

MONDAY, MAY 24, 2021

3:17 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

The Reverend Elia will offer a prayer.

REVEREND DONNA ELIA: Let us pray. Holy and loving God, we've come into Your presence asking for Your blessing and offering our gratitude. Bless this legislative Body as it gathers to do the vital work of building our State. Let their deliberation, debate and decision-making be filled with wisdom and humility, honor and courage. When they feel weary, uphold them. When a way forward seems elusive, give them new insight. Strengthen their relationships and gift them with a sense of appreciation for this important calling. We thank You for the disability rights movement for those who have had the courage to raise their voices so the dignity of all persons

would be honored. Help us to use our power and privilege to lift up all people. Empower those who are blind, persons with physical disabilities and people with invisible disabilities like the deaf and those with mental illness. Help us create a society that values the abilities of all people. Holy One, thank You for each Legislator and every staff person. Thank You for their care, diligent work and integrity. Infuse them with courage, compassion and well-being, and bring wholeness and peace to our world.

In Your holy name we pray. Amen.

Members: Amen.

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

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

A quorum being present, the Clerk will read the Journal of Sunday, May 23rd.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move that we dispense with the further reading of the Journal of May the 23rd and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir. I certainly want to welcome colleagues to the Chambers. It's nice to see

some that haven't been here yet this Session. I just want to welcome those who are with us remote as well. Today is Disabilities Day. We have a number of pieces that we're going to pass around that. So my quote today is from Christopher Reeve. He's sharing with us today, "A hero is an ordinary individual who finds the strength to persevere and endure in spite of overwhelming obstacles." Again, Mr. Speaker, those words are from Christopher Reeve.

I certainly want to remind colleagues that this is the first Session day of the 21st week of the 244th Legislative Session, and that we have on our desk a main Calendar as well as a debate list and an A-Calendar. Mr. Speaker, I would now like to move that A-Calendar.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir. After housekeeping and/or introductions we're going to take up resolutions which is on the main Calendar on page 3. That one is by Mr. Abinanti and it is associated with today's Legislative Disabilities Awareness Day. Our principal work for today will be taking up nine Assembly legislative bills around the issue of disabilities: Rules Report No. 76 by Ms. Buttenschon, Rules Report No. 86 by Mr. Steck, Rules Report No. 90 by Ms. Dickens, Rules Report No. 94 by Mrs. Gunther, Rules Report No. 96 by Ms. Kelles, Calendar No. 353 by Mr. Hevesi, Calendar No. 354 by Mr. Lavine, Calendar No. 357 by Mr. Cusick,

and Calendar No. 384 by Mr. Abinanti. We will also be consenting bills, new bills on the A-Calendar, as well as working off our debate list for today.

So as outlined, Mr. Speaker, you could see there's a considerable amount of work to be done today and I would ask members' attention to detail so that we can get through with some expediency. That's a general outline, and unless there are some other introductions and/or housekeeping, we can move forward.

ACTING SPEAKER AUBRY: Thank you, Mrs. Peoples-Stokes. We do have some housekeeping.

On a motion by Mr. Jacobson, page 16, Calendar No. 193, Bill No. A.349, amendments are received and adopted.

We will go to resolutions. We'll start with -- on page 3, 325. The Clerk will read.

THE CLERK: Assembly Resolution No. 325, Ms. Jean-Pierre.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 22-28, 2021, as Safe Boating Week in the State of New York, in conjunction with the observance of National Safe Boating Week.

ACTING SPEAKER AUBRY: Mr. Smullen on the resolution.

MR. SMULLEN: Thank you very much, Mr. Speaker. I would like to commend the sponsor of this resolution for putting it forth this week. We're starting the boating season in Upstate

New York and it's very important. I do want to mention a special person in the Sacandaga -- Great Sacandaga Lake initiative, Theresa DaBiere-Craig. She's been an absolute advocate for safe boating in our area. Unfortunately, she lost her son Sean Craig in a boating accident and she's (inaudible/audio lost) and the sponsor for putting forth this fine resolution and wish everyone to be safe in their boating this summer.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Brown on the resolution.

