in order to get the help, rather than just carrying Narcan and bringing back to life from an overdose. Which is very important but -- very important and it is a lifesaving drug. And Narcan is not illegal, so anybody can carry Narcan, as I do, and as my other colleagues have said they do and they're trained in it. And I respect that. I think it's important. But I -- I don't think that it is getting people the help that they need if they are using drugs. Thank you.

ACTING SPEAKER AUBRY: Ms. Giglio in the negative.

Ms. Wallace to explain her vote.

MS. WALLACE: Thank you, Mr. Speaker, for giving me the opportunity to explain my vote. As has already been said, this is an incredibly important lifesaving drug. It is medication for people who are addicted. And anything that we can do to encourage the use and the carrying of this lifesaving medication is

worth doing.

In 2019, my 23-year-old nephew died of an overdose. He died in a public bathroom, shortly, by the way, after being released from being arrested for that and got in the middle of a drug treatment court and all those things. So, you know, you can't -- if you -- if you -- perhaps if somebody had found him, had Narcan on them, maybe he'd still be here today. You can't finish drug treatment court, you can't be helped if you're dead.

So I will say that I think that this is a very good bill. We don't want to deter people who have addiction problems from carrying this because they, themselves, might need it or they're around people that might need it. So I fully support this bill, and I want to thank the sponsor for bringing it and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Wallace in the affirmative.

Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker, for giving me the opportunity to explain my vote. I was listening to the debate, and many -- many points made on both sides are very important and they definitely reflect our need to -- to advocate for saving lives. One thing that I -- that strikes me is the -- the ability of preventing an absolute of no evidence being -- Narcan being introduced as evidence. You know, when we look at the prosecution for DWIs, we actually look at anything that could possibly substantiate at the trial. You can have receipts of purchases of alcohol or at a bar or something like

that. I think if we start to make absolutes, we take away the ability to prosecute and advocate for victims' lives. So, I think, like my colleagues have said in the -- during the debate, I think this goes a little too far and it's too much of an absolute. And there already is the opportunity for people to carry Narcan and it's promoted and we host trainings.

So I think this legislation goes a little too far. So for those reasons I'll be voting in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Reilly in the negative.

Ms. Rosenthal to explain her vote.

MS. ROSENTHAL: Thank you, Mr. Speaker, to explain my vote. I commend the author of this important piece of legislation. As a former Chair of the Committee on Alcoholism and Drug Abuse, I understand how important Narcan is to saving lives. The State, the City, the U.S. all promote the use of Narcan. People should carry it with them because you never know. To turn around and say that it could be used as evidence in a criminal trial sends a chilling message: *Don't use it. Don't have it with you. Don't try to save a life.* It's -- it's preposterous. Drug addiction is a disease. It's not criminal. And this is part of the effort that has criminalized people -- people who are in the minority community, people of color, trying to send them away. This is a good stop to that kind of behavior, and I applaud the sponsor.

I vote in the affirmative.

ACTING SPEAKER J.D. RIVERA: Thank you.

Mr. Lawler.

MR. LAWLER: Thank you. I will be voting in the affirmative. I -- I think the debate, frankly, has gotten a little confused. At the end of the day, we all want to make sure that people who are in dire need - and by dire I mean the potential of dying - have access to Narcan. And Narcan being a legal drug, certainly, you know, we want anybody who may need it -- frankly, I think it's something we should look to find ways to promote the ability of, you know, more and more everyday citizens to potentially have it in their home. Unfortunately, we've seen with the opioid epidemic and -- and heroin overdoses, it can come upon anyone at any time in any household. And I think we need to make sure that as a Body, we're doing what we can to -- to make it more readily available, unfortunately. I do -- I do think, as my colleague pointed out from Staten Island, that there may be too much of absolutism in this bill because at the end of the day, there are things all the time that are used as evidence in the commission of a crime. But of course, you know, I understand what the sponsor is trying to do with this bill, and at the end of the day, let's make sure that we're doing what we can to help save lives and make sure that Narcan is available.

So I vote in the affirmative.

ACTING SPEAKER J.D. RIVERA: Thank you.

Ms. Forrest.

