

TUESDAY, MAY 17, 2022

12:27 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

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

(Whereupon, a moment of silence was observed.)

Visitors are invited to join the members in the Pledge of Allegiance.

(Whereupon, Acting Speaker Aubry led visitors and members in the Pledge of Allegiance.)

A quorum being present, the Clerk will read the Journal of Monday, May 16th.

Ms. Solages.

MS. SOLAGES: Mr. Speaker.

ACTING SPEAKER AUBRY: Good morning.

MS. SOLAGES: I move to dispense with the further reading of the Journal of Sunday, May 15th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Ms. Solages.

MS. SOLAGES: Good afternoon, Mr. Speaker. It's a pleasure to be with you here today. We are going to start off with a beautiful quote which is by Stacey Abrams. Among noteworthy accomplishments, Stacey Abrams is an American politician, a voting rights activist and a best-selling author from Georgia. And she said, *We must use our words to uplift and include. We can use our words to fight back against oppression and hate, but we must also channel our words into action.*

And so we have a lot of action here today, and so I want to have the members' attention so that we can announce the schedule for today. Members have on their desks the main Calendar and an A-Calendar. We also have the debate list. So Mr. Speaker, I move to advance the A-Calendar.

ACTING SPEAKER AUBRY: On Ms. Solages' motion, the A-Calendar is advanced.

MS. SOLAGES: We will begin our work today by taking up a resolution beginning on page 3. We will then take up the A-Calendar on consent. We will also work off the debate list

beginning with the following bills: Rules Report No. 124 by Mr. Hevesi; Rules Report No. 126 by Ms. Fahy; Rules Report No. 136 by Ms. Simon. I will announce any further action -- activity as we proceed, but with that as a general outline, if there are -- is any other housekeeping, now would be an appropriate time.

ACTING SPEAKER AUBRY: No housekeeping, but we do have some introductions to do first, the first by Mr. Jones.

Sir.

MR. JONES: Good afternoon, Mr. Speaker. For three decades, Professor Tom Mandeville has been teaching students about history and political science at Clinton Community College in Plattsburgh, New York. During summer and winter session, Professor Mandeville brings his students on a field trip to Albany for first-hand experience of the political process. It is my honor to introduce his State and Local Government class to our Capitol today. Please join me in welcoming Professor Tom Mandeville and his students, Joshua Baker, Nicole Bullock, Sarah Davidson, Christy Hilchey, Jacob Kent, Austin Rock, and George Saliba. Joining them also is Matt Burgeron. Mr. Speaker, would you please give them the cordialities of the floor and welcome them to the People's House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Jones, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor, appreciate the fact that you have come here to observe us in -- in Session, hope that you will learn some things here, hopefully

things that will impact on your future. And, Professor, thank you for the work that you do in taking care of the young minds of the State of New York. Thank you so very much, you're always welcome here.

(Applause)

Mr. Cusick for an introduction.

MR. CUSICK: Thank you, Mr. Speaker. I rise for the purposes of an introduction. Today is a -- is a special day for me. I get to introduce a group of gentlemen who have come up from Staten Island. They are students at Monsignor Farrell High School on Staten Island, which just happens to be my alma mater, Mr. Speaker. I am very proud of them being here today. It's the first time in recent memory that we've had a delegation from Monsignor Farrell High School here to -- to see if Mike Cusick and the other Farrell graduates actually do work up in Albany when they say they're in Albany. So it is a privilege to have them here today, but also with them I also have two introductions in -- wrapped up in one. Leading this delegation from Monsignor Farrell is someone who's no stranger to this House, Mr. Speaker, someone who served the people of Staten Island in the People's House for many years and now is the President of Monsignor Farrell High School. We have with us former Assemblyman Lou Tobacco is with us here today and joins us on this great day. I -- I want to recognize, because that's we do at Farrell -- other Farrell graduates, my colleague, Michael Tannousis, who serves in the Assembly is also a graduate of Monsignor Farrell and serves here in the State -- State Assembly.

Mr. Speaker, on behalf of myself, Mr. Tannousis and my colleagues from Staten Island, if you could welcome these fine gentlemen from Monsignor Farrell High School to the floor. Please offer them the cordialities and privileges of this House, and give them the welcome that they truly deserve here in the People's House in the is the State Assembly.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Cusick, Mr. Tannousis and the rest of the Staten Island delegation, we welcome the students from Monsignor Farrell here to the New York State Assembly. We give you the privileges of the floor, hope that you have enjoyed your time here, will enjoy it, and hope that you will learn from the very astute members of Staten Island's delegation here how to behave. And so we want to thank you all very much for being here. And, Lou, once a member, always a member. We are always happy to see you and I'm sure you're setting a fine example for these young men and will continue to do that in the future. Thank you all very much for being here.

(Applause)

Mr. Smullen for an introduction.

MR. SMULLEN: Well, thank you, Mr. Speaker. It's a -- it's with great pleasure I have an introduction of a fellow elected official, aspiring member of the New York State Board of Regents. Benny Goldstein is here today. I'm very proud to talk with him and -- and bring him around the Capitol. He's a very well-educated man, he's a -- he's a businessman, he's a lawyer, but very importantly he is

an educational entrepreneur. He's from Canajoharie in the Mohawk Valley and if you could -- if you could please welcome him to our House, to the Assembly, with all the cordialities of our -- of our beautiful House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Smullen, the Speaker and all the members, sir, we welcome you here, hope that your time here will be beneficial. Hope that you enjoy the proceedings and learn a little bit about this House. We hope you will always know that you're welcome, always know that you can come back and visit us at any time in any capacity that happens to be. Thank you so very much.

(Applause)

Ms. Lunsford.

MS. LUNSFORD: Thank you, Mr. Speaker. I rise today, I'm going to ask them to rise, as well, to introduce the first robotics team from Penfield High School, Team 1511 Rolling Thunder.

(Applause)

This team, this year and for many years, has earned the Chairman's Award which is given out by First Robotics to recognize teams that go above and beyond the robotics portion of their team. They advocate not just for themselves, but for funding for robotics teams across the State. They met with me both when I was a candidate and when I was elected, they met with elected officials across our county and we were trying to get them here in Albany in

February, they weren't able to come due to COVID, but they can met with Chair Benedetto to advocate for funding from the Education Committee via Zoom, they did a spectacular job, and they were awarded the Chairman's Award this year for that advocacy.

In 2020 when this team did not compete due to COVID, they used their 3D printers to print 3D masks for our frontline health care workers, and they're always reaching out to make sure that they are contributing to their community. So I'd like you to please rise and recognize this team of outstanding young people from Penfield, New York.

(Applause)

ACTING SPEAKER AUBRY: On behalf of Ms. Lunsford, the Speaker and all the members, we welcome this outstanding group of students here to the New York State Assembly, extend to you the privileges of the floor. So happy to hear that you are working to advance education across the board in this State, continue that. The STEM programs that we need in this State are many, and we hope that you contributed to the growth in that process. Thank you again so much, and know you are always welcome here. Thank you.

(Applause)

Mr. Ashby.

MR. ASHBY: Thank you, Mr. Speaker, for allowing me to introduce the Averill Park Girls State Championship Basketball Team. Today we are joined by Bailee Lange, Kayleigh Ahern, Lizzie

Hansen, Michaelina Lombardi, Arianna Verardi, Taylor Holohan, Logan Barsalow, Tatiana Tune, Liz Aiossa, Hannah Stewart, Maisie Dawson, Amelia Wood, Lily Wohlleber. They are coached by Sean Organ; Athletic Director Mark Bubniak is here with us; Rachel Brown, the Athletic Trainer; and Ashley Champitto, the Assistant Coach. And, Mr. Speaker, looking at this team, it appears to be a young team, they only have two seniors so they may be joining us again very shortly. So if you could please afford them all the cordialities of the House and join me in congratulating them.

ACTING SPEAKER AUBRY: Certainly. On behalf Mr. Ashby, the Speaker and all the members, we welcome this team of extraordinary young ladies, I'm -- I'm sure that you have performed admirably. We welcome your coaches and your Athletic Director, knowing that they're leading you in the right direction. We in this House try to play a little basketball, too, but it's slower than you probably play, and it's probably not as good as what you play. But we understand the great attraction to this sport that we have across the State, and so we admire those who have succeeded in it. Hope that you will come back, hope that you will be successful next year and also return to see us. Thank you so very much.

(Applause)

Ms. Hunter for an introduction.

MS. HUNTER: Yes, yes; thank you, Mr. Speaker. It is my privilege to introduce someone all of you probably have not ever seen, but know of, he is the "Ben" of Ben and Jerry's. Founded in

1978 in Burlington, Vermont, Ben along with Jerry were named the U.S. Small Business Person of the Year in 1988. Many of you have enjoyed Cherries Garcia, probably, or Chunky Monkey, or Phish Food, and today he personally was serving up Coffee Coffee BuzzBuzzBuzz! and Change is Brewing. Ben co-founded, again, with Jerry, support grassroots social justice groups around the country and today, they operate globally with 600 locations. Ben is a prominent advocate for social, racial, and economic justice around the country, definitely different issues getting money out of politics - ha, ha - expanding voting rights, and fighting climate change and today, he is here with Caterina and Darleen in our fight for qualified immunities.

So if you could extend the cordialities of the House, Mr. Speaker, to Ben of Ben and Jerry's. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Cohen [sic], the Speaker and all the members, Ben, we welcome you here to the New York State Assembly. We commend you and give you the privileges of the floor. We thank you for all the smiles that you put on the faces of people across this country and the world, no doubt, and continue to do that and continue your work to improve this society to ensure that all of us can smile when we need to. Thank you so very much.

(Applause)

Mr. Palmesano for an introduction.

MR. PALMESANO: Thank you, Mr. Speaker, my

colleagues. It's my privilege to interrupt the proceedings for a very special introduction. Joining us in the back of the Chamber is Terry Collingsworth, Founder and Director of the International Rights Advocates; Courtney Wicks, she's a representative of the Sisters of the Good Shepherd and Executive Director of Investors and Advocates for Social Justice; Dr. Bill Jackson, a current Staten Island resident, which I just found out this morning, I think in Assemblyman Tannousis' district, but he was born and raised in Kolwezi, a city in the Democratic Republic of Congo. Also, Isabella Napoleon.

They are here today to help bring awareness to an issue I've been talking about on this floor for several months. I've talked over and over again about when we talk about electric vehicles and how one of the main elements that are used to produce our electric vehicles is cobalt, and the fact that 70 percent of the cobalt is being extracted in the Democratic Republic of Congo. And it is estimated there are nearly 35- or 40,000 children mining these wells, hand mining in these mines, some as young as six years old with reports of these children dying, being maimed and being seriously injured. They're all here today because they wanted to use their voices from their experiences to see -- I know Dr. -- Mr. Collingsworth has been there, Mr. Jackson has been there, born and raised there, to make you all aware of what is going on with this cobalt mining and the dangers it provides to the children of the Congo and how we need to the stop child mining.

But they are up here to provide that advocacy to

make you aware, there's a display in the Well about it, a video, a BBC video just to help bring awareness and education. That's what I've been trying to do when I talk about this issue, to bring education and awareness when everyone wants to talk about electric vehicles. There is -- there is a consequence to that and that's what they are here to do. So if you could please just give -- extend the cordialities of the House to them for taking the time to travel all the way here for this important advocacy. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Palmesano, the Speaker and all members, we welcome you here to the New York State Assembly, extend to you the privileges of the floor, hope that your trip will be helpful to yourselves as well as to all of us and expand our information. I have promised Mr. Palmesano that if he mentioned the Democratic State of Congo again, I was going to go there, so I now obviously have to take a trip. Thank you so very much, it's my pleasure to have you here.

(Applause)

Ms. -- Ms. Tapia.

MS. TAPIA: Thank you, Mr. Speaker. I am -- I'm standing here before you because I want to -- to welcome the Dominican Consulates. As you know, our country, the Dominican Republic, just last February celebrated 178 years of independence and today we are visited by the Consul from the Dominican Republic to the United States of America and -- and we want to welcome him and -- and as you know, the Dominican are (inaudible) and -- but we like

bachata and merengue and I'm -- I'm very glad to welcome them to the People's House and I would love for the Speaker to welcome them here to the People's House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Tapia, the Speaker, and I can't see you, but we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Hope that your trip to Albany was beneficial, know that we have great relationships with the Dominican Republic and continue to do that as they have enjoyed and benefitted our State as they have (inaudible) here. Thank you again so very much, and please enjoy your day.

(Applause)

On page 3, Resolutions starting with Assembly No. 911, the Clerk will read.

THE CLERK: Assembly Resolution No. 911, Rules at the request of Mr. Brabenec.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim Thursday, October 6, 2022 as German-American Day in the State of New York, in conjunction the observance of National German Heritage Month.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye -- signify by saying aye. Are you awake?

MEMBERS: Aye.

ACTING SPEAKER AUBRY: Thank you very

much. Those opposed -- resolution is adopted.

THE CLERK: Assembly Resolution No. 912, Rules at the request of Ms. Zinerman.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 3-9, 2022 as Active Aging Week in the State of New York.

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

THE CLERK: Assembly Resolution No. 913, Rules at the request of Mr. Zebrowski.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 29, 2022 as Furniture and TV Tip-Over Prevention Awareness Day in the State of New York.

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

THE CLERK: Assembly Resolution No. 914, Rules at the request of Mr. Bronson.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 2022 as Breast Cancer Awareness Month in the New York.

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

THE CLERK: Assembly Resolution No. 915, Rules at the request of Ms. Lunsford.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim November 8, 2022 as STEAM Day in the State of New York.

Ms. Lunsford on the resolution.

MS. LUNSFORD: Thank you, Mr. Speaker. I'm very excited today to rise in honor of this resolution commemorating November 8th, 2022 as STEAM Day in the State of New York, in conjunction with National STEAM Day. I'm glad to do so with Team Rolling Thunder here with me to demonstrate that STEAM curriculum is not just about what we learn in school, but it's what we apply after school, as well. STEAM stands for Science, Technology, Education, Arts and Math and it takes our STEM education one step further by incorporating the arts to ensure that we are acknowledging the creativity that goes into all STEM endeavors. We need STEAM curriculum to advance our education for our students to understand how to exist in a modern world, also to prepare them for the careers not just of tomorrow, but of today, because we have arrived in the future. Thank you so much, and I welcome everyone to join me in honoring STEAM Day.

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

THE CLERK: Assembly Resolution No. 916, Rules

at the request of Mr. Sayegh.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 21, 2022 as Yoga Day in the State of New York.

ACTING SPEAKER AUBRY: Mr. Sayegh on the resolution.

MR. SAYEGH: Thank you, Mr. Speaker, on the resolution. Recognizing yoga has been crucial for many, many years, and as we approach a time when we're dealing with so many social issues not only involved in education and wellness and well-being, yoga has become not only a function of certain societies or cultures, it's become a growing, growing necessity to address physical well-being, emotional well-being. And as an educator for many years, acknowledge the work of yoga teachers and practitioners, and have addressed this by granting many local school districts with yoga instruction. And the benefits with children, sometimes children with emotional and mental and other disabilities, the progress has been enormous. And I'd like to just today acknowledge the importance of yoga, to compliment one of the fore -- forefront leaders and leaders internationally, Guru Guruji Thankappan, who appeared before us two weeks ago as the leader in interfaith peace across the world, supporting the Path to Peace Initiative and global interfaith celebrations and dialogue.

So today it gives me great pleasure to acknowledge, to recommend and hope we continue to implement yoga on the local,

on the State, national, international scene as a very beneficial tool to address wellness and emotional well-being. Thank you very much, Mr. Speaker.

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

THE CLERK: Assembly Resolution No. 917, Rules at the request of Ms. Solages.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 19, 2022 as Human Milk Day in the State of New York, in conjunction with the observance of World Human Milk Day.

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

THE CLERK: Assembly Resolution No. 918, Rules at the request of Mr. Ra.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 20, 2022 as Transatlantic Flight Day in the State of New York.

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

THE CLERK: Assembly Resolution No. 919, Rules at the request of Ms. Jean-Pierre.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 21-27, 2022 as Safe Boating Week in the State of New York, in conjunction with the observance of National Safe Boating Week.

Mr. Smullen on the resolution.

MR. SMULLEN: Thank you very much, Mr.

Speaker. I rise to commend the sponsor for this important resolution. Safe Boating Week is upon us, and the Great Sacandaga Lake Safe Lake Initiative is under way. The Sean Craig Memorial Fund, led by Theresa DaBiere-Craig, is in honor of her son, Sean, who drowned on the Great Sacandaga Lake. She has partnered with the Henry D. Ross III Memorial Fund, led by Maria Ross, Henry's mother, who lost his life on the lake in the winter. Nothing could be more important when we're recreating on all of our great lakes and navigable waterways in New York than to be safe while doing it. We commend these ladies for their efforts to continually bring attention to this important issue where we can save those lives from drowning during recreation. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly.

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

THE CLERK: Assembly Resolution No. 920, Rules at the request of Mr. Durso.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 17, 2022 as Sanitation Workers Day in

the State of New York.

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

On the debate list.

(Pause)

We are consenting the A-Calendar, page 3, Rules Report No. 240 to start. The Clerk will read.

THE CLERK: Assembly No. A08386-A, Rules Report No. 240, McDonald, Burdick, Gottfried, Galef, Griffin, Fahy, Kelles, Sillitti, Lemondes, J. A. Giglio, J. M. Giglio. An act to amend the Mental Hygiene Law, in relation to the construction of facilities for chemical dependence services that promote the privacy of individuals.

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 8386-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08404, Rules Report No. 241, Smullen. An act to amend the Public Officer's Law, in relation to waiving the residency requirement for the City Attorney in the City of Johnstown, Fulton County.

ACTING SPEAKER AUBRY: On a motion by Mr. Smullen, 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 7417. 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. A09672, Rules Report No. 242, B. Miller. An act to amend the Criminal Procedure Law, in relation to granting peace officer status to uniformed court officers in the Town of Montgomery.

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 9672. 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. A09706, Rules Report No. 243, Paulin. An act to amend the Public Service Law, the General Business Law and the Public Authorities Law, in relation to requiring utility service providers to disclose planned rate increases to consumers within a certain amount of time.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A09772, Rules Report No. 244, Zebrowski. An act to amend the Real Property Tax Law, in relation to extending limitations on the shift between classes of taxable property in the Town of Clarkstown, County of Rockland.

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 9772. 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. A09774, Rules Report No. 245, Englebright. An act in relation to authorizing Tu Vien Truc Lam Buddhist Central, Inc. to file an application for certain real property tax exemptions.

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 9774. 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. A09819-A, Rules Report No. 246, Magnarelli. An act to amend the Public Authorities Law, in relation to authorizing the Syracuse Regional Airport Authority to provide and maintain an authority police department and a uniformed authority police 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 Assembly print 9819-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously

provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09820-A, Rules Report No. 247, Fahy, Woerner, McDonald, Sillitti. An act to amend Chapter 238 of the Laws of 2021 relating to permitting the use of municipal space for outdoor dining, in relation to extending the effectiveness thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 9820-A. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09882-A, Rules Report No. 248, Stirpe, McDonald, Englebright, Dickens, Lupardo, Reyes, Hevesi, Burgos, Glick, Simon, Jean-Pierre, Fahy, Galef, Magnarelli, McMahon, Colton. An act to amend the General Business Law, in relation to the Secure Choice Savings Program and

participating individuals.

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 9882-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09921, Rules Report No. 249, Santabarbara. An act to amend the Mental Hygiene Law, in relation to including additional self-advocates on the Autism Spectrum Disorders Advisory Board.

ACTING SPEAKER AUBRY: On a motion by Mr. Santabarbara, 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 8647. 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. A09938, Rules Report No. 250, Thiele. An act to amend the Environmental Conservation Law, in relation to permitting the leasing of State-owned underwater lands for seaweed cultivation.

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 9938. 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. A09946, Rules Report No. 251, Galef. An act to amend the Executive Law, in relation to including Furnace Brook in the list of inland waterways eligible for the Local Waterfront Revitalization Program.

ACTING SPEAKER AUBRY: On a motion by Mrs. Galef, 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 2992. 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. A09962, Rules Report No. 252, Pretlow. An act to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to the distribution of surcharges on off-track winnings.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect September 1st, 2022.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 9962. 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. A09974, Rules Report No. 253, Gottfried, Braunstein, Galef. An act to amend the Public

Health Law, in relation to requiring general hospitals and ambulatory surgery facilities to adopt and implement policies to prevent exposure to surgical smoke.

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 9974. 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. A10039-A, Rules Report No. 254, McMahon. An act to amend Chapter 425 of the Laws of 2012, incorporating the Main-Transit Volunteer Exempt Firefighter's Benevolent Association and providing for its powers and duties, in relation to the Main-Transit Volunteer Fire Department Benevolent Association's purpose and the use of foreign fire insurance premium taxes.

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 10039-A. This is a fast roll call. Any

member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10056, Rules Report No. 255, Solages, Wallace. An act to amend the General Municipal Law and the Public Authorities Law, in relation to requiring notice and confirmation of such notice by affected local taxing jurisdictions and school districts prior to approval of projects by industrial development agencies.

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

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 3256. 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. A10078, Rules Report No. 256, Fernandez. An act to amend the Workers' Compensation Law, in relation to the issuance of policies by the State Insurance Fund where a balance is due on a prior policy issued by such fund.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10088, Rules Report No. 257, Thiele. An act to amend the Alcoholic Beverage Control Law, in relation to a license to sell liquor at retain for consumption on certain premises.

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 10088. 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. A10105, Rules Report No. 258, Englebright. An act to amend the Navigation Law, in relation to pilotage fees on vessels transiting the New York State Waters of Long Island Sound or Block Island Sound east of Execution Rocks or Sands Point.

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 10105. 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. A10119, Rules Report No. 259, Thiele. An act in relation to authorizing the assessor of Town of Brookhaven, County of Suffolk, to accept from the First Baptist Church an application for exemption from real property taxes for certain assessment rolls.

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 10119. 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. A10137, Rules Report No. 260, Cunningham. An act to amend Part U of Chapter 56 of the Laws of 2018, amending the Education Law relating to requiring regulations to permit tuition waivers for certain firefighters and fire officers for CUNY, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 10137. 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. A10142, Rules Report No. 261, Lucas. An act to amend Part U of Chapter 55 of the Laws of 2014, amending the Real Property Tax Law relating to the tax abatement and exemption for rent regulated and rent controlled property occupied by senior citizens, in relation to the effectiveness thereof; and to amend Chapter 129 of the Laws of 2014, amending the Real Property Tax Law relating to the Tax Abatement and Exemption

for rent regulated and rent controlled property occupied by persons with disabilities, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 10142. 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. A10146, Rules Report No. 262, Committee on Rules (Woerner, Zebrowski). An act to amend the Public Lands Law, in relation to the maximum value of unappropriated State land that the Commission of General Services may sell and convey.

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 10146. 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. A10147, Rules Report No. 263, Committee on Rules (Davila, Zebrowski). An act to amend the Executive Law, the Alcoholic Beverage Control Law, the Banking Law, the Cannabis Law, the Civil Practice Law and Rules, the Civil Rights Law, the Civil Service Law, the Correction Law, the Domestic Relations Law, the Economic Development Law, the Education Law, the Environmental Conservation Law, the General Business Law, the General City Law, the Judiciary Law, the Labor Law, the Mental Hygiene Law, the Parks, Recreation and Historic Preservation Law, the Penal Law, the Public Authorities Law, the Public Health Law, the Real Property Law, the Retirement and Social Security Law, the Surrogate's Court Procedure Act, the Social Services Law, the Tax Law, the Transportation Law, the Volunteer Ambulance Workers' Benefit Law, the Volunteer Firefighters' Benefit Law, the Workers' Compensation Law, the Facilities Development Corporation Act, the Medical Care Facilities Finance Agency Act, and the New York State Urban Development Corporation Act, in relation to replacing instances of the terms "alien" and "illegal alien" with the terms "noncitizen" and "undocumented noncitizen."

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 10147. 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. A10151, Rules Report No. 264, Committee on Rules (Cunningham). An act to amend the Vehicle and Traffic Law, in relation to eliminating noting an address change on driver licenses and non-driver identification cards.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10153, Rules Report No. 265, Committee on Rules (Sillitti). An act to amend the Labor Law, in relation to authorizing the Department of Labor to use electronic storage technology to store public records, papers, documents and matters required by law to be recorded.

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 10153. 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. A10154, Rules Report No. 266, Committee on Rules (Gibbs). An act to amend Chapter 297 of the Laws of 2020 relating to requiring the Department of Labor to produce a report regarding summer youth employment programs funded by State, Federal and local appropriations, in relation to expanding the reporting requirements; and in relation to extending the effectiveness of such chapter.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10156, Rules Report No. 267, Committee on Rules (Conrad, Thiele). An act to amend the Social Services Law, in relation to providing for flexibility in the funding of certain weatherization programs.

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 10156. 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. A10183, Rules Report No. 268, Committee on Rules (Lunsford). An act to amend the Social Services Law, in relation to including a child abuse medical specialist on the child abuse multidisciplinary team.

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 10183. 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. A10186, Rules Report No. 269, Committee on Rules (Gunther, Dinowitz, Seawright, Burgos, Reyes, McDonald, L. Rosenthal). An act to amend the Public Health Law and the Insurance Law, in relation to requiring space for donate life registration on certain insurance forms.

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 Senate print 10 -- Assembly print 10186. 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. A10188, Rules Report No. 270, Committee on Rules (Pheffer Amato). An act to amend the Environmental Conservation Law, in relation to filling the borrow pits in Jamaica Bay; and to amend Chapter 288 of the Laws of 2014 amending the Environmental Conservation Law relating to the filling of borrow pits in Jamaica Bay, in relation to making the provisions of such chapter permanent.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10195, Rules Report No. 271, Committee on Rules (Lupardo). An act to amend the Agriculture and Markets Law, in relation to the beginning farmer advisory board on agriculture.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10197, Rules Report No. 272, Committee on Rules (Taylor). An act to Amend Chapter 831

of the Laws of 1981, amending the Labor Law relating to fees and expenses in unemployment insurance proceedings, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate -- Assembly print 10197. 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. A10204, Rules Report No. 273, Committee on Rules (Lunsford). An act to amend the Not-For-Profit Corporation Law, in relation to exempting the Bushnell's Basin Fire Department from the 45 percent limit on non-resident members.

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 10204. 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. A10219, Rules Report No. 274, Committee on Rules (Conrad). An act to amend the Vehicle and Traffic Law, in relation to the period for which commercial learner's permits are valid.

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 10213 -- 19. 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. A10220, Rules Report No. 275, Committee on Rules (Lavine). An act to amend Chapter 455 of the Laws of 1997 amending the New York City Civil Court Act and the Civil Practice Law and Rules relating to authorizing New York

City Marshals to exercise the same functions, powers and duties as sheriffs with respect to the execution of money judgments of the Supreme and Family Courts of the City of New York and defining the term "the sheriff" as used therein, in relation to extending the effectiveness of such chapter.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10221, Rules Report No. 276, Committee on Rules (Lavine). An act to amend Chapter 237 of the Laws of 2015 amending the Judiciary Law, the Civil Practice Law and Rules and other laws relating to use of electronic means for the commencement and filing of papers in certain actions and proceedings, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 10221. 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. A10222, Rules Report No. 277, Committee on Rules (Cahill). An act to amend the Vehicle

and Traffic Law, in relation to requiring certain safety features for commuter vans.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10223, Rules Report No. 278, Committee on Rules (Tapia). An act to amend the Public Authorities Law, in relation to increasing the bond and note authorization of the State of New York Mortgage Agency.

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 10223. 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. A10229, Rules Report No. 279, Committee on Rules (Niou). An act to amend the Insurance Law, in relation to making technical corrections to law references and eliminates certain gender-specific language relating to the Superintendent of Insurance.

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 10229. 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.

We'll go back to Rules Report No. 275, the Clerk will read.

THE CLERK: Assembly No. A10220, Rules Report No. 275, Committee on Rules (Lavine). An act to amend Chapter 455 of the Laws of 1997 amending the New York City Civil Court Act and the Civil Practice Law and Rules relating to authorizing New York City Marshals to exercise the same functions, powers and duties as sheriffs with respect to the execution of money judgments of the Supreme and Family Courts of the City of New York and defining the term "the sheriff" as used therein, in relation to extending the effectiveness of such chapter.

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 10220. 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.

We'll now go to the debate list, Rules Report No. 124, the Clerk will read.

THE CLERK: Assembly No. A06266-A, Rules Report No. 124, Hevesi. An act to amend the Social Services Law, in relation to waiving the requirement of establishing paternity or a child support order for certain applicants or recipients of aid to dependent children.

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

Shh. Ladies and gentlemen, we are on debate.

MR. HEVESI: Thank you --

ACTING SPEAKER AUBRY: Members will take their seats or remove themselves from hearing.

Proceed, Mr. Hevesi.

MR. HEVESI: Thank you, Mr. Speaker, and my colleagues. This bill will prohibit the local social service district from establishing paternity or seeking child support when an applicant or a recipient of public assistance has established good cause not to cooperate with the district.

ACTING SPEAKER AUBRY: Ms. Walsh.

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

ACTING SPEAKER AUBRY: Mr. Hevesi yields.

MR. HEVESI: Absolutely. Good to see you, Ms. Walsh.

MS. WALSH: Good to see you, too. So a few questions about this. This -- so this has to do with when a child has been placed with a relative or family friend, not the biological parent of the child, and that there's a grant that can be given to assist in the support of that child called a TANF, T-A-N-F grant.

MR. HEVESI: Yep.

MS. WALSH: So what I'm confused about I guess is what this bill does is it says that that caregiver of the child, if they can establish good cause they do not have to cooperate with Department of Social Services in trying to establish paternity or a child support order against the parent that's out there.

MR. HEVESI: Correct.

MS. WALSH: Is that correct?

MR. HEVESI: Yes.

MS. WALSH: Okay. So -- and I -- and I can see the -- the benefit of that in the case of cases of real domestic abuse or criminal conduct, potential criminal conduct, a threat against the caregiver.

MR. HEVESI: Right.

MS. WALSH: But we already have a process currently that allows for good cause to be established, correct?

MR. HEVESI: We do, yes.

MS. WALSH: Yeah. So I was reading about that as a matter of fact and there's a -- there was a memo, an informational letter that went out to local district commissioners way back in 2008 which really laid that out. So -- and I'm sorry, I'm having trouble hearing.

MR. HEVESI: They're very excited about that, so...

MS. WALSH: What kind of cooperation would a caregiver need to give Department of Social Service to -- to establish paternity or child support?

MR. HEVESI: That's a great question. Let's -- so let me take a step back. So if a child has been removed from their house for whatever reason, the child can get what's called a -- a non-parent or a child-only grant for that kid because the parents are for whatever reason not involved. One of the problems that we're seeing with those child-only grants is a lot of people aren't taking them. And part of the reason is because under current law to take that child-only grant means that you have to work with the social services district to make sure there's no other support, and that includes child support and paternity. Now, for many of these caregivers, let's say it's a grandmother who's taking care of a kid.

MS. WALSH: Yep.

MR. HEVESI: They're going to say to themselves,

You know what, it may not be worth it for me to go to try to collect the child support, because that reintroduces the parent with the trouble back into the environment and that -- and that parent has the right to take custody. So if you're the grandmother you say to yourself, *You know, I'd like to have that paternity, that other support*, but it would bring that other -- there's a chance that the parent could come back and take the kid into an unsafe environment. So as a safety precaution, what we're seeing is a lot of caregivers, kin caregivers are not taking use of this grant and that's not helping the grand -- the caregivers or the kid.

MS. WALSH: But under our existing law, Mr. Hevesi, they -- they could show, they could make a good cause showing, couldn't they, under our current law and say we don't -- we don't want -- *we would like the TANF grant, but we don't want to cooperate and the reason why is because the parent's alcoholic, the parent is unstable, the parent has threatened me, there's this -- there's an order of protection --*

MR. HEVESI: Right.

MS. WALSH: -- *in my favor or the child's favor*, they can already make that showing. So why prohibit Department of Social Services from going after paternity or support, which is what this bill does, it says that when that good cause is shown -- and -- and by the way, Department of Social Services is -- they -- they're the arbiter of whether good cause is shown, you know.

MR. HEVESI: Right.

MS. WALSH: The -- the caregiver makes the case and says, *This is what I've got, I've got, you know, I've got the police records of, you know, different problems, I've got the order of protection, I've got whatever, I've got affidavits saying what a problem this individual has been.* Department of Social Services says yes or no on good cause if they currently -- under current law if they say yes there is good cause, they don't go after the -- the parent now, do they?