MR. BROWN: Thank you, Mr. Speaker. I, too, want to join my colleague in commending the sponsor of this legislation -- I'm sorry, this resolution proclaiming May 22-28 as Safe Boating Week. Like Mr. Smullen, I have a constituent who lost her daughter in a boating accident, and she is the reason why we have Brianna's Law today. And I just want to thank Gina Lieneck for all of her advocacy when it comes to Safe Boating Week and making our -- our waterways safer here in New York State.

So, thank you very much.

ACTING SPEAKER AUBRY: Thank you, sir.

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

THE CLERK: Assembly Resolution No. 326, Mrs. Barrett.

Legislative Resolution memorializing Governor

Andrew M. Cuomo to proclaim June 2021, as Farmers Market Appreciation Month 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. 327, Mr. DeStefano.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim July 2021, as Culinary Arts Month in the State of New York.

ACTING SPEAKER AUBRY: Mr. DeStefano on the resolution.

MR. DESTEFANO: Thank you, Mr. Speaker, for the opportunity to speak on this resolution. I'm happy to bring forth this resolution. The late Anthony Bourdain once said, *Food is everything we are. It's an extension of our nationalist feeling, ethnic feeling, your personal history, your province, your region, your tribe, your grandma. It's inseparable from those that we go to* [sic]. Food has a great way of being the glue that brings people together. The trigger of a memory and the understanding of culture. And I'm happy to live in a place where there's a variety of different backgrounds represented in one place. I would like to recognize those who take the time to truly understand this, as well as the programs in my district that work towards this sort of education. It is a -- it's wonderful seeing people taking on trades early on such as the William Floyd High School in my

district as well as the other school districts that I represent, for being able to understand that all food goes into production and to see what the final product is and a special kind of fulfillment and satisfaction to their -- to their work. I look forward to see what these great things that our students do in this field.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir. All those in favor of the resolution say mm mm good --

(Laughter)

Opposed -- the resolution is adopted.

THE CLERK: Assembly Resolution No. 328, Ms. Zinerman.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim August 26, 2021, as Women's Equality 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. 329, Ms. Buttenschon.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim September 2021, as Brain Aneurysm Awareness Month in the State of New York.

ACTING SPEAKER AUBRY: Ms. Buttenschon on the resolution.

MS. BUTTENSCHON: Thank you, Mr. Speaker, for the opportunity to -- to introduce this important resolution designating September Brain Aneurysm Awareness Month in New York. Roughly 1 in 50 people in the United States have had unruptured brain aneurysms and about 30,000 people suffer from brain aneurysm ruptures each year. Unfortunately, 40 of those -- 40 percent of those cases are fatal. This month helps recognize the importance of this serious medical condition. The Brain Aneurysm Foundation created this awareness campaign to help reduce these ruptures by raising this awareness. This month also serves as a reminder that we all need to maintain our medical fitness so that we can ensure that we do not go misdiagnosed or have delays in diagnosing and seeking medical services.

I encourage my colleagues to support this vital resolution to help improve the lives of New Yorkers and ultimately save lives. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, ma'am.
Mr. Manktelow on the resolution.

MR. MANKTELOW: Yes, thank you, Mr. Speaker. I just want to say thank you to the sponsor for bringing this resolution forward today. My wife actually had a brain aneurysm back when she was 18 or 19 years old, long before I knew her, and they were able to take care of it. There was some paralysis, but they were able to do so and fortunately, she's here today with us.

So again, I just want to say thank you to the -- thank

you to the sponsor for bringing this forward. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

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

THE CLERK: Assembly Resolution No. 324, Mr. Abinanti.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim Monday, May 24, 2021, as New York State Assembly Legislative Disabilities Awareness Day.

ACTING SPEAKER AUBRY: Mr. Abinanti on the resolution.

MR. ABINANTI: Thank you, Mr. Speaker. As the Chair of the new Committee on People with Disabilities, I'm pleased that today we are celebrating the 41st Annual Legislative Disabilities Awareness Day. And I'm honored to be part of today's event, even though the event unfortunately looks nothing like it normally does. As many of you know, the traditional Disabilities Awareness Day brings hundreds of people with disabilities, advocates, family members and gives us a program and -- that service providers participate in. It's an occasion to meet together to talk about matters important to the disability community, to thank legislators for the great job that we do on their behalf, and to lobby us to do more on their behalf. But as the COVID pandemic appears to be winding down, we're still not quite ready to publicly gather in the way that we used to gather. So we just hope that next year we'll be able to get together in the traditional

fashion where we can talk about the goals of integration, inclusion and independence in a -- in the usual way that we have in the past.