MS. FORREST: Yes, I thank the -- I would like to

explain my vote. I thank the sponsor for this bill. I -- we all know that opioid addiction is pervasive in all our communities and it doesn't matter your class, your race or your environment. And so, having the ability to make sure -- having this bill uplift and support people to carry their Narcan no matter the situation. I am a Narcan carrier, and I carry my Narcan everywhere. So whether I'm in nursing scrubs or I am on the floor or I am outside in public, I don't want any questions as to who I am, or what I'm doing and what my Narcan carrying means. It should -- should signify other than I want to save lives.

And so I support this bill because it's an important bill that not only saves people, but then also puts forefront that opioid is a problem, period. Anywhere we go, it's a problem and we should all be prepared to address the problem. Thank you.

ACTING SPEAKER J.D. RIVERA: Thank you.

Mr. Conrad.

MR. CONRAD: Thank you, Mr. Speaker. On the bill, I want to say -- I want to say -- thank the sponsor. I think we have come a long way as a society where at one point in my career, I was arguing with people whether or not to carry it, whether or not to pay for it. And we all agree that it's a Band-Aid over a bullet hole, a bigger problem across our system. Narcan saved the life of my brother, a combat veteran and came back with opioid addiction after he was blown out of his Bradley Fighting Vehicle and had his hips torn off. And he was put on opiates and when he came back he was broken. Narcan saved his life.

And I commend the sponsor and I will be voting in the affirmative.

ACTING SPEAKER J.D. RIVERA: Mr. Goodell for exceptions.

MR. GOODELL: Thank you, sir. Please record the following in the negative: Mr. Angelino, Mr. Blankenbush, Mr. Brabenec, Mr. DeStefano, Mr. DiPietro, Mr. Fitzpatrick, Mr. Friend, Ms. Giglio, Mr. Hawley, Mr. Manktelow, Mr. Reilly, Mr. Salka, Mr. Tague and Mr. Tannousis.

Thank you, sir.

ACTING SPEAKER J.D. RIVERA: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Senate No. S02997, Calendar No. 123, Senator Parker (A01933, Galef, Peoples-Stokes, Gottfried, Paulin, Dinowitz, Abinanti, L. Rosenthal, Weprin, Glick, Thiele, Barron, Carroll, Colton, De La Rosa, Fahy, Jacobson, Jones, Norris, Quart, Santabarbara, Seawright, Simon, Stirpe, Taylor, Lawler, Zinerman, J.D. Rivera, Griffin, Burdick, Jackson, Otis, Rajkumar).
An act to amend the Real Property Law, in relation to the installation or use of solar power systems within a homeowners' association.

ACTING SPEAKER J.D. RIVERA: An explanation has been requested, Mrs. Galef.

MRS. GALEF: Yes. This bill is to encourage and

promote solar power, specifically with homeowners' associations. And what it does, the bill would allow homeowners to install solar energy systems on their rooftop in consultation with their homeowners' association. And the bill would prohibit homeowners' associations which are comprised of homes and townhouses and condo units from unreasonably restricting the installation or use of a roof -- rooftop solar power system. And as you all know, we have a goal in New York State of having 70 percent of our electricity by renewables by 2030. And so this is very consistent with our policy to do what we can to encourage solar use in all areas of -- of business and residential.

ACTING SPEAKER AUBRY: Mr. Fitzpatrick.

MR. FITZPATRICK: Thank you, Mr. Speaker.

Thank you. Sandy, I just -- just a couple of questions if -- if the sponsor would yield?

MRS. GALEF: Certainly.

ACTING SPEAKER AUBRY: Mrs. Galef yields.

MR. FITZPATRICK: Okay. The -- the -- when you talk about homeowner -- homeowners' associations, you -- you immediately think of condominiums. But homeowners' associations come in other forms. There can be single and separate homes in a homeowners' association. Now, the -- the law as you propose would declare null and void any -- any -- any restriction currently on -- imposed by a homeowners' association on residents, is that correct?