MR. HEVESI: Yeah, they do. So -- so here -- you're right, so there is good cause currently under the law. The problem is at the end of the day, even if the parent has shown good cause, the local social service district can say, *It doesn't matter, we're going to go after paternity anyway.* And that has happened which puts the caregiver and the child at risk. That's the gap we're trying to -- we're trying to close.

MS. WALSH: Okay.

MR. HEVESI: So there is an opportunity, but at the end of the day, the local social service district can say, *You know what? We don't think there's a risk, we're going to do it anyway* and that's where we're getting into trouble for these kids.

MS. WALSH: Okay. All right. That's interesting because I --I spoke with my own DSS Commissioner who said that they do not, they as a matter, their own practice in our county they do not go after.

MR. HEVESI: Right, but they can and in other

counties I think they do. And let me just, so if I can go on the record about what good cause is I think it's important for the purposes of discussion.

MS. WALSH: Yes, I was going to ask you about that, yeah.

MR. HEVESI: So -- so first, it's good cause when the child has been conceived as a result of incest or forcible rape. There is good cause if the adoption of the child is pending, if the grandmother is pending -- trying to get -- to adopt that kid; if the caretaker is receiving pre-adoption services; and then here are the two that are important -- most important, I believe, that, one, the cooperation could lead to physical or emotional harm to that child or can lead to physical or emotional harm to the caregiver such that it would impair the caregiver's ability to take care of the kid. So those are the four circumstances. So what we're just trying to make sure if the -- if the -- if the caregiver and/or the kid are saying, *Listen, this is -- we don't want to do this because it's too much danger*, we don't want the local social service districts having that little option to say, *We're doing it anyway* and cause trouble for the family. That's what we're trying to get at.

MS. WALSH: Okay, thank you. That really helps me to understand the bill better.

MR. HEVESI: Sure.

MS. WALSH: So I guess my question now is let's say you have a -- an infant who is in this situation where they're with a

-- either a family member, not a parent, or family friend or something like that and they're in this caregiver situation, I think that -- hold on a second, it was referred to as a -- hold on.

MR. HEVESI: Kinship? Kin caregiver?

MS. WALSH: A child-only case, they refer --

(Cross-talk)

MR. HEVESI: Child-only, referred to as neglect.

MS. WALSH: A child-only case.

MR. HEVESI: Yes.

MS. WALSH: Okay. So -- but we know that child support is due and owing for a child until the -- at least the age of 21, in some instances even longer than that.

MR. HEVESI: Yeah.

MS. WALSH: So by passing this piece of legislation, aren't we saying to Department of Social Services if good cause is shown when the child is an infant up until the age of 21 they will take no steps to establish paternity or -- or obtain support. There's -- it's a forever, right --

MR. HEVESI: It does.

MS. WALSH: -- it's not -- it's not like a time limit on it.

MR. HEVESI: You're right, it does and -- and the logic is that the reintroduction of the parent at that stage or even during that long period of time could be detrimental to the child or the new caregiver where they're trying to establish stability for their home.

So that's why -- I understand the question about time limits, but we don't time limit it because, you know, circumstances don't always change. We want to protect the kid.

MS. WALSH: Well, circumstances don't always change and some parents that have issues with addiction or just outright criminal behavior, sometimes those things don't change but we, in this House, certainly do put a lot of investment behind the idea that people can change with appropriate interventions.

MR. HEVESI: Yes, yeah.

MS. WALSH: Now, if -- if the paternity is not established as to that -- that, say, absent parent, DSS can't provide any preventive services or any services to help that parent become a -- a suitable parent; isn't that correct?

MR. HEVESI: Oh, that's interesting. Yeah, that's true but, again, what we're trying to do is get the kinship caregiver and the kid access to the child-only grant. So that's -- our focus is on the child and the caregiver, not the parent, but I understand that point.

MS. WALSH: And I understand the part about wanting to get the grant to the caregiver and to remove barriers so that there are resources available to caregivers who are doing this work that is, you know, which is really out of love for this child --

MR. HEVESI: Right.

MS. WALSH: -- and I -- I appreciate that. My issue is first, I guess, we -- there's a preference for parents still in -- in our law. There's a preference that a child, barring persisting abuse or

neglect, is the -- the person that we want the child to grow up with.

MR. HEVESI: Agreed.

MS. WALSH: So if you're going to pass this and say that if good cause is shown, DSS can only seek paternity only after determining that it would provide no danger to the caregiver, aren't we kind of writing that parent off, and sometimes at a very early stage in that child's development when --

MR. HEVESI: Yeah.

MS. WALSH: -- when circumstances could change.

MR. HEVESI: Yes, okay. So -- so the answer is yes, you're right. This is -- first, it's only applicable to public assistance. But you're right. So this is why legislating in this area is particularly difficult, right? So for me, the ideal world for any kid growing up is with their family, okay, that's where you want, that's what the science tells us, you keep them with their family. But on a -- we're -- we're looking at kids who have been separated due to some very serious reasons. So we are going to have to choose at this point is it better to err on, hey, I'd like the family to be together or, you know what, if the reintroduction of that parent into the -- the kid's life is going to be a danger to the kid or the caregiver, we've got to err on the side of caution. That's where we're erring. This is not perfect, but this is -- I think this is safer for the child.

MS. WALSH: Thank you very much.

MR. HEVESI: Thank you.

MS. WALSH: Mr. Speaker, on the bill.

ACTING SPEAKER EPSTEIN: On the bill.

MS. WALSH: So I -- I really do appreciate the intentions of the sponsor. I do think that individuals who provide this kind of temporary -- it's intended to be temporary care for a child who has parents who are struggling with issues, and perhaps those issues are going to be lifelong, but perhaps they are not. And I think that the -- the appropriate way to approach this is different than this legislation because what we should be doing is saying if -- if a biological parent is so deficient then there should be an action taken to terminate that parent's parental rights, and to have that child gain permanency and to be permanently placed with that caregiver through adoption, that -- that is the ultimate permanency for the child.

So I appreciate the idea that we want to protect the child from potential harm, including emotional harm from being exposed to a clearly deficient parent. I think that what this bill does is sometimes at a very early stage in that child's life makes a very permanent choice in saying we are going to choose the caregiver and to support that caregiver financially, and otherwise prevent DSS from seeking support from -- or to establish paternity, which could result in the permanency that that child seeks one way or the other, either they determine that the -- that the parent, once paternity is established, is so deficient that they would need to terminate that parent's parental rights, or that that parent may be a financial or perhaps emotional resource for that child between birth and 21, which is a very long period of time. People can change, even parents that have struggles

with alcohol or drugs, or perhaps a domestic violence situation can receive appropriate intervention and become a better parent, but this bill doesn't really account for that possibility and for that reason, I will not be able to support the bill in its current form and I would encourage my colleagues to also vote no. Thank you, Mr. Speaker.

(Pause)

ACTING SPEAKER EPSTEIN: Mr. Goodell.

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

ACTING SPEAKER EPSTEIN: Will the sponsor yield?

MR. HEVESI: Yes, sir; it would be my pleasure.

ACTING SPEAKER EPSTEIN: The sponsor will yield.

MR. GOODELL: Thank you, Mr. Hevesi.

MR. HEVESI: Sure.

MR. GOODELL: From looking at the -- the regulations, the DSS regulations, am I correct - I think I'm reading this correctly - that if a determination of good cause is made then there's a second determination, and it says a determination shall also be made whether or not child enforcement could proceed without risk for the child or caretaker relative if enforcement proceeds. So the DSS makes a two-part determination, right? They make a first part is whether there's good cause to believe that the relative or caregiver should not have to cooperate, that's the first one.

MR. HEVESI: Okay.

MR. GOODELL: And then they automatically stop until they make the second determination, and the second determination requires them to make the determination that if they proceed it presents no risk -- well, it says can proceed without risk to the child or caretaker.

MR. HEVESI: Right.

MR. GOODELL: So --

(Cross-talk)

-- make that determination that there's no risk to the child or caretaker, why shouldn't they proceed with paternity or support collection?

MR. HEVESI: Great question. So the second part of your question is the reason why we have the bill, because I don't -- the intent of this bill is to not have DSS be able to make a decision about whether it's dangerous or not when it disagrees with the -- the caregiver of the child. We're trying to make the -- the child's, the -- the decision not by the DSS, but up to the kid and the -- and to the caregiver to say no, this cost benefit is not worth it to us. So we don't want -- what -- what you have in current law is an ability for the local Department of Social Services to overrule the decision of the caregiver and the child, and that's what we're trying to get at so that doesn't happen.

MR. GOODELL: Well, this doesn't give the authority to DSS to overrule the decision by the caregiver to seek

good cause for not cooperating, right? The first determination is do you have good cause for not cooperating, they can say yes, you do; you don't have to cooperate.

MR. HEVESI: Right.

MR. GOODELL: The second analysis said, can we, without your cooperation or assistance or an evaluation or anything else, proceed to collect --

MR. HEVESI: And that's what's dangerous.

MR. GOODELL: And that can only move forward --
(Cross-talk)

MR. HEVESI: I'm sorry to cut you off, but that's what's --

MR. GOODELL: And that they can only move forward after making the determination that they can proceed without risk to the child or the caregiver.

MR. HEVESI: Correct. And it's that second piece that we're trying to eliminate from the law because don't want the social service district overruling the -- the opinions of the people who are going to be harmed, the caregiver and the child. That's why.

MR. GOODELL: Thank you for that clarification.

MR. HEVESI: You're welcome, sir.

MR. GOODELL: On the bill, sir.

ACTING SPEAKER EPSTEIN: On the bill.

MR. GOODELL: I appreciate my colleague's comments and clarification. Right now, we have a balancing act that's

performed by social services, and I think it's a correct balancing act. We start from the assumption that fathers should bear primary responsibility for raising their own children. I think that's a pretty fundamental premise that we should be operating under in New York State. Fathers should be responsible for taking care of their own children, not the taxpayers. And so what happens when the mother won't cooperate with social services to identify the father, or the caregiver, who is likely related to the mom, won't cooperate. Well, our current regulations say if they have good reason not to cooperate they're still eligible for taxpayer support, but we still allow the taxpayers to seek contribution from the father for the cost of raising his own child as long as that collection efforts pose no risk to the child or caretaker.

So this bill says even if there's no risk to the child or caretaker, we're not going to hold the father responsible for any financial support from age zero to age 21 merely because the caregiver doesn't want to cooperate and may have good cause not to cooperate. That's putting the taxpayers on the hook for 21 years of child support without even being able to determine paternity or ask the father to contribute. I think it's an unreasonable burden on the taxpayers. I think it's an inappropriate approach to the responsibility of a parent to raise their own child. And I think the current regulations that protect the child and the caregiver are adequate and appropriate. For that reason, I join my colleagues in recommending against this. Thank you, sir.

ACTING SPEAKER EPSTEIN: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER EPSTEIN: The Clerk will record the vote on A6266-A. 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 number previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed for the reasons expressed by my colleague. Those who wish to support this can certainly vote in favor of it here on the floor of the Assembly, or by calling the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER EPSTEIN: Ms. Solages.

MS. SOLAGES: Thank you, Mr. Speaker. I'd like to remind my colleagues that this is a Party vote and the Majority members will be in the affirmative, and if any individual wants to vote in the negative, we encourage them to call the Majority Leader's Office and we will announce their name accordingly.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill has passed.

Page 6, Rules Report No. 126, the Clerk will read.

THE CLERK: Assembly No. A07063-A, Rules Report No. 126, Fahy, Simon, Colton, Dinowitz, Epstein, Steck, Zinerman, Stirpe, Gottfried, Stern, Quart, Zebrowski, Jacobson, Thiele, Lunsford, Burdick, Glick, Davila, L. Rosenthal, Otis, Griffin, Kelles. An act to amend the Environmental Conservation Law, in relation to prohibiting the use of perfluoroalkyl and polyfluoroalkyl substances in apparel.

ACTING SPEAKER EPSTEIN: An explanation is requested.

Ms. Fahy.

(Pause/adjustment of Zoom reception)

MS. FAHY: Okay. Hopefully that's better. Okay -- I think...

ACTING SPEAKER EPSTEIN: We can hear you now, Ms. Fahy.

MS. FAHY: Yes, thank you. Sorry about that. This legislation would prohibit the use of PFAS type substances and chemicals in apparel. It's a -- PFAS are a class of chemicals that have a variety of commercial liquid-wicking applications and -- which has lead to their presence in a host of products consumed by -- by consumers. And there's mounting evidence, and we've had conversations on this on this floor regarding other legislation that these PFAS type chemicals have led to kidney and testicular cancer and other -- other types of medical health problems. And certainly, we have had numerous conversations about how it has contaminated

the water. So this would move to get it out of everyday apparel.

ACTING SPEAKER EPSTEIN: Mr. Goodell.

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

ACTING SPEAKER EPSTEIN: Ms. Fahy, will you yield?

MS. FAHY: Yes, certainly.

ACTING SPEAKER EPSTEIN: The sponsor yields.

MR. GOODELL: Thank you, Ms. Fahy. As you noted, we've already passed legislation to prohibit PFAS chemicals in food packaging materials as well as firefighting foam. How prevalent are these chemicals in apparel?

MS. FAHY: Quite, quite prevalent, and there's numerous recent studies that are showing one in particular that I think was disturbing that the Silent Spring Institute estimated a few years ago that nearly 60 percent of children's clothing that may be labeled waterproof or stain resistant are showing PFAS substances. Other studies have shown higher numbers, some European studies have shown lower numbers, but the bottom line is, as you know, these are considered forever chemicals that do not break down naturally and are found to accumulate or bioaccumulate in our bodies. And there -- there was a study in 2017 it looks like that show the vast majority of Americans have some detectible level of PFAS in their body. So they've just become ubiquitous and this is a start to -- to change that.

MR. GOODELL: So if your numbers --

MS. FAHY: An effort to change that.

MR. GOODELL: If your numbers are correct then, if we pass this legislation and it's signed into law, consumers in New York State would expect to see about 60 percent fewer clothing apparel items available for children, particularly waterproof items, and a substantial number of apparel items for all other consumer goods also no longer being allowed in New York State; is that correct?

MS. FAHY: Well, it's -- it's on a -- a couple of fronts on that. First of all, that would be -- would have a year from the date that this was signed, but there are a growing, growing number, in fact, an impressive number of alternatives on this -- alternatives for PFAS products, including on rain gear, including in everyday apparel and including from very affordable brands, H&M, Levi Strauss, UNIQLO, Zara. So there -- there are a growing -- given the recognition, we are seeing more and more change of companies making every effort to get this out of their -- out of the apparel.

And I should add one of the things that bothered me the most here is not just what's in the clothing, it's the fact that we wash that clothing, and we've had many discussions over the years and many problems with water systems and as you know, there's a serious problem in Rockland County right now with PFAS contamination in the water. But one of the concerns here is that as we wash these clothes, it ends up in the water system, and including in our drinking water. So that, to me, is one of the more troubling pieces of this.

MR. GOODELL: And I appreciate your concern on

this, but I also, if I'm correct, my question was pretty straightforward, you indicated that 60 percent of children's clothing may contain these subject -- substances. A substantial amount of other apparel you indicated would contain these substances. So if we banned PFAS and consumers would not be allowed to buy those products anymore, which would mean a 60 percent reduction in children's apparel that's available in New York and a substantial reduction in other apparel, notwithstanding the efforts whether alternatives being promoted, right? I mean, that -- that's exactly the purpose of your bill, right, is to ban those products from being sold in New York State if they contain PFAS, right?

MS. FAHY: Mr. Goodell, let me -- let me restate the way I explained the 60 percent. I said that 60 percent of the children's clothing that was labeled waterproof or stain resistant. So it's not 60 percent of all children's clothing, it's the ones that are labeled waterproof or stain resistant, so it's not 60 percent of all clothing would somehow be banned overnight. And this study was from a few years ago so, again, since then we've seen major clothing brands -- clothing brands and retailers begin to get this out of clothing.

MR. GOODELL: Okay. So basically -- thank you for that clarification. So the real concern is on stain resistant clothes or -- or waterproof clothing, correct?

MS. FAHY: Primarily, but we are finding it, again, there's a variety of studies, there's another one that found it in a majority of just adult clothing, so it's -- it's -- you know, as -- as we've

learned again with other debates, this is -- these chemicals have become quite ubiquitous across, you know, across our water systems, across apparel, certainly in food packaging.

MR. GOODELL: You've -- you mentioned that -- I don't mean to interrupt you, but you have mentioned --

MS. FAHY: Go ahead.

MR. GOODELL: -- that several times, and I am actually listening to all of your answers. I had a couple questions that I was hoping I could ask that address different issues. Have -- have our scientists at the DEC, the New York State Department of Environmental Conservation, have they recommended that we ban all apparel with PFAS's?

MS. FAHY: I don't know if they've taken a position on this bill, but certainly we haven't seen any opposition, we've only seen support for the bill. And, as you know, DEC was on the front lines of Hoosick Falls and -- and faulted at one point over not being aggressive enough on some of the water system contamination there. So certainly we haven't seen any opposition to it given that any time these -- these -- this type of clothing is washed, it's washed and ends up in our water system. So no opposition that I know of, only support. But certainly the CDC, the Center for Disease Control, has raised concerns about PFAS overall.

MR. GOODELL: Thank you. And what about on the Federal level? I mean, we have multiple agencies designed to protect consumers, we have the EPA, we have the Consumer Product

Safety Bureau. Have the scientists at the U.S. EPA recommended banning this substance in apparel nationwide?

MS. FAHY: No. To my knowledge, they have not recommended it; however, they have also helped raise the alarms on this. As I just mentioned, CDC issued a report a few years ago on, let's see, on PFAS and your health, and the agency for toxic substances and disease registry, that was in 2020 where they raised concerns and one -- one official that I have quoted said that it is a -- what results in the drinking water is one of the more seminal public health challenges for the next decades. So they have certainly raised the alarm on this and -- which is why we have seen the apparel industry, along with a number of other industries, cooking, car seats and others begin to -- shoes, begin to move to get PFAS chemicals out of their products.

MR. GOODELL: Now, as you know --

MS. FAHY: And other -- a number of other states are also undertaking this effort.

MR. GOODELL: As you know, one of the most popular products for outdoor enthusiasts, hikers, skiers, snow boarders, snowmobilers is a product called Gore-Tex, and that's a very popular product because it is both waterproof and breathable. And that's critical if you're engaged in outdoor activities because if it's not breathable, you start to -- your sweat condenses inside and you get wet and cold from the inside out. And if it's not waterproof, you get wet when it's raining. But am I correct that if this bill passes it would ban

all sales of Gore-Tex in New York State?

MS. FAHY: Extreme weather equipment is excluded explicitly in the legislation, but I should add that we -- Polartec has already moved to get all PFAS out. Polartec is certainly another very popular item with cold weather, and I thought I had read but I don't have it in front of me, Mr. Goodell, but certainly there are many alternatives for -- for outdoor gear, including rain gear. I have a list of, which I could read if you'd like, of 15 different types of products as well as --

MR. GOODELL: No.

MS. FAHY: -- as well as other outdoor, but the extreme weather, those are -- those are explicitly exempt.

MR. GOODELL: I see. No, thank you for offering to read me a list of apparel.

MS. FAHY: I didn't think you'd want that.

MR. GOODELL: Thank you very much for your comments.

On the bill, sir.

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

MR. GOODELL: So once again this Legislature is asked to ban the use of certain chemicals even though the environmental scientists at our own Department of Environmental Conservation don't recommend the ban. They're not the ones recommending we ban every item of clothing that has these chemicals

in them, nor -- nor do any of the scientists at the U.S. EPA recommend that we ban clothing that contains these chemicals, nor does the Consumer Product Safety Commission recommend we ban these products. And I don't have a list of all the products, but I do know that one of the products is very popular, especially amongst those who are outdoor enthusiasts, is Gore-Tex. And if you go to any high-end store or used clothing store, you want something that's both waterproof and breathable, the number one product is Gore-Tex.

Now, it seems to me that rather than ban products wholesale, as much as 60 percent of all children rainwear, for example, or thousands of other products, rather than do it wholesale, maybe a better approach might be to simply require manufacturers who use these chemicals to have a warning label and that way the consumers in New York State can decide whether or not the benefits of being dry or wearing Gore-Tex while you're hiking in inclement weather outweigh the small risk that you might have from any component that if consumed in large quantities or even in significant quantities would pose a health risk.

We don't have to be super scientists. We don't have to be overly paternalistic or maternalistic and protect every consumer against every conceivable danger without letting them exercise their own thoughtful views. So before we ban products Statewide that are very popular and used by millions of our residents and not recommended being banned by any of the environmentalist scientists, let's look at less obtrusive mechanisms such as warning labels and

education to accomplish the same objective and let the smart, thoughtful, intelligent residents of this State make the decision on their own.

For that reason, I'll recommend against this particular legislation, but I do appreciate my colleague's concern for protecting all the consumers in the State of New York for the decisions that they make on their own. Thank you, sir.

(Pause)

ACTING SPEAKER EPSTEIN: Read the last section.

THE CLERK: This act shall take effect December 31st, 2023.

ACTING SPEAKER EPSTEIN: The Clerk will record the vote on A7063-A. 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 number previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. All of the outdoor enthusiasts in the Republican Conference that enjoy Gore-Tex or want their kids dry while still allowing their skin to breathe will likely vote against this bill for the reasons I mentioned, but those who feel otherwise can certainly vote in favor here on the floor of the Assembly or by calling the Minority Leader's Office. Thank you, Mr. Speaker.

ACTING SPEAKER EPSTEIN: Thank you.

Ms. Hyndman.

MS. HYNDMAN: Very quickly, I'd like to remind my colleagues that this is a Party vote and Majority members who wish to vote against this piece of legislation are reminded to call the Majority Leader's Office at the number previously provided. Thank you, Mr. Speaker.

(The Clerk recorded the vote.)

ACTING SPEAKER EPSTEIN: Ms. Fahy to explain her vote.

MS. FAHY: Thank you, Mr. Speaker. I rise in support of this bill. And I want to say that this is another effort. I -- I had the privilege of sponsoring the bill a couple of years ago to ban PFAS in food packaging, this is the next step to ban PFAS in common apparel -- common apparel. PFAS are a part of a class of chemicals that are considered forever chemicals that are -- that do not break down naturally and are found to accumulate in our bodies. We have repeatedly been told that there are no safe levels of -- of PFAS; yet, the vast majority of Americans that have been tested do have some level of these toxic chemicals in their system.

The -- the more troubling piece of -- of what we find in apparel is the fact that clothes get washed so it ends up in our water systems and ends up including in our drinking water. And we have had example after example of problems with our drinking water, most recently in Rockland County, let alone what we have seen in Hoosick Falls.

And I should add, I didn't -- I couldn't find the reference a few moments ago when Mr. -- when our colleague asked about Gore-Tex. Gore-Tex has made a commitment to remove PFAS out of their products, but other -- very similar products are already available such as DownTek, Polartec, Sympatex, as well as -- I have seven pages of a list of outdoor type gear that has already -- shoes and other outdoor gear that have agreed to remove PFAS or have already removed PFAS out of carpets as well as common apparel. And with that, Mr. Speaker, I vote in the affirmative. Thank you.

ACTING SPEAKER EPSTEIN: Ms. Fahy in the affirmative.

Mr. Lemondes to explain his vote.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following colleagues in the affirmative: Mr. Keith Brown, Mr. DeStefano and Mr. Schmitt. Thank you, sir.

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

(The Clerk announced the results.)

The bill is passed.

Page 6, Rules Report No. 136, the Clerk will read.

THE CLERK: Assembly No. A08453-A, Rules Report No. 136, Simon, Dinowitz, González-Rojas, Mamdani, Dickens, Gottfried, Mitaynes, Zinerman, Galef, Salka, Otis. An act to amend the Executive Law and the State Technology Law, in relation

to requiring State contractors and vendors to comply with the Web Content Accessibility Guidelines.

ACTING SPEAKER EPSTEIN: An explanation is requested, Ms. Simon.

MS. SIMON: Thank you, Mr. Speaker. This bill would require State contractors and vendors as well as the State agencies to make their websites accessible to people with disabilities and to make them -- which would make them more user-friendly for everybody.

ACTING SPEAKER EPSTEIN: Mr. Goodell.

MR. GOODELL: Thank you. Who would enforce this?

MS. SIMON: I'm sorry, what?

ACTING SPEAKER EPSTEIN: Will the sponsor yield for a question, Ms. Simon?

MS. SIMON: Yes, I will.

ACTING SPEAKER EPSTEIN: The sponsor yields.
Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker, and thank you, Ms. Simon. Who would enforce this requirement?

MS. SIMON: Well, it would be coordinated through the State Department of - what's the word, I'm trying -- I'm blanking on the name the it - the Office of Information Technology Services.

MR. GOODELL: So they -- they are -- would be

charged with the responsibility to check these websites to make sure they met this criteria?

MS. SIMON: Yes. They would be -- they would be the agency that would issue guidance to vendors and contractors so that they would be able to put this into effect.

MR. GOODELL: What is the penalty if a webpage doesn't meet these guidelines?

MS. SIMON: I'm sorry, I didn't quite hear your whole question.

MR. GOODELL: What is the penalty if a webpage doesn't meet the guidelines?

MS. SIMON: Well, people are left to their remedies. You know, as you know, much of the accessibility guidance and rules, for example, would be perhaps somebody raising the issue with our State Division of Human Rights, or perhaps with some other regulator. And since the contractor needs to make their websites accessible, they could obviously reach out to the Office of Information Technology and Services. We have not specifically written in a private right of action, but that -- one might be implied.

MR. GOODELL: Would a contractor be disqualified from bidding with the State if for some reason their webpage didn't comply?

MS. SIMON: Well, that's a very good question. It's not a matter of statute. That would be -- I believe would be left up to the agency when it creates its regulations to make that determination.

MR. GOODELL: I think my last question. This doesn't require a contractor to have a webpage at all, correct?

MS. SIMON: No, it doesn't. But we find, of course, more and more people have webpages and in reality this is a very easy thing to do. The web guidelines are very accessible to people. I've read them and I'm an idiot and I could figure it out.

MR. GOODELL: Thank you very much, Ms. Simon. I appreciate your answers.

On the bill, sir.

ACTING SPEAKER EPSTEIN: On the bill.

MR. GOODELL: I appreciate my colleague's desire to make webpages more accessible to those who are disabled by passing a bill that would require those who do business with the State of New York to ensure that their webpages meet the web content accessibility guidelines. I think it's a positive objective and one that I think all of us support. I very much appreciate my colleague's clarifications on the bill as to whether a contractor would be disqualified if, for example, their webpage inadvertently didn't meet that. I think it's been clear from the comments it's not an automatic bar. We expect our contractors who work cooperatively to bring it into compliance. And, of course, when we're dealing with all of our contractors, they are very much sensitive to being disbarred, especially over something they might inadvertently overlook. So with my colleague's clarifications, I will be supporting this bill. Thank you, sir.

ACTING SPEAKER EPSTEIN: Thank you, Mr.

Goodell.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER EPSTEIN: The Clerk will record the vote on A8453-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.)

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

(The Clerk announced the results.)

The bill is passed.

Ms. Solages.

MS. SOLAGES: Thank you, Mr. Speaker. We really appreciate the patience of our colleagues, and so we're going to continue working off the Calendar, first with Calendar No. 83, Mr. Gottfried; Calendar No. 123 -- one minute. Please retract that last statement. We're going to start with Calendar No. 123, Mr. Sayegh; Calendar No. 150, Mr. Gottfried -- I'm sorry, Mrs. Galef; Calendar No. 159 by Mr. Epstein; Calendar No. 473 by Ms. Reyes; Calendar No. 485 by Ms. Paulin; Calendar No. 498 by Mr. Epstein; Calendar No. 515, Mrs. Barrett; and Calendar No. 525 by Mrs. Barrett.

ACTING SPEAKER AUBRY: Page 20, Calendar No. 123, the Clerk will read.

THE CLERK: Assembly No. A03318-C, Calendar

No. 123, Sayegh, Dickens, Griffin, Simon, Galef, Buttenschon, Montesano, Seawright, DeStefano, Gottfried, Otis, Thiele, Santabarbara, Tague, Lawler, Ra. An act to amend the Public Service Law and the Public Authorities Law, in relation to requiring electric corporations and the Long Island Power Authority service provider to prioritize restoring services to police departments, fire departments, and ambulance services, when electronic services are interrupted.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Simon -- oh, I'm sorry, Mr. Sayegh.

MR. SAYEGH: (Mic off) -- be eligible to protect or assure that police, fire, ambulance departments who are registered with the Division of Homeland Security and Management Services and whose facility is prewired with an appropriate transfer switch for using an alternate power source. As you can see, this legislation, Bill No. 3318-C, has been amended to really assure that discussion took place addressing what we saw as a worthy need, and that is during power outages that we would, through legislation, bring the message loud and clear to utility companies and county management teams and others involved that when there is a power outage that there should be an immediate restoration, especially to police, fire, and emergency services.

Now, this legislation was passed by the Assembly recently and these are modifications that we're dealing with now that were brought by the Senate. And this was addressed by including the following language: One, public safety institutions will have to be

prewired to connect in to an emergency generator to participate in this program. Furthermore, public safety institutions need an auxiliary power, generators right, will contact the emergency county command centers. And, three, the counties and State are being linked with new communication systems established last year and voted upon by this Party and placed last August by the Governor, then Governor, that assures that there's a multi-agency coordination between New York State's Homeland Security and the counties. And the generators needed for this program, there was an issue whether the utility companies would be responsible, but the revisions took place as a result of the changes in the law where now the Homeland Security, New York State Homeland Security called the New York Respond Program that establishes multiple sites, ten strategically located, geographically located sites where under this program the State and Homeland Security have generators and they're prewired, and this allows them, whenever there's an emergency, to make sure, not the utility company, that this established program kicks off.

Now, some people may say, *Well, we have all this in place, why follow through?* I think we've learned, especially this Session, the amount of legislation that this Body passed as a result of making sure that outages, and in multiple needs when outages occur are addressed in a timely fashion that it was done because of legislation. And this further assures, because this is legislation, that whatever the responsibilities of county emergency forces, utility companies and these State and Homeland Security agencies do the job

and follow through the way they intend to do.

ACTING SPEAKER AUBRY: Mr. Palmesano.

MR. PALMESANO: Yes, thank you, Mr. Speaker.

Will the sponsor yield for a few questions?

MR. SAYEGH: Sure, of course.

ACTING SPEAKER AUBRY: Mr. Sayegh yields.

MR. PALMESANO: Thank you. I first wanted to say I've seen some significant changes and amendments to the bill and I want to thank you for listening to the debate, some of the concerns. So I just kind of want to walk through a few things, if I may, just to kind of clarify if that's okay?

MR. SAYEGH: Sure.

MR. PALMESANO: So I know when we debated the bill last time, we talked about the concerns that, you know, I brought up, I think my colleague brought up, relative to the utilities being the one that would be required to provide the generators to the police and fire departments. So now under this language, within 24 hours there's no requirement to the utilities to provide the generators to that -- those police and fire departments; is that correct?

MR. SAYEGH: Yes, correct.

MR. PALMESANO: And so now instead of providing that -- those generators, now the utilities would have to coordinate and notify local EMS, emergency managements of an outage so they can kind of coordinate, because I liked what you said about coordination of efforts; is that correct, is that fair?

MR. SAYEGH: Correct. For example, just so we clarify the process, if the Department is experiencing an outage lasting more than 24 hours, the utility, electric shall notice the local county Office of Emergency Management of the outage and, secondly, upon receiving the notice, the local county Office of Emergency Management shall provide an alternate power source to the Department through a program administrated as we spoke earlier, Division of Homeland Security and Management Services, that already has it prewired, already has the generators provided.

MR. PALMESANO: So -- and just to verify, and I appreciate that clarification, it's the intent of this legislation, the purpose of it is for the State, through the coordination, the State Office of Homeland Security, to provide those generators with the coordination from the local EMS, correct? It's coming from --

MR. SAYEGH: Correct.

MR. PALMESANO: -- the State providing the generator in coordination.

MR. SAYEGH: Correct.

MR. PALMESANO: Now, there would be no obligation -- is there -- in any situation, say there weren't generators available, would it be the requirement of the county EMS to then provide the generators at their cost to the police and fire departments, or are we just fully focused on the State providing those services?

MR. SAYEGH: These are generators provided by the State, only generators that are leased or owned by the State are a

part of this program.

MR. PALMESANO: So what --

MR. SAYEGH: So as I mentioned already, they have the -- the ten locations and they have them already in stock.