In the meantime, today, in honor of Disabilities Awareness Day we will consider this resolution and a number of bills that will improve the lives of people with disabilities in meaningful ways. Today we will take some important steps to adjust the structural elements of the State to better foster the goals of integration, inclusion and independence. We will continue some of the things that have been working for us in the past, and will reset the direction of some of the others. And then after today, we'll continue to talk in a socially-distanced manner about the matters that need to be considered after we finish today's work. We'll talk about Early Intervention, we'll talk about school services, especially those that were disrupted over the last two years because of the COVID pandemic. We'll talk about transition and housing and employment. But we all look forward to being here again next year in the traditional way, and we look forward to working on the legislation that we have before us.

So I want to thank the Speaker, I want to thank the staff and I want to thank all of the others who put together this package today which is going to make a significant difference in so many people's lives. Thank you, Mr. Speaker.

SPEAKER HEASTIE: Good afternoon colleagues, friends and advocates. While I wish we could be together observing our Annual Legislative Disabilities Awareness Day, rest assured our commitment to this community is unwavering. I would like to

acknowledge the hard work of Kim Hill and the Committee on People with Disabilities, led by the former speaker, Assemblymember Tom Abinanti. In just a few moments we will take up a package of bills promoting access and inclusion, as well as measures to empower New Yorkers with disabilities to live full and independent lives in their community. Although this pandemic has kept us from meeting in person this year, it has not slowed down the tireless work of our advocates or our members.

Again, thank you all for your advocacy and all the work that you do to improve the lives of New Yorkers with disabilities. We hope to see you all in person next year.

Ms. Miller on the resolution.

MS. MILLER: Thank you, Mr. Speaker. Can you hear me? Can you hear me?

MR. GOODELL: We can hear you.

MS. MILLER: Thank you. I'd like to also thank the sponsor of this resolution and the Speaker. You know, having children with disabilities, I have lived practically my entire adult life in this world and I've spent the better part of the past 30 years advocating for people with disabilities so that they have the quality of life that they deserve. Each year I wholly support the -- the Disability Awareness Day in the hopes of bringing more awareness to the many changes that need to be made in our own State to provide more access to better opportunities, for better physical access across the State and for better protection for those most vulnerable. This year of COVID

has been especially difficult for those of us who live with disabilities, and has really illuminated the need for better awareness, especially from our own State agencies. The disabled were an afterthought throughout the pandemic, and the rights and the rights of their families were violated. So this Legislative Awareness Day -- Disability Awareness Day, I am imploring our government -- Governor and the State agencies that are tasked with protecting, caring for and providing equal opportunities for the disabled to recognize our worth. We need to raise the awareness and it's got to start with them.

Thank you.

ACTING SPEAKER AUBRY: Thank you.

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

On the A-Calendar, page 4, Rules Report No. 76, the Clerk will read.

THE CLERK: Assembly No. A01153-A, Rules Report No. 76, Buttenschon, Gunther, Stern, Jackson, Woerner. An act to amend the Mental Hygiene Law, in relation to the establishment of the Independent Intellectual and Developmental Disability Ombudsman Program.

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 1153-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.)

First vote of the day, members.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 6, Rules Report No. 86.

THE CLERK: Assembly No. A03130, Rules Report No. 86, Steck. An act to amend the Executive Law, in relation to establishing the Office of the Advocate for People with Disabilities.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 3130. 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. 90, the Clerk will read.

THE CLERK: Assembly No. A03924, Rules Report No. 90, Dickens, Fall, Santabarbara, Seawright. An act to amend the Public Officers Law, in relation to the accessibility of public hearings and meetings.

ACTING SPEAKER AUBRY: Ms. Dickens, an explanation has been requested.

MS. DICKENS: Can you hear me, Speaker?

ACTING SPEAKER AUBRY: Yes, we can.