MRS. GALEF: As -- as you know, when you

become a homeowners' association, it also includes townhouses, which many of them are not even detached -- I mean, attached to anything -- they have to present bylaws to the Attorney General's Office, and they're rules and regulations. And we're saying within the rules and regulations of our homeowners' associations, they shouldn't just outright ban the use of -- of solar energy on -- on a -- a home. And they're -- they can if they come as a homeowners' association and say, *This -- these are the reasons that you cannot put a solar on the roof*, and put that in writing and say that, *This is what we believe you cannot do*. And it may be because the roof isn't strong enough, it's too old, or whatever it is. Also, the individual -- the homeowner, if they don't own the roof, then the homeowners' association can also say, you know, *This is a common roof. You cannot put it on that particular roof*. So there -- there's some differences in -- in how it is orchestrated. But basically, we're trying to encourage energy use. You know, I live in an area where we're losing 2,000 megawatts of power from Indian Point. We've lost 1,000 already. And -- and so we're trying to encourage everybody to -- to think about solar and -- and to participate in all the wonderful government programs on a Federal level and State level to put solar on your roof. And at the end of the day, you save a lot of money as -- as -- you know, as a proponent of using the solar energy, and of course, you're -- you're contributing to the whole issue of our climate control.

MR. FITZPATRICK: Very good. Thanks. But -- so, in -- in the -- where there is, you know, common walls, common roof,

common ownership, the homeowners' association may still impose that restriction, but it would need -- it would need a valid reason to do so? Is that --

MRS. GALEF: Right. It actually says in the bill if it -- if it is owned by the association or a common, it's not your own, it's not your own roof, then they -- they don't have a reason because it's in the law that says you cannot, you cannot do that. If you own your roof and the homeowners' association -- up to now, in many of the cases they just say, *No, you can't have solar*. They don't even tell you why. So what we're trying to encourage them to do is sit down as a homeowners' association -- there is a board -- to review the situation, make a decision, and they can still say no, but they have to have a valid reason for why they're saying no. And, you know, there have been some court cases on and off on -- on this issue and, you know, we're trying to preclude those from happening. And we have some other states that have done this. The wonderful states of Arizona with lots of sun, and California and Florida. But Massachusetts is also -- has also done this. So, you know, I think we are the beginning of a trend. We just want to encourage solar and I think, you know, a lot of my constituents look around the communities and see -- they see all the solar on -- on homes and they say, *Well, why can't we have that in our homeowners' association? I'd like to save money, too, and I'd like to help the world with -- with climate change*.

MR. FITZPATRICK: Very good. Sandy, thank you very much.

Mr. Speaker, on the bill.

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

MR. FITZPATRICK: The -- the sponsor has a -- I understand her dedication to the environment, as we all share. I -- I don't think this is a bad bill. The problem is I think the people who wish to live in a condominium need to be very careful of going forward. No doubt this bill will pass. But they need to be very careful when they sign on the dotted line to move into a condominium or a -- a homeowners' association. They need to check the fine print very carefully. Clearly, we all, you know -- we all support the goal of -- of, you know, conversion to renewables, as -- as -- as much as reasonably and economically feasible. As -- as that goal is, but this definitely changes the nature of living in a homeowners' association. I am concerned that existing agreements could be ruled null and void where they have put those restrictions in. And, you know, we all want to save money, but, you know, aesthetics are important, too. And, you know, solar panels, some people like them, some people don't. They don't all look very -- they're not all attractive-looking. So -- and it's one reason why people move into a certain type of community because they want a certain look, they want a certain lifestyle, and this would be potentially forever changed.

So, this bill is a -- it's a real toss-up. I will support it, but I -- I think it's going to change the nature of homeowners' association living going forward, and I do have a concern that, you

know, the next popular thing that comes along, it may -- you know, will this remove restrictions on, say, wind turbines or any other sort of energy alternative that may be much more aesthetically unappealing as solar panels. So, you know, if you support the environment you're going to, I'm sure, be supportive of this bill. But buyer beware. Read the fine print going forward if you move into a homeowners' association. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Fitzpatrick.

Mr. Goodell.

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

ACTING SPEAKER AUBRY: Mrs. Galef, will you yield?

MRS. GALEF: Yes, I will.

ACTING SPEAKER AUBRY: Mrs. Galef yields.