MR. PALMESANO: Okay, so it's whatever is available to the State to take advantage of for those --

MR. SAYEGH: Correct.

MR. PALMESANO: So it's all -- it all comes from the State, no fiscal obligations for the county EMS to provide --

MR. SAYEGH: Correct.

MR. PALMESANO: Thank you, Mr. Sayegh.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: I know you were probably waiting for me to talk a little bit longer so I could use a lot of time, not much time today. I just really want to take a minute to commend the sponsor. A lot of times in the debates we have, we bring up points and a lot of times it seems to be ignored. The sponsor, I appreciate his genuine interest and paying attention and trying to take the points we brought forth, the concerns we had, to find a solution that works.

And the thing I liked about what he said during the discussion is about coordination of services, not mandating services, and providing that and letting the State, if this is an idea, letting the State provide those resources to those local communities, those police and fire departments, rather than state it's a mandate on the county or

property taxpayer. I think having that coordination between the utilities, the local EMS and the State providing resources, I just think that's just very forward-thinking on your part, open-mind to change that legislation and I just want to commend the sponsor on that. And for these reasons, I will absolutely be voting for this legislation and certainly encourage my colleagues to do the same, because in the past I voted no, but I'm 100 percent on board with this legislation. I appreciate the sponsor and his intention. Thank you very much.

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 Assembly print 3318-C. 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 22, Calendar No. 150, the Clerk will read.

THE CLERK: Assembly No. A04499-A, Calendar No. 150, Galef, Paulin, Abinanti, Otis, Lupardo, Jackson, Sayegh. An act to amend the Public Officers Law, in relation to the ability of government agencies in New York to claim copyright protection.

ACTING SPEAKER AUBRY: An explanation is requested, Mrs. Galef.

MRS. GALEF: Thank you. I hope this is the last time I do an explanation on this bill, that's just an aside, and we get it done in the other House.

So this is about the Federal Copyright Act that states on a Federal level that work produced for the U.S. Government by its officers and employees should not be subject to copyright, but they omitted the issue of State and local governments in, it was 17 USC Section 105, and that's the loophole. So today, we're just trying to fix that loophole in Assembly 4499-A with the premise that if a document is prepared, or is legally requested, and we sit here and we legally request a lot of documents from our different agencies in government, that these are public dollars that are used. And so the public should have access to that information and it should not be copyrighted.

Now, in the bill, again, government is not a private entity and it serves the needs of the public so this information should be available. There are examples of exemptions for this, and they would include an artistic -- something that's done artistically, creative, or scholarly works of authorship, academic course materials, or scientific or -- scientific or academic research, or if the copyright owner intends to distribute the record for derivative work based on it to the public by sale or other transfer of ownership, or by rental, lease, or license. And that all can be waived, actually, also, so... we had this debate last year.

ACTING SPEAKER AUBRY: Ms. Walsh.

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

ACTING SPEAKER AUBRY: Mrs. Galef?

MRS. GALEF: Yes.

ACTING SPEAKER AUBRY: Mrs. Galef yields.

MS. WALSH: And I appreciate -- I know that -- I know that this bill has been around since, what, 2009, so you have had to talk about this bill an awful lot. I guess first off, you mentioned that this bill is intended to close a loophole that was left when the Federal -- when the Federal law was -- was created. So if the loophole that was created is Federal law then as a matter of preemption, shouldn't the loophole be fixed at the Federal level versus at the State level?

MRS. GALEF: Well, I mean the Federal -- we have the ability to do it ourselves. They also could do it at a Federal level, but we're here in the State Assembly and we're doing it -- we're attempting to do it on a Statewide level. And, you know, I don't know why they decided, but they decided that way; maybe it was all about State rights.

(Laughter)

MS. WALSH: Fair enough. I would note that the one opposition from the New York City Office of the Mayor states that the bill, in its opinion, raises a clear issue of Federal conflict preemption. That opposition memo is back from 2015, but it's something that they never took back, that's why I figured I'd ask about

that to start with.

MRS. GALEF: Right. I don't think there have been any opposition memos this year that I am aware of.

MS. WALSH: No. As a matter of fact, Mrs. Galef, it was interesting to me that NYSUT had originally been opposed to the bill and then I saw that you amended the bill --

MRS. GALEF: Yes.

MS. WALSH: -- in April to I believe address their concerns as far as scholarly works that would be through like SUNY and CUNY, and I doubled checked with NYSUT and they said that that completely satisfied them, that amendment, so they are no longer opposed to this legislation, so that's a good thing. So the only other opposition that I saw was that opposition from not fresh for this year, but from the New York City Office of the Mayor.

But I guess moving along then, if you consider the amended language that you brought in in April which, again, addressed NYSUT's concern, my question is I guess what types of documents and records, if any, are going to have copyright that need to be waived by agencies? Kind of, like, what's the universe of what's left?

MRS. GALEF: Well, I mean it would be the -- I suppose there could be an artistic -- somebody had mentioned last time the Department of Transportation has a logo, so they could copyright that. But maybe they decide as an agency, the Department of Transportation, that they would like to let everybody use that logo

on other things. So they would have that ability to not copyright it. And what's interesting about SUNY, we found out that the academic research that is done belongs to the individual academic, it doesn't belong to SUNY or CUNY --

MS. WALSH: Right.

MRS. GALEF: -- which is something that I was not aware of.

MS. WALSH: Mm-hmm. Now, one thing I think is important to mention, and I think we have spoken about this before, is that the -- the mere existence of the copyright doesn't provide sufficient grounds for a denial of a legitimate FOIL request so you can't say it's copyrighted, therefore, we will not disclose it pursuant to a FOIL request that's legitimate, but I thought kind of what you were trying to get at with the legislation was the idea that you don't want -- you don't want anybody to hide behind the fact that something is copyrighted or copyrightable in order to either charge some exorbitant fee for disclosing it. And to your point that you made during the explanation of the bill, if the peoples' tax dollars have paid for a GIS or something else to be developed, that that's really something that the public should have relatively free, you know, access to.

So I guess the couple things that we talked about the last time had to do with things like deed scans where somebody says, *I can get you your deed from the county clerk's office for \$80* when, in fact, the county clerk's office would give you your deed, a copy of it for a couple of dollars or something like that. Is that -- it that kind of

the types of things that you're trying to get at with this legislation?

MRS. GALEF: Well, I think that's more information. We have somebody sitting across from us, an Assemblymember who actually had a bill that talked about the issue of protesting your tax assessments. And yes, you can go yourself and do that. You can go to the board of assessment and review in your community, but what my colleague was asking for is that if people send out information, and that happens a lot, I got to tell you, in Nassau, Suffolk and Westchester saying, you know, *You can lower your taxes, just contract with us and we'll get ten percent of that*, but that's -- that's the same thing. We have to advise our consumers, our public that this information is free, like the unclaimed funds with the Comptroller's Office. They were down in our district this last week and, you know, finding money for people without going through one of these elaborate companies that engage you.

But the whole question, and I thought about our discussion last year and, you know, with the FOIL when you -- when you get information from FOIL, there are no parameters on what you can do with that information. So the concern here has been are businesses going to use that information? Well, they can right now. They can get FOIL and then -- and then be able to use it in any way that they want to. So we're just trying to say that information is really public information, it shouldn't be copyrighted unless you meet a certain criteria. And then, you know, you can hold on to your trademark or whatever else.

So it was something that I had -- I know your colleague to the right had brought that up in the last discussion about FOIL and I hadn't really thought about the fact that there are no parameters, you just get the information and go on and do what you want to do with it through a business. And I think there are a lot of good things that have come out of this. You know, the public I know just with assessments that we went through a reassessment in our community, which everybody would, but I evaluated the different house -- you know, the assessments on different houses and, you know, worked with people that wrote to me. I mean, you do a whole -- it's all good for the public to have as much public information available as you can. We're supposed to be doing this on Sunshine Week, so this is Sunshine Day.

MS. WALSH: Very good. Thank you very much.

MRS. GALEF: You're welcome.

MS. WALSH: Mr. Speaker, on the bill.

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

MS. WALSH: I mean, I think that all of us have an interest in making sure that kind of work product that has been paid for for taxes and the operation of our government are reasonably, you know, available to the -- to the public and to those very taxpayers that paid for it to begin with it. I think, you know, the -- and I do appreciate the amendment that was recently made to the bill that addressed some other concerns that were raised by the -- by NYSUT.

I do -- I just do have a question about the Federal

grant issue, which is the only letter of opposition that we really have had on it. This bill has kind of had its up and downs over the last few years. Sometimes it has had almost no opposition at all, and sometimes there's been fairly significant opposition to it. I do think that the bill was made better by the amendment that was offered in April. I think some of our colleagues might be concerned about some of the remaining issues as far as kind of what's left and the -- the practical way that this bill works, but I do think it is an improvement over what has been offered before. And with that, thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Walsh.

Mr. Goodell.

MR. GOODELL: Thank you. Would the sponsor yield for --

ACTING SPEAKER AUBRY: Mrs. Galef?

MRS. GALEF: Certainly.

ACTING SPEAKER AUBRY: Mrs. Galef yields.

MR. GOODELL: So Mrs. Galef, I was intrigued by your comment that the public paid for this material and, therefore, the public should have it for free, but if it's copyrighted then it's presumably sold by the State; is that correct?

MRS. GALEF: Mm-hmm.

MR. GOODELL: And so --

MRS. GALEF: Well, we can only copyright it. Our

government can only copyright it if it met those criteria: Artistic, academic.

MR. GOODELL: But if the government copyrights it when it meets those criteria and then sells it, then instead of everyone in the public paying for it, the people who use it pay for it. Isn't it fair to have the people who use the product pay for it rather than have everyone pay for it?

MRS. GALEF: Well, let's -- let's think about GPS. I mean, the -- we get so much value out of the -- of the DOT and mapping and traffic problems and traffic jams, but the public doesn't really -- I mean, the State Department of Transportation outlines where our roads are, our bridges, et cetera, but they don't go further than that. So a lot of these businesses go further than that, so you've got Waze, you've got other ways to help us when we are traveling around our communities and to avoid accidents and so on. So companies have really benefitted the public by maybe using public dollars. Now, I don't know whether every company uses the information that they get from the State or local, I can't tell you that, but I would assume that they would use some of that to create a system that will help us all.

MR. GOODELL: I want to just go back to your initial premise. If there's no copyright, then those who actually use these materials pay nothing.

MRS. GALEF: That's right, but those people whether they've been individuals, or business, or a not-for-profit,

maybe a not-for-profit got something out of one of these task forces that we keep putting together. There's great information and the not-for-profit organization uses that information, it's not copyrighted, but they use it and then they help us with maybe child care, maybe elderly issues, and so on. So -- but the people that are in the non-profit are also taxpayers, you know, they're a non-profit business, but they're -- we're all taxpayers, businesses are taxpayers. So they both put money into this themselves, so I think it's just a philosophy of whether or not public information should be available to anybody in the public to use for whatever purpose, and hopefully it's a good purpose. And if it's not a good purpose then, you know, legal action --

MR. GOODELL: Then we'll be meeting again.

MRS. GALEF: -- or whatever else.

MR. GOODELL: Thank you, Mrs. Galef.

MRS. GALEF: You're welcome.

MR. GOODELL: On the bill.

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

MR. GOODELL: I -- I appreciate my colleague's desire to make sure that information that's initially paid for by the taxpayers is available to all the taxpayers for free. The irony is that when you eliminate the copyright, you eliminate the ability of the State to be reimbursed for that upfront cost by those who actually use the product.

So as an example, let's say some item that's currently

copyrighted is a special interest to a certain group of people; not everyone, but a certain group of people. Under the current system where it's copyrighted, that group of people pay a fee to use it. And so they reimburse all the taxpayers who don't want to use it for the cost of preparing it. And so if we eliminate copyright what it means is that those who actually benefit from that particular copyrighted work get it free at the expense of everyone else who doesn't actually use it. And I actually think a fair system is to charge those who use it, and if you want to use a lot of it then you pay more, and the rest of the taxpayers pay less. And if you don't want to use it all, well, you'll certainly benefit by having those who do use it pay for it.

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 Assembly print 4499. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. We certainly appreciate the -- the amendments, but we're still not there yet and so the Republican Conference is generally opposed, but certainly those who support it are encouraged to vote for it here on the floor or by

calling the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Solages.

MS. SOLAGES: Thank you. Majority members will be in the affirmative. Any member that wish to vote against this bill, we encourage them to call the Majority Leader's Office and we will announce their name accordingly. Thank you.

ACTING SPEAKER AUBRY: Thank you.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 22, Calendar No. 159, the Clerk will read.

THE CLERK: Assembly No. A04938, Calendar No. 159, Epstein, Gallagher, Steck, Jackson, Gottfried. An act to amend the Civil Practice Law and Rules, in relation to limited scope appearances.

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

Mr. Montesano.

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

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

MR. EPSTEIN: Happy to.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. MONTESANO: Thank you, Mr. Epstein. I have the idea with the bill; in fact, you know, many occasion when I was doing criminal law there was many of an occasion where I stood in on an arraignment, you know, and the notice of appearance stated on it just for, you know, arraignment purposes that I would arraign the defendant and then take the documents handed to me by the court and then turn it over to the attorney that came in on the case. And that's very common practice. And I noticed with the concern here is that there's people have certain civil cases that they don't have the ability to get an attorney. And I was just wondering what cases do you envision that an attorney would step in on a very limited appearance to represent someone?

MR. EPSTEIN: Yeah, so there are a lot of pro bono hours that lawyers need to do right now, so my expectation and in civil court or housing court or small claims court where there is a firm that want to do pro bono, they could appear on the matter for the day to represent a party, you know, who -- who needs the assistance to understand what their claims and defenses are.

MR. MONTESANO: Now, currently I know in our -- in our court systems we have attorneys that are available and provided to people with no, you know, resources to get an attorney. In family court, housing court, it's already -- even in the foreclosure part, there are attorneys that are appointed or appear on a limited basis to

take the case as far as the foreclosure conference and then after that, you know, they're done. So all of those serious types of matters already have attorneys, you know, allocated for them or could appear for them in that scope. What I was just concerned about is, you know, if we take a situation such as a matrimonial case and say an action is commenced by Order to Show Cause. So the summons and complaint is served by an Order to Show Cause which kind of makes it an immediate matter, and an attorney steps in, all right, and -- for the purpose of answering the Order to Show Cause is what happens after that part when he steps out and another attorney has to come in and there's an issue about with this temporary attorney, I'll use for the lack of a better word, this temporary attorney let in that response to the Order to Show Cause, because now the attorney coming in on the case has to live with whatever is in that responsive pleading. And so -- and that's my concern and how would you, you know, address this?

MR. EPSTEIN: So first of all, I broadly, it sounds like we agree that this is a good thing if someone unrepresented and needs assistance on a matter that can get resolved, let's say in a day, and there's a pro bono firm or a legal service firm. Even though there is no right to counsel, we do put money into the budget to assist people with counsel but, you know, there's a lot -- still lots of people who are unrepresented so it's an opportunity to represent people. The narrow question you're saying is sometimes there's a -- there is an action or a proceeding where there's by Order to Show Cause or even just a pleading where an attorney will appear and their issue isn't

resolved and then someone has to take over the case later. And so again, in any other matter where there's got to be notes or the attorney still -- the attorney for the day, they have a responsibility to represent that person zealously. If there's a new attorney assigned to the matter, that attorney will be able to communicate with that old attorney and get the information necessary to be able to adequately represent someone. So I think there's an obligation for ongoing information flow that every lawyer, you know, I've been -- I've been on the side of being substituted in and out of cases --

MR. MONTESANO: Right, right, right.

MR. EPSTEIN: -- and our obligation is to share files and get information over.

MR. MONTESANO: Right, because that was my concern is, you know, the attorney coming in, the attorney that temporarily filled in, somebody has to know who the attorney is because especially on the other side of the case, that attorney representing the plaintiff or the respondent, he has to know who's who and who he's exchanging information with, who has the right to get that information. And I was just concerned about the logistics of how we work something like that out.

MR. EPSTEIN: Like in every appearance that you've done and I've done --

MR. MONTESANO: Right.

MR. EPSTEIN: -- someone files a Notice of Appearance with their contact information and if they are -- if that

case is continuing and a new attorney is substituted in on that matter, they have the information of the old attorney to obviously contact them to get whatever information they needed to be able to continue to represent that client.

MR. MONTESANO: I'll tell you, a personal experience many, many years ago, a friend of mine went out to Martha's Vineyard where his estranged wife was living and while he was there he got served with an Order to Show Cause for an action and, you know, I was his attorney on many matters so I went out there and they gave me special permission to appear just to answer the Order to Show Cause to get the proceeding going and, of course, it was handed off to another attorney in the -- in the Commonwealth, you know, in Massachusetts, but it was just the concern that was raised by some of us on this side of the aisle is how we would address, you know, this difference and, you know, you seem to have the solution, hopefully it's able to work that way. So thank you very much. Thank you, Mr. Speaker.

MR. EPSTEIN: Thank you.

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 6807. 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. Epstein to explain his vote.

MR. EPSTEIN: Thank you, Mr. Speaker, I rise to explain my vote. This is a really important part of what we need in our legal system. We unfortunately have too many unrepresented litigants out there who don't understand their rights for numerous reasons. The legal system is complicated. This gives people an opportunity to do pro bono assistance or to expend our resources of our legal services providers to do, you know, lawyer for a day case to hopefully resolve so many of these cases where people just don't understand. I encourage my colleagues to vote in favor and I thank the Speaker for bringing this bill to the floor.

ACTING SPEAKER AUBRY: Mr. Epstein in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 36, Calendar No. 473, the Clerk will read.

THE CLERK: Senate No. S06777-A, Calendar No. 473, Senator Salazar (Reyes--A07132-A). An act to amend the Executive Law, in relation to providing language translation services to accommodate Census self-reporting.

ACTING SPEAKER AUBRY: Ms. Reyes, an explanation is requested.

MS. REYES: Of course. This bill would require the

Department of State to provide Census-related translation services at State agencies and localities can utilize to assist New Yorkers with Census self-reporting. Although the Census Bureau provides language support in over 50 languages and provides self-reporting forms in 12 languages, New Yorkers speak over 200 languages and those with limited or no English proficiency are at high risk of not being counted in the Census. According to the Americans surveyed, at least 113,000 New Yorkers speak a language at home that will not be supported by the Census Bureau's translation services. Adequate Statewide translation services would be essential in ensuring an accurate Census count of New Yorkers with limited or no English proficiency. For this reason, it is critical for the State to identify any existing language translation services, to use those services in accommodating Census self-reporting and, in addition, provide expanded translation services to assist with Census self-reporting in at least all the languages that the questionnaire would be translated into.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

ACTING SPEAKER AUBRY: Ms. Reyes?

MS. REYES: Yes.

ACTING SPEAKER AUBRY: Ms. Reyes yields.

MR. GOODELL: Thank you very much, Ms. Reyes, and I appreciate, by the way, the background data that you provided us with. You indicated that there are currently over 50 translations, or

languages that the Census information is translated, that's consistent with my information, I have 59 but in the same ballpark. And how many additional translations would you envision? How many additional languages would you envision over and above the 59 that are already covered by the U.S. Census Bureau?

MS. REYES: Well, I couldn't tell you and that's why the Department of State is supposed to look into how many potential languages we may need to provide support services for translation. But the language of the bill says that we should work to expand translation services in, quote, "As many languages as possible, with a minimum of covering all the languages used within the Census self-reporting form."

MR. GOODELL: And am I correct that there's roughly 200 different languages?

MS. REYES: Correct.

MR. GOODELL: And so we have 200 different languages and we have, you indicated 113,000 people that aren't covered by the current 59 translations?

MS. REYES: Correct.

MR. GOODELL: So that's about 500 people per additional language on average?

MS. REYES: Sure; I'm sure your math is right.

MR. GOODELL: What kind of cost are we looking at?

MS. REYES: There's no fiscal implications that have

been quantified as of yet, but we do have ten years to figure it out.

MR. GOODELL: And would you envision that these translation services would be provided upon request, or are you envisioning that they take that Census form and translate it into 200 languages on day one?

MS. REYES: I think -- I think there's going to be a combination of -- of solutions. Currently, many translation services are -- don't require an actual physical person to be present, right? Self-reporting is also done online so these are things that could be worked into the programming for Census self-reporting. So there's no concrete answer, I think it's going to be several ways that individuals would be able to access translation services.

MR. GOODELL: I had an interesting experience just this last weekend. I was at a Walmart getting a tire fixed and an individual came who couldn't speak English, spoke into his phone, his phone translated it, the repairman then spoke English into his phone and it translated it back into his native language. Do we need to move forward on this bill or is that type of technology you think going to be available for us the next time we do the Census?

MS. REYES: I think we move forward on the bill and that may be some of the technology that may be used when we have in-person Census canvassing for individuals to be able to access translation services. We do that in the hospital currently, as well, we have translation phones, translator phones at bedside, and I speak from experience, where a patient would speak on one end of the

receiver and then we have another one and there's a translator at the other line so we can communicate. I think there are many ways that we can provide translation services, and that's definitely one that's a very real possibility.

MR. GOODELL: Thank you very much. I appreciate both the information and your observations.

MS. REYES: Thank you.

MR. GOODELL: On the bill, sir.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: I agree with the sponsor's objective that we want as many people as -- as possible counted, and right now the Census Bureau shares that objective which is why they provide translation services in 59 languages. As the sponsor noted, there's as many as 200 languages, maybe more, spoken around the world. The challenge, of course, is as you add more and more languages, the cost effectiveness continues to drop. And as the sponsor acknowledged and I'm very encouraged to see that translation services are developing quickly with technology, and so rather than pass a bill a decade in advance calling on 200 different translations to be provided in New York State, about 150 more than are currently provided by the Census, I think the more financially prudent approach would be to wait and see how technology develops and to see whether the Federal government increases its translation services so that we are good stewards and fiduciaries of the taxpayer money.

But I certainly appreciate the desire that all of us have

to count all New Yorkers every time the Census comes around. So because I think this is well covered already by the Census Bureau's 59 language translations, I'd recommend a vote no on this, but I would also be certainly open to reconsidering this and reviewing it as we get close to the next Census if the technology doesn't develop as I anticipate. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. DiPietro.

MR. DIPIETRO: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. DIPIETRO: Thank you, sir. I'm going to urge a no vote on anything that has to do with the Census, and I'm going to tell you why. Two years ago I had a small radio show in Buffalo. As the Census was coming out, a gentleman called my show from Indianapolis whose sister actually lives in Buffalo, he was born in Indianapolis, had never been to New York in his life, he was 55 years old. He got a New York City -- he got a Census form from New York. And I didn't believe him, I said, *Look, why don't you send me it over, I don't want to talk about this on the radio, please send it over*, he did, it was a New York State Census form. Friend of mine in Texas who I grew up with, had his own podcast and he would play my radio show, a little show on his podcast; five people in Texas after they heard that sent me copies of Census forms from New York. When that got out, I was getting Census forms from California,

Oklahoma, all over the country that people were getting who'd never been to New York, never lived here and were asking why.

The fact is it's because we know during the pandemic and for the last decade we've lost almost two million people and then when the pandemic hit, we lost a lot more. The Census from 2000 to 2010, our own Census showed we lost 2.2 million people, that's 220,000 people per year. Every two years, the City of Buffalo leaves New York. It was almost back from 1990 to 2000. From 2010, we have been tracking - and I know firsthand because my -- my family had a U-Haul business so we heard about it since the 90's all the people moving out of New York State. But from 2010 to 2020 before the pandemic and 2020 up to 2019 we were on track to lose about 1.8 million people, that's how many had left. All of a sudden with the pandemic, if you remember Florida for a year told us that over 1,000 people per day were moving into the State of Florida from New York State. They were tracking that. It's easy to track. That doesn't count the people that have left here moving to North Carolina, Texas, South Carolina, name any other state. They were flooding out of New York for all the reasons we know. And lo and behold, our former Governor and our Attorney General come out and say we were on the verge of losing two-plus, two Congressional seats easy. And during the pandemic with the people flying out of the City, it possibly could have been more but then all of a sudden, lo and behold our Governor and Attorney General come out and say we hardly lost anyone.

The Census is a sham. The Census was corrupted. It

was illegal. The people that left this State are a lot more than are being told, it's because of the power base in New York City, they couldn't afford to give that up, we all know it, they couldn't afford to lose Assembly, Senate seats, they couldn't afford to lose Congressional districts so they lied. And I have the proof, I sent it to the Attorney General, I never heard a word back.

So Mr. Speaker, I'm urging everyone to vote no on anything that has to do with the Census. It's been corrupted in New York State. It's not truthful, folks. They lied to us on the number of people in New York. They were sending these Census forms all over the country because they couldn't afford to lose their power, that's how corrupt it was. So while this might be a good bill, the fact of the matter is I'll never vote for anything that has to do with the Census, I know firsthand how it was corrupted and I'm urging everyone to say no. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly -- Senate print 6777-A. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican

Conference is generally opposed to this. We will, of course, take a census of all the votes before we're done with the voting just to make sure, but those who support it are certainly welcome to vote in favor of it or call the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER AUBRY: Ms. Solages.

MS. SOLAGES: Majority members will be recorded in the affirmative. If there are any exceptions, I urge Majority members to call the Majority Leader's Office and we will announce their name accordingly.

ACTING SPEAKER AUBRY: So noted.

(The Clerk recorded the vote.)

Ms. Reyes to explain her vote.

MS. REYES: Thank you, Mr. Speaker. I -- briefly to explain my vote. I didn't think this was a very controversial bill. I think it's actually very prudent the governance. We are passing this in a very sufficient anticipation of the next Census, which is ten years away. But some of the comments I heard that are purely anecdotal, I would just like to remind my colleagues on the other side of the aisle that the Census is enshrined in the Constitution. Census and population counts happen in every single country in the world. It is the way that we allocate resources and it's the way that we know whether our population grows or shrinks so that they can make the argument that the population in New York is actually shrinking. Can't do that without a Census. So thank you, I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Reyes in the

affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Ms. Solages for the purposes of an introduction.

MS. SOLAGES: Well, I interrupt the proceeding for a purpose of an announcement. We are joined by a group of seventh grade students up there in the rafters. Abraham Joshua Heschel School in Assemblywoman Linda Rosenthal's district on the Upper West Side of Manhattan. Greetings. These students are visiting Albany to see the State Capitol and to learn more about State government. It's a trip that has not happened in over two years due to the pandemic, but we hope that you found this very informative and exciting, and we look forward to having you back in the future. Welcome, and please can you extend the cordialities of the House on behalf of Linda Rosenthal.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Rosenthal, the Speaker and all the members, we welcome this extraordinary class here to the New York State Assembly. We extend to you the privileges of the floor. Happy that you made the trip. Hope that you have enjoyed our debate and that you're having a great time here in the Capitol. How are you? Good to see you all. Tell me your ages. Go and scream it out.

VOICES: Thirteen.

ACTING SPEAKER AUBRY: All right, 13. Great

age to be, wish I was 13 again. Thank you, so glad you're here with us.

(Applause)

Page 36, Calendar No. 485, the Clerk will read.

THE CLERK: Assembly No. A09276-A, Calendar No. 485, Paulin, Jacobson, Sayegh. An act to amend the County Law and the Municipal Home Rule Law, in relation to websites maintained by a county.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

MS. PAULIN: Absolutely.

ACTING SPEAKER AUBRY: Ms. Paulin, do you yield? Yes.

MR. GOODELL: Thank you, Ms. Paulin. As I understand it, this bill would require all county governments that operate under county charters, I think that's 17 or 18 of the larger counties, to convert all their webpages to.gov.

MS. PAULIN: Yes.

MR. GOODELL: The webpages, email addresses, everything else to.gov; is that correct?

MS. PAULIN: Yes.

MR. GOODELL: And as I understand it, the purpose of that is to make it more difficult for hackers or others to imitate a government site.

MS. PAULIN: Yes.

MR. GOODELL: Is there any funding provided for this transition?

MS. PAULIN: No, but it's -- it is free now. The -- it doesn't cost -- I mean it -- obviously, it would cost some money for the technicians to change the site, but the sites themselves are free and they have to change their election sites anyway. Many of those election sites are on the government website, so we made the dates consistent with when they have to change their election sites because there has been some fraud attempts on their sites so that there has -- the Federal government has essentially said they have to change those. So we have made the dates aligned so they're going to have get into the -- those that don't have.gov are going to have to get into those sites anyway.

MR. GOODELL: And is there anything under current law that would prevent a county from doing this on their own?

MS. PAULIN: No. Many of them have.gov already.

MR. GOODELL: I see. Okay. Thank you very much.

On the bill, sir.

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

MR. GOODELL: I appreciate my colleague's desire to encourage counties to go to.gov on all their webpages and emails, but I would point out that each one of these counties have the ability

to do that already. They already can do it, they don't need our permission. What this does is mandates all these counties to make the switch. And for some counties they may already be moving in that direction, but for other counties it means that all of their email addresses have to change, and that means that everyone who has their email addresses in their current system will all of a sudden find that when they send a letter to their county government it's returned because the address has changed. And in my county, they have already implemented security measures that relate to their webpages and all of their email systems with a.com to address the situation.

So for my county and many other counties across the State that still use.com rather than.gov, it's actually quite an imposition to change all of your computer systems, all of your pre-programmed addresses, all your webpages to a different web address. So I think our county governments are smart. I think the people who run them are capable, and I think unless we're paying for the time and energy it takes to switch every email address and every webpage to a new format, this is something our local counties should do, exercising their own discretion at their schedule, recognizing that many of them already have their own web security. And because this is an unfunded State mandate on county governments that has nothing to do with how we operate our business, and only as us in Albany telling our counties and all the county executives how they ought to operate their business with no financial assistance, I would recommend against it. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Byrne.

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

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

MS. PAULIN: Yes, of course.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. BYRNE: Thank you. Just a quick question because I was looking through the bill, it was rather short which is nice, I appreciate that, makes it simple to read. Putnam County where I live has a government website that's putnamcountyny.com, but they also have the domain name putnamcountyny.gov, which would redirect you to their website, their core website that still has that.com. Since they have a.gov and it redirects, would that be okay or would they now have to eliminate the other website that is likely associated with many other websites outside of Putnam County government?

MS. PAULIN: I would say that any associated website that has nothing to do with government would likely be fine. The goal is not to have, you know, the fraud attempt on collecting someone's property taxes or -- you know, the.gov is monitored by the Federal government in a way that the.coms are not, so it's a protection for the consumers of that county. And if the view of the government is that the other websites are not a risk, I wouldn't see anything wrong with it.

MR. BYRNE: So that would be okay to stand, in your opinion, so long as they still have that.gov website.

MS. PAULIN: As long as they have the.gov doing the government's business, because what you've said is the.com is referencing or going to sites that are --

MR. BYRNE: It's going to a.gov, yes.

MS. PAULIN: -- you know, that are not doing government business, I think then it's fine, you know, if --

MR. BYRNE: Okay, thank you. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Angelino.

MR. ANGELINO: Will the sponsor yield for a question?

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

MS. PAULIN: I would love to yield.

MR. ANGELINO: Why does this not include towns, villages and cities?

MS. PAULIN: I -- I think that it's an idea that I'm thinking about as we're sitting here because they do involve, you know, the same kind of, perhaps, fraudulent behavior, but it's a step -- the original bill that I had only dealt with elections and then it was brought to my attention that the, you know, that many of the election sites would be less complicated if we just mandated it county-wide. So we amended the bill to accommodate that, but it's a point that, you

know, we might want to protect against fraudulent behavior at that local level, as well.

MR. ANGELINO: So the intent behind this was elections?

MS. PAULIN: Initially.

MR. ANGELINO: Okay, thank you very much. Mr. Speaker, thank you.

ACTING SPEAKER AUBRY: Thank you, Mr. Angelino.

Read the last section.

THE CLERK: This act shall take effect August 1st, 2024.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 9276. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this, but those who support it can vote in favor on the floor or by contacting the Minority Leader. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Ms. Solages.

MS. SOLAGES: I would like to remind members

that this is a Majority vote. Members wishing to vote against this message are encouraged to call the Majority Leader's Office and we will announce their name accordingly.

ACTING SPEAKER AUBRY: So noted.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 37, Calendar No. 498, the Clerk will read.

THE CLERK: Assembly No. A03308-B, Calendar No. 498, Epstein, Gallagher, Steck, Jackson, Forrest, Burdick, Clark, Magnarelli, Gottfried, Zinerman, Colton, Seawright, Mamdani, Fernandez, Fahy, Gibbs. An act to amend the Education Law, in relation to requiring degree-granting institutions of higher education to make certain biennial disclosures.