MS. DICKENS: Thank you -- thank you so much, Mr. Speaker, and thank you to my colleagues for giving me this opportunity. In 2019, the Assembly passed this legislation that I'm putting forth again today to offer opportunities for municipalities to provide hearing devices. But we passed it in the Assembly for assemblages of -- of more than 100 persons in attendance. Recognizing, of course, the tax that might present a financial hardship for some villages, municipalities and townships, we also wrote into the legislation a financial hardship clause that has no centralized contract, therefore allowing the municipalities to see if they have the capability of paying, yet being able to offer hearing devices to those that are hearing impaired. The reasonable effort includes accessing fiscal capability to attain hearing aid equipment. Each municipality or township will follow their usual procurement method and assess what, if any, equipment will fit their needs. An interpreter would appear to be more economical to provide this service, often for those that are hearing impaired in the community.

I want to take a quote from one of our colleagues. *Each and every one of us has the right to live our lives with dignity and to be given and treated with respect.* And that does not change for New Yorkers with disabilities. This legislation enhances that reasoning, added protections, ensuring that all New Yorkers are able to participate independently in public hearings that most often negatively impact upon the quality of life. All and not merely those of us that are not hearing impaired should be able to participate. As a 504 member, I am acutely aware of many of our obsolete and discriminatory laws that need to be changed.

I urge my colleagues to please support this legislation today, and particularly since we are celebrating and recognizing Disabilities Awareness Day. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Walsh.

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

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

MS. DICKENS: Of course I will. I expected to hear from Ms. Walsh.

(Laughter)

MS. WALSH: As we did last year, we're going to be having a little conversation about this bill and I thank you for yielding. So, this bill really has two parts to it, I believe. So, the first part says

that if a written request is made, a qualified interpreter will be provided at a public meeting. And then the second part of the bill says that if you've got a hearing room where you're going to be conducting a public hearing and it will accommodate 100 or more people that you must outfit it with equipment sufficient to assist the -- the hard-of-hearing or deaf, is that correct?

MS. DICKENS: Correct.

MS. WALSH: Okay. And so the first part of the bill as far as the interpreter services, that's based on somebody affirmatively requesting an interpreter. But then the second part of the bill as far as equipping a 100-plus capacity hearing room, that -- that's whether anybody requests it or not. This bill just requires it if -- if you have a room of that size and you're holding a public hearing there. Is that -- is that right?

MS. DICKENS: Right.

MS. WALSH: Okay. So, let's just clarify what types of governments or what levels of government are going to be covered by this bill.

MS. DICKENS: It's really going to be, you know, all levels. It would apply to, you know, any of the, like, villages, the townships that -- that have -- in many instances some of the smaller towns they get together and have meetings in one location. And so it applies to the location that, you know, where -- where it's located, the building and the room size. Because if the room holds less than 100, then it -- obviously it doesn't need it, although, you know, I

recommend a -- an interpreter in those cases because I am very concerned about -- that we have not really focused on disabilities. But if it was 100 or more, we're asking that they -- but we're leaving it up to them to decide who they would call in to assess what the course would be, et cetera. So it's -- and it's only required as long as it's not a hardship. That's the other part that's written in there.

MS. WALSH: Right. And I'd like to get to that --

MS. DICKENS: (Inaudible) that is in the Public Officers Law.

MS. WALSH: Yes, ma'am. I'd like to get to that undue hardship piece in a minute, but I just want to clarify that in addition to something like a -- like a village or a town or county, it's also going to apply to school boards, for example, if they're holding a public hearing, too, right?

MS. DICKENS: Correct.

MS. WALSH: Okay. Now, I want to get to what you just said about undue hardship. There is a carveout in the bill that as far as -- part 2 of the bill, equipping it with 100-plus capacity room with this equipment. That's if there is not going to be an undue hardship. Oh, actually, there is an undue hardship part as far as the qualified interpreter, though, too. Is that right?

MS. DICKENS: For the interpreter, I know I have a hardship in there. Let me just check. I know I have a hardship for the equipment that I put in there, and it might -- might apply to the -- to the interpreter as well. Although that's much more economical, the

interpreter is.

MS. WALSH: Yeah, I think that if you look at line 9 on page 1 and also lines 17 and 18 on page 1, I do think you talk about two things as far as the provision of the interpreter. First of all, it has to be if available. So I guess if there aren't any -- there's no qualified interpreter available, that's one thing that's considered. And then also, it says that if -- if the action does not impose an undue hardship on the public Body there, you don't have to provide an interpreter, a qualified interpreter.

MS. DICKENS: Yes, it does include the interpreter. I looked at where you saw -- yes, it does.