MR. GOODELL: Thank you, Mrs. Galef. As you know, when you buy real property, you get a deed. And the deed describes not only the dimensions of what you buy, but it can also define what rights you acquire with that deed. So in other words, the deed can specifically say that you get minimal rights or you don't get minimal rights. It can have any number of restrictions. A typical deed for a condominium or a cooperative in the deed itself states that you are not getting full ownership, you don't have the same ownership rights that you would get if you are buying a simple single-family

house under sole ownership. This legislation though would say it doesn't matter what's in your deed, even though your deed may prohibit you from putting in a solar installation without approval of the homeowners' association, this now gives you a new ownership interest in the property that's not conveyed by the deed, is that correct?

MRS. GALEF: Well, the ownership contract that you have is there and if the homeowners' association would be requested by one of their homeowners to put solar on their roof and that roof does not belong cooperatively with anyone, it's not common roof, then the homeowners' association gathered together can talk about the issue and say, *Well, do we want to do this? Do we have, like, six people that own property in our homeowners' association that wants to put solar on their roof?* Maybe we'll discuss that you could have solar on your roof, but maybe it would have to be toward the back of the property instead of in the front of the property. You can sit and negotiate and discuss and, at the end of the day, the homeowners' association can say no. We're trying to encourage them to do this.

You know, I'm thinking back because I think we passed a bill, I was probably here, Mr. Goodell was probably here, that would say that we would prohibit the installation -- I mean, that we would not allow the homeowners' association to prohibit satellite dishes at their -- at their home. And so, you know, what's happened over time is there are new things that have come along and we have to be willing to at least have a discussion as to whether we should go forward with that. And again, if -- if the community wants to say no,

they have the ability to say no.

MR. GOODELL: But isn't the entire purpose of this bill to limit or restrict a homeowners' association's ability to say no? I mean, I'm looking at page 2, it says, *The homeowners' association may not adopt or enforce any rules or regulations that would effectively prohibit or impose unreasonable limitations on the installation of any solar system*, and that's pretty strong language, right?

MRS. GALEF: Right, but then if you go to Section 4, it says, *Any denial of a homeowner's installation of a solar power system by a homeowners' association must include a detailed description of the exact basis for rejection in writing with specific examples of the homeowners' association concerns*. So all they have to do, I'm hoping they don't, but all they have to do is sit down and write and say why we don't want you to do this. It reminds me of a lot of co-ops that people, and I think we passed laws here, I know we did in Westchester County, that would, if -- if you're a co-op owner and you wanted to sell, you had to put in writing why you reject the sale. This is the same kind of legislation. It's just putting in writing why you're rejecting the use of a solar system on -- on a property.

But what's interesting with the discussion, Mr. Goodell, is that when the homeowners get together, maybe they'll look at their community house that they have, or their pool -- well, pool doesn't have a roof, but -- or it might have a roof, but they might want to look at some of the other parts of their property that are coordinated

with all of their residents and decide that maybe it would be good to have solar on their community room, that they could save thousands of dollars that each one of them could save. So I think in the part of the discussion you're going to find that people will come up with some interesting ideas, and this came to me because somebody came to my office and said, *We have -- we have people that we work with that are in condos and they just won't -- they'll just say no, that's it. They won't say why, they just say no.* And we're not going to be able to move forward with having alternative energy if we don't encourage everybody to do this. And I must say that people look around at neighbors and they see on individual houses people putting solar, they're saving money, and they want to save money, too. And actually, I just want to throw in here that there was a study done by the Zillow real estate people that said when --

MR. GOODELL: Mrs. Galef, I appreciate your explanation, but if it's okay if I can ask a question?

MRS. GALEF: Sure.

(Laughter)

MR. GOODELL: I love -- I love discussing bills with you, Mrs. Galef, you know that. I'm looking at page 2, line 3, 4, 5, 6, and am I correct that that language says, *A restriction in use which effectively prohibits the installation or use of a solar system is unenforceable and shall be void as a matter of public policy.* So based on your previous answer, if I understand correctly, if under this bill if a homeowners' association puts restrictions on and they give a

detailed explanation of why there are restrictions but does not prohibit the installation, those restrictions could be valid as long as they're not unreasonable, but what this bill would prohibit is the homeowners' association from prohibiting any solar installation, is that correct?