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

MR. EPSTEIN: This bill is requiring all degree-granting institutions in New York State to file a biennial report, and this applies to all the 200 universities and colleges in New York State.

ACTING SPEAKER AUBRY: Mr. Ra.

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

ACTING SPEAKER AUBRY: Mr. Epstein, will you

yield?

MR. EPSTEIN: Happy to.

ACTING SPEAKER AUBRY: Mr. Epstein yields.

MR. RA: Thank you very much. So just to start off, I know this requires a number of disclosures reporting from Higher Education institutions, so just in terms of its applicability this would be for-profit, not-for-profit, private, all -- all those types of institutions?

MR. EPSTEIN: And public, exactly. All institutions in New York State.

MR. RA: Okay.

MR. EPSTEIN: And all our treated exactly the same, they have the same reporting requirements.

MR. RA: Okay. And how would this differ from what's currently required to be reported? I know a lot of this information is currently compiled I believe Federally by the Department of Education; do we currently have State level reporting requirements?

MR. EPSTEIN: So the colleges report to the State level, but that information isn't publicly available and it's really, as a person who has now sent both my children to college, trying to find access to information is almost next to impossible, and this really allows a streamlined process for all the 200 institutions in New York State to compile the information, give it to New York and make it readily available for all people who are applying to colleges, and

parents and caregivers.

MR. RA: Okay. And so is this in excess, though? Are there things that we're going to require here that these institutions wouldn't currently be required to report to the Federal government or some other entity?

MR. EPSTEIN: This is information that they're already reporting either through a financial statement or anything that's publically available online. It doesn't require anything that they aren't otherwise obligated to report. Just reporting it to a central location and making it available to the public at-large is really to help families in making decisions about colleges and what those costs might be to make sure that they can compare. As a parent who did this, you know, we had to look at different institutions and it was really cumbersome and difficult to figure out how I can compare one institution to another. This would make it so much easier for the parents of New York.

MR. RA: Okay. Now, in particular there are a couple of pieces that apply specifically in the case of proprietary institutions, you know, for-profit colleges, including gross profits, I think dividends and those types of things. So what are you requiring from the proprietary institutions in this bill?

MR. EPSTEIN: So everyone's required to provide the same information, and some institutions will have no profit because they're non-profits. The institutions who do have profit will just have to report on that information. It's literally trying to get

everyone to get all this information available so if I'm applying to a public school or a private school, you know, a for-profit school I can look at all those three institutions and say, okay, this is how -- this is how my money would be spent. This is what the costs are. And so this gives me really good information as a person applying or as a parent or caregiver.

MR. RA: Okay. And, you know, with regard to those types of institutions, I mean one of -- as I'm sure you're aware, their concerns or their objections that they're raising is that they're saying this is a way to cast them in a bad light because they're going to put out, you know, it's going to put out information that maybe cast them in a bad light whether it's salaries of people that are in charge or whatever it is in terms of their profits; any comment on that?

MR. EPSTEIN: Well I would say if you're a parent and you know that 80 percent of the tuition dollars are going to that student's education, that's good information. If you know that ends up being 50 percent or 30 percent, that's good information. I think what we're doing is giving information to parents and caregivers and students to say if you choose this institution, A institution will cost X. Maybe one institution spends \$10 million on advertising and another institution spends nothing on advertising, that might be good information to know that ten percent of your tuition dollars you're paying is going towards advertising. Maybe another school does no advertising and so all that is information that gives parents and caregivers and the student real information in making these really

critical decisions in their lives.

MR. RA: Okay. And then one of the pieces that, you know, I'm most concerned with whether this information is readily available is I believe it's Part J and it says, when such information is publicly available, so there is a little bit of a caveat or maybe exception there if it's not, but all this information about median earnings a year after graduation, you know, Federal loans and then out -- going down the road with default rates. Now, like I said it does say when the information is publicly available or accessible, but what if they don't necessarily compile this type of information in that format we're asking for here? Would they be required to kind of go and recompile information so that they could report that?

MR. EPSTEIN: So you're asking what readily available or publicly available might mean?

MR. RA: Sure, yeah. I mean, if you have a comment on that, that would help.

MR. EPSTEIN: You mentioned default rate, it's a really good piece of information. So if I'm a student applying or I'm a parent applying, it might be great to know that there's a two percent default rate on student loans or, you know, a 30 percent default rate. And so if the information is publicly available or readily available, we're not asking people to create information, we're just saying if you collect this information, and most institutions already do, you should provide that information to the public so they know what you're collecting. We're not trying to get institutions to do more work, we're

just saying the work that you're already doing, just make it easier for all of us in making these critical decisions.

MR. RA: Thank you. So in terms of that, though, if -- you said most do, and I would think they do have an idea of this data as to defaults. I know especially when it comes to public loans, you know, that's something that they're aware of. I remember, you know, when I was going to college and telling us default and then they don't have access to the Federal loans, you know, and all that type of stuff. But do they necessarily have that same information for, say, a private loan if somebody defaults, you know, five years, ten years down the road?

MR. EPSTEIN: If they don't have it, they don't have it and then they don't have to produce it. If they have it and they maintain it, they should produce it. We're not telling them to produce something that they don't already maintain. So we have amazing institutions in New York State. We have, you know, hundreds of thousands of New Yorkers who attend these institutions every year. We have people who come from all across the country and the world to come to New York to attend these, you know, fabulous institutions and I think all we're trying to do here is to make it easier for those parents. So if you're not collecting information, then you're not collecting it. But I bet a lot of institutions want to because they want to -- they want to highlight how good they're doing. And this is just another way for them to continue to highlight how successful of an institution they are which then will attract students to know this is the

cost, this is how they spend the money and this is what those, you know, those options are.

MR. RA: Thank you, Mr. Epstein.

Mr. Speaker, on the bill.

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

MR. RA: So quickly, I thank the sponsor for answering my questions. I know he is passionate about helping New York students afford Higher Education, so I thank him for his dedication to this issue. But there have been some concerns raised regarding this both from the for-profit and the not-for-profit private colleges. You know, as I said, there is a lot of information out there, they report it to the Federal government, I think we're all familiar with also all of the, you know, private entities that are out there that rate colleges, put out all kinds of information and I think when unfortunately when, you know, many of us went to school maybe it was buying a magazine to look at this information. It's a little more readily available now on the Internet not having to do that, but I think our colleges and universities try to do their best to get that information out there because it is a thing that perspective students and parents want to know about. They want to know when my child graduates, are they going to get a job, are they going to get a well-paying job so that they can pay off any loans they have taken out and all of that type of information.

So I think that is important information, but what my concern is, is some of the requirements could end up being

burdensome on these institutions. We know this has been a very difficult time for so many, you know, entities and, you know, our colleges and universities are not immune from that. Many have seen reduced enrollment, they're trying to deal with all kinds of different things that they have to deal with now, and this is going to be another reporting requirement on top of that.

I also do want to note, and I know there's a few different bills out there dealing with the for-profit college sector and we've dealt with issues like this in the past where there may be a bad actor who does something wrong and it casts a bad light on everybody. And one of the things I want to make sure we're not doing is taking so many entities that are great degree-conferring institutions, training people for great high-paying jobs, good careers, and give opportunities in many instances to families who may, you know, maybe a first time, you know, first in their family go to college. These institutions do serve an important purpose within this sector in our State.

So for those reasons, you know, I'm hesitant to put another reporting requirement on top of everything that's already out there required for the Federal government and all the information that's out there, but I understand that going forward we need to make sure, let's take care of the problems where there's problems, but not take a broad brush and potentially impact actors that are doing things the right way. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Montesano.

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

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

MR. EPSTEIN: Happy to.

ACTING SPEAKER AUBRY: Mr. Epstein yields.

MR. MONTESANO: Thank you, Mr. Epstein.

Currently, colleges disclose information that they have, they're advertising for themselves or what have you. It's strictly on their website; am I correct?

MR. EPSTEIN: Well, there are Federal reporting requirements so they have to report to the Federal government, and there's also financial reporting requirements.

MR. MONTESANO: Right.

MR. EPSTEIN: But it isn't like the 200 colleges in New York State don't have a centralized place for New Yorkers to look to be able to get that information.

MR. MONTESANO: And that's what I wanted to ask, so when they report this information to the Federal government or whatever other agencies they're reporting it to, does the members of the public have access to that information?

MR. EPSTEIN: Well, I would say yes and no because the way it's reported to the Federal government, it isn't in kind of document that's easily accessible. As a parent who was looking

when both my kids went to college, it was at best impossible to find.

MR. MONTESANO: That's why I was asking. So this here will be a centralized depository that they could access every school at this one location and kind of do, like, a comparative shopping?

MR. EPSTEIN: Exactly. So when you're looking at schools, you can say oh, this is what the tuition costs, this is how they spend their money --

MR. MONTESANO: Right.

MR. EPSTEIN: -- this is, you know, the default rate. All this information will be all in one clean bucket and people will have it on their website, as well, and it will reduce the burdens we have on the institutions, it's only every other year, so it doesn't require an annual report.

MR. MONTESANO: Thank you, Mr. Epstein.

Mr. Speaker, on the bill please.

ACTING SPEAKER AUBRY: On the bill.

MR. MONTESANO: Thank you. So you know, I like what this bill does and I'm thankful for the sponsor for bringing it forward having put several children through college. You know, it would be nice to have a place to find out a lot about what they spend because it is true, for the amount of money that they charge, the average college bill today even coming out of SUNY or CUNY school could be between \$60- and \$80,000 for a degree, and that's on the low side. Then you add on top of that the books and everything like that,

you know, and I always tell people when you look at the college expense and you look at the college bill when it comes in, just take a look at it at the breakdown and you see the littlest amount of money, in my opinion, is spent on the salary, on what they're paying the instructional staff. All the rest of the charges, laundry, parking, mandatory food service cards for the first year. You have to have their medical insurance even though you have your own medical insurance, you have to buy theirs, and cleaning service and whatever else, and that's what runs up the bill. So you have to look at what are they spending on the main component of instruction. And, you know, and then the books, of course, are a la carte and everything else is a la carte in the place.

So if you're sending your kid to a school that may have a popular name, you still have to know the quality of the faculty because at the end of the day, that's who is instructing your child and your child is going to have a good benefit if it's a good instructor, or not a good benefit if it's not a great instructor. And what I noticed happened, even though it's been ages since I went to school, is that, and I went at a time where if you had a job, at that time I was working for the New York City Police Department and my wife at that time worked for the City of New York, you couldn't even apply for a student loan, forget about a grant, they wouldn't even give you a loan that you had to pay back. But since the advent of the student loans being what they are today and grants being what they are today and scholarships, these schools have run amuck of what they charge. All

of a sudden since there's a bank of money available to the students out there by only putting your signature on a piece of paper, right, and you can get \$80-, \$110,000, they just upped the ante of what it costs to go to school really for no significant reason at all. While they may have, you know, expenses like any other institution they have, I just think, you know, it's really not fair what people have to pay to send their child to go to school, or for, you know, an adult to send themselves back to school to get a degree to help them with promotional opportunities at work or a better job or whatever. People cannot dig themselves out of this size debt. And so now when you're shopping around for a school, at least you can go to one location, everything there is in a format that you can read, that you can understand what it says. They can't hide, you know, behind different numbers and figures, they have to disclose what it is, and then you can see what you're really getting for your dollar and what school has the best instructors, what the programs are, and what their success rate is. You know, we've had a couple of scandals in the past years that a lot of these private schools out there that teach people trades, you know, have miserable results, couldn't even have good job placement. In the meantime, individuals are in the hole for \$30,000, \$35,000.

So I think this is -- I hate to use the word, but a consumer-friendly type of bill because you're a really a consumer when you're buying college, you know, for your kids and you should know what you're getting, and I don't think it's a big inconvenience with the technology we have today and the way they collect data and

statistics that they just can't go to this website, you know, this data center and put this information up. I don't think it's that much of a hardship, but I think the benefit is very significant to the individuals. So I'll be supporting the legislation, I would ask my colleagues to consider doing the same thing. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

MR. GOODELL: On the bill, sir.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: So it seems through an unfortunate set of circumstances I may be in the market for a new car.

(Laughter)

And when I look for a car, I look at the characteristics that I need or want, but there's certain things that aren't really relevant to me, to be honest. So I look at the cost of the car, mileage, what type of transmission, what kind of engine, but what I don't look at when I go to buy a car is the dividends that were paid to the stockholders of the company, or how much the CEO was paid. When I look to buy a car, I don't look at the executive compensation of the company, or how much they spend on marketing and recruitment. I look at what's important to me in terms of what's the quality of what I'm buying.

And the same, by the way, the same principles apply if you're a parent or you're a student and you're looking for a college. If you're looking for a college and you're a parent or a student, you

ought to do the same type of analysis. You want to look at how good is this college, what its reputation, how do the students fair when they graduate in terms of getting a job, how much will it cost, what's the qualifications of the faculty, and is my student going to be taught by a grad assistance, or are they going to be taught by a professor with a PhD. What's the student/faculty ratio? Those are the factors that are key to ensuring that your child gets the best education that you can afford. But what's not relevant to your analysis is what the dividends were paid if it's a private college, or what the president of the college is being paid, or what the executive compensation is, or what the marketing and recruitment expenses are. Those expenses are irrelevant to the quality of education that you're getting.

And so this bill requires that the public be told who owns this school, how profitable is it, how much are they paying for those other irrelevant expenses. And to be honest, that information that we're asking for by statute is intrusive and irrelevant. Somehow there's this impression that a school is very well run and it's profitable, it somehow doesn't provide a great education, or the converse, if it's very poorly run and it has no profit then it's providing a better education because there's no profit.

It's inappropriate for us as a Legislature to force schools to disclose information that's irrelevant as it relates to the student/teacher ratio, the reputation, the graduation rate, the placement rate and what's relevant and, instead, delves into the private financial aspects of the institution that are as irrelevant to your analysis of

whether you're getting a good education as it is, if you, like me, is thinking about buying a new car, you wouldn't start with the SEC and say how much is that executive director getting, how profitable is that company, what are the dividends that they're paying, what is their gross profit, how much are they spending on executive compensation. You would never make a decision on what car you buy based on that, and you shouldn't be making the decision on what kind of education you provide to your student and we shouldn't, by law, require that disclosure. Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 3380-B. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. While the Republican Conference is in favor of disclosure of all relevant information, we're not generally in favor of this bill. But those who are, and I certainly have well-respected, thoughtful colleagues who are in favor of it, I encourage them to vote in favor here on the floor or by contacting the Minority Leader. Thank you, sir.

ACTING SPEAKER AUBRY: Certainly.

Ms. Solages.

MS. SOLAGES: Thank you, Mr. Speaker. I would like to remind Majority members that this is a Party vote. Majority members that want to vote -- will be voting in the affirmative and Majority members that want to vote in the negative, I encourage them to call the Majority Leader's Office and we will record them accordingly.

ACTING SPEAKER AUBRY: So noted, thank you.

(The Clerk recorded the vote.)

Mr. Epstein to explain his vote.

MR. EPSTEIN: Thank you, Mr. Speaker. I rise to explain my vote. And I just wanted to say that as a parent who has gone through the college process now a few times and someone who has luckily been educated and I, you know, went to college, got an advanced degree. The system was really complicated for me and for both my kids. And having a place to go for a parents, especially parents who are not college educated or maybe English isn't their first language, is critical. We want to know, and I think I as a person looking would want to know the default rate, how much of the tuition dollars are going towards the classroom education, how much people are spending on advertising. And to be honest, as a prior speaker, I will make a choice about a car maybe based on executive compensation, so I may never buy a Tesla in my life because of choices that the executives make. So I think all this information is critical to parents and to caregivers and to students, and all we're asking them is to have it -- to make it accessible and make it easy,

information that is already being reported.

So I want to thank the Speaker and I encourage all my colleagues to vote in the affirmative for something that's pro-family and pro-student and pro-public information. I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Epstein in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following colleagues in the affirmative: Mr. Gallahan, Mr. Mikulin, Mr. Schmitt, Mr. Simpson, Mr. Tannousis, and Mr. Reilly.

ACTING SPEAKER AUBRY: So noted.

MR. GOODELL: Thank you, sir.

ACTING SPEAKER AUBRY: Ms. Solages.

MS. SOLAGES: Can you please record Mr. Lavine in the negative, please.

ACTING SPEAKER AUBRY: So noted, thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 37, Calendar No. 515, the Clerk will read.

THE CLERK: Senate No. S07861-A, Calendar No. 515, Senator May (Barrett, Simon, Jacobson--A09336-A). An act to direct the Department of Agriculture and Markets, in cooperation with the New York State Energy Research and Development Authority, to

develop and produce guidance and educational materials on the use of agrivoltaics in farming.

ACTING SPEAKER AUBRY: Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker. What budget bill are we on, sir?

That was a private joke. Would Mrs. Barrett please yield for some questions?

ACTING SPEAKER AUBRY: Mrs. Barrett, will you yield? I presume that.

MRS. BARRETT: Yes, I will.

ACTING SPEAKER AUBRY: I'm having some trouble hearing because we have a lot of conversation going on while we're debating which, generally speaking, is frowned upon; is that true, Mr. Jackson?

MR. TAGUE: I just want to make sure they're not cutting into my 15 minutes.

ACTING SPEAKER AUBRY: Yes. I'm absolutely slicing it in half. No, go right ahead, please.

MR. TAGUE: Thank you, and thank you for yielding Mrs. Barrett. And I want to set the tone early, I actually like this bill and I'm going to support this bill; however, I could have some questions that I think need to be asked as we're moving forward even after this bill goes through and we follow up with some other type of legislation, there are some questions I think that need to be answered.

So I'm going to start off, if you don't mind, has Farm

Bureau, Fruit and Vegetable Growers Association or Farmland Protection, have they took a position on this legislation, do you know?

MRS. BARRETT: Not that I'm aware of.

MR. TAGUE: Okay. Do we know how much the research and development is going to cost the Department of Agriculture and NYSERDA?

MRS. BARRETT: This isn't -- we're not doing the research and development in this legislation. This is just starting the process of educating people about the option to use agrivoltaics.

MR. TAGUE: Okay. I would like to make a suggestion, that --

MRS. BARRETT: Is that on the bill, then?

MR. TAGUE: Well, yes, I can -- I can do that on the bill. I have other questions for you, I'm not letting you off that easy.

Besides India, besides India, are there any other regions in the country that have experience with this process? That was a question.

MRS. BARRETT: It's a question, okay. Are there other -- yes, I understand that there are other parts of the world or other parts of the country that are looking at it. I don't, you know, I don't know that anybody has robust experience with it yet.

MR. TAGUE: And is it true that right now the only product that they're able to produce is aloe?

MRS. BARRETT: Is aloe? Is that what you said?

MR. TAGUE: Aloe, like the stuff you put on your

hands.

MRS. BARRETT: Aloe vera?

MR. TAGUE: Yeah.

MRS. BARRETT: I can't imagine that you can't produce mushrooms, I think there's, you know, the opportunities for a lot of other kinds of products depending on the height of the panels, I think there's grazing options. I think that does happen in other parts of the country and world.

MR. TAGUE: Well, my concern here is with those solar panels, my question is how would you plow, cultivate, maintain and harvest other crops like corn or soybean, you know, because you're going to replace acreages with solar panels that used to grow soybean and corn and other types of vegetables and fruits.

MRS. BARRETT: So you did not ask me what this bill does, but I'm going to answer that anyway --

MR. TAGUE: Sure.

MRS. BARRETT: Because that will maybe explain. This bill just has the Department of Ag and Markets in cooperation with NYSERDA and New York State Universities develop guidance and educational materials on the use of agrivoltaics in farming, so all of your questions will be answered at the other end of the passing this bill.

MR. TAGUE: Well, I really appreciate that and I just want to make sure that we're aware of those things moving forward because this is a very, very important issue moving forward with our

farmers. I want to thank you for your time. As I said, I am going to be in support of this bill and I believe I was in Committee, and I'm going to encourage the folks in my Conference to also be supportive of this bill.

Mr. Speaker, on the bill.

ACTING SPEAKER MAGNARELLI: On the bill.

MR. TAGUE: Thank you, Mrs. Barrett, thank you.

MRS. BARRETT: Thank you.

ACTING SPEAKER MAGNARELLI: On the bill.

MR. TAGUE: I hope that as we move forward and if this becomes law and we move forward with renewables, I hope that this Body and the Body across the hall would work together to make the industry, the renewable industry, make them responsible for the cost and the education and research and development of this product. We already have lost 350,000 acres of tillable, productive farmland that has been lost to renewable energy, residential and industrial development, and it has taken good, productive agricultural lands. One of the reasons why I'm supporting this bill is because this is an opportunity to do both, both produce renewable energy and continue to produce agricultural products.

But there are questions, and we've got to make sure that we stay on top of those questions and make sure that this is done properly moving forward. So with that, Mr. Speaker, again, I would like to commend the sponsor. I will be supporting this bill today and I will thank you -- thank you, sir, for you time.

ACTING SPEAKER MAGNARELLI: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER MAGNARELLI: The Clerk will record the vote on Senate Bill S7861-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.)

Mrs. Barrett to explain her vote.

MRS. BARRETT: Thank you, Mr. Speaker. I just want to thank everyone for supporting this. This is the new frontier. We really need to understand how we balance our incredible prime farmlands and the importance of agriculture with renewable energies. And this legislation will put New York State on track to looking at the best way to do this the safest way, the most productive ways, and the ways to reach all of our goals. So thank you, Mr. Speaker, I'm pleased to vote for this bill.

ACTING SPEAKER MAGNARELLI: Mrs. Barrett in the affirmative.

Mr. Lemondes to explain his vote.

MR. LEMONDES: Thank you, Mr. Speaker. I support this -- this particular bill because this furthers the small ruminant industry in New York State, more so than anything else that has been done in recent times. There are 58,000 sheep farms in the

United States, and several hundred of those are in New York. This particular initiative will help all of those farms grow. Thank you very much.

ACTING SPEAKER MAGNARELLI: Mr.

Lemondes in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 38, Calendar No. 525, the Clerk will read.

THE CLERK: Assembly No. A02060-A, Calendar No. 525, Barrett, Gunther, Santabarbara. An act to amend the Social Services Law, in relation to the duty to report incidents.

ACTING SPEAKER MAGNARELLI: An explanation has been requested, Mrs. Barrett.

MRS. BARRETT: Happy to explain this, thank you. This legislation is meant to provide clarity and uniformity to all appropriate State agencies reporting requirements related to potential incidents of abuse or neglect that have been adopted by OMH, OASAS, OCFS and OPWDD as it relates to the Justice Center. Currently when an incident occurs, each mandated reporter who observed an institute [sic] are statutorily required to file a report, and this has resulted in multiple reports that have slowed down the Justice Center.

ACTING SPEAKER MAGNARELLI: Mr. Morinello.

MR. MORINELLO: Thank you. Will the sponsor yield for a couple questions, please?

MRS. BARRETT: Certainly.

ACTING SPEAKER MAGNARELLI: The sponsor yields.

MR. MORINELLO: Mandatory reporters have obligations when they see an incident. What this seems to indicate, if I'm correct, is that if there's an assumption or knowledge that someone else reported, it prevents or precludes the other mandatory reporters from the obligation; am I correct on that?

MRS. BARRETT: This clarifies that not everybody has to report if there is actual knowledge that the mandated reporter has that a direct and clear -- and has a direct and clear awareness that the report was made. For example, if they witnessed or read or overheard the report being made by the VPCR, which stands for the Vulnerable Person Central Registry.

MR. MORINELLO: Well, my concern is this: If you have three people that witness an incident, but they're not in close proximity, is there criteria for someone to actually believe that someone else is reporting, relieving them of their obligation?

MRS. BARRETT: Yes. So there is -- I mean, multiple reports to the registry would be made regarding the same incident. A mandated reporter is not required to report the allegation when both of the following elements are met: When the mandated reporter has actual knowledge that the incident was already reported,

and when the mandated reporter has actual knowledge that he or she was named in the report as a person with knowledge of the incident, otherwise they should be reporting it.

MR. MORINELLO: Okay. So the actual knowledge that it has been reported, is there criteria to establish so that person doesn't violate their obligation?

MRS. BARRETT: Right.

MR. MORINELLO: No, I want to know what criteria is there for a person to know if they haven't discussed it with the other mandatory reporters?

MRS. BARRETT: They either witnessed, read it or overheard the report being made.

MR. MORINELLO: I'm sorry, would you repeat that, please?

MRS. BARRETT: They have either witnessed the report being made, read that the report was made, or overheard the report being made.

MR. MORINELLO: Okay. Now, there's another criteria that says if they know that they've been named in it. We've had many incidents during the pandemic where visiting nurses have come, and let's assume you have two visiting nurses that show up on the same day from different parts of this country, and you have one regular person. They're not going to know those other person's names. So what type of a violation will it be for these individuals that don't report or don't have their names?

MRS. BARRETT: If there's any doubt, that person should be filing. I mean, this is really to try to un-complicate the filings when a lot of people are in the same place and they know it's been filed. Under the circumstances that you're, you know, describing, everyone probably should go ahead and report.

MR. MORINELLO: Now, leading to that part. If someone assumes or knows someone else reported and at a later time they have to testify or they're asked the questions, it seems that when time is an element and a report is not contemporaneous with the incident, there's going to be gaps within the reports that could impact the perpetrator that they're reporting on. That concern is also one of the ones that we have in that it's kind of like at a trial. If three people are testifying, their testimony may not be identical, and when there's a time lag and that report is not contemporaneous with the incident, there may be gaps within that. Is there any protections for that person or to protect the victim of the mandatory reporters?

MRS. BARRETT: The reporting can still -- the reporter can still choose to do this, and I think that, you know, the goal here -- first of all, these are in regulation already so we're just trying to sort of consolidate all the different departments and agencies to have consistent practices, to your point if you have people coming in and out. And so that's the goal of this, but we're not saying that people shouldn't be reporting, we're just making it so that each reporter doesn't have to feel statutorily obligated to report at every single time when they know there's a dozen other people there they heard them

report, they, you know, they saw it in writing. It's just really trying to, you know, just simplify things from the Justice Department and as well as from the reporters or the employees' end.

MR. MORINELLO: Thank you.

On the bill.

ACTING SPEAKER MAGNARELLI: On the bill.

MR. MORINELLO: As a judge and as an attorney, I've sat it on many cases that ultimately there was no finding because the reporting or the testimony given had gaps because they weren't contemporaneous. It reminds me of an old game that began in the Medici era in Florence called game of the ear. Most of us would remember that that are old enough, it's called telephone, or broken telephone where you have people line up and you whisper something into the first's person ear, they then whisper it down the line and what comes out of the last person is completely different from the first person because there's been time delays and it's not contemporaneous with the incident.

My concern is if there's a reportable incident, they need to establish it and it's either going to be an ethical investigation as we have in this Body, and I've had the privilege of sitting in on them, or it's going to be some kind of a trial if it's something very serious. So now if you have reports given that are not contemporaneous with the incident by multiple reporters, what it ultimately is going to happen is is the person who should be either prosecuted or should be penalized may get off for that reason. And

for that reason, that is why I'm concerned with this bill. Thank you very much.

ACTING SPEAKER MAGNARELLI: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Will the sponsor yield for a quick question?

ACTING SPEAKER MAGNARELLI: Mrs. Barrett?

MRS. BARRETT: Yes, I will.

MS. WALSH: Thank you. So when you have -- when you're hotlining or you're reporting, is there not a question on there that says did anybody else witness this incident?

MRS. BARRETT: I don't actually know, is there? Probably, but I have not seen the form so I can't -- okay, you call in before you write up a report so that's all I know -- you call in the before you write up a report.

MS. WALSH: You call it in, okay.

MRS. BARRETT: Right, but I don't know what the questions are, I'm not familiar with it.

MS. WALSH: Okay, thank you.

Mr. Speaker, on the bill.

ACTING SPEAKER MAGNARELLI: On the bill.

MS. WALSH: I've actually called in hotline reports before as an attorney for the child, sometimes I come into -- I had knowledge of abuse and neglect and I'm a mandated reporter required to call in the report and I'm asked whether anybody else witnessed, as well. And so at that point, you name the other individuals who

witnessed it and then it's almost like a pyramid where, you know, then you've got then -- as part of the investigation into the hotline, the other individuals who witnessed it are -- become a part of it through that one report.

So I respect very greatly my colleague's concerns about -- by -- by shrinking up the number of reports we may not have as quality an investigation. I think that that is a concern that was raised. I don't have that concern because my feeling is that within the one report that's made, as long as the other witnesses to the incident are identified you can cut down on the paperwork considerably while not compromising the integrity and value of the report, so I support this bill.

I think -- and I will also share that I, within the last couple of years, I've had a conversation with a school that the school administrator for a school for young ladies who have had, you know, various issues, and there are huge paperwork requirements. If you have, say, a fight between two of the students in the hallway and you've got, you know, a school counselor and three teachers and they're all witnessing this that they would all, under the current law, they may -- they would be under an obligation to file, you know, six, seven different hotline reports and it's a huge, it's a huge administrative burden. And when I spoke with the school director he said that he actually had to hire an individual just to help manage all that paperwork. And it just seems as though the money and time and effort could be better spent on the programs that will really help those

individuals in the school, and as long as one person is doing a hotline where they're identifying the other individuals who were there, I think that the quality of the report is going to be just as good rather than to have six or seven or however many separate reports. So for that reason, I'll be supporting the bill and I thank the sponsor.

ACTING SPEAKER MAGNARELLI: Read the last section.

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

ACTING SPEAKER MAGNARELLI: The Clerk will record the vote on A2060-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.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. Last time this bill came up there were several Republican legislators that were opposed to the legislation, mainly on the grounds that were articulated by my colleague, Mr. Morinello. And there were several Republican colleagues that supported the legislation, largely for the reasons articulated by my colleague, Ms. Walsh. And one of the challenging aspects that I have sometimes on the floor is calling a vote on which way it should go because sometimes people think that we've had this secret conference call meeting amongst our Conference and we come up with a monolithic approach, and that's not the case at all. Indeed,

we have no obligation, as any members of the Republican Conference, to vote in any particular way.

And so I always find myself blessed by having divergent views within the Republican Caucus from people that I have the greatest respect for. So I anticipate we will have a handful of negative votes. I indicated that the Republican Conference is generally in favor of this based on the number of people that voted in the past rather than the statement of Conference position. I will be supporting this, but I know a lot of my members whom I have great respect will not be for the reasons that have been articulated.

So again, I encourage all my colleagues to vote their conscience in a way that best reflects their priorities and whether you want as many people as possible reporting at the same time to get as accurate and timely information as possible, or whether you're comfortable enough by having fewer people report initially, but identified as witnesses. So those are the kinds of issues and I look forward to the final result of this voting, sir. Thank you very much.

ACTING SPEAKER MAGNARELLI: Mr. Goodell in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following colleagues in the negative: Mr. Friend and Mr. Gallahan. Thank you, sir.

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

(The Clerk announced the results.)

The bill is passed.

Ms. Solages.

MS. SOLAGES: Thank you, Mr. Speaker. We have several bills we'd like to continue with, Calendar No. 539 by Mr. Gottfried; Calendar No. 576 by Ms. Tapia; Calendar No. 618 by Ms. Fahy; Calendar No. 623 by Ms. Kelles; Calendar No. 629 by Ms. Jean-Pierre; and Calendar No. 635 by Mr. Thiele.

ACTING SPEAKER MAGNARELLI: Page 38, Calendar No. 539, the Clerk will read.

THE CLERK: Senate No. S07501, Calendar No. 539, Senator Hinchey (Gottfried, Englebright, Thiele, Dickens, Fernandez, Galef, Anderson, Colton--A07408-A). An act to amend the Public Health Law, in relation to financial responsibility for human postexposure treatment for rabies.

ACTING SPEAKER MAGNARELLI: An explanation has been requested, Mr. Gottfried.

MR. GOTTFRIED: Yes. Mr. Speaker, this bill makes a variety of changes in the law relating to testing and treatment for rabies after an animal bite. It was suggested -- it is -- comes to us from the New York State Association of County Health Officials, NYSACHO.

It does a handful of things. It would provide that when a county health authority recommends or approves rabies treatment that that would be deemed to count as prior authorization

for insurance purposes. It provides that -- or I guess it clarifies the right of a patient to choose to get their treatment from another provider other than the county health authority. It provides that, or clarifies that the county health authority is under no obligation to pay for the treatment if they are notified of it after treatment begins. It provides that -- that if the -- if another provider begins rabies treatment without approval by the county health authority, they must report that treatment promptly to the county. And finally, it provides that providers shall accept payment from a county health authority at a rate at least that of Medicaid.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

MR. GOTTFRIED: Yes.