MS. WALSH: Yes. So how do you go about determining -- as far as -- the bigger ticket item I think would be, as you -- as you noted, the outfitting the room itself with equipment. And I know that when we debated the bill last year I had done a little searching around just online and found that cost can really vary widely for installing this type of equipment. It can be anywhere from \$5,000 to \$35,000 depending on the size and complexity of the installation. So how would you go about determining whether a municipality or a school or they would not -- it would be an undue hardship for them to make these modifications to their existing buildings?

MS. DICKENS: Well -- well, in actuality, you know, when we have these buildings, rooms -- all rooms in -- in the buildings have a room capacity. And where they choose to have their meetings, they would have to decide -- they may decide, *Well, I don't -- I don't*

need to have the biggest room in this -- in this building and they can use a small room. And get the cost -- get an estimate for the cost based upon that size room. Because the (inaudible) no more than 70 people, no more than 100 people. They put that up. And so therefore, it's -- it's -- you know, they wouldn't have to choose -- because they're going to choose with what room they're interested in putting it in, not -- not -- you know, not me, not you. But the village, the township, they're going to decide which room they're going to put it in.

MS. WALSH: Yes. So -- so are you saying -- I just want to understand what you're saying. Are you saying that -- say you're a town and you have a room that could hold more than 100 people, but if you designate a room in your building that holds 60 people or 70 people, you might choose that room to do your public hearings in because then you would not have to outfit it with the equipment?

MS. DICKENS: Yes, because it really -- in actuality, under 100 you don't have to outfit it anyway. You don't have to.

MS. WALSH: Right.

MS. DICKENS: But it doesn't mean that you can't if you choose to.

MS. WALSH: Okay.

MS. DICKENS: So if they choose that room and decide they want to -- want to encourage everyone to attend their meetings and to be able to hear what's going on, they may decide to -- to outfit that room. Although it's not required by this legislation.

MS. WALSH: Yes. Yes. Okay. That's -- that's interesting. That's a good point. As far as the -- the cost, a lot of focus has been placed on the cost in the past. This -- this would be thought of as maybe an unfunded mandate because we didn't address this when we were doing the budget or anything like that. So this -- this is a requirement that this bill is putting on local governments, local schools, local school boards to make these modifications and there's no funding that's being provided by the State, correct?

MS. DICKENS: Correct.

MS. WALSH: All right. Very good. Thank you so much, Ms. Dickens.

Mr. Speaker, on the bill.

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

MS. WALSH: So, I think that that's -- that's an important point that the sponsor has raised. I think we all have an interest in making sure -- we all talk about transparency and we all talk about inclusivity, and I think that, you know, when push comes to shove, really, sometimes it just comes down to issues in this bill like the affordability. I mean, if you've got a small village, maybe this -- this is going to be cost prohibitive for you to be able to do it. Maybe not. I don't know. I'm actually feeling a little bit differently about the bill than I had in the past, because I think that another point that the sponsor has just raised is that let's say you've got a village, a town and a school. If they could work together in a certain area and designate

one area and maybe even engage in some cost sharing so that they could say, *Okay, if we're going to have a big public hearing of 100 or more people, we're -- we'll hold it in the school auditorium and we'll just make sure that that is outfitted and made available for individuals with this -- this particular kind of disability.*

So I do think that -- you know, I would point out for my colleagues that in years past there's been opposition to this bill because it is an unfunded mandate and it's not been addressed in the budget. And I'd also note that the New York Conference of Mayors has been opposed and is opposed to the bill again this year. So thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Walsh.

Mr. Goodell.

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

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

MS. DICKENS: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. DICKENS: Of course I'll yield for him.

MR. GOODELL: Thank you very much. I -- I note that the language of this bill applies specifically to public hearings. Would that include legislative Sessions?

MS. DICKENS: Would that include what? I'm

sorry, I couldn't hear you. Say that again, please.

MR. GOODELL: Would that also apply to legislative Sessions?

MS. DICKENS: Legislative Sessions, yes. We have one here -- we -- well, not here but we have one in -- in Albany, in the room that you're in right now.

MR. GOODELL: And so if this bill passes, then can anybody request sign language interpretation at each of our meetings?

MS. DICKENS: Yes.