MRS. GALEF: Well, it could be, and it couldn't be.

MR. GOODELL: Well, as a lawyer, I always like to be able to tell my client one thing or the other, but as you know, as a lawyer, we rarely answer any questions directly, either.

MRS. GALEF: Right, and I'm not either.

MR. GOODELL: What do you -- what did you mean when you said a restriction on use that effectively prohibits it as -- is invalid? Isn't that pretty clear? Or did you mean to say it's invalid unless the homeowners' association has some reasonable reason?

MRS. GALEF: That's right; that's right.

MR. GOODELL: Then if this comes up again, I would hope that we can maybe tweak the language to reflect our intent.

On the bill, sir.

And again, thank you, Mrs. Galef, for your explanation.

MRS. GALEF: You're welcome.

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

MR. GOODELL: This -- this bill is unique because it provides that a restriction on solar installation cannot be enforced

even if it's in the homeowner's deed, even if because it's in the homeowner's deed they never had the power to put it up and they never had the ownership right to put it up. And it also says it's invalid even if it's in your contract, even when you went to buy in to the homeowners' association in bold print it said, *Warning: When you enter this homeowners' association, you agree to our terms and conditions.* By the way, filing an existing contract also violates the Federal Constitution which says the State Legislature shall not adopt any legislation that impairs the validity of an existing contract. And this bill overrides the bylaws of the corporation.

Now for those of you who have never bought a condo or cooperative or something similar, when you buy in, your deed references the bylaws and references the process by which your neighboring owners can change the bylaws. And everyone who buys in buys in because they understand that the homeowners' association is going to have rules and regulations dealing with aesthetics, with the colors, with what you can put in your window, whether you can put a Confederate flag out. All those are regulated by the homeowners' association and everyone who buys in understands that. Now all of us here talk about Democracy, but none of us have been elected as a super homeowners' association. We're not elected to the board of the homeowners' association, the homeowners are. And they have a Democratic process in which they decide whether or not it's okay for you to paint the outside of your unit purple, or hang a Confederate flag or anything else. As a matter of Democracy, we should -- we should

respect the fact that the homeowners' association has an elected board to make these decisions and that all the homeowners who bought in understood that, understood they're aesthetic rules, understood their restrictions and understood that they would have a voice if and when they needed to be changed.

And so if you provide that certain homeowners have the absolute right or not, depending on how you read the language, to put up a solar installation, you are trampling the rights of every other homeowner in that association. So let's respect Democracy. Let's respect hundreds of years of Real Property Law that says you only own what your deed gives you. Let's respect the contracts that these people signed where they agreed to live in harmony with their neighbors, and let us not override the views of the homeowners' association by mandating that they allow solar installations even if not approved by their bylaws.

Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 2997. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Mr. Speaker, this will be a Party vote and the Republican Conference will generally be in the negative on this bill. Those who'd like to vote affirmatively should please contact the Minority Leader's Office and advise them of their position on Calendar No. 123, which is A-1933. Thank you, sir.

ACTING SPEAKER AUBRY: 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 Majority Leader's Office at the number previously provided. Thank you.

ACTING SPEAKER AUBRY: Thank you, Ms. Hyndman.

(The Clerk recorded the vote.)

Mrs. Galef on the bill -- to explain her vote.

(Pause)

MRS. GALEF: Sorry. I would just like to conclude with the fact that this bill is sponsored -- or supported by many organizations, environmental advocates, New York League of Conservation Voters, The Alliance for Clean Energy, and I know Sustainable Westchester has done so, too.

Let me just say that we established long ago all the rules and regulations through the Attorney General's Office to establish rules and regulations for the homeowners' associations. And at that point when it was done, I don't think anybody really thought

either about satellite dishes, which we corrected in the law, and nobody really thought about solar because it wasn't around, we were just using gas, oil, maybe nuclear at that point. So we're in a different time frame and it's very important for us to do what we can to encourage solar energy and alternative energy, because that's where we're going in our country. And whatever ways we can do that, and this is one way that we can afford that, to try to encourage in our homeowners' association that they do encourage solar energy usage. If they aren't going to, they won't, but -- but they should. And as I was starting to say, there was research done by the Zillow area of research and indicating that when people do sell their properties, and they could get at least a 4.1 percent increase in the value of their property.