ACTING SPEAKER AUBRY: Mr. Gottfried yields.

MR. GOODELL: Thank you, Mr. Gottfried. As I understand it, under current law if an individual is suspected of having rabies and goes through the treatment, the county health departments pay for that treatment; is that the way the current law works?

MR. GOTTFRIED: I'm sorry, you said the county health authority pays --

MR. GOODELL: Pays for the rabies treatment under current law.

MR. GOTTFRIED: I believe that is the case.

MR. GOODELL: And so this would --

MR. GOTTFRIED: Although if the patient has insurance, the insurance is expected to pay for it.

MR. GOODELL: Okay. So under current law if the patient has insurance, the insurance pays for it and if the patient doesn't have insurance, the county health department pays for it; is that correct?

MR. GOTTFRIED: That's my understanding.

MR. GOODELL: And under this bill, what would happen if the patient has insurance, of course, the insurance would continue to pay. Are you saying the county health department would no longer have to pay?

MR. GOTTFRIED: If the patient has insurance, my understanding is that today that insurance is expected to pay for it. The problem is that there are apparently instances in which insurance companies say that there was no prior authorization for that treatment, and this bill would cover that gap by saying that if the county health authority approved the treatment, that the insurance company would have to accept that as if it were prior authorization.

MR. GOODELL: Now, it goes on, however, to say that the county health authority shall not be obligated to assume financial responsibility if they're notified after the completion of treatment. So if a patient seeks treatment immediately, it's not covered by insurance, this would then -- and completes the treatment. Does this mean then that the patient would have to pay for it out of their own pocket?

MR. GOTTFRIED: If their provider neglected to advise the county health authority, that would be the case. And the purpose of this is, I mean, given the nature of rabies I think the purpose of that provision in the bill is to make sure that cases are quickly reported to the county. Which is, as I understand it, already the provider's obligation, but apparently doesn't always happen.

MR. GOODELL: Am I correct, though, that the treatment for rabies commences immediately upon a suspected bite and not upon symptoms; is that correct?

MR. GOTTFRIED: Well, that's a little outside my scope of practice, answering that question. I do believe that is the case.

MR. GOODELL: County health departments under current law in our current budget receive funding specifically for rabies eradication, but also for rabies treatment, don't they?

MR. GOTTFRIED: I think that is covered by Article VI which, of course, as I think we all appreciate is not really adequate funding, yes.

MR. GOODELL: Okay. So my concern is if you have a patient that say gets bitten by an animal, doesn't know whether the animal is rabid or not, seeks immediate treatment and receives it from a local health facility, is not on Medicaid and discovers to their dismay the insurance doesn't cover it, they would be left with a bill rather than the county health department, correct?

MR. GOTTFRIED: I think that is -- that is correct.

It, of course, is -- I mean, you're describing a very small percentage of the New York population fortunately. And, again, the purpose of that piece of the bill is to protect the public health and safety by promoting prompt reporting of these cases.

MR. GOODELL: Okay.

MR. GOTTFRIED: In many cases, by the way, the patient would be showing up at a hospital emergency room and for patients who are uninsured, it would be likely, in many -- certainly in many parts of the State, would be a public hospital, but even if it's not a public hospital, we do have laws on the books that provide some protection against hospital charges for uninsured New Yorkers. But again, the purpose of that piece of the bill is to protect public health by promoting rapid reporting in as many cases as possible.

MR. GOODELL: Now, am I correct that the cost of treatment ranges anywhere from a low of maybe \$1,200 to as much as \$6,500 per exposure?

MR. GOTTFRIED: That strikes me as higher than I would have expected, but I really don't know.

MR. GOODELL: And am I correct that a total of amount 3,200 cases reported in New York between 2018 and 2019, 111 tested positive. So we're dealing with a fairly small number of patients, correct?

MR. GOTTFRIED: Those numbers may well be right and, yeah, fortunately rabies is not, you know, is not epidemic in New York, although particularly in a lot of parts of the State,

particularly rural parts of the State where you've got, you know, raccoons and other animals that can be rabid, not just dogs, it is more common than maybe in my district.

MR. GOODELL: Thank you very much, Mr. Gottfried. As always, I appreciate your expertise and insights.

MR. GOTTFRIED: Thank you. And I would just note we often, on this floor, get into discussions of whether something is an unfunded mandate on counties. This is an occasion when counties have come to us asking for some relief.

MR. GOODELL: I appreciate that observation, as well.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: As my colleague, Mr. Gottfried, pointed out, this bill is intended to shift some of the costs of treating rabies from counties, who receive State funding for this purpose, to private insurance, which do not receive State funding for this. And not surprisingly, the county budget officers think this is a great idea and the insurance industry thinks it's a terrible idea. I'm actually concerned about the people who fall in between, because this bill provides that if a person thinks they have been bit by rabies and they go through the treatment, and it's my understanding you are obligated to begin the treatment right away to avoid serious complications, and if they're focused on getting immediate treatment, they don't notify the county health department until the treatment's completed, they're on

their own. If they don't have insurance, they're on their own and it costs in the range from just over \$1,000 to several thousand dollars.

So I'm hesitant to support legislation that would put those who are the working poor, that are making too much to be eligible for Medicaid and not enough to have great insurance at high risk of having a personal liability when they're facing a life-threatening situation and take immediate steps to get treatment. We need to have seamless coverage so that none of our friends or neighbors, including the working poor, find themselves inadvertently facing a high cost for rabies treatment.

And for that reason, I'm hoping to see this bill in an amended form to make sure that we don't have that gap, and the rest of the portions of the bill I can appreciate the sponsor's objectives and that of the county finance directors. Thank you, sir.

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 7501. 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 that were previously provided.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir, to explain my vote. The current process for rabies treatment is really simple, if you get bit

by an animal and suspect that the animal might have rabies, you get treatment and the county pays for it, and the State helps the county with funding, like all the funding we provide, it's inadequate, but we do provide them with funding. So the process is real simple under the current law. You get bit, nobody likes to get bit by a wild animal or a cat or dog, you get the treatment, the county pays for it. This creates an alternative procedure that unfortunately has gaps where someone can fall through that gap and find themselves facing unexpected medical bills because it's not covered by insurance and they didn't notify the county health department in time. For that reason, I will not be supporting it. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 39, Calendar No. 576, the Clerk will read.

THE CLERK: Senate No. S01172-C, Calendar No. 576, Senator Rivera (Tapia--A09677). An act to amend the Public Health Law, in relation to the provision of informed consent.

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

MS. TAPIA: Thank you, Mr. Speaker. This bill would expand the patient bill of rights for patients of general hospitals to include.

ACTING SPEAKER AUBRY: One minute, Ms. Tapia -- move your mic up; no problem.

MS. TAPIA: My first bill.

ACTING SPEAKER AUBRY: It's all right.

(Laughter)

However you want to do it.

MS. TAPIA: Thank you, Mr. Speaker, for letting me know that my mic wasn't on. This bill would expand the patient bill of rights for patients of general hospitals to include the right to receive all information necessary to provide informed consent for a proposed medical treatment or procedure, the right to be informed of certain information pertaining to hospital staff and the right to engage in the informed consent process among other additions.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. TAPIA: Yes, I yield.

ACTING SPEAKER AUBRY: Ms. Tapia yields, sir.

MR. GOODELL: Thanks, Ms. Tapia. One of the provisions in this bill requires or provides that the patient has a right to be informed of the name, position, functions of any persons, including medical students and physicians who provide face-to-face care or direct observation of the patient, correct?

MS. TAPIA: Yeah, right.

MR. GOODELL: And am I correct that that right would be -- or could be after the fact? In other words, the patient comes in and they're unconscious, they're on a stretcher --

MS. TAPIA: Right.

MR. GOODELL: -- they're not coming -- they're not going to ask, *Who am I meeting with*, they'll -- it's an after the fact obligation, correct?

MS. TAPIA: Right.

MR. GOODELL: And so are we expecting then in a trauma situation where a patient arrives unconscious, serious accident, they go immediately in the intensive care and there's dozens of nurses and respiratory therapists and experts and clinicians that every single person that came in contact with that person would have to be disclosed to the patient?

MS. TAPIA: Yes. This right to be informed of the names of physicians and functions of hospital staff involved in care is included in the DOH regulations for patient rights while they are in the hospital. There have been no concerns raised over this being burdensome for the hospitals even when it's in the emergency rooms. It's been in the bill of the -- the bill of rights for awhile and nobody has complained or anything like that, and the hospital has provided information when that have been requested.

MR. GOODELL: I see. So there's no exception for emergency situations or trauma situations or anything like that,

correct?

MS. TAPIA: No.

MR. GOODELL: I see. Okay, thank you very much. I appreciate your clarifying comments.

On the bill, sir.

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

MR. GOODELL: All of us when we go to the hospital, particularly if it's a trauma situation, we hope that the hospital is focused first and foremost on giving us the very best care possible to save our life. And if you have been in an emergency room when one of these serious trauma patients comes in, or a gunshot victim comes in, it's all hands on deck. And so you'll have people who are handling the blood supply, you'll have people that are doing the surgery, they'll have people prepping the patient, you have people monitoring their breathing, you have anesthesiologists there, you have anesthesiology assistants. You have an entire crew, and if it's a multiple gunshot incident, they're dealing with multiple people.

And so what this bill says is to the hospital, make sure you write down the name, the position, the function of every single person who saw that patient, who saw you and I, including medical students that might be there in an internship who might be just helping, including the staff who might be cleaning the room to make sure it's sterile. Now, the problem is that this is a massive recordkeeping obligation in those situations where our life depends on

those staff people coming in and doing their job and doing it efficiently. It's not an issue when we're an inpatient and we see three or four people a day, but in a trauma situation when it's life and death, especially if it's a trauma situation involving multiple patients like in a car accident, or hopefully it never happens, a school bus accident or a mass shooting.

So I think we always want to focus on putting patient care first, patient care first and recordkeeping second. And so I would support this bill if that language was modified or even taken out so that the normal recordkeeping processes of a hospital are honored and reflected in the charts and everything else, but we recognize that there are times when our life depends on having a lot of people coming in and out of our room and doing everything they can to save our life, and the last thing we want is a hospital worried about doing a debriefing and writing down the name of every staff person and their position, including the medical students.

So I appreciate the general thrust of this bill, but I have deep reservations on that recordkeeping requirement that could impact on the ability or willingness of hospitals to put everyone they can in saving my life or saving your life in the event of a trauma. For that reason, I'll recommend against it. Thank you, sir and, again, thank you to my colleague for clarifying this bill for us. Thank you.

ACTING SPEAKER AUBRY: Ms. Tapia, yes.

MS. TAPIA: To explain my vote?

ACTING SPEAKER AUBRY: On the bill, Ms.

Tapia.

MS. TAPIA: Yes. Health care is extremely complex. It is also an industry where the difference in knowledge and understanding between the health providers and patients are usually vast and vague. It is therefore critical that health care providers impart adequate information in a manner that a patient can understand so that he or she can effectively exercise their right to make informed decisions about the prime of care, medical/surgical interventions, after care -- after discharge. In other words, easy to understand health forms and accompanying information are usually very crucial. I vote in the affirmative.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 1172-C. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation, but certainly those who support it can vote in favor here on the floor or by calling the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER AUBRY: You're welcome, sir.

Ms. Hyndman.

MS. HYNDMAN: I would just like to remind my colleagues that this is a Party vote and if any member wishes to vote -- any Majority member wishes to vote in the negative, they should call the Majority Leader's Office at the number previously mentioned and their vote will be recorded accordingly. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Hyndman.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Ms. Tapia, your first I believe. Congratulations.

(Applause)

Well done, well done.

Page 42, Calendar No. 618, the Clerk will read.

THE CLERK: Senate No. S07429, Calendar No. 618, Senator Gounardes (Fahy, Seawright, Reyes, Dickens, Jacobson, Colton, Sillitti, Simon, Hevesi, Lunsford, Cruz, Paulin--A08868). An act to direct the Commissioner of Labor to conduct a comprehensive study on immigrant and refugee participation in adult education and the workforce; and providing for the repeal of such provisions upon expiration thereof.

MR. GOODELL: An explanation, please.

ACTING SPEAKER AUBRY: Ms. Fahy on Zoom, an explanation is requested. Are we connected?

MS. FAHY: Hi, okay. I'm here.

ACTING SPEAKER AUBRY: And so are we.

MS. FAHY: Yes, thank you. This legislation directs a number of Commissioners, the Commissioner of Labor, the Commissioner of OTDA - the Office of Temporary Disability Assistance - Education, as well as the Office of New Americans to conduct a study on immigrant and refugee participation in adult education and in the workforce, and issue a one-time report within the next year -- within a year of enactment on this to increase -- with the goal of increasing opportunities for workforce participation.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. FAHY: Certainly.

ACTING SPEAKER AUBRY: Ms. Fahy yields.

MR. GOODELL: Thank you, Ms. Fahy. You've had a busy day, and I appreciate your participation by Zoom because I understand you're at home recovering or suffering from COVID, so thank you for participating with us today.

MS. FAHY: Thank you. I'm actually feeling fine, I have no symptoms and hope to be back tomorrow. So I have been fortunate to have a very, very mild case, but still testing positive.

MR. GOODELL: I have several thousand test kits if

you need any.

(Laughter)

MS. FAHY: Thank you.

MR. GOODELL: I can deliver about 60 boxes to you, but thank you for taking our questions.

This study is to study various refugees and immigrants. Was it your intent that the study would include illegal immigrants or undocumented immigrants?

MS. FAHY: The bill is -- is silent on that, and just in general discusses immigrants and refugees. As you know, in some -- in many cases, many of those in the workforce now are in the shadows, if you will, so it doesn't specifically recommend or urge that, it just urges identifying the barriers that refugees and immigrants face. But it doesn't -- it doesn't necessarily specify and nor to distinguish, but the goal is to -- to try to get a sense of the workers that we do know that are out there, immigrants and refugees, the vast majority of whom are here legally.

MR. GOODELL: I'm sorry, are here legally, is that?

MS. FAHY: Legally, yes.

MR. GOODELL: Of course New York City recently talked about authorizing non-citizens to vote, those who are undocumented, and they used the number of 800,000 people who are not citizens; is that consistent with the numbers that you're aware of?

MS. FAHY: Again, this -- this study did not address that, and we have seen some of the -- the numbers that -- that we have

seen through various other studies show that the immigrant and refugee population in New York is about -- it's about 22 percent, so that would be in the millions but that does not, again, this is -- this is assuming legal immigrants who -- who are documented.

MR. GOODELL: Now, as you know many of our immigrant Visas, particularly temporary Visas -- well, I should start with are temporary Visas envisioned within this study?

MS. FAHY: Yes, this would -- this -- yes, this does not preclude those.

MR. GOODELL: So of course, as you know, many of the temporary Visas like an H1 Visa are employer specific; in other words, you can't even get the Visa unless you have a job. L1, inter-company transfers, Investor Visas, F1, Student Visas, are all very specific on employment. Why would be studying those?

MS. FAHY: Truthfully, I -- well, again, they're not, as I mentioned, they're not precluded. I don't see that as the focus because many of those workers are professional or they're, as you said, it's tied to a specific employer. It's really those who are not tied to the workforce are those who are struggling. As you know, many -- many immigrants come here with varying degrees from their home country; yet because of barriers, whether it's language barriers or getting those credentials transferred, it can be a barrier here. But -- but in terms of those who are already tied to a certain employer, I don't see where that would be the focus of that. In some ways, that does not seem to be a good use of time. This is -- the goal here is really about opening up

more pathways, particularly in adult education and in the -- and in the workforce given the very serious worker shortages that we face.

For example, one of -- I should just note, one example that we have, in one study, recent study, showed that about 55 percent of New York State's health aides, those who are counted as health aides, are immigrants or refugees. So knowing that we have nursing shortages and other skilled health care shortages, that might be an area to -- to work on in assisting with growing programs to credential more of those health aides.

MR. GOODELL: Would you envision that the -- would you envision that this study group would have access to the DMV database to identify those who obtained a license without any evidence of citizenship so that they can identify illegal immigrants for the purposes of this study?

MS. FAHY: It's only the data that is authorized, so in this case my understanding is they could access that, but -- but it is really intended to just inform the efforts to advance economic stability and -- in workforce placement. It's not -- none of the data that is used intended for any -- we explicitly note it's not intended for civil immigration enforcement. So whether it's used or not, it's not intended to be. Whether the data is accessed or not, it's not intended to be used for any type of an enforcement tool.

MR. GOODELL: As you know, not only are illegal or undocumented immigrants not legally allowed to work under Federal law, but because they're not authorized to work under Federal

law they don't have Social Security Numbers, and that means that those who employ them typically employ them under the table for cash and, as a result, don't pay Social Security or disability or unemployment; yet, as you know, it's illegal under New York law as well for an employer to hire someone and not pay for disability or unemployment, or Paid Family Leave. Do you envision that the Department of Labor will use the data it obtains in the study to bring enforcement actions against any employers it discovers are illegally hiring undocumented immigrants and not paying into the Department of Labor's unemployment fund or Workers' Comp fund, or providing those other employee benefits?

MS. FAHY: It's a multi-pronged question. This -- this study does not envision that. This is really focused on identifying barriers and seeing what more could be done to expand credentials. The idea that any of this would be used for enforcement is -- for any type of enforcement mechanism is, especially for any kind of civil immigration enforcement, is prohibited; however, you are correct that we do have abuses in the workforce at times, as well as wage theft of -- among often undocumented workers, and even we still have serious issues with human trafficking. So I would have to assume that where issues need to be reported, they would, following appropriate laws as necessary. Certainly -- certainly we continue to have serious problems with wage theft, with human trafficking and, certainly, none of this would allow for any abuse of the law with regard to illegal employment.

MR. GOODELL: Thank you very much. I appreciate your comments and insights.

On the bill, sir.

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

MR. GOODELL: Thank you. This is an interesting bill because on one hand it just calls for a study. We often -- we often authorize studies; in fact, we often authorize so many studies, we actually had a bill that studies how many studies we've authorized. And so for many of us it's like, oh, it's another study, we probably won't read this study like we haven't read any of the other studies, but you know, it's a valid question, you know, and it's an interesting question, if you will.

The concern that many of us have is that this study is focused specifically on barriers that refugees and immigrants face to entering the employment field, and this is an area that's highly regulated by both the Labor Department and Federal government. And the immigration service is very clear that if you come here on a temporary Visa, particularly an H Visa, you're limited to a particular job, a particular employer and, in fact, that employer has to advertise for American workers and show that there's a shortage of American workers before they can get an H1 Visa to bring someone in from outside the country, and that's all designed to protect the American worker.

So it seems strange we would spend taxpayer money

to study their barriers to employment because their employment is all tied in directly with their Visa. And as my colleague mentioned, this bill is silent about illegal immigrants, but she acknowledged there's a serious problem with both people who are here without documentation, working illegally, not paying taxes. Their employer, likewise, is engaged in a criminal scheme because the employer is not paying disability or unemployment or Workers' Comp.

So you have a Labor Department who is responsible for enforcing those programs tasked with studying all the employers and employees who may be violating those programs. And while they certainly ought to be doing that through their investigatory authority anyway, it seems strange that we would do it in the context of promoting more employment with the very people who are not allowed legally under State or Federal law from engaging in that type of employment.

And then finally, I would point out that even those who are here on permanent Visas typically have a sponsor who is -- who is responsible for ensuring that they don't access public assistance programs for a time period, typically as I recall five years. And so when you have those kind of legal constraints, I question the value of this type of study.

So rather than study the barriers to illegal employment, perhaps we should better study how we can help those become legal employees and how we can help the employees that are in New York State do better. For that reason, I would recommend that

we devote our resources in helping our local residents before we devote resources in studying why those who are here from another country aren't fully employed. Thank you, sir.

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 7429. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this bill. Those who support it can certainly vote yes on the floor or by calling the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Solages.

MS. SOLAGES: Majority members will be voting in the affirmative. Anyone who would like to vote against this measure, we encourage them to contact the Majority Leader's Office and we will announce their names accordingly.

ACTING SPEAKER AUBRY: Thank you.

(The Clerk recorded the vote.)

Ms. Lunsford.

MS. LUNSFORD: Thank you, Mr. Speaker, I rise to

explain my vote. I would like to commend the sponsor of this bill. In my district, we actually have a fairly large refugee population, particularly from Afghanistan. We are home to many people who arrived on special immigrant Visas, on humanitarian parole who have brought their families with them. Our local adult education provider provides a lot of English as a Second Language services in our district to help people who have come here to get ready to enter the workforce, to help their children with school, and in my own district I have people with jobs asking me, do you know people who need work, and I do but because people on humanitarian parole can't get work permits for nine to 12 months, I can't match people who want jobs with people who need jobs.

So I am very excited to see what this study shows so that we can perhaps make some both Statewide and hopefully Federal changes to help get people to work. Thank you so very much. I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Ms. Lunsford in the affirmative.

ACTING SPEAKER BUTTENSCHON: Mr. Goodell?

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 43, Calendar No. 623, the Clerk will read.

THE CLERK: Senate No. S08231-A, Calendar No.

623, Senator Salazar (Kelles, Epstein--A09090-A). An act to amend the Executive Law, in relation to requiring the Office of Children and Family Services to submit an annual report about juvenile recidivism and cost of juvenile incarceration.

ACTING SPEAKER BUTTENSCHON: An explanation has been requested.

MS. KELLES: Absolutely. Just to read directly from the summary provisions: This adds a new section, 501.1, to the Executive Law requiring an annual report to the Legislature about the juvenile youthful and adolescent offender recidivism rate, the sentences imposed, the annual cost of incarceration and pretrial detention, and the age and race of incarcerated youth, socioeconomic status and the duration of time that youth are held pretrial. And this report is required to be submitted to the Legislature every year by the Office of Children and Families Services.

ACTING SPEAKER BUTTENSCHON: Ms. Walsh.

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

MS. KELLES: Sure, absolutely.

MS. WALSH: Very good. So just a couple questions about how this report, you know, actually is going to work. How -- the language of the bill itself is silent about what constitutes recidivism. Could you just talk about what will count as recidivism for the collection of data for this report?

MS. KELLES: Absolutely. This is very clean and

simple, simply whether or not a youth has been in the facility more than once. So if this is the second or more times that the youth has been in a facility then that would count as recidivism.

MS. WALSH: Out of --

MS. KELLES: Two or more times.

MS. WALSH: So it would be those at a facility or would it be those who are coming into family court with a matter, if you count it that way?

MS. KELLES: This is the facility because the bill is focused on programming at the facility and the impact of programming at the facility. So this is a bill about our programs, not the youth.

MS. WALSH: Okay. So when you say "facility," do you mean a secure detention facility?

MS. KELLES: Correct.

MS. WALSH: And we already know that we have a severe shortage of juvenile beds in secure facilities throughout the State already.

MS. KELLES: Yes, we do. There is a whole separate issue, but yes we do.

MS. WALSH: It does -- it does relate to this because if we're collecting data, but we're only going to be collecting data for those youth that are actually, I mean, I would say the lucky ones, but the few who get a bed in New York State in a secure juvenile detention facility. You're not capturing all of the youth that are

actually involved in the family court system with JDs or juvenile offender or a youthful offender or adolescent offender matters, correct?

MS. KELLES: Correct, but that would simply mean that we are underreporting the impact of our programs. It wouldn't necessarily systematically or mean that there is a systematic misrepresentation of the programs simply because we've had -- we have fewer people counted in the facilities than would be had we had the beds. The only reason you would expect that there would be a differential and there would be a bias in the data that you're collecting is if you felt that there was a difference in some reason between those who got a bed and who didn't get a bed. And since we don't expect there would be any reason for that, that we would be systematically giving preference to some youth over others, then we would -- it would not change our evaluation of the programs based on the recidivism data we're looking at.

MS. WALSH: So you're looking -- okay. So you're looking at JDs, juvenile offenders, youthful offenders or adolescent offenders that are exhibiting recidivism in terms of going back in to a secure detention facility in the course of a year?

MS. KELLES: Right, but we're not tracking each individual. That is not the data that we will be reporting out. This is an aggregate data. So we are looking at the overall rate of recidivism of the population recidivating back into these facilities. So for example, if we have a recidivism rate that's really high and we know

it's in certain facilities and we know the programming in that facility, then we can evaluate the effectiveness of what we're trying to do in the first place which, of course, would be corrections or transformation.

MS. WALSH: When you were designing the bill, did you consider taking a bigger look at all of the youth that are involved in the juvenile justice system through family court and evaluating those? Because -- I'm asking because I was doing a little bit of research to get ready for this -- this debate and it appears that there's real question about what areas of the State, what probation departments are actually even maintaining data on these kind of issues about how many youth have been court involved and kind of what's happening to them after their involvement with the system.

MS. KELLES: Absolutely, and I think that that is, that's excellent data also to collect. That is not the focus of this particular piece of legislation.

MS. WALSH: Okay, very good. And who -- who is going to be preparing this report?

MS. KELLES: This is from the office -- the office itself.

MS. WALSH: OCFS?

MS. KELLES: Mm-hmm.

MS. WALSH: Okay. And do you know where they're going to be getting their data from? So like, where do they get their data from, then?

MS. KELLES: So they oversee the facilities, they will be collecting the data from the facilities and reporting it on their website.

MS. WALSH: Okay. So the counties themselves are not going to be involved with this in any way?

MS. KELLES: No.

MS. WALSH: Okay, very good. Thank you very much, I appreciate your answers.

MS. KELLES: You're welcome.

MS. WALSH: And, Madam Speaker, on the bill.

So I commend the sponsor for coming up with this particular piece of legislation, but I do think in my opinion that the problems that we have are a lot bigger than what this bill encompasses. I was reading a very interesting article that our local paper, *The Times Union*, did back in February really doing a bit of an exposé on the what's happened since this Body and the Senate back in 2018 passed Raise the Age. And what's happened is I mean, I would say cynically it's kind of typically what we see in Albany. We changed the law and then we all scratch our heads and say, *Well, wait a minute, we don't have any programming*. And what's going on is we don't have programming for these young people that are being -- being funneled through the family court system. You know, one of the people that was interviewed said that, you know, all kinds of promises were made when Raise the Age was passed. We were promised more services, that kids were going to be able to get their GED's, get

substance abuse treatment, get mental health treatment, get job training, but there's been no structure put into place since Raise the Age was passed. And the State has distributed only \$270 million of the \$800 million that was allocated in the 2018 State Budget for Raise the Age. So -- and understanding that COVID certainly would have hampered some attempts, but typical New York State, my friends and colleagues, you know, changed the law and then say, *Well, wait a minute. We don't have any structure.* We made a lot of promises, we said a lot of things were going to happen, but we didn't actually put those things into place.

And I think that we do need to get more data from probation departments around the State as far as what the outcomes are. There is a severe shortage right now of secured juvenile beds, therefore what we're doing is -- the system is doing is they're releasing from custody for violent offenses youth that really, in the past prior to Raise the Age would have been, or before a lot of these -- these beds were shut down over the last few years, we're releasing them with ankle bracelets and having probation departments have to monitor and we have huge, hugely high recidivism rates in terms of additional criminal conduct.

So when I say that, I mean, that a New York City study that came out said that nearly 50 percent of 16-year-olds were rearrested for new crimes in the first year after Raise the Age, and similar rates of recidivism for 17-year-olds. So the programs have failed. If this was -- Raise the Age was put out there as a new era in

juvenile justice and it has failed. I will support the idea of studying this particular group of individuals who are in juvenile justice -- or juvenile detention beds, but we have got to take a more global look at this problem, and I would love to work with the sponsor on some other legislation to say, you know, if we're going to do Raise the Age, if we're going to treat the youth differently, we have to provide the structure and supports, and we have only to think about the headlines over the last few days to see a true failure of our juvenile system when we think about individuals who exhibited signs of mental health issues and signs of threatened criminal behavior who acted upon, tragically acted, and what difference would have been potentially made had we had structure in place to provide the mental health services and all of the other supports that we were supposed to provide when Raise the Age was passed.

But it is a broken system right now and I think that we certainly can study and look and see what the recidivism that's going on with individuals who actually scored one of these beds, but we don't have nearly enough beds to address this problem. And we need to make a really serious attempt to try to fix a problem that we in part created through Raise the Age. So I will support this piece of legislation, but I will also say that I don't think it goes nearly, nearly far enough. So thank you very much, Madam Speaker.

ACTING SPEAKER BUTTENSCHON: Ms. Kelles.

MS. KELLES: On the bill.

ACTING SPEAKER BUTTENSCHON: On the bill.

MS. KELLES: So I wanted to just point out what this bill does and doesn't do, and primarily it's important to note that this bill is to evaluate the effectiveness of the State's programs, not the performance of the children or the youth, or the adolescents. So I think that that is very, very important. There are 38 states that have already done this piece of legislation and it has been very effective in implementing policy, the data specifically on recidivism rates. I would also note that the Council of State Governments Justice Center has specifically recommended the annual collection of recidivism data in youth detention facilities for the explicit purposes of evaluating the effectiveness of our programs because, of course, the evaluation of our programs can streamline them, narrow them and focus them to address any discrepancies that we're seeing in recidivism rates, and we'll see in this that we do collect important data on, for example, socioeconomic status and race. You know, those are just some of the pieces of data that we collect. And that's because we want to be both as effective as possible and as efficient as possible, and to help these children or youth and adolescents, the whole gambit, to be able to reenter into society in a way that reduces what we have seen which is the revolving door through the adolescent detention facilities and into the adult detention facilities.

So that is the primary focus, and I would note specifically that if -- if adolescents feel that a system, a judicial system is fundamentally unfair to them, that we are targeting them specifically, there is explicit data reporting, scientific data that shows

that it will increase the difficulties both for the adolescent and actually for the law enforcement. And there is data that also shows that if adolescents feel that the system is inherently fair that it significantly reduces recidivism rates. So recidivism rates in and of themselves are very important and will be effective for the State, that there are other things that we need to do, endless amounts of things that we need to do to help our adolescents in this State of New York, but this is one very important step in the right direction.

Thank you. I will be supporting it, of course, and I hope that everyone else will consider supporting it, as well.

ACTING SPEAKER BUTTENSCHON: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BUTTENSCHON: The Clerk will record the vote on S8231-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 43, Calendar No. 629, the Clerk will read.

THE CLERK: Senate No. S08718, Calendar No. 629, Senator Gaughran (Jean-Pierre--A09424). An act to amend Chapter 122 of the Laws of 2015 relating to tax assessments for

certain improved properties affected by Superstorm Sandy, in relation to extending the deadline for tax exemption applications.

ACTING SPEAKER BUTTENSCHON: An explanation has been requested, Ms. Jean-Pierre.

MS. JEAN-PIERRE: This bill would amend Chapter 122 of the Laws of 2015 to extend a tax exemption for owner-occupied residential properties and municipalities affected by Superstorm Sandy by two years.

ACTING SPEAKER BUTTENSCHON: Mr. Goodell.

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

ACTING SPEAKER BUTTENSCHON: Will the sponsor yield?

MS. JEAN-PIERRE: I will yield.

MR. GOODELL: Thank you very much. As you know, Superstorm Sandy occurred ten years ago, and this would give an additional two-year extension for anyone to apply for an assessment for any improvements that they did related to Superstorm Sandy. So my question is in your opinion, how long should we keep that assessment phase-in option open? I mean, it's already coming up on an entire decade, right? How long would you recommend we keep it open? Another two years, ultimately 20 years, and at what point are the repairs or additions not related to Superstorm Sandy and how do we tell? I know there's like three questions there, so if you wouldn't

mind addressing any of those questions in any order, that would be great.

MS. JEAN-PIERRE: Sure. In an ideal world, I wish we were not here. There are so many, and particularly in my town in the Town of Babylon, there is still 75 properties, residential properties who need this exemption. You know, in the beginning when Superstorm Sandy happened, we had a lot of chaos in the agency, we had construction fraud, and we had so many issues around getting people back in their homes and getting people back in their homes with it fixed.

So this extension, and I just my -- just the Town of Babylon alone in Suffolk County has 75 residential properties who would benefit from this extension. So I just can't think of alone in how many people across the State of New York would benefit from this exemption. And it's just with the, you know, with the plummet of property values have increased tremendously, this would just allow that freeze so people can just continue and rebuild their lives and get back in their homes.

MR. GOODELL: Now, I would assume, if I'm not mistaken that all of the insurance proceeds have been processed and paid out by now?

MS. JEAN-PIERRE: Can you repeat the question?