MR. GOODELL: Is there any reason why we don't already do that? Is it just because --

MS. DICKENS: We do. We have it. We have it. We -- we already have it. We have a sign -- an interpreter that's -- that's there for -- for every Session. And -- and if you look to your rear -- I don't know about now because of COVID, but it used to be -- pre-COVID there's a section where a lot of those that are challenged hearing-wise but sit together and then the interpreter interprets everything that goes on.

MR. GOODELL: I see. You're referring to the closed caption?

MS. DICKENS: I'm referring to -- we have someone who stands back there in the room. It may not be now because of COVID, but pre-COVID we had someone who stood back there and there was a section where those that are challenged with hearing sat together and someone would use sign language to tell what was going

on during the hearings.

MR. GOODELL: Thank you. I note that this refers to any rooms used for public hearings. And in a lot of our rural communities about the only time they need a room for more than 100 people is if it's something very controversial, and often they will actually move the meeting to a larger meeting room to accommodate a larger crowd. Is there any exception for rooms that are used on a sporadic or a temporary basis for that type of situation?

MS. DICKENS: If the rooms -- if the rooms are used for 100 or more, that's the recommendation. Under, it's not required at all. But, you know, also, like I -- like I think I mentioned during my presentation that an interpreter can also be gotten in that case. They could use an interpreter rather than the equipment. An interpreter could be used and it might be more economical.

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

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: I think we need to be sensitive when we start imposing a mandated cost on local governments. Each of our local governments have a board that's elected. They have the authority already to equip rooms in any way they want. I don't think it's appropriate for State legislators to tell all the local elected officials how to run their own meetings. That is the responsibility of elected officials. And I know, as many of you know, how our local

governments chafe at the amount of mandates that are unfunded that come from the State government. And as I -- I noted and as my colleague noted, this may force some municipalities to use rooms that are too small to stay below the 100-person threshold. And it may catch other municipalities who go over that 100-person threshold because they have a special meeting. I think the best approach is to allow our local governments, who are independently elected, to represent their constituency, to make their own decisions without another unfunded State mandate, although I certainly appreciate the desire of my colleague and all of us to do what we can to help those who are hard of hearing. Thank you, sir.

ACTING SPEAKER AUBRY: Ms. Dickens.

MS. DICKENS: Thank you, Mr. Speaker. At some point we have to decide as a legislative Body that's responsible for the entire State that we want to include everyone. And not just those that have sight and those that have perfect hearing, but that we're going to be protective and inclusive. Everyone, you know, throws around the -- the term "inclusive," but what does it really mean to throw that around? And I think it's very important. This is a segment of the population that has been disenfranchised because they weren't aware of what went on. And -- and legislation affects them just as much as it affects everyone else. I think it's very important that we address this issue. ADA is, you know, was passed some years ago in order to try to address issues for -- for various challenges, and -- and this is something that -- that I think is necessary. In addition -- and -- and it

was mentioned by my colleague across the aisle about the room. But if the room, you know, is -- doesn't -- if the room -- if they could use a different room they could also transfer the -- if they find they don't have that, you know, under 100 they can transfer to another room and they're not required to have anything. Or they can have an interpreter, and interpreters are not that costly to anyone. Most people now -- a lot of organizations are hiring just for their board meetings. So I disagree with my colleagues when they say -- because this is not about politics, this is about human concern. Thank you.

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 3934. This is a Party vote. Any member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader in the numbers -- at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. While the Republican Conference certainly appreciates the desire of the sponsor, the Conference is generally opposed to additional unfunded mandates and, therefore, will be voting in the negative. But those who want to support this are certainly encouraged to contact the Minority Leader's Office so that we can record their vote. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Hyndman.

MS. HYNDMAN: This is a -- this is a Majority vote in the affirmative. Assemblymembers in the Majority who wish to be in the negative should please contact the Majority Leader's Office at the aforementioned number provided. Thank you.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Thank you.

Mr. Gallahan.

MR. GALLAHAN: Thank you, Mr. Speaker. I wish to explain my vote.

ACTING SPEAKER AUBRY: Proceed, sir.