So I think we're all, you know, we're in a changing world. We're all looking at solar, we're looking Upstate at wind or out on the Island, it's a different place and we need to change with the times and join those other states that have done the job that I think we will do today. Thank you. I vote yes.

ACTING SPEAKER AUBRY: Mrs. Galef in the affirmative.

Mr. Burdick.

MR. BURDICK: Yes, Mr. Speaker, to explain my vote.

ACTING SPEAKER AUBRY: Proceed.

MR. BURDICK: Thank you, Mr. Speaker. And I want to commend the sponsor for bringing forth this legislation which

is very much needed. I applaud her work on this and as a former Co-Chairman of Sustainable Westchester and with the environmental groups that see this as a reasonable and sensible bill, I will be voting in the affirmative.

And as the sponsor has explained, this does not prohibit a homeowners' association from denying it on common elements or for providing the reason why they might turn it down. Instead, it provides an opportunity for discussion and the application of reasonable bases for how a solar installation can be effectuated. And as she also explained, it's much more likely to increase the value of these units, as those who are interested in purchasing are going to see that they would then have the right, within limitations, to go ahead with such solar installations. And further, as we all know, it is so incumbent upon us to do everything we can to have the State meet its obligations under the Climate Leadership and Community Protection Act.

And so again, my thanks to Sandy Galef for her work on this. I will be voting in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Burdick.

Mr. Epstein to explain his vote.

MR. EPSTEIN: Thank you, Mr. Speaker. I rise to explain my vote. I want to applaud the sponsor here for putting forth this legislation. The critical thing about homeowners' associations, as well as co-op and condo boards, is that they have on equal power

relations. Even in those agreements that the homeowner signs, the association in and of itself maintains all the power. And a lot of people move into an association not really knowing all the fine print because it's -- documents are dozens, if not hundreds of pages long, and they want to live in that apartment or live in that home. And then they later learn that things like solar panels can't be installed. It's really an unequal power relationship. It's our attempt as government to level those power relations by allowing homeowners their opportunity to put solar panels on their own homes when it's reasonable.

History has always changed issues. You know, we've seen racial covenants in deeds that have become unconstitutional. The idea of putting up a Confederate flag could be an issue that we can say isn't appropriate in an association. There are lots of limitations on what people can do and lots of freedom to allow people to do things that are appropriate. As time changes, legislation changes. I applaud the sponsor for moving this forward. I encourage my colleagues to vote in the affirmative. I will be doing the same.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Would you please record the following members in the affirmative on this bill: Mr. Brown, Mr. Byrne, Mr. Durso, Mr. Jensen, Mr. Lawler, Ms. Miller, Mr. Montesano, and Mr. Morinello.

ACTING SPEAKER AUBRY: Thank you. So noted.

MS. WALSH: Oh, and I'm sorry, Mr. Gallahan, as well.

ACTING SPEAKER AUBRY: Certainly. So noted.

MS. WALSH: Thank you.

ACTING SPEAKER AUBRY: Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03970, Calendar No. 128, Abinanti, Barron, Zinerman. An act to amend the Public Health Law, in relation to notifying local officials of the occurrence of certain emergency situations.

MR. GOODELL: On the bill, sir.

ACTING SPEAKER AUBRY: Mr. Goodell on the bill.

MR. GOODELL: Thank you, sir. This bill would require that when there's an imminent imperilment to the public health or safety, in addition to all the individuals that they would otherwise have to notify, the County Health Commissioner must notify the Chief Executive Officer of every municipality that might be affected by the emergency, every member of the legislative Body in the county, and if the emergency happens to affect another county, the County Health Commissioner in the affected adjoining or other counties. And there's been a lot of concern expressed because, especially in smaller counties, if there's an emergency that affects people's life, imminent

imperilment, most of us want our Health Commissioner focused on solving the issue and addressing the crisis rather than to reach out to dozens or maybe hundreds of elected officials to let them know that there's an imminent health crisis that the Health Commissioner is not working on because the Health Commissioner or their staff is contacting elected officials.