MR. GOODELL: Certainly. Am I correct that all the insurance settlements, to the extent there are any or were any, have now all been processed? We don't have any pending insurance

claims, do we?

MS. JEAN-PIERRE: We don't have any of that information, but COVID may have delayed some of those.

MR. GOODELL: Well, I mean there's a statute of limitations if you're suing the insurance company, that statute of limitations would have been six years on a lawsuit alleging a breach of contract, so that was -- statute of limitations would have ended four years ago. My guess is there are very few, if any, litigation that's still out there. Do we -- is this bill limited to the original owner of the building?

MS. JEAN-PIERRE: Yes.

MR. GOODELL: So if someone bought it after Hurricane Sandy, they would not be eligible then for the phase-in exemption?

MS. JEAN-PIERRE: Correct. The bill was not intended for any new owners, it was intended for the original owners during Superstorm Sandy.

MR. GOODELL: And of those 75 properties you mentioned, do you know how many are still owned by the original owner?

MS. JEAN-PIERRE: No, we do not.

MR. GOODELL: Do you know how many are in mortgage foreclosure?

MS. JEAN-PIERRE: We don't have that data, no.

MR. GOODELL: Okay. Thank you very much. I

appreciate your answers.

MS. JEAN-PIERRE: Thank you.

MR. GOODELL: On the bill.

ACTING SPEAKER BUTTENSCHON: On the bill.

MR. GOODELL: I appreciate the sponsor's desire to help those individuals who had their homes damaged or destroyed by Superstorm Sandy. And the whole purpose of the bill is to encourage them to rebuild and then to give them a phased-in increase in the assessment reflecting the increase in value that might be attributable to the reconstruction. And I think that's a great, great way to go.

The dilemma that we see and the conundrum, if you will, is that those properties that were damaged and, as my colleague mentioned, she had 75 of them that have not yet been repaired, I can assure you those owners went back to the assessor and said, *Hey, this property isn't worth what it's assessed for because it's heavily damaged*. And so they would have gotten a great break on their assessment, when I say "great," a large break, the whole circumstance was not great, it was terrible, but they would have gotten a substantial reduction in their assessment. So now they rebuild, the question is, you know, what's happened in the last ten years and how long are we going to keep this open, and how long can somebody own a property, not rebuild, claim a reduced assessment and then when they finally do rebuild, ask for a phased-in assessment. And is that phased-in assessment based on the original assessed value before Hurricane Sandy, or is it based on the lower assessed value reflecting the fact

they haven't made any repairs for ten years.

So these are, I think, legitimate questions that should be addressed. I will support this legislation and will recommend the same to my colleagues but, to be honest, when it comes up again in two years, I think we really have to ask ourselves have you had a house that you haven't repaired for a dozen years and you haven't closed out the insurance claim, and for a dozen years you've been collecting the lower assessment because it was damaged? And at what point do we say Hurricane Sandy ended, we need to move on, and I think that time is approaching.

So I'll support it this time, and I appreciate my colleague's comments, but this is a chapter that needs to be closed and I think at the end of a dozen years would be a good time to close it. Thank you, Madam Speaker.

ACTING SPEAKER BUTTENSCHON: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BUTTENSCHON: The Clerk will record the vote on Senate 8716 -- 8718, I'm sorry. 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. Jean-Pierre to explain her vote.

MS. JEAN-PIERRE: As we approach ten years since

Superstorm Sandy struck New York's coastal communities, many impacted homeowners are still, believe it or not, are in the middle of extensive reconstruction or repairs so that they can still remain in their homes and even more severe cases can still return home after being displaced for years. Unfortunately, we've had to pass these extenders a few times now because there continue to be delays in construction process due to a wide range of issues, including fraudulent contractors, disagreements with flood and home insurance payments, SBA loans and general delays with the COVID-19 pandemic that put a pause on construction for many of these homeowners. This legislation was introduced and is being passed at the request of our local town and village assessors who have indicated there are still homeowners in the rebuild process who would have otherwise been eligible for the tax exemption with two-year extension in place until March 2024.

So again, I want to thank the Speaker for allowing this vote to come to the floor, and I urge my colleagues to really consider and to think of the families who are displaced, 75 residential homes in one town is way too many. Thank you.

ACTING SPEAKER BUTTENSCHON: Ms.

Jean-Pierre in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 43, Calendar No. 635, the Clerk will read.

THE CLERK: Assembly No. A09736, Calendar No. 635, Thiele. An act to amend the Real Property Law, in relation to adding water lines to the list of utilities that may be installed by the owners of certain lots, plots, blocks, sites or other parcels of real estate.

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

An explanation has been requested, Mr. Thiele.

MR. THIELE: Thank you, Mr. Speaker -- Madam Speaker. I apologize for that. This legislation amends Section 335(a) of the Real Property Law and it deals with the issue of easements of necessity. This section of law creates an easement of necessity in a particular factual situation in favor of a property that is on a filed -- subdivision map that has been filed with the county clerk where the roads in that subdivision are private roads, where the property in question has no access to a public road, and the lot has been conveyed -- the lot has -- had conveyed to a -- the right to access those public roads. And in that situation, Section 335 creates an easement of necessity for lines and wires relating to electricity and with regard to telephone lines. This bill amends that law simply by adding water lines, water service to the existing easement of necessity that exists for electricity and for telephones. Oh, I should also add that the -- the property that -- that benefits from the easement, if -- when -- when they would put in the water lines they have to restore the property and

they would be liable for the compensation for any actual damage that might occur to the property.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

MR. THIELE: Yes.

ACTING SPEAKER AUBRY: Mr. Thiele will yield.

MR. GOODELL: Thank you, Mr. Thiele. My first question, would this only apply to deed transfers after the effective date of this law?

MR. THIELE: I'm sorry, to...

MR. GOODELL: Would this only apply to deed transfers after the effective date of this law?

MR. THIELE: I don't -- I don't mean it that way. I think it would apply to this situation in any case where -- where you have this particular fact pattern.

MR. GOODELL: So it would be your intent that it would apply retroactively?

MR. THIELE: Well, if you had a situation that I mentioned, you know, a -- a filed subdivision, private roads, no right to -- no access to a public road and a right to access over those roads and subsequent to that to the effective date of this law it was the need to install water mains, I think, yes, I believe it would apply under those situations.

MR. GOODELL: Well, as you know, public utilities

absolutely have the right of eminent domain for the purpose of acquiring right-of-ways for water lines, electric lines, whatever. And there's a very well-established process for valuing those types of rights-of-way. And they're not free, as you know. Is it your understanding or intent that a private individual utilizing the equivalent of a statutory eminent domain would have to pay the underlining owner or the dominant easement value equivalent to the value of such a right-of-way, or was it your intent that that is a free right-of-way granted by the Legislature?

MR. THIELE: Oh, I wouldn't say it's free. As I said, you have to restore the property and you would be liable for any actual damages. But it would provide in -- in that situation where you have the right to access the -- those roads already to get to your property that you would be able to --

MR. GOODELL: But there wouldn't be any --

MR. THIELE: -- install water service.

MR. GOODELL: -- but you don't envision any payment --

MR. THIELE: I do not.

MR. GOODELL: -- for that right-of-way.

MR. THIELE: Other -- other than what I mentioned here before about restoration and any actual damages.

MR. GOODELL: Right. Obviously you pay the -- your own costs of installing the line and restoring it, whatever reseeded. But you wouldn't have the comparable payment that a

utility -- public utility would have in running the line in order to acquire by eminent domain a right-of-way; is that correct?

MR. THIELE: Well, this -- you know, the situation you're talking about is where a water -- where a -- a public utility may be extending them in the street. This is to get access to an individual home.

MR. GOODELL: Right. But the telephone companies, even public water systems, they have the right of eminent domain, and of course --

MR. THIELE: Oh --

MR. GOODELL: -- oftentimes select the kind of water --

MR. THIELE: -- under this statute or any utility companies, electric companies and telephone, the telephone companies already have the right under this statute in the situation I'm describing. We're simply adding water service to electricity and to telephone.

MR. GOODELL: Right. But the difference is, and when a bill is prospective, the developer can take into account the value of that right-of-way in setting the price of the lot. When it's retroactive there's no opportunity for the developer to -- to charge anything, correct?

MR. THIELE: Well, I might argue, Mr. Goodell, that adding public water to the property and bringing public water to the property and extending it at the expense of the homeowner might

actually increase the value of the property, not decrease the value of the property.

MR. GOODELL: Oh, it'll no doubt increase the value of the property for the homeowner, but it won't increase the --

MR. THIELE: Well, but also for those that are -- others that are in the subdivision, also.

MR. GOODELL: So as a condition of this legislation, if you have a homeowner in the corner of a subdivision and they exercise this right and they run a water line to their house, are they obligated to allow other tenants or other lot owners to tie in? And if so, how do you size the lot and who pays for it?

MR. THIELE: Well, I -- I can only use the example that I -- I'm familiar with, which is the Suffolk County Water Authority which has -- has expressed great support for this bill. I could give you the situation, if you were at the end of a private road and you -- with the Water Authority you would have to either get other property owners to join with you to extend the water main and you would all have to pay, but you would -- those along the way wouldn't be required to pay. But you -- that one property owner might have to front the money for every -- for extending it the entire distance of the road and then as others look to hook up they would have to pay their fair share of the service.

MR. GOODELL: Is there any reason why we don't just rely on the existing eminent domain law? I mean, under eminent domain the public water system can acquire the right-of-way. There's

a well-established procedure for paying the owner for the value of that right-of-way. The public water system can then run the line, they make the development -- there's a size on -- the determination on the size and the hookup requirements. Why aren't we relying on existing law which compensates the developer or the owner a fair and reasonable amount as determined by the court and addresses all these issues that are raised? Why aren't we relying on existing law?

MR. THIELE: Well, Mr. Goodell, I would say -- so, you know, we created this law back in 1923, signed by Governor Al Smith in 1923. Electorate and the Legislature thought at that time that, you know, the provision of electricity and telephone in these situations was -- was critical for these properties and that's why they provided an easement -- a statutory easement of -- of necessity. You know, typically for access -- you know, they're implied under common law. I think all these years later, having the ability to access public water, which is incidental at best, probably increases the value of the property, is an incidental intrusion to the roadway. You know, we're not talking about crossing somebody's private lot or private home lot or anything like that, it's a street. It's a right-of-way. And that -- all these years later, you know, perhaps as far as for the habitability of these lots and -- and for those lots to be able to be sold, that -- that the ability to have public water -- you know, at a time when we're dealing with things such as emerging chemicals, for example, contaminants on Long Island, that being -- having public water and the availability of it may be even more important -- certainly as important as the electricity

and maybe more important than telephone lines these days because there aren't a lot of land lines. So I think that adding water mains at this point, you know, is consistent with what the Legislature envisioned all those many years ago, a hundred years ago when this statute was first enacted, and I think that the -- whatever the imposition is on the owner of the subdivision road is -- is relatively minor.

MR. GOODELL: Thank you, Mr. Thiele. I appreciate your thoughts.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: So, you know, not only does the U.S. Constitution prohibit the taking of private property for public use, but our own State Constitution provides in Article I, Section 7 that private property shall not be taken for public use without just compensation. So we have, consistent with the State Constitution, a well-developed process where if a public water system wants to extend its water lines it absolutely can do so. It absolutely can do so. And it acquires a right-of-way and it pays the owner just compensation. It's statutory. We have that process. So what this bill says is, *Hey, let's forget about just compensation, let's forget about 250 years of property law, let's forget about the Constitution. Let's just let people have a right-of-way to run water lines for free.* Now, if you're at the end of the water line you can do a happy dance. You get a free right-of-way at the expense of everyone else. If you're everyone

else who's having their driveway chewed up and -- and water lines installed and you're getting nothing for that right-of-way and you no longer can build on that property anymore because there's now an underground water line and your property has been impacted, you get zero. Whatever happened to eminent domain? Whatever happened to just compensation? Whatever happened to the constitutional protections that are designed to protect private landowners? Out the window. Now, why do we prefer the eminent domain and a process we used for 250 years? Because when the public water line goes through and uses eminent domain, it goes through a public hearing. And as part of that public hearing they present the plans. And as part of those plans they tell all the owners along that line how much it's going to cost, and all the owners have a right to vote on it. And they size the pipe based on the demand that they anticipate. But what does this bill do? This bill ignores a public hearing. There's no requirement for a public hearing for any of the private landowners in the entire subdivision. They have no say. There's no assessment process, so the price of this cannot be equitably assessed. So, what, we have -- if we had ten owners and they can't agree we're going to have ten water lines? Not addressed here. Addressed in the current law, not here. You have one owner that lives on the far end, he runs the line, he's a wealthy owner and then what? He has a monopoly. He can charge whatever he wants to everyone else. Not addressed here. Now, we're told this is just an extension of the current law that allows electric lines. No, electric lines are entirely different. We all know

that. You run electric lines above the ground. You don't have to run them four feet below the ground. You don't have to run them below the frost level. You're already above the ground. And when you run an electric line above the ground it doesn't destroy your ability to do -- to use your own property. You're not prohibited from building a basement anymore or extending the foundations anymore. An electric line over the top of the property does not impose the same burden underneath the property. And an electric line, you can tap into it as many times as you want. Not true with a water line. The water line has to be sized. The cost of an electric line is a fraction of the cost of a water line.

My friends, we have a process in place that's worked very well for 250 years. It's called eminent domain. It involves a public hearing, it involves construction plans, it involves a fair and equitable procedure for tying in landowners. It provides for an allocation of all the costs. This bill ignores all of that. This bill says the landowner gets paid nothing for the right-of-way. Zero. This bill says there's no process for reviewing the cost in advance. There's no process for allocating it amongst the homeowners. There's no process for limiting it to one line or -- or how many lines. It's wide open. When we have a process that works that's fair, that's equitable, that involves public hearings, that involves the right of the neighbors to have a say in a vote, we shouldn't throw that -- we should not throw that process out and say that any owner can put a line anywhere they want if they buy in a subdivision. There's reasons why we do it this

way and there's reasons we've been doing it for 250 years this way. And we should not just automatically grant the right for any owner to run a water line anywhere they want merely because they bought a subdivision lot with reference to a private subdivision map.

Thank you, sir. For those reasons I'll recommend against it.

ACTING SPEAKER AUBRY: Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

Would the sponsor yield for a question?

ACTING SPEAKER AUBRY: Mr. Thiele?

MR. THIELE: Yes.

MR. MANKTELOW: Thank you, Mr. Thiele.

Question on this, you're familiar with water districts?

MR. THIELE: Yes.

MR. MANKTELOW: Okay. So in a situation in a rural area where you have water districts and you get to end of the --

ACTING SPEAKER AUBRY: Gentlemen in the rear, your colleague's having a hard time hearing and talking. Appreciate it if you would please hold down the language, the words, the noise. Thank you.

MR. MANKTELOW: Thank you, Mr. Speaker. So in a situation where we have a water district going out in --in a rural area and at the end of that water district someone decides to put in a subdivision. So all the members of that water district for however many years that water district has been in place, they pay a -- a yearly

fee that put that water system in that district. So if the owner at the end puts in a subdivision and then ties off of that, how do you -- how do you spread that expense over the previous owners of that water line?

MR. THIELE: How does this bill change that?

MR. MANKTELOW: Yeah.

MR. THIELE: It doesn't. You know, if you're in a water district and you -- you know, you're going to add service, that water district, you know, whether it's an (inaudible) district or benefit assessment district, you know, you've got to pay. You've got to pay to do that. All this deals with is -- is on -- on a filed subdivision map where the roads are kept private and the line owners have access to it, all what we're saying with this bill is that there is -- you know, you have an easement by necessity to be able to extend the public water. But it doesn't change anything with regard to a water district when a new development comes in and -- and extends the water mains, you know, how that's -- how that would be paid for. And again, it could be different depending on whether it's a (inaudible) district or a benefit assessment district.

MR. MANKTELOW: Well --

MR. THIELE: I think this would -- this bill is not going to change that.

MR. MANKTELOW: So if I'm part of the water district that I'm in now, all right, and you're building a house, you're the last house on that water district, you decide to buy the lot next to

you and put in a -- a subdivision. You have the right to extend the water from your -- your lot to that subdivision through this, correct?

MR. THIELE: Well, not through this, but -- but through -- it's part of the -- the Town Law under the creation of water districts. Certainly if you're in the district you have a right to service.

MR. MANKTELOW: Okay. So in that situation you would ask for an extended -- an extension of that water district?

MR. THIELE: Right. While -- while -- you are in the district, you don't have service you would ask the district to provide the service.

MR. MANKTELOW: So there would be a public hearing through that?

MR. THIELE: There would.

MR. MANKTELOW: All right. Thank you. That's my question. Thank you, sir.

MR. THIELE: All right. Thank you.

MR. MANKTELOW: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Ms. Giglio.

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

ACTING SPEAKER AUBRY: Mr. Thiele?

MR. THIELE: Yes.

MS. GIGLIO: Thank you, Mr. Thiele. So, as you are aware because it's been in the papers there is a big ongoing battle

between the Suffolk County Water Authority and the Riverhead Water District in providing water to homes in Manorville where Manorville met the -- they need public water. So they -- we have to get them water somehow. But the former Grumman facility is still owned by the Town of Riverhead and there is a 2,300-acre plot that the Town of Riverhead owns so it's considered private property per se, correct?

MR. THIELE: Well, it's -- it's public property but it is -- I -- I guess it -- I'm not sure whether it is -- the issue there is whose -- who has the authority over that particular property, right?

MS. GIGLIO: Right.

MR. THIELE: The Riverhead Water District --

MS. GIGLIO: Right.

MR. THIELE: -- or the Suffolk County Water Authority.

MS. GIGLIO: Right. And that is an ongoing battle.

MR. THIELE: It is.

MS. GIGLIO: So, I'm just curious as to whether or not Suffolk County Water Authority would be able to come into that property and put mains in and provide water --

MR. THIELE: No, separate -- there's a separate issue about who really has the authority there, whether it's the Riverhead Water District. That -- that question would have to be decided first before you -- you would even get to this particular bill. And, you know, with the property you're talking about I'm not sure if the roads there are public roads or private roads. If there were private roads

involved, then this bill might have a role to play. But the controversy that you're talking about -- about that area, Manorville, that -- that has had some contamination problems --

MS. GIGLIO: Yes.

MR. THIELE: -- and -- and whether it's the Water Authority or the Riverhead Water District this bill would not have any impact on that one way or another.

MS. GIGLIO: Okay. Thank you very much.

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 8402. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation for the reasons mentioned by my colleagues and myself. But those who support it are certainly encouraged to vote in favor of it here on the floor or by calling the Minority Leader's Office.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Solages.

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

like to remind my colleagues that this is a Party vote. Majority members will be voting in the affirmative, and if there are individuals who would like to vote against this measure I urge them to call the Majority Leader's Office and we will announce their name accordingly.

ACTING SPEAKER AUBRY: Thank you, ma'am.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleagues Mr. DeStefano, Mr. Ra and Mr. Schmitt in the affirmative.

Thank you.

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Ms. Solages.

MS. SOLAGES: Thank you, Mr. Speaker. We're going to continue our -- our work with the bills listed here which includes Calendar -- oh, I'm sorry, Rules Report No. 169, Ms. Gunther; Rules Report No. 171, Mr. Carroll; Rules Report No. 174, Ms. Paulin; Rules Report No. 175, Mr. Zebrowski; and Rules Report No. 178, Mr. Dinowitz.

ACTING SPEAKER AUBRY: Page 6, Rules Report No. 169, the Clerk will read.

THE CLERK: Assembly No. A00286-A, Rules Report No. 169, Gunther, Steck, Jacobson, Braunstein, Cruz, Hevesi, Englebright, Fernandez, Brabenec, Griffin. An act to amend the Labor Law, in relation to the restrictions on consecutive hours of work for nurses.

ACTING SPEAKER AUBRY: Mrs. Gunther, a explanation is requested.

MRS. GUNTHER: This bill would provide a mechanism for a civil penalty in the event an employer violates the provision of law which places restrictions on consecutive hours of work for nursing --

ACTING SPEAKER AUBRY: Mrs. Gunther, you're going to have to raise your mic so we can hear you.

MRS. GUNTHER: Oh, brother. I -- I didn't want them to --

ACTING SPEAKER AUBRY: Do it again. Come on, you're good.

MRS. GUNTHER: I'll do it again. And I -- I think I'll be able to project better this time.

ACTING SPEAKER AUBRY: Right.

MRS. GUNTHER: The bill would provide a mechanism for civil penalty in the event if an employer violates the provision of law which places restrictions on the consecutive hours of work for nurses.

ACTING SPEAKER AUBRY: Mr. Jensen.

MR. JENSEN: Thank you very much, Mr. Speaker.

Will the sponsor yield for some questions?

ACTING SPEAKER AUBRY: Mrs. Gunther?

MRS. GUNTHER: Yes.

ACTING SPEAKER AUBRY: Mrs. Gunther yields.

MR. JENSEN: Thank you very much, Mrs. Gunther.

What is the number of consecutive hours that a nurse could work under the provision of this legislation?

MRS. GUNTHER: There actually is no change than the other -- you know, it depends on what kind of a shift you have.

MR. JENSEN: So it all depends on what each healthcare facility would have as their standard operating procedure for the nursing staff?

MRS. GUNTHER: It only provides for civil penalties.

MR. JENSEN: Yes, I understand it's providing for civil penalties, but if you're saying that a nurse cannot work more than their regularly scheduled work hours, is that only for what their shift is or is this something that is going to be standardized across all healthcare workplaces?

MRS. GUNTHER: Nothing changes in that regard.

MR. JENSEN: So it's what their existing shifts would be --

MRS. GUNTHER: Right. Right.

MR. JENSEN: What is -- I know there are some

exceptions that administration could ask nurses to work a longer time period. What are those exceptions?

MRS. GUNTHER: A healthcare disaster such as a natural or other type of disaster that increases the need for healthcare personnel unexpectedly, affecting the county in which the nurse is employed or a contingent -- contiguous county. So if there's some sort of a -- something unexpected disaster, you know.

MR. JENSEN: So, it's-- it's only in times of an emergency declaration or a disaster that nursing staff would be eligible to work over their --

MRS. GUNTHER: Yes. And, you know, just -- it's -- it's a matter of safe -- safe patient care.

MR. JENSEN: But only in an emergency.

MRS. GUNTHER: In -- but it's not only State and Federal, but if the healthcare provider makes the claim that it's -- it's an emergency situation. It's not only Federal, it's State.

MR. JENSEN: Okay.

MRS. GUNTHER: For instance, if there's a very large accident in our -- your community or something that unexpected like, I mean, when I worked in the emergency room if there was a multiple car accident a lot of times we'd have to stay until those patients were stabilized or moved to like an intensive care unit or C -- CCU unit.

MR. JENSEN: Okay. So in a situation where you have nursing staff who has worked, they've completed their regularly

scheduled shift.

MRS. GUNTHER: Yes.

MR. JENSEN: The nursing -- or the -- the healthcare facility has scheduled relief. That relief does not come and there's nobody to provide patient care after that shift. The healthcare facility could not mandate that that nursing staff stay past the end of their scheduled shift. For --

MRS. GUNTHER: But another part of it is unanticipated staffing emergencies, so yes.

MR. JENSEN: So they could -- okay.

MRS. GUNTHER: So yes. I mean, if there's an emergency. You know --

MR. JENSEN: So that would cause an --

MRS. GUNTHER: -- as -- as a nurse we take an oath. And so we would never abandon a patient. So in an emergency situation if a nurse didn't get to the hospital and, you know, there's ratios on CCU, ICU, emergency room, you know, then they would probably mandate that the person would stay.

MR. JENSEN: So administration -- administration could mandate that nursing staff stay past their shift as one of the qualified exceptions under this legislation.

MRS. GUNTHER: Yes.

MR. JENSEN: Okay. Would this just apply to acute care or would this apply to all levels of healthcare?

MRS. GUNTHER: I mean, everybody deserves a

level of care than --

MR. JENSEN: That's -- that's not what I'm asking, with all due respect. I'm asking --

MRS. GUNTHER: It's all -- it's all of the units. I mean, it's the emergency room, it's the surgical floor, it's the medical floor, it's an ICU and CCU and that's the answer. So yes, they could mandate it.

MR. JENSEN: That -- with all due respect, that's not what I'm asking. What I'm asking is, would this apply to acute care in a hospital setting? Would this apply to long-term care? Would this apply to any place where nurses work, whether in a physician's practice, wherever nurses work?

MRS. GUNTHER: So, it would apply to long-term care or if you had a hospice situation. I mean, any situation where the quality of care would be compromised then it would apply.

MR. JENSEN: So would this apply to home care nurses?

MRS. GUNTHER: Yes, it would.

MR. JENSEN: So anyplace where a nurse works --

MRS. GUNTHER: Yes, I mean, you wouldn't leave a person at home alone if they were on a respirator.

MR. JENSEN: Yeah, that's -- that's all I'm asking, Mrs. Gunther, is that would this legislation apply to any place a nurse works, not just in a hospital setting.

MRS. GUNTHER: So I said yes.

MR. JENSEN: Yes, okay. Thank you. Are there already existing State law or Federal if it's applicable that limits the ability of healthcare administration from mandating care staff from working past their shift?

MRS. GUNTHER: No, not that I know of. I -- I -- just the existing statute, but no, not that I know of.

MR. JENSEN: So there's not --

MRS. GUNTHER: I mean, when a -- when you're a nurse, no matter where you work you make -- when -- when you pass the boards you say that you will not compromise the healthcare of anybody and it's kind of like what nurses do.

MR. JENSEN: I -- I understand.

MRS. GUNTHER: So I mean I -- I don't --

MR. JENSEN: I -- I understand that and I respect that. But my question was, is there any existing restrictions on the ability of healthcare administration from mandating care staff from working past their scheduled shift?

MRS. GUNTHER: This section of law is -- it prohibits mandatory overtime. It's just an emergent situation. Is that... yeah, and there's exceptions.

MR. JENSEN: Okay. So would there be any mechanism for how long the Department of Labor would have to investigate each of these complaints?

MRS. GUNTHER: This bill really doesn't speak to that.

MR. JENSEN: But doesn't this legislation call for the Commissioner of the Department of Labor to determine whether or not a healthcare employer has required the nurse to work beyond their regularly -- regularly scheduled shift and impose civil penalties?

MRS. GUNTHER: The Commissioner investigates but it doesn't say how long or -- and it doesn't give it a time limit.

MR. JENSEN: Is there -- is there any corrective action that would occur from the Department of Labor for citing a facility for this or is it just the civil penalty?

MRS. GUNTHER: So are you talking about, like, the hospital to be in compliance?

MR. JENSEN: Well, I'm using the example of when the Department of Health inspects a -- a medical facility --

MRS. GUNTHER: Right.

MR. JENSEN: -- there's often a corrective action they have to take as well as civil penalties, if applicable. And I'm asking, is that same precedent set in this by the Department of Labor where there has to be some sort of corrective action?

MRS. GUNTHER: So when they do a review of the hospital and -- and they're looking through the nurses' notes, et cetera, et cetera, and they're questioning, you know, why somebody stayed they -- there are civil penalties in this -- in this bill.

MR. JENSEN: I understand. But what I was asking you is, is there any sort of corrective action that the Department of Labor --

MRS. GUNTHER: Usually they -- that -- the Department of Labor does require corrective action.

MR. JENSEN: Is that in this bill?

MRS. GUNTHER: Directing compliance.

MR. JENSEN: What was that? I'm sorry, I couldn't hear you.

MRS. GUNTHER: They -- they -- the Commissioner can direct compliance.

MR. JENSEN: What does direct compliance mean?

MRS. GUNTHER: In other words, what happens is if they find that they are not in compliance what they usually do is they -- they make them write a -- a -- a correction -- a correction of the error. And so that -- they then direct compliance of the statute.

MR. JENSEN: Okay. Is there -- with the implementation potentially of this statute, is there any -- is there any cooperation between the Department of Labor investigating these incidents with the Department of Health investigating the -- the safe patient -- safe patient handling in healthcare facilities? Because it seems like now we're going to have two different State agencies investigating potentially the same thing.

MRS. GUNTHER: The DOL and the DOH you're talking about?

MR. JENSEN: Correct. Yes.

MRS. GUNTHER: I don't know -- there's nothing in this bill about that.

MR. JENSEN: There's nothing. So you could have two state agencies investigating the same incident because I know already they look at mandation of staff. The DOH --

MRS. GUNTHER: I mean, this is Public Health Law.

MR. JENSEN: Yes, but it's -- no, it's not Public Health Law, it's Labor Law.

MRS. GUNTHER: It's Labor Law but it's regarding Public Health.

MR. JENSEN: So, why are we giving the power to the Department of Labor? If it's dealing with public health, why isn't this under the purview of DOH?

MRS. GUNTHER: Hold on one second. It -- this bill does not speak to that.

MR. JENSEN: Well, no. I guess I -- I understand the bill doesn't speak to it, but you're the author of the bill. So why did you make it that the Department of Labor is the investigatory agency and not DOH?

MRS. GUNTHER: I answered your question and I -- I don't have anything on that.

MR. JENSEN: You don't have anything else on why you chose the Department of Labor over Department of Health?

MRS. GUNTHER: I don't.

MR. JENSEN: Okay. Is there anything in this bill that would allow for -- or do you believe that it would be worthwhile

for them if they do have to have an emergency situation where patient care is at risk a better process of determining which nursing staff would have to be mandated to stay?

MRS. GUNTHER: It -- it depends on what unit would be short-staffed. I mean, you have CCU nurses, you've got emergency room nurses, you've got surgical nurses, you've got OR nurses. So I -- I really couldn't tell you. But, I mean, normally if there's an accident and people are coming to the emergency room they -- they increase the staff or they ask the staff to stay, and as they move them towards the OR they have -- they sometimes call nurses back in. So it depends on the incident or what exactly is going on. I -- if that's what you -- you mean. I mean, you know, when you're working in an emergent situation and if something like this happens that you have to, you know, ask staff to work overtime, it's usually an emergent situation. And each one -- you know, I -- I couldn't give you an answer on each emergent situation and what exactly what -- what happen. I mean, do you need radiologists?

MR. JENSEN: Okay. So with the implementation -- so this has to do with nursing staff, and I know last year --

MRS. GUNTHER: So this bill only changes mandatory overtime. It does. That's all it does. And, I mean, we can go on and on if this happens or that happens or something else happens, but this is only what we're really addressing here.

MR. JENSEN: Well, it's addressing mandatory staff overtime for nurses. But it's also changing the ability of -- of

healthcare administration to adequately respond to the needs of their patients. So I think it has little bit --

MRS. GUNTHER: It doesn't change that. These are civil penalties. It doesn't change that.

MR. JENSEN: Okay. The safe staffing regulation that we put in place last year and the Governor signed into law, the ratios in acute care and the number and hours in the nursing home, who oversees those hours? Is that the Department of Labor as well?

MRS. GUNTHER: Um...

MR. JENSEN: Or is that Department of Health?

MRS. GUNTHER: It's -- it's the Department of Health.

MR. JENSEN: Okay.

MRS. GUNTHER: It's the Department of Health. They -- they -- they routinely come and visit hospitals. I know we have a respiratory therapist and they know they come in and they look through the charts and they -- they oversee all of this. It's the Department of Health.

MR. JENSEN: So for those two pieces of legislation it was appropriate for the Department of Health to ensure adequate following of the law as it come -- as it pertains to healthcare staffing. I guess I'm confused why now in this area it would fall to the Department of Labor.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. JENSEN: Thank you very much. I -- I appreciate the sponsor's answering my questions. And certainly we want to ensure that nursing staff are -- are not being forced to work mandatory overtime or forced overtime because that's not fair to the nurses. Nurses shouldn't be punished or asked to do something that they weren't scheduled for because of a healthcare administration's lack of ability to appropriately schedule staff. However, it's important that there is flexibility to respond to emergency situations. Not just declarations of emergency, but for very foreseeable staffing issues when we are suffering a Statewide nursing shortage. Certainly, for our healthcare providers there is -- there is great desire to avoid scheduling overtime because it is more costly. It is cheaper for facilities to not have to pay overtime costs but just to adequately schedule staff when appropriate. And I think really the -- the biggest issue with this bill is the fact that it does fall under the Department of Labor. This Body has established precedent last year that the oversight of nursing staff in healthcare facilities is the -- is the prerogative of the Department of Health. Now we're going to have two separate State agencies simultaneously investigating healthcare facilities when they don't have appropriate staff onsite. I believe that will lead to confusion for the facilities.

(Buzzer sounds)

And thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

MR. JENSEN: Oh, thank you. I've never used my

second 15 minutes. This is fun and exciting.