As an elected official, I always appreciate being notified, but I appreciate it even more when the County Health Commissioner and their staff are focused on doing their job of solving the crisis rather than notifying hundreds of officials. For that reason, there's been a lot of no votes in the past and I would encourage my colleagues to vote, again, in the negative. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on A-3970. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(Pause)

Mr. Goodell.

MR. GOODELL: Thank you, sir. This will be a Conference vote. The Republican Conference is generally opposed to

this legislation. Those who would like to vote in favor should call the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. This is a Party vote in the affirmative. Colleagues desiring to be an exception should feel free to contact my office and we will so record your vote.

ACTING SPEAKER AUBRY: Thank you, Mrs.

Peoples-Stokes.

(The Clerk recorded the vote.)

Mr. Abinanti to explain his vote.

MR. ABINANTI: Thank you, Mr. Speaker. This bill requires the County Health Commissioner to notify appropriate local officials in the event of a health emergency whenever the Health Commissioner decides it's necessary to notify others about the health emergency. This stems from several incidents in Westchester County where the Health Commissioner neglected to notify the local Mayor of an incident that was occurring in her village, when it would have been helpful to have the local police department and the local Public Works Department immediately on the scene and not show up much later when the Mayor heard about the incident from neighbors.

This bill has passed the Assembly three times. Now we're hopeful that it's going to pass the Senate and become law. It's commonsense. With the modern means of technology, these notices

can be done with the press of a button. When I was the Health Chair of the Westchester Board of Legislators Health Committee, I found it very helpful to be notified so that I could make sure that local officials were aware so that their volunteer fire department could be on the scene and so that we could answer questions from the public and, if necessary, aid in getting the information out to the public either to stay indoors or to evacuate. This is especially important in small communities where they don't have that large network of people who can give the information to the public.

So I urge my colleagues to vote in the affirmative. It is a commonsense measure using modern technology. Thank you, Mr. Speaker.

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

Mr. Lawler.

MR. LAWLER: Yes, thank you, Mr. Speaker. I appreciate the sponsor putting this bill forward. I think oftentimes when we're dealing with public health crises, communication is critical. And so I think it's very important that any time an incident is occurring within a local community that it is very helpful for the local elected officials to be made aware of it, you know, so that they can deal with and interact with their residents and communicate and help ensure that any information that needs to get out there does get out there appropriately. Oftentimes, you know, a local supervisor or mayor may have the ability to get the message out there to a much

broader audience. So it's always helpful when the local Health Department is cooperating with our local municipal officials, and so I vote in the affirmative on this bill. Thank you.

ACTING SPEAKER AUBRY: Certainly. Mr. Lawler in the affirmative.

Mr. Byrne to explain his vote.

MR. BYRNE: Thank you, Mr. Speaker. I want to thank the sponsor for explaining his vote. We have discussed this several years now in the Health Committee, as well as on the floor in the debate, and I -- I appreciate what he's trying to do as far as increasing communication between executives in particular. I -- I see his point about local police departments, Department of Public Works and the mayor or town supervisor, but this bill is more expansive and includes county legislators. And I do have the same concerns that were expressed by groups like the New York State Association of County Health Officials and the same concerns that were expressed by our Minority -- Assistant Minority Leader, or Minority Leader Pro Tem, Mr. Goodell, so I will be voting in the negative. And if this does pass, perhaps there can be a chapter amendment to narrow it a little bit and then in which case I'll be happy to support a chapter amendment. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Byrne in the negative.

Mr. Goodell.

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

following Republican members in the affirmative: Mr. Ashby, Mr. Lawler - that'd be Michael Lawler - and Mr. Montesano. Thank you, sir.

ACTING SPEAKER AUBRY: So noted, thank you.
Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If you could record our colleague, Member Glick, in the negative on this one.

ACTING SPEAKER AUBRY: So noted, thank you.
Are there any other votes? Announce the results.
(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: We have a number of fine resolutions which we will take 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. 120-123 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I now move that the Assembly stand adjourned until 11:30 a.m., Tuesday March the 23rd, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 5:13 p.m., the Assembly stood adjourned until Tuesday, March 23rd at 11:30 a.m., Tuesday being a Session day.)