ACTING SPEAKER AUBRY: We wiped you out.

MR. JENSEN: Yes.

ACTING SPEAKER AUBRY: No, you have a few seconds.

MR. JENSEN: No, I'm not going to. I'll keep it very brief. I think this will lead to confusion, I think it will lead to a duplicative use of State bureaucracy. And without a set time period for DOL to investigate these claims there could be aggrieved nurses who will not get appropriate remedy in time. So while I appreciate the sponsor's dedication to ensuring that her fellow nurses are treated respectfully, which I think all of us in this Chamber agree, I do believe there are some -- some underlying concerns with this legislation.

And with that I yield back a large balance of those 15 minutes.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Would the sponsor yield for a few follow-up questions?

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

MRS. GUNTHER: Thank you. Love to. Love to.

MR. GOODELL: Thank you. And I'd love to ask you a few questions.

MRS. GUNTHER: I'd love to answer them.

MR. GOODELL: So, as you know, we've passed --

MRS. GUNTHER: I feel such joy.

MR. GOODELL: As you know, last year as my colleague mentioned, we -- we passed legislation on minimum staffing for healthcare facilities --

MRS. GUNTHER: Right.

MR. GOODELL: -- which is regulated by the Department of Health. And this bill is banning unscheduled overtime regulated by the Department of Labor, as my colleague mentioned. And as I understand, the fines for requiring a nurse to work beyond her scheduled hours was \$1,000 for the first offense, 2,000 for the second offense, 3,000 every offense thereafter.

MRS. GUNTHER: Yep, that's right.

MR. GOODELL: And then my -- the follow-up question I had is, and what are the fines from the Department of Health if you violate the minimum staffing? Are they higher or lower?

MRS. GUNTHER: This speaks to mandatory over -- mandatory overtime. I -- I don't know what the answer to that is, to be honest with you. We'll -- we'll get back to you on the public law violation.

MR. GOODELL: I -- I apologize. It's a violation of the Public Health Law?

MRS. GUNTHER: We'll get back to you on the Public Health Law.

MR. GOODELL: Okay. I -- my recollection was that it's a \$2,000 civil fine unless it's a violation that could affect health in which case it's a \$10,000 civil fine. That's the general Public Health enforcement provisions. There's nothing unique, was there, in the legislation that required minimum staffing?

MRS. GUNTHER: No. No.

MR. GOODELL: So, if a healthcare facility has to meet minimum staffing and they have an unexpected number of nurses call in, I mean, maybe because they have COVID or something, then the healthcare facility would have to decide whether it's a better idea to violate the minimum staffing which would jeopardize patient care or to incur the Department of Labor fines for requiring people to work overtime. Wouldn't that be the conundrum we would place a hospital administration in?

MRS. GUNTHER: So if there's unforeseen staffing shortage -- shortages, there are exceptions.

MR. GOODELL: And I -- I appreciate that and I'm 100 percent in accordance with that perspective. But I didn't see that in the language of this bill. Can you point out where that might be?

MRS. GUNTHER: It's in paragraph C, subdivision 3.

(Pause)

It says for the purpose of this paragraph emergency including unanticipated staffing emergency.

MR. GOODELL: I see.

MRS. GUNTHER: It's line number around 31, 31.

MR. GOODELL: So if there's an unanticipated staff emergency then --

MRS. GUNTHER: Emergency.

MR. GOODELL: -- they can comply with minimum staffing requirements of the Department of Health without violating the Department of Labor unscheduled overtime, correct?

MRS. GUNTHER: There's an exception to the mandatory overtime. It --

(Pause)

This just prevents mandatory overtime as a regular practice.

MR. GOODELL: Thank you. That was very helpful. Thank you.

Sir, on the bill.

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

MR. GOODELL: As my colleague noted, we're creating an impossible conundrum for many of our healthcare facilities who are facing a severe shortage of nurses. That shortage is compounded by COVID, which is still causing many of our nurses to leave the field or be absent. We passed minimum staffing requirements at a time when we have horrific staffing shortages and now we have a dilemma imposed on our healthcare workers by imposing substantial fines if they don't meet the minimum staffing levels by requiring work -- some of their staff to work overtime. It

would be great in a perfect world if we had enough nursing staff. I would love that. But right now we have a nursing shortage and a nursing crisis. And so to impose minimum staffing levels at the same time we have mandatory restrictions on mandatory overtime creates an impossible situation. So that leaves our healthcare facilities with very few options, none of which are good for us. A healthcare facility can meet the minimum staffing requirements by refusing to take patients. That's not a good situation. If I'm having a heart attack or a stroke or I'm involved in a car accident, I really hope I can go to the closest hospital and not worry about them refusing to take patients. Or as we saw during COVID, I had many of my nursing homes actually refuse to take patients even though they had empty beds because they -- they could not meet minimum staffing levels. So we need to be very careful that we always put patient care first. And unfortunately, our regulatory requirements backed by substantial fines are forcing some of our healthcare facilities in order to be in compliance with both minimum staffing and no mandatory overtime, the way they can do it, and for some of them the only way they can do it, is refuse to provide access for new patients. And that's a disservice to all of us in the State of New York.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr.

Goodell.

Mr. McDonald.

MR. MCDONALD: Thank you, Mr. Speaker.

Would the sponsor yield?

MRS. GUNTHER: Yes, I would.

MR. MCDONALD: Well, first of all, I want to thank you for sponsoring this legislation. You know, as a nurse you've been more than in the trenches so you know exactly what's going on both inside and outside. So I fully respect the intent of this legislation and at the end of this I will be supporting it. However, I did have a couple of questions based on the dialogue going on. In the process, the Department of Labor will be doing their investigation. And I just don't know if this is in regulation someplace will be determined, but is there process since normally nursing homes and hospitals are really overseen by the Department of Health where the hospitals or nursing homes if they are served with violations are going to have a process to appeal it?

MRS. GUNTHER: Yes.

MR. MCDONALD: There is.

MRS. GUNTHER: Yes.

MR. MCDONALD: Good. Thank you.

MRS. GUNTHER: And then so -- so usually -- I mean, if there's a letter, I -- also that they would -- they would write a -- if there was any problem they would write a plan.

MR. MCDONALD: Well, in -- in your -- in your bill it does talk about correction action plan --

MRS. GUNTHER: Right.

MR. MCDONALD: It talks about the fines. It talks

about the 15 percent to the aggrieved employee and I -- I have no problem with that at all. We know that nurses have been through you know what and back ten times over prior to the pandemic, during the pandemic and continuing on. So I -- I understand and support the principle. I was mostly concerned to make sure that when you have an agency that's not usually overseeing a facility like the Department of Labor --

MRS. GUNTHER: Right.

MR. MCDONALD: -- they make sure that that hospital has a process to appeal.

Mr. Speaker, on the bill.

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

MR. MCDONALD: So, it's -- it is an interesting time in many aspects. Hospitals and nursing homes are struggling in many aspects due to staffing. Nine times out of ten when I talk to hospital administrators, nursing home administrators, when I'm advocating to get residents into a nursing home facility, they're telling me that wings are closed because they can't hire staff. This is a reminder that we still have to be very observant to what we, the State government, is paying these facilities to care for our patients. You know, most people may or may not recognize, but a lot of those patients hospitalized are paying based on the wages we, the State, ordain, particularly for our Medicaid population. I was contacted earlier this week by one of the larger hospitals for those children in the Capital Region with

development disabilities, the most critical care patients. They are having a hard time attracting staff because they're constrained by the wages. And I'm hoping of this discussion going forward that we can really see the impact of the wage increases we put in place this year in the budget and really have a much larger discussion about the wages being paid to our staff, particularly the O agencies, because they're caring for the most vulnerable and most critically ill.

Once again, though I do commend and thank the sponsor because she walks the walk and talks the talk when it comes to this piece. Thank you.

ACTING SPEAKER AUBRY: Thank you, Mr. McDonald.

Mr. Palmesano.

MR. PALMESANO: Yes, thank you, Mr. Speaker.
On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: I don't have any questions for the sponsor because I think my colleagues covered it pretty well, but I just wanted to make a couple of comments. First of all, even with the questions, I don't think anyone doubts her commitment to patient care given your background and experience and history. So no one is doubting that. I think my questions come into play about the -- the negative impact this legislation can have both on patient care and on our workforce. You know, I come from a rural area and right now in our rural areas many of our hospitals and nursing homes have a

difficult time recruiting and retaining the workforce. They're facing severe staffing shortages. The number one priority of our healthcare facilities is to ensure patient care and patient safety. And last year when we passed -- when this Body passed the mandatory minimum staffing ratios in nursing homes, that made it that much more challenging. I believe this bill, you know, obviously will further restrict the use of mandatory overtime in our nursing homes, home care agencies and other healthcare providers and will actually increase civil penalties for violations. I don't believe anyone in this Chamber believes our -- our providers want to require mandatory overtime of our nurses. They are dedicated staff who have been working a very difficult job and -- and challenged especially over the past two years with COVID. That's a fact. I don't think that they want put more burden on them. But we're facing severe staffing shortages, and sometimes mandate -- mandating overtime is sometimes the only option available to ensure patient care. This legislation, I believe, places nursing homes in an impossible position due to their need to comply with the new laws from the nursing staffing ratios and what this bill basically will require many nursing homes around the State will -- they'll be required to choose between being penalized for not reaching the nursing hours requirement or being penalized for having to use mandatory overtime in order to comply with the nurse hours law and to ensure patient safety. Really, the better solution to reducing nurse overtime is to really provide better Medicaid reimbursement rates to allow for more competitive salaries and more

investment in training our nurses. This -- the answer is really not to impose more penalties on our healthcare providers, and unfortunately, I think this is where we're heading and it sends the wrong message. As my colleague mentioned during the debate, there's already really a financial disincentive for employers not to require mandatory overtime. The fact of the matter is overtime is very costly, and many hospitals and nursing homes are already paying exorbitant fees for staffing agencies to come into their facilities to meet the -- the need for patient care because of the staffing shortages that are going on. So they're paying these agencies to come and paying exorbitant fees so that's a challenge to their fiscal ability as well. I think the last thing we want to see happen is requiring overtime of our existing nurses. However, again I'll say if patient safety and security and patient care is the primary thing that they're focused on, there is going to come a time where mandatory overtime is going to be necessary and needed, and we should not be penalizing our providers who dedicate so much time to providing that security and that safety net for the patients who need that care.

So based on that and the concerns that I have, again, no question to the sponsor's intention, I believe this bill is -- is a step in the wrong direction and will compromise patient care and just penalize organizations that are providing this critical patient care. And again, keeping in mind the difficult time, particularly our rural areas -- rural areas are having to find sufficient staffing, this is not the right approach. This is sending the wrong message. And for that

reason, Mr. Speaker and my colleagues, I'm going to be voting in the negative and I encourage my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Ms. Giglio.

MS. GIGLIO: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill.

MS. GIGLIO: Okay. So, I have a goddaughter that got pinned today, but unfortunately she's one of very few in her class. The mandatory vaccination, the mandatory COVID vaccinations for nurses, we lost a lot of nurses and I think that we need to incentivize bringing them back. You know, we're out of the pandemic now, we know a lot more about it and we need to invite those nurses back to work, those nurses that lost their jobs. And just as we did when the flu was rampant and they had to wear a mask if they didn't want to get the flu vaccine, I think that we can do the same thing with COVID. You know, hospitals are operating at a deficit due to the lagging of payments from Medicaid. If they were paid on time they would have more money, they would be able to offer more money to incentivize the nurses to stay instead of making it mandatory. We need incentives for our nurses to write off their tuition so that we get more nurses in the field. I had a constituent that testified at a labor meeting in the City. We were there for a 12-hour hearing, listening to all of the healthcare workers and they're trying to get through COVID and how COVID impacted them. And she said she had -- had worked for two days without seeing her young children because of mandatory

overtime. And that's just not fair. You know, we give benefits to many people in New York that are not forced to get the COVID vaccination. If they had the COVID vaccination maybe they wouldn't be hospitalized and maybe the demand for nurses during those times wouldn't be so great. So we really need to think and look at everything that we're doing here and incentivize more nurses, like I said, the tuition write-off and just get more nurses into the field and bring those nurses back now that we're out of the pandemic.

Thank you, Mr. Speaker.

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 Assembly print 286-A. This is Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to raising the fines on our employers who can't meet our mandates. But those who support it are certainly welcome to vote in favor here on the floor or by contacting the Minority Leader's Office.

Thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Solages.

MS. SOLAGES: Thank you, Mr. Speaker. Majority members will be voting in the affirmative. Any member who wishes to vote against this, we encourage them to call the Minority Leader's Office and we'll announce their name accordingly.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Thank you.

Mr. Montesano to explain his vote.

MR. MONTESANO: Thank you Mr. Speaker. First, I want to thank the sponsor for bringing on this piece of legislation. You know, I think people got to pause and stop for a minute to realize what's involved in nursing, what their jobs entail, what a physical draining job it is and emotional draining job that it is. And to turn around and tell people about working mandatory overtime, especially when some have already been on overtime, most of them in today's hospital settings are working 12 -- 12-hour days, four days a week, sometimes five days a week during the COVID. You know, my own wife is a nurse and a director in a hospital and she ran the COVID unit, 80 hours, 90 hours a week were nothing, with a blink of an eye. So I don't think people really have the gravity to understand sometimes what it involves to be doing these jobs.

You know, many years ago this Legislature had to pass a bill to protect interns from abusive working conditions, working around the clock several days at a time for \$40,000 a year until they were passing out on the job and committing medical errors

and getting involved in lawsuits. So I think we have to rethink how we treat medical personnel, not only in times of emergencies. We call them heroes, we bring them cake, we bring them doughnuts, but how we treat them throughout the entire work year when they're doing their job even under normal conditions.

So for that, I'll be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Montesano in the affirmative.

Mr. Salka to explain his vote.

MR. SALKA: Yeah, Mr. Speaker, to explain my vote. I want to commend the -- the sponsor on this bill. There's nothing more dangerous than a tired nurse that has been on the floor for 14, 16, 18, 20 hours sometimes. And I know that COVID has really underscored how serious a problem this could be. I had worked alongside nurses who had to work double shifts, were mandated, and had to be back the next day with barely five or six hours worth of sleep. So there are issues with this bill, there's no doubt about it, and they've been raised by my colleagues. Payment is a critical issue when it comes to whether or not hospitals can operate and staff properly. We really, really need to address that. One issue I do have with the bill and I would hope that the sponsor would address this is that we need to expand this out from to nurses to among other staff that -- that do patient care like phlebotomists and respiratory therapists and those who provide support services for our nurses. So that might

be something that the sponsor might want to consider later on and expanding this out so that more healthcare professionals can have the same protections because they're -- they're part of that -- that team.

Thank you.

ACTING SPEAKER AUBRY: Mr. Salka in the affirmative.

Mrs. Gunther to explain her vote.

MRS. GUNTHER: Well, first of all -- first of all I wanted to say that in hospitals we don't refuse a patient. Sometimes it's in an emergency or disaster. What happens is we'll ask another hospital to work with us and we will have that ambulance take that patient to another facility where they could be cared for. I want to be very clear about this. This bill does not change the prohibition on mandatory overtime that was actually passed in 2008. It simply provides a penalty if a facility violates the existing law. Right now there is no remedy for a nurse whose employer is violating the statute. You can't have a law with no penalty and expect that it will get followed. We have heard time and time again from nurses who are forced to work overtime. This is why we are losing nurses. So this is why we're losing nurses and I think this bill will keep nurses working in our hospitals and taking care of our -- our sick patients.

ACTING SPEAKER AUBRY: Mrs. Gunther in the affirmative.

Mr. Goodell.

MR. GOODELL: Please record the following

colleagues in the affirmative: Mr. Brabenec, Mr. DeStefano, Mr. Mikulin, Mr. Ra, Mr. Reilly, Mr. Schmitt and Mr. Smith.

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 7, Rules Report No. 171, the Clerk will read.

THE CLERK: Senate No. S02976-A, Rules Report No. 170, Senator Harckham. An act to amend the -- excuse me.

Assembly No. A00642-C, Rules Report No. 171, Carroll, Colton, Dinowitz, Gottfried, Galef, Paulin, Lupardo, Reyes, Seawright, D. Rosenthal, Sillitti, Gallagher, González-Rojas, Simon, Frontus, Englebright, Lunsford, Solages, Cahill, Cruz, Sayegh, Jackson, Fernandez, Jean-Pierre, Rozic, Taylor, Jacobson, Mamdani, Epstein, Zinerman, Otis, L. Rosenthal, Thiele, Quart, Niou, Anderson, Burgos, Davila, Stirpe, Fahy, Abinanti, Kelles, Tapia, Gibbs, Forrest, De los Santos, Glick, Kim, Dickens, J.D. Rivera, Burdick, Meeks, Walker, Cunningham, Hyndman, Barrett, Aubry, Lavine, McDonald. An act to amend the Election Law, in relation to counting of affidavit ballots.

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

An explanation is requested, Mr. Carroll.

MR. CARROLL: This bill would allow for an affidavit ballot to be cast and canvassed when a voter appears in the correct county and the correct Assembly District polling place but is not in their correct polling place with their correct ED.

ACTING SPEAKER AUBRY: Mr. Norris. I'm sorry.

MR. NORRIS: Thank you, Mr. Speaker. Will the sponsor yield just for a couple of questions?

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

MR. CARROLL: I do, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Carroll yields, sir.

MR. NORRIS: Thank you, Mr. Carroll. My first question is, for the affidavit ballot, do they cast these ballots at early voting sites?

MR. CARROLL: They could.

MR. NORRIS: But primarily they cast them on Election Day at their normal polling site?

MR. CARROLL: I -- I think when somebody appears in the correct county but the wrong polling place, usually this happens on Election Day.

MR. NORRIS: Okay. And in the event when you cast an affidavit ballot it goes into a special envelope and then reviewed. I know we've made some changes recently in the law in

terms of canvassing. When would those affidavit ballots be actually canvassed? Do you know?

MR. CARROLL: So, those ballots on Election Day I believe would be canvassed within a few days of the election. I forgot the exact timeline. We changed the rules last year around the counting of absentee ballots, and I remember that was a Carroll bill so I could go through that timeline. But I -- I -- I'll be honest, I don't remember the exact timeframe for affidavit ballots when they're cast and canvassed after Election Day.

MR. NORRIS: That's fair enough. But they're not cast until they're reviewed by the Board of Canvassers; would that be correct?

MR. CARROLL: That's correct.

MR. NORRIS: All right. So when -- what is the purpose of the affidavit ballot? When would someone use that particular ballot?

MR. CARROLL: So, a person would use an affidavit ballot for a number of reasons. If, you know, John Smith walks into a polling place and he's not found in the electronic poll book or some other form of a poll book, he has a right to cast an affidavit ballot. And often people who are otherwise duly allowed to vote have to go out and cast affidavit ballots because there's a miscommunication between a voter and a poll worker, there's a misspelling of a name as they're looking it up. There are lots of reasons why you would cast an affidavit ballot.

MR. NORRIS: But primarily when they go to their -- that voting site their name is not in the register or can't be found.

MR. CARROLL: Correct.

MR. NORRIS: All right. So, in the past I know when I was an Elections Commissioner we would instruct the election inspectors. We would have, at least in our county, what they would call a street finder. So we would say, *Okay, where is your current address?* So, 123 Main Street, Lockport, New York, for example, and then we would direct them to the proper polling site.

MR. CARROLL: Correct.

MR. NORRIS: Is that typically what still happens today?

MR. CARROLL: You know, I do not know all the intricacies of how every poll worker decides to direct a voter when he or she presents themselves and they can't find them in the polling site. But that's definitely one of the standard ways that someone can find out where someone should be voting.

MR. NORRIS: And they could also contact their Board of Elections, they probably could go on their website to find out where the proper location is to actually vote?

MR. CARROLL: Mr. Norris, you're 100 percent correct that there are many ways a voter could find the correct polling place. However, in New York State almost every single year 14,000 New Yorkers who are registered to vote and duly qualified to vote, vote in the correct county, their correct county, their home county, but

end up at the wrong polling place. And I would say that oftentimes this is because of poll worker error or miscommunication somewhere along that chain that has that person present themselves at the wrong polling place. One of the most common ways -- we're here on a redistricting year, I think that we're all kind of familiar with that now -- is that polling sites change. EDs change, Assembly Districts change, and somebody who's been voting somewhere for ten years might be convinced that they should be voting in this polling place. And they see the AD, they know what AD they're supposed to be -- they see the AD signs and they're insistent and then they happen to be wrong. Or somebody, for instance, asks somebody's name and that name may be difficult or even have a unique spelling and it is transcribed incorrectly and they think that they're directing the person to the correct polling place when, in fact, they are not. But there are a multitude of ways that you can make an error, just like there are a multitude of ways that a voter or poll worker could find the correct polling site for a voter.

MR. NORRIS: Now, in terms of those 14,000 voters that you say are in the wrong location based upon those affidavits, wouldn't you expect that those 14,000 voters actually got the proper ballot to actually vote on for all of the races within the election district where they live?

MR. CARROLL: Well, oftentimes they have done that. They are voting in every single race that's on their ballot. They're voting in the right Assembly District, State Senate District,

Congressional District. They're, of course, voting for Statewide or countywide offices that are correct. It just happens that they are in the wrong polling place. In my district, probably similar to yours, but there are many polling places, some of them very close together and they swap EDs from time to time and somebody ends up in the wrong ED unwittingly.

MR. NORRIS: Now, when you say the polling place, there can be multiple elections within the polling place. Can't -- don't those ballots today count so long as you're in the right polling place and not the right election district?

MR. CARROLL: Yes, if you're in the right polling place. If, you know, PS 154 is your polling place in your neighborhood -- that's a polling place in my -- my district -- yes, you will -- that vote will be counted. But, if you went up the block to PS 10 instead, your vote would not be counted even though every single office on that ballot would be the same and you were duly qualified to vote. You were a registered voter in that district.

MR. NORRIS: What if the offices were different? Like, in my neck of the woods we have city council races, board races, town board races, county legislative districts that are relatively smaller, probably, compared to some of them in New York City and they could be voting on an improper ballot.

MR. CARROLL: So that person -- the only offices that that person could -- is entitled to vote for, of course, is the offices in the districts they live in. So if you received an affidavit ballot that

you were in the correct county, you're in a polling place with the correct AD but you receive a ballot that because of what ED you're in or for some other reason you are voting for offices that you're not qualified to vote for, this bill directs the Board of Elections not to count those -- those votes. So only for the offices you would be entitled to vote for. And that's the reason we actually modified this bill to include the Assembly District to try to hone in on in counties like mine where there are 20 Assembly Districts, that we don't have people just completely spread to the wind.

MR. NORRIS: What -- what's the purpose? Why did you bring this bill forward?

MR. CARROLL: Because I think people who are registered to vote, which I think you and I can agree, Mr. Norris, people who are duly-registered to vote deserve to have their vote cast and canvassed for offices that they're entitled to vote for. I think that's kind of the bedrock of our democracy. And the fact that literally every single year, 14,000, 12,000, you just keep going through tens of thousands of New Yorkers who are qualified to vote are disenfranchised every year because they make this minor error. And we can correct it. Other states have done it, there's no reason why New York can do it -- can't do it.

MR. NORRIS: In terms of the actual ballot, I mean, oftentimes we want to make sure the ballot is sanctity in terms of the ballot. When you put the ballots in an election district -- for example, I know when we used to recanvass they would be shuffled up and then

make sure they could be properly accounted. If that ballot has to be opened up, the affidavit ballot, and then set aside, actually the canvassers would know who that particular ballot would be voted for, right, on those situations?

MR. CARROLL: You know, it is a good question. The secrecy of the vote and the ballot is -- is -- is very important, and I think that we can make sure that in a scenario like that a person's anonymity is kept. And -- and I'm sure that we have great people at the Board of Elections.

MR. NORRIS: We do.

MR. CARROLL: I'm sure they can figure that out.

MR. NORRIS: Very good. Thank you very much, Mr. Carroll. I appreciate you answering my questions.

And on the bill.

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

MR. NORRIS: Thank you very much, Mr. Speaker. I reviewed, obviously, this legislation as the Ranking Member of the Election Law Committee, and I do have some concerns about how far it actually goes. I certainly want all votes in the State of New York to count. But years ago - I can give you the example - when you went to the polling site, for example, if you went to the right church you had sit in the right pew. Well, a few years back we changed that and now you at least had to get to the right church. Now if you're in the right diocese your ballot may count. And now the question is how far does

this go? And I'm concerned about fraud, I'm concerned about potential double voting, confusion amongst these ballots being cast and that's my concern. Let's get the voters to the right spot to cast their ballot and we have enough information out there. We can do that on the website, you can do that by calling the Board of Elections, and the inspectors are right there and they're supposed to direct you.

So for those reasons I have concerns. I will be voting in the negative and I would encourage my -- my colleagues to do the same. Thank you very much, Mr. Speaker, and thank you, Mr. Carroll, for answering my questions.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Lawler.

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

MR. CARROLL: I yield, Mr. Speaker.

MR. LAWLER: Thank you.

ACTING SPEAKER AUBRY: Mr. Carroll yields.

MR. LAWLER: Thank you. So, I just want to follow up on my colleague's questions and try to get a little more clarity. So, I live in Rockland County. My Assembly District covers two towns; the Town of Orangetown and the Town of Ramapo. There are polling places in Rockland County where the polling place will cover multiple towns. What happens if a voter who, for argument's sake, lives in the Town of Orangetown, showed up at a polling place and ended up getting a ballot in the wrong ED and an affidavit ballot

in the wrong ED which also included the wrong town. So, a lower-level office below the Assembly District and voted in the wrong town for local elections. How does the Board of Elections really decipher and differentiate that? Are they --

MR. CARROLL: The voter voted -- did the voter vote in a polling place that had his correct or her correct Assembly District?

MR. LAWLER: Yes. In that scenario, yes.

MR. CARROLL: So, you know, that voter, she would be eligible to vote for the offices that she was qualified to vote in. So if that affidavit ballot in your scenario had town elections that she was not duly-qualified to vote in, they would not count.

MR. LAWLER: So, just so I'm clear, then the Board of Elections would take that affidavit ballot, they would open said affidavit ballot and they would know how the individual voted in those elections?

MR. CARROLL: Well, this is the scenario that Mr. Norris brought back up, right? These -- this case where somebody has voted in the wrong -- wrong lower offices and now you're worried about, you know, the sanctity of the vote. Whether one could find out what Mr. or Mrs. Smith, who they voted for in higher offices. I think that in my experience of having this bill for three years, very similar laws are passed in many, many other states. This was not a scenario that those individuals brought up as a major issue. I -- I know every once in a while the *Daily News* or the *New York Post* will mention -- I

think that they figured out what the former Mayor's son, who he voted for in the last mayor's election in New York City because he was the only person to cast a ballot in a specific election district. Are there unique and clever ways that one could maybe find out? You -- you may be right. You may be more clever than I, Mr. Lawler, but I'm -- I'm not sure how often that scenario would happen nor am I convinced that there's not a way to make sure that we are able to keep the ballot secret for that voter.

MR. LAWLER: Well, the -- the only -- the only reason I raised the concern is really because under the scenarios laid out, in order to determine whether or not the person voted in the wrong, you know, elections you would obviously have to first look at the envelope and determine, okay, this voter lives in said district, said ED. They got a ballot for the wrong ED but it's the same Assembly District, same Senate District, same Congressional District, theoretically. But we will have to now determine whether or not all those lower ballot races, whether or not they got the wrong ballot. I mean, it -- it -- it is possible that they would have to sit there and go through it.

MR. CARROLL: So, under current law, Mr. Lawler, you could be in the -- the -- the right church but the wrong pew, right? You're in the polling place that's your correct polling place but you go to the wrong ED. In my Assembly District, unfortunately, this year there are county committee races. So, you know, in theory, in today's law somebody could go to the wrong ED in the right church and the

county committee race would be on the ballot and that would be a lower ballot race that would have to be struck and that person would otherwise not be allowed to vote in that race. And so I -- I have the utmost faith that the Board of Elections will be able to figure out this wrinkle to make sure that the secret ballot is maintained.

MR. LAWLER: It's interesting that you brought up county committee races because we've certainly all seen the back-and-forth on Twitter with respect to the Brooklyn Democratic Committee and the in-fighting that goes on. And actually, based on that scenario and the secret ballot I think all the more the need to ensure the sanctity of the ballot because, frankly, it seems there's a lot of vindictiveness that goes on based on how somebody may or may not vote in a county committee race.

MR. CARROLL: So, the sanctity of the ballot is -- is essential. But what we're also trying to do -- every year 14,000 New Yorkers, the vast majority of them are casting ballots where they are casting ballots for all the correct offices, are having their votes otherwise invalidated. And I think every person here who runs for office every two years would be upset if they were to learn that somebody went to the wrong polling place, were given the correct ballot for all the offices, but because they were in the wrong polling place that might be down the block from the polling place they were in and they cast a ballot for you or somebody else that we wouldn't count that ballot. The point of this law is to make sure that we count ballots for other -- for those voters who are duly-qualified to vote.

MR. LAWLER: I think as long as the ballot is exactly the same, I agree. I think if the ballot is not exactly the same and there are offices on that ballot that the individual was not entitled to vote for, then I think it's very hard to go through that process and invalidate it. And I -- and I really think there is a problem with somebody at the Board of Elections being able to know exactly how someone voted because they have to determine whether or not they qualified to vote.

MR. CARROLL: I mean, Mr. Lawler, presumably somebody at the Board of Elections -- you know, we have safeguards to make sure that when we open up affidavit ballots and we (inaudible) you know, they're supposed to put them face down, they're supposed to feed them into machine currently. But there are ways to make sure that we can keep the secrecy of the ballot under this process. What this does is make sure we enfranchise thousands and thousands of New Yorkers who are otherwise disenfranchised every single year when they go out to vote for no fault unto their own.

MR. LAWLER: Would these affidavit ballots be hand counted or would they be entered into a machine?

MR. CARROLL: So, this bill doesn't contemplate that. I -- I assume that the Board of Elections on both the State and the county level will come up with a process for that.

MR. LAWLER: Does the bill contemplate how the board should handle offices that the voter's not eligible to vote in? Should they strike it out with a -- a -- an X mark?

MR. CARROLL: This does not contemplate the exact method. I believe that we have a competent State Board of Elections that will come up with rules and promulgate it throughout our State.

MR. LAWLER: Okay. So -- so the bill allows the board the process to determine eligibility to vote in a certain -- certain office.

MR. CARROLL: The -- the bill is -- is relatively brief and I think I've explained it a number of times now.

MR. LAWLER: Okay. Thank you, Mr. Speaker.
On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. LAWLER: I think generally speaking, if somebody is entitled to vote for all of the offices on the ballot but they are in the wrong election district but the right polling place or the wrong polling place and the wrong election district but the right Assembly District and is entitled to vote in all those offices, I think it's fair to ensure that their vote is counted, certainly as long as they are eligible. And in part because with early voting where you could show up at any polling place and the ballot is printed out electronically. So it's -- it is not -- it is printed out on the spot. So it is not a major problem with that. I do think there's a major problem when somebody is voting on an office that they are not entitled to vote on. And I think outside the City of New York, especially we in the -- in the suburbs in Upstate New York have many local offices every year that are up on

the ballot, and we do have polling places that are shared. And we do have polling places that are overlapped where the Assembly District may be the same but the county, the town, the village are not. And I think that is going to -- that is something that is really not acknowledged within this bill, and I think this bill really needs to further contemplate that before this moves forward.

So for that reason I will be voting no. I -- I think the overarching idea is fine, but I think the example that my colleague and I have raised really is not contemplated in the manner that it needs to be. So for that reason I will vote no and encourage my colleagues to vote no.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MR. CARROLL: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Carroll yields, sir.

MR. GOODELL: I -- I enjoyed your comment that you -- your county has 11 Assembly districts.

MR. CARROLL: Twenty.

MR. GOODELL: Twenty?

MR. CARROLL: Twenty.

MR. GOODELL: And I saw that the bill requires you

to be in the same Assembly District. My county, which is as far from yours as you can get and still be in the State -- same State, my Assembly District has -- my old one, my current one, has 27 towns, 15 villages and two cities over the 1,500 square miles that I represent. So am I correct - I only have one question - so am I correct that if this bill passes my residents could vote anywhere --

MR. CARROLL: (Inaudible)

MR. GOODELL: (Inaudible) 27 towns, 15 villages or two cities all encompassed within my Assembly District?

MR. CARROLL: And all encompassed in one county?

MR. GOODELL: Yes.

MR. CARROLL: It's a big county, but yes.

MR. GOODELL: Thank you.

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 Senate print 284-C. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this bill. But those who wish to

support it are certainly encouraged to vote yes on the floor or by contacting the Minority Leader's Office.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Solages.

MS. SOLAGES: Majority members will be voting in the affirmative. Any Majority member that wishes to vote against this measure is encouraged to call the Majority Leader's Office and we will announce your name accordingly.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 7, Rules Report No. 174, the Clerk will read.

THE CLERK: Assembly No. A00887-C, Rules Report No. 174, Paulin, Hunter, Galef, J.M. Giglio, McDonough, Simon, Quart, Gottfried, Bichotte Hermelyn, Abbate, Otis, J. Rivera, Fahy, Weprin, Niou, Seawright. An act to amend the General Business Law, in relation to human trafficking awareness and training for certain lodging facility employees.

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

Mr. Goodell.

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

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

MS. PAULIN: Absolutely.

ACTING SPEAKER AUBRY: Ms. Paulin yields.

MR. GOODELL: Thank you very much, Ms. Paulin. I -- I see this bill requires a training program for those who are involved in the lodging industry on recognizing human trafficking victims, right?

MS. PAULIN: Absolutely.

MR. GOODELL: Can you give me an idea how many hours is this training program? I mean, for those of us who take continuing education it's a certain number of hours, a certain number of times a year. Is there a designated number of hours?

MS. PAULIN: Well, we -- many, many hotels were already doing this training, so we know that a typical training could take about 30 minutes.

MR. GOODELL: Okay. So this doesn't specify any (inaudible) but you anticipate a relatively short training program.

MS. PAULIN: Yes.

MR. GOODELL: And how often would employees have to take it?

MS. PAULIN: It would only be once.

MR. GOODELL: Once a lifetime?

MS. PAULIN: Once -- well, once a lifetime. Yes, once a lifetime.

MR. GOODELL: Would they then get a certificate or certification or how would that work?

MS. PAULIN: Well, the -- the place that they're employed would have to keep that on record for a year. If they went to another place within that year they would be able to go back and say, *Go call my prior employer*. I would imagine, though, that if they had a gap of more than a year it would be harder to prove, but if they could prove it, they could prove it.

MR. GOODELL: And does this require that all the employees take the training?

MS. PAULIN: No, it's only employees -- it says employees that -- let me find it -- who are likely to interact or come into contact with guests to undergo -- should undergo the program.

MR. GOODELL: As you know, there's a fairly active industry across New York State involving Airbnb. It's a great service if you like that opportunity. You might not ever contact anyone. They tell you where the key is or what the -- the code is. So in that situation they would not need to be trained?

MS. PAULIN: That's correct.

MR. GOODELL: And what is the penalty if for some reason a lodging facility doesn't train any particular employee?

MS. PAULIN: You know, it's not -- there's no fine. The -- there's a license that -- where there's a, you know, an -- in order

to operate there's, I don't know if it's licensing or, you know, there's certainly an agreement with municipalities that you're in of sorts. So I guess there could be some -- somebody that came and say there's a problem here, but there is no fine and there is no real punishment.

MR. GOODELL: And do you envision that the program will actually be run by the Division of Criminal Justice or the Office of Temporary Disability Assistance or would be it be an online program or just a --

MS. PAULIN: It could be any kind of program. Typically it is online. There's a lot of training programs that are already online that would utilize and approved by those departments. Those departments are already working together actively on other initiatives dealing with human trafficking, so it is a cooperative relationship between the departments. So I -- I do think that, you know, it would -- it would end up working because of the ongoing relationship they already have.

MR. GOODELL: And what -- what documentation is needed for the facility to confirm that their employees have gone through the program?

MS. PAULIN: They would -- they themselves would keep a record. It's not a record that they would then send to anyone.

MR. GOODELL: Thank you very much for all the clarification.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: Based on the clarification from my colleague that we're looking at a relatively short program, anticipated time being approximately a half-an-hour, that this is not a program that would have to be done monthly, quarterly or even annually, but once a year. That the recordkeeping requirements are minimal, almost on an honor system and that we envision that the training could be done online or with brochures or other projects. With that understanding that the imposition on employees and employers is pretty small, I would support this training program designed to help people recognize victims of human trafficking and would recommend it.

Thank you, and again, thank you to my colleague for clarifying those questions.

ACTING SPEAKER AUBRY: Thank you both.

Read the last section.

THE CLERK: This act shall take effect on the 365th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 244-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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 7, Rules Report No. 175, the Clerk will read.

THE CLERK: Assembly No. A01031, Rules Report No. 175, Zebrowski, Galef, Abinanti, Magnarelli, Weprin, McDonough, Lawler, McMahon. An act to amend the Uniform Justice Court Act, in relation to establishing minimum educational requirements of certain town and village justices.

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

MR. ZEBROWSKI: Thank you, Mr. Speaker. This bill would allow town or villages by local law to require that their judges be attorneys.

ACTING SPEAKER AUBRY: Mr. Montesano.

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

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

MR. ZEBROWSKI: Yes, I'll yield.

ACTING SPEAKER AUBRY: The sponsor yields, sir.

MR. MONTESANO: Thank you. Mr. Zebrowski, under current law is there such a requirement in this State that a village or town judge has to be an attorney admitted to practice of law?

MR. ZEBROWSKI: Sorry. Under -- under current law do you have to be an attorney to practice law?

MR. MONTESANO: No, to be a village judge.

MR. ZEBROWSKI: Oh, no. Right. Currently, no.

MR. MONTESANO: No. Because -- so let me ask you, like so, Downstate, you know, Nassau, Suffolk at least that I know, I'm not sure about Westchester or anything, they have the standard that everybody who sits in those judgeships has to be an attorney. So that's by local law that they passed?

MR. ZEBROWSKI: Down at Nassau right now you have to be --

MR. MONTESANO: Yes. Nassau, Suffolk, they all -- you have to be an attorney.

MR. ZEBROWSKI: I mean, that -- that's news to me. I know that in Nassau and Suffolk you have district courts, so perhaps you have a different structure than the rest of the State. But the rest of the State, town and village justice courts you do not have to be an attorney.

MR. MONTESANO: Okay. Now, is this an option that a town or village may exercise? It's not mandatory, is it?

MR. ZEBROWSKI: Right. Under this bill it's an option.

MR. MONTESANO: Okay. And when they decide to do this, they can't do it in the middle of a judge's term, can they?

MR. ZEBROWSKI: No. They can't do it in the middle of a term.

MR. MONTESANO: Okay. So at what point do

they do that, before the candidates announce their next election or sometime before that?

MR. ZEBROWSKI: It can't take effect until the commencement of the next judicial term is the wording of the bill. So I would suggest that if -- if I were interpreting this I would suggest that upon the election, it couldn't be until the following term.

MR. MONTESANO: Okay. Now -- and then if they decide to make that law and, you know, a person runs for the position and is successful, can they on the next election rescind that law and put it back to you don't have to be an attorney?

MR. ZEBROWSKI: Yeah, nothing in the wording of the bill suggests that once you make the change you can't change back. So it's by local option and it would remain at that local option.

MR. MONTESANO: Now, some villages and towns have two part-time judges, and if they pass this particular law do both of the judges have to be attorneys or is that something for them to decide?

MR. ZEBROWSKI: I think it is all or nothing. I don't think you can treat two similarly-situated people differently. So you'd either have to require judges to be attorneys or you don't.

MR. MONTESANO: Okay. And if I could ask -- you know, this is -- at least I can remember from our State, these -- a lot of the judges, especially in the Upstate counties, you know, are lay people and they have their businesses and everything and they have been village judges for many years. You know, I, myself, prior to

coming here was a village judge in Nassau County. I was the President of the County Magistrate's Association, so I'm familiar even with the State Association and, you know, every month we get their periodicals. And the amount of work that these village and town justices do, especially Upstate, is phenomenal. They publish a lot of opinions based on the trials they have and the evidentiary hearings. And I've never, you know, heard or experienced any issues with them not being able to perform their judicial duties. What is the catalyst for this bill at this time?

MR. ZEBROWSKI: Well, personally, I believe it's insane that we allow non-attorneys to be judges. They hold people's liberty in their hands, they make serious decisions. And if I were setting up this system I never would have established it this way.

MR. MONTESANO: Okay.

MR. ZEBROWSKI: But -- but if I could just continue, Mr. Montesano, I actually do believe there's some evidence there's been some exposés over the years identifying judicial misconduct and I do believe there has been some statistics. The ones that I have is that 80 percent of the disciplined cases of town and village judges are of non-lawyer judges.

MR. MONTESANO: But so -- and there's also my understanding -- well, a lot of judges get complaints of misconduct, even those that are attorney judges, those that are elected and they sit on Supreme Court and county court. But let me ask you this: The -- the judges that we have currently who are not attorneys, as well as

ones that are, they all go to judge's school when they're elected to their position, so they're trained to do the work of the either village or town judge. They know about sentencing, they know about conducting trials and everything. So why is the training that they receive right now not sufficient or adequate for them to hold that position?

MR. ZEBROWSKI: Because the people that have to appear before them as attorneys need to go to law school, need to get a law degree and pass the bar exam, yet the people they appear before that actually make the decisions on people's liberty, on people's property, don't. So to me, the training they do, good, bad or indifferent, needs to be commensurate with the training of the folks that are -- that are allowed to practice in that courtroom, and that should be the same training as a law degree.

MR. MONTESANO: Okay. And then just basically lastly, so since this is an optional law that the locality could pass, these villages and towns that are in very rural areas of this State and maybe don't even have attorneys residing in their town or village or if they do they may not be interested in becoming the village or town justice because of certain restrictions on your practice. They'd still be able to, you know, preserve what they have and not be put out of business, these villages and towns?

MR. ZEBROWSKI: Yes. Yes. You know, I -- I see this -- this is -- you may gather from my prior statement that I -- I just personally philosophically disagree with non-attorneys being judges. But I recognize we're a big diverse state, so this is my attempt at

recognizing that. I think encouraging judges to be attorneys but allowing a certain level of local control, given that point of view that you just expressed that there may not be enough attorneys, so if that's the case the locality would be able to keep their current structure.

MR. MONTESANO: Thank you, Mr. Zebrowski.

Mr. Speaker, on the bill.

ACTING SPEAKER CUSICK: On the bill.

MR. MONTESANO: Thank you. So -- so, I understand, you know, the -- the sponsor's thoughts, you know, for this bill and the reasons for it. It's just, you know, we have a system in place in this State that has worked successfully I think since the founding of our State, and that we have people that, you know, from the community, they get special training if they get elected to be a village or town justice. They know their community, they know the people intimately that appear before them and they received adequate training for the types of cases that they have coming before them. And all of a sudden now that we change everything, you know, that's going on -- and while I know some judges get themselves into difficulty, it's not because they lack the training, it's just because they're a bad actor and they're inclined to do something they shouldn't be doing. It's not because they're not trained. As a matter of fact, right now in Suffolk County the Comptroller just referred a matter to the Attorney General on the laws he did in a substantially large village court where the judge is an attorney, and found financial irregularities in that court that was so substantial he's referred it to an investigation

to the Attorney General's Office. So there's no guarantee because the person is an attorney and now being the village or town judge that they're going to do everything the right way that they should be doing.

So, you know, out of the courtesy and respect for our village and town judges that we have, you know, I'm opposed to this piece of legislation. The one thing I'm happy about with this piece of legislation that the sponsor saw fit to let this be an optional thing, you know, for the -- for the trustees or board to do in a particular town or village and decide if they want to invoke it or not. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Byrnes.

MS. BYRNES: If I could ask the sponsor a question.

ACTING SPEAKER AUBRY: The sponsor is asked to yield by Ms. Byrnes. Do you yield?

MR. ZEBROWSKI: I yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. BYRNES: You indicated that you thought that -- well, I can't remember the percentage, was it 80 percent, of the people who -- that had issues with their judgeships and were found to have been problematic were not attorneys?

MR. ZEBROWSKI: Yeah, that was a statistic I came across from a news account. I can get you the site, I -- I don't have it in front of me.

MS. BYRNES: What -- what's the percentage out of

town and village judges in the State outside of areas that apparently require attorney -- attorneys to be judges? What's the percentage in areas that allow non-attorneys to be judges? Of non-attorneys to -- to attorneys? I'll bet it's probably 80 or 90 percent that are going to be non-attorneys.

MR. ZEBROWSKI: The -- the last statistic I saw was from around 2014 and I think it was as high as 60 percent or so Statewide. I don't have a percentage in just one area of the State.

MS. BYRNES: Okay. So that would be the entire State out of all judges. Would that be including New York City?

MR. ZEBROWSKI: Sorry, I think it was of all of the town and village justices, not of all judges.

MS. BYRNES: All right. And what was that percentage?

MR. ZEBROWSKI: I think it was around 60 percent. It was a 2014 or so statistic if I remember correctly.

MS. BYRNES: All right. So there is a significant percentage, even if that is even remotely accurate.

MR. ZEBROWSKI: I think it's a significant percentage, yes.

MS. BYRNES: Okay. Now, do you know what the approximately average salary is? I think you'd find that most of these judges are only earning about \$8- or \$9,000 a year in their judgeships. But do you know what the average salary is for a town or village judge?

MR. ZEBROWSKI: I don't know what the average salary is. But I will say, the salaries down by me are pretty high. Maybe up or over by you they're not pretty high, but I'll -- I'll say this: To the defendant or respondent in a case who is aggrieved by a judge, it doesn't matter how much they make.

MS. BYRNES: My point was going to be that if you did have people who were attorneys that were in a position where they -- you couldn't elect a non-attorney judge, and not all of them -- I've seen farmers, but you also have retired law enforcement, people who do have knowledge of the law before they run for the judgeships. But, you know, if you had to and required it to be a judge -- or an attorney, do you know the constraints that are placed on their ability to practice law in the county they live in?

MR. ZEBROWSKI: Yeah, my understanding is if you are a municipal judge like this and you handle criminal cases I don't think you can handle misdemeanor cases in the county -- the same county, I believe.

MS. BYRNES: So in some of our smaller counties, in sum and substance that means you can't practice law in the county you live in.

MR. ZEBROWSKI: Well, there's certainly more areas of law than misdemeanor criminal cases.

MS. BYRNES: Most you'll find are in the realm of family court that have been so taken over by government requirements that they're almost all now become county attorneys. So there are

very, very few attorneys even in private practice anymore in our small communities.

On the bill. Thank you, sir.

MR. ZEBROWSKI: You're welcome.

ACTING SPEAKER AUBRY: On the bill.

MS. BYRNES: This seems very unfortunate. I understand right now it's putting an option to towns and villages to -- to look into this matter and to make their own choices. But anybody who's in this room who is an attorney or has ever been a judge knows that there is a definite effort on the part of the Office of Court Administration to eliminate town and village judges throughout the entire State of New York and to replace them with district court judges that would be full-time OCA State-pensioned judges where all of their employees, all of their court clerks, everybody that worked in the system would all be pensioned State employees in order to totally eliminate the entire (inaudible) this country, this State was founded with local judges who know the person that got pulled over for the speeding ticket. Who knows the kid that stole the bike. Who knows who should or shouldn't get a break. And, you know, this is really part of what next year will be the next step, where it won't be establishing minimum requirements. It will say -- by them, by the towns and villages it will be we, the Legislature, will now start saying what the minimum requirements are. This is happening. We know it's happening. It's openly discussed with all of the town and village judges and associations, and I just think it's a crying shame that when

there is no statistical evidence really to show that there's any difference between judges who are lawyers or not based upon the percentages that are involved in the -- the judgeships that this is the route we're going.

Thank you. Obviously, I'm voting no.

ACTING SPEAKER AUBRY: Thank you.

Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker. Would the sponsor yield for a couple of quick questions, please?

ACTING SPEAKER AUBRY: Mr. Zebrowski?

MR. ZEBROWSKI: Yes, I yield.

ACTING SPEAKER AUBRY: He yields.

MR. TAGUE: Thank you, Mr. Zebrowski. Just a quick question. Establishing the minimum educational requirements, what -- what would -- would those requirements be?

MR. ZEBROWSKI: That they be an attorney.

MR. TAGUE: So they would have to be an attorney.

MR. ZEBROWSKI: Yes.

MR. TAGUE: And would that come before this Body and the Senate or would the Unified Court System make those decisions or criteria?

MR. ZEBROWSKI: No, the municipal Body would make that requirement. The Appellate Division makes the requirements as to what an attorney has to do in order to become an attorney.

MR. TAGUE: Okay. I mean, because -- and as my colleague had just stated, in my district, town and village judges is making anywhere from \$6,500 to \$10- or \$11,000 a year tops. I don't know any attorney in any of the counties that I represent that's willing to go be a justice court or a village or town justice with that type of education and only make 6,500 to \$11,000 a year. I understand where you're coming from with regards to the area that you live in, but this again is another case of a law that doesn't fit the uniqueness of this entire State. Why wouldn't these laws be put in as local laws in each community and not throughout the entire State?

MR. ZEBROWSKI: So, Mr. Tague, that's exactly what the bill does.

MR. TAGUE: Okay.

MR. ZEBROWSKI: As you may have heard from the debate, I personally would have no problem if every judge was an attorney. I think that's the way to go. New York's in the minority of states, and the vast majority of states that actually allow those non-attorney judges to -- to rule on criminal cases. But this -- what you're saying is exactly what this bill does, it allows your local community to decide whether or not they want this requirement.

MR. TAGUE: So this would be a local law.

MR. ZEBROWSKI: Yes.

MR. TAGUE: And then the -- the Appellate Division would have to approve the local law from that community?

MR. ZEBROWSKI: No.

MR. TAGUE: We would.

MR. ZEBROWSKI: No. No. The local community has the option to make this a requirement that their judges be attorneys.

MR. TAGUE: So each individual town and village would be able to make it a local law without going through the county?

MR. ZEBROWSKI: Yes.

MR. TAGUE: Okay. Thank you very much for your time.

MR. ZEBROWSKI: Thank you.

MR. TAGUE: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. -- Mr. Brown.

MR. A. BROWN: Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. A. BROWN: With respect to my colleague and to all the lawyers in the room, I think we can agree, let's put the village and town judges aside, that the Supreme Court is our highest court of the land. In total of the 114 justices appointed to the court, 49 had law degrees. An additional 18 attended some law school but did not receive a degree. Forty-seven received their legal education without any law school attendance. James F. Byrnes, the last justice to be appointed, who did not attend any law school, from 1941 to '42 did not graduate from high school and taught himself law school,

passing the bar at the age of 23. I have always found -- and I run a little village court -- that the best justices are the ones that have some life experience, some business experience and know their town and village. And to be quite frank, I think we'd get out of here a lot quicker if we had a lot less lawyers droning on for so long. I say that with a lot of respect and that's why I'll be voting no on this. Thank you.

ACTING SPEAKER AUBRY: Well, thank you, Mr. Brown.

Ms. Lunsford.

MS. LUNSFORD: To explain my vote.

(Pause)

ACTING SPEAKER AUBRY: Mr. DiPietro. Yes, sir.

MR. DIPIETRO: Thank you, sir.

On the bill, please.

ACTING SPEAKER AUBRY: On the bill.

MR. DIPIETRO: Just a little perspective. It's getting late, and so I go off on these little tangents. But if you remember, back in the Bible in the book of Judges, Moses handled all the problems of thousands of people, and he took it to God and God said, *Get all the elders together* and he chose the elders. Now, none of those could handle all the situations that came up. None of those elders were educated, none of those elders went to school. But they were just common sense and that's what we have in a lot of our town

judges. They're just good people. They make good decisions. Personally, I don't want a scholar running anything that I do because we -- just look around the State. Scholars have been controlling a lot of the -- a lot of -- all of the big decisions and they've made a mess of it. And as far as attorneys, I've met a lot of attorneys who can't tie their shoe and chew gum at the same time. And I always tell people when they say, *Are you an attorney*, and I say, *No, and I never want to be one*. So I understand. I hope some -- you know, if some towns want to do this I understand that. But on the other hand I think this system has worked well for us all these years and I trust the people that are handling the decisions now.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 1031. 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.

Ms. Solages.

(Pause)

Mr. Goodell, I presume Ms. Solages is being very gentlewomanly-like and wants you to go first.

MR. GOODELL: Age before beauty, apparently.

ACTING SPEAKER AUBRY: It could be that.

MR. GOODELL: Could be that. Sir, the Republican Conference is generally opposed for the reasons mentioned by my colleagues. But those who support it are certainly welcome to vote in favor here on the floor or by contacting the Minority Leader's Office.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Solages and now.

MS. SOLAGES: Lawyers before non-lawyers?

(Laughter)

ACTING SPEAKER AUBRY: You didn't listen to the gentleman right before. He seemed to suggest.

MS. SOLAGES: I would like to remind my colleagues this is a Party vote. Majority members will be voting in the affirmative on this great piece of legislation. If there any exceptions I would ask Majority members to call the Majority Leader's Office and we will announce your name accordingly.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Certainly. Thank you.

Mr. Angelino to explain his vote.

MR. ANGELINO: Thank you, Mr. Speaker. Thank you, Mr. Speaker, to explain my vote. There we go. After listening to the debate I'll probably -- I will be voting no on this because I listened about lay people on the bench making decisions that could take away

the liberty of other people, which made me consider that the members of this Body should probably be attorneys exclusively because of the laws we create.

So I'll be voting no.

ACTING SPEAKER AUBRY: Mr. Angelino in the negative.

Ms. Glick to explain her vote.

MS. GLICK: I -- I just was a little surprised that some of the rationale for opposing this was that folks who are local are familiar with folks in the town and would know who's okay and who isn't okay and who might be, you know, it would be okay to let them off. I found that deeply concerning. And I think that we need perhaps a little bit more grounding in the laws of the State and the country for there to be somebody sitting in judgment rather than just winging it on their emotional or familial connections. And I -- so I think it's a -- a measure. It does not force towns to adopt it. But I think that it -- raising standards, New York State likes to raise standards wherever possible, and I think determining and ensuring that justice is handed out evenly, it certainly seems like this is a reasonable measure.

And I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Ms. Lunsford to explain her vote.

MS. LUNSFORD: Thank you, Mr. Speaker. And with all due respect to Moses and to Abraham Lincoln, the practice of law has become more complex over time. I found, Mr. Zebrowski, a citation for you. The *Democrat and Chronicle* in 2019 said that, Town and village justices comprised less than two-thirds of the roughly 3,400 judges in New York and account for 70 percent of the disciplinary cases, and 80 percent of those are non-judges. I have practiced law and appear before judges in over 40 counties in this State. Most of those are Supreme Court justices. And I know whether you're in Painted Post or Bath or Fultonville, there are fine attorneys who have gone to law school in all of even the most (inaudible) parts of our State. And I can tell you that when I have appeared in front of people who have not gone to law school, as I have, as many people in this Body have, and have had their -- frankly, their brain is kind of broken and rebuilt into the issue-spotting machines that law schools create and been seeped in the breath and depth of law and understanding how laws play in the broader ecosystem of our jurisprudence. The results we get are inconsistent. They are out of line with what I -- I think similarly-situated trained attorney would determine in those circumstances. And of course there's outlandish behavior we see, but that's really an outlier. The problem is the inconsistent application of justice because people do not understand how the law works.

I want to commend the sponsor. I want to say Hallelujah, and I wish this bill could be mandatory but I understand

the limitations of many of our local municipalities in finding qualified judges.

So I vote in the affirmative. Thank you very much.

ACTING SPEAKER AUBRY: Ms. Lunsford in the affirmative.

Mr. Smullen.

MR. SMULLEN: Well, thank you, Mr. Speaker, to explain my vote. Five counties, 46 towns, 13 villages, two small cities where the judges are elected. You know, it seems to me that this Body spends a lot of great deal -- a great deal of time and effort correcting injustices. Well, in this case, trying to impose from without onto a system that generally works would be an injustice.

So on behalf of all of those good, honest, elected officials who help their communities and stand up and take care of their people day in and day out, year in, year out, I'm going to vote no on this bill. And I look forward to working with the sponsor in explaining the deep rationale behind that and the belief system that would allow me to say so. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Smullen in the negative.

Ms. Wallace.

MS. WALLACE: Thank you, Mr. Speaker, for giving me the opportunity to explain my vote. There seems to be some confusion here. There's nothing in this bill that requires a town to have its justices have a law degree. This just gives them the option

to adopt a local law that would require it. So it really gives local control to the town. And I know there's been some discussion here about, well, there's really no need for that because they know just as much, if not more, than lawyers and they're trained. But I can tell you with all due respect that sometimes they make very bad decisions because they just don't understand the complexity of the law and the case in front of them. And I can give you one example. There was a teenage rape victim up in Western New York whose -- who was at a house -- house party and she was plied with alcohol. The rapist, son of the parents, had pled guilty so there was no issue about whether she was raped. She was raped. The prosecution was prosecuting the parents for giving the girl alcohol, and there were lots of people at the party who could have testified that did happen and, in fact, were testifying it did happen. But yet, the non-lawyer judge ordered the release of the teenage girl's mental health records to the parents, which any lawyer would recognize and understand was wildly inappropriate, harmful to the victim, and her credibility had absolutely nothing to do with the case. So the reason that -- to -- to the point that was made earlier, having lawyers, having people who are trained to think a certain way and understand the complexities of the law is the reason why we want to encourage lawyers as judges.

So I proudly vote in the affirmative, and thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Wallace in the affirmative.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker. Just to explain my vote. One of my only concerns with the bill is we're going to take the -- the opportunity for the elected individuals in a small community to make a decision on their local justice. But we're now giving the option to one, two or three town board members of the five to now say, *Okay, it's got to be an attorney that fills that position. Therefore, two of the justices that were in our community would not qualify and, therefore, we have no local representation on the -- on the justice board.* And I do want to say this: I'm not an attorney by far. But one of the -- one of the best judges, local judges I had ever seen in my life, he was a former vice-principal of a school and the ability for him to perform and do his duties on that bench with many of the young people that were coming into that court from drug abuse, from all sorts of issues, he was by far one of the best judges I had ever had a chance to witness. And he used to serve on me with the town board. We were (inaudible) he was a Democrat and I was a Republican. But when it was all said and done we have become great friends.

So I applaud -- or I agree with the sponsor for his situation where he is, but in our rural areas it just doesn't always seem to work. So I'm glad the option is there, but I -- I still will not support it at this time because I'm afraid we may take some of those options for our local elected people to come out and vote. They may take that away by the town board or by the village board. But thank you, and

I'll be voting no.

ACTING SPEAKER AUBRY: Thank you, sir.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill has passed.

Ms. Solages.

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

ACTING SPEAKER AUBRY: Two pieces of housekeeping have emerged on this wonderful day.

On a motion by Mr. Englebright, page 35, Calendar No. 440, Bill No. 8363, amendments are received and adopted.

On a motion by Mr. McDonald, page 40, Calendar No. 594, Bill No. 5411-C, amendments are received and adopted.

Resolution 904, the Clerk will read.

THE CLERK: Assembly Resolution No. 904, Mr. Bronson.

Legislative Resolution mourning the death of Tim O Mains, distinguished educator, LGBTQ+ advocate and first openly-gay elected official in New York State.

ACTING SPEAKER AUBRY: Mr. Bronson on the resolution.

MR. BRONSON: Yes, Mr. Speaker. This evening we pause in our deliberations to mourn the death of Tim O Mains. Tim O, as many of us referred to him, died on December 30, 2021 at

the age of 73. Our condolences go out to his family, including his husband David Gardner and all his siblings and nieces and nephews. Tim was an outstanding leader, a talented elected official, a savvy politician, a progressive public servant and a visionary educator. A true trailblazer and icon in the LGBTQ community, Tim O Mains made history when he was elected to the Rochester City Council as the first openly-gay elected official in New York State. A role model to many, Tim was a tireless advocate for children and for education. He was a teacher, a school counselor, a principal and a school superintendent. Most of all, Tim was a good friend and a good guy. Tim O stood up for the rights of those who were voiceless, shunned and marginalized. He was courageous in his activism, willing to be visible and vocal as a gay man at a time when the norm was rejection from family, termination from your job, physical assaults and attacks as you walked down the sidewalks, simply for being your authentic self. Tim entered public elected office not with a gay agenda, but with an agenda to lift all people up. To offer opportunities and to make sure people had what they needed for a quality of life. His agenda was to make Rochester a better place, offering more housing, fair law enforcement and economic development for jobs. Tim was driven to make our world better by challenging, encouraging, debating, educating, mentoring, and yes, sometimes pushing each person he touched to be all they could be. Through his dare, he dared us to be in the arena. Tim understood the messages of Susan B. Anthony, Frederick Douglass and Harvey Milk, and he continued in their

tradition of adjudicating and educating for the advancement of civil rights for all. He stood on their shoulders, and many in our community stand on his. Tim encouraged me to dedicate myself to public service. He always pushed me to do more, fight harder and never give up, especially when it comes to our LGBTQ community and our right to be who we are.

Tim O, your life, your work, your caring, your love, all will live on for generations to come because of the people you have touched. We mourn your death, but through this resolution we celebrate you. We celebrate your life. We celebrate your legacy. Tim O, our world is better because of you.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker. I want to thank my colleague Mr. Bronson for bringing forth this resolution. I met Tim in the mid-1980s when there were just a handful of either elected or appointed officials who were out-gay leaders. And it was a very small group, and we would -- we had a national organization of appointed and elected officials because without those who had been appointed, it would have been a coffee clutch. And there were appointed officials who were frequently associated with a Civil Rights commission in Philadelphia and a few others. And we started having conferences around the country, and it was a big undertaking. And ultimately, we had to change it to the international network because

we had some Canadian elected officials and they kept saying, *We're not Americans, so you have to make it international*. But it was still a small, tiny group and Tim was a major force in pulling people together, bringing our common concerns, our common challenges to light so that we were a support system for each other. And I'm pleased that as the trailblazer he was, there are now many, many elected officials across the country. But at the time there were just a small number of us, and the Mayor of West Hollywood, a rep -- a state rep from San Jose, California. And I would say that even though it was difficult to manage, to come together, there were folks who rose from that, including Tim, who went on to be a -- a force in education. And among us was a Dade County Supervisor from Wisconsin who's now U.S. Senator Tammy Baldwin. And so Tim held people together, encouraged, supported and demonstrated such personal magnetism and humanity. You could not disagree with the guy, and you had to love him. His passing is a shock. Way too young, with so much more to give to this State that he loved and to the issues around education which he was just so extremely talented in that arena. But there are undoubtedly hundreds of New Yorkers, if not thousands, who were touched by him and who, like us tonight, mourn his loss.

And again, I am grateful to my colleague for bringing this resolution forward. Tim was a forceful but quiet guy, and so it is important for us not to see people like Tim O Mains pass without this recognition. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

MR. GOODELL: Thank you, sir. It was a great honor and privilege for me to work with Tim when he came to Jamestown, New York in my district in 2013 as the Superintendent of Jamestown High School. And to be honest with you, I didn't know anything about his past. I wasn't involved in the interview. I met Tim when he came to my office to talk about education and about the children in the Jamestown public school system. And he had a passion for moving that school district forward and engaging the students and making that school the very best it could be. When he passed, the front page headline in our paper summarized him and said, *JPS -- Jamestown Public Schools -- mourns the loss of former Superintendent Tim Mains*. The president of the school board said, *Tim had a tireless passion for education that he brought to work every day. He loved being in the building, seeing students and sharing his enthusiasm with everyone around him*. And I can attest that is absolutely the case. Well, what I found even more amazing is when Tim left his last meeting, instead of applauding himself for his many accomplishments, this is what a truly great man said: *I think it's important to note that when you look over the very long list of our accomplishments over the past years that they belong not to me, but to the many, many staff, students, parents and community members who have continued to work tireless -- tirelessly together to make Jamestown into a District of Distinction. Even more than my -- our accomplishments, I am proud of the collaboration and the spirit that*

made them all possible. And when we look around this and we see a person who is making a difference in a community, that is a person that's reaching out, collaborating with others and has a true enthusiasm for what he's accomplished, and that was Tim Mains. It was a great honor and privilege to know him.

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

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

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

(Whereupon, Assembly Resolution Nos. 921-925 were unanimously adopted.)

Ms. Solages.

MS. SOLAGES: We thank everyone for their patience. So I now move that the Assembly stand adjourned until 10:00 a.m., Wednesday, May 18th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: What time did you say, Ms. Solages?

MS. SOLAGES: 10:00 a.m.

ACTING SPEAKER AUBRY: The Assembly is adjourned.

(Whereupon, at 8:48 p.m., the House stood adjourned until Wednesday, May 18th at 10:00 a.m., that being a Session day.)