MR. GALLAHAN: I just spent 11 years as the Supervisor of the Town of Manchester, and constructing that budget and the budget for the County -- our County budget in Ontario County, as I sat on that board -- is \$260 million, of which we had control of about 90 -- or we had control of about 9 percent of. The other 91 percent of that budget is unfunded mandates, which is very discouraging. I have never been a fan of unfunded mandates and I never will be a fan of unfunded mandates. I do see this bill benefitting many, myself included. I have hearing aids and I have hearing assistance here in this room. This is an unfunded mandate that is not going to have the sting that most do because you're going to have the -- I'm thinking about this -- and you're going to have the opportunity for the school and the towns and the villages to do a shared services and designate, I believe, a room in the county or the town or the village that will -- that will accommodate this bill.

And with that being said, I will be voting in the affirmative for this bill. Thank you, Mr. Speaker.

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

Ms. Dickens to explain her vote.

MS. DICKENS: Thank you. Thank you, Mr. Speaker. This -- this bill requires public bodies and public officers responsible for the scheduling of public hearings to provide the services of a qualified interpreter, if available, at no charge to the persons who are hearing impaired and who make a written request for those services within a reasonable time prior to the hearing, provided that such request does not impose an undue hardship on the public Body. Assistive listening systems would be defined as a situational personal acoustic communication equipment designed to improve the transmission and auditory reception of sound. The system required will include, but not be limited to, the use of standard amplitude modulation, frequency modulation, auto induction loop, infrared light, sound or hardwired. This is for -- for all of us in this country. And I want to thank those who understand, even if they're not challenged themselves physically or with -- with a hearing impairment, but who understand the need to address all of -- of New Yorkers so that all New Yorkers can participate, all New Yorkers will understand what's happening and -- and all New Yorkers, giving them the right to know what's happening and have a say.

So thank you, Mr. Speaker. I encourage my

colleagues to vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Dickens in the affirmative.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker. Just to explain my vote. As also being a town supervisor for many years and a county legislator, I've looked at unfunded mandates over all those years, sir, and this year we passed a \$212 billion budget in the State Assembly -- in -- in New York State, the Senate and Assembly. I cannot believe that we cannot help our local municipalities. If we, as legislators, here at the State level are going to put another mandate on our local -- our local towns, villages and counties back home, we should be funding them or at least helping them to fund this. So as much as I agree with this bill and I totally want to support it, I can't agree with it because of the unfunded mandate. I really feel bad that I can't do that, but I think that in the future we need to make sure we offer something to our -- our local municipalities back home.

So I will be voting in the negative. But I -- I do want to say thank you to the sponsor for bringing this forward. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Manktelow in the negative.

Mr. Byrne to explain his vote.

MR. BYRNE: Thank you, Mr. Speaker. I want to thank the sponsor for introducing this bill. In the past I've opposed it

on the floor. We had some discussion in the Governmental Operations Committee. I voted yes, then I wanted to listen to the discussion. I think there is some flexibility for local municipalities to make sure that all people have access to their local leaders in government, which is extremely important, and I am going to vote in favor of this bill. I don't like unfunded mandates. We should have funding behind this, but I think this is definitely a manageable proposal, I think, that is in the best interest of all New Yorkers. What I want to highlight is, we're still having committee meetings in the world of COVID, and we have people following our own committee meetings and are listening audio only. So I think while this bill is good and it will probably pass the Senate and we'll have to wait for the Governor to sign it, I think the Legislature should act and make sure that we're as transparent and as accessible in our committee meetings as well.

But with that, Mr. Speaker, I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Byrne in the affirmative.

Mr. McDonough to explain his vote.

MR. MCDONOUGH: Thank you, Mr. Speaker. Can you hear me all right?

ACTING SPEAKER AUBRY: Please proceed.

MR. MCDONOUGH: Yes. For the reasons just previously cited by my colleague, please put me down voting in the affirmative on this bill.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

MR. GOODELL: Thank you, sir. In addition to those who are voting in the affirmative on the floor, please record the following members voting in the affirmative: Mr. Ashby, Mr. Brown, Mr. Fitzpatrick, Mr. Gandolfo, Mr. McDonough, Ms. Miller and Mr. Smullen.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Ms. Hyndman.

MS. HYNDMAN: Mr. Speaker, please record the following Majority colleague in the negative: Assemblymember Galef.

Thank you.

ACTING SPEAKER AUBRY: So noted.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please also record Mr. Schmitt in the affirmative.

ACTING SPEAKER AUBRY: Thank you, sir.

Are there any other votes?

MR. GOODELL: Perhaps Mr. Tague.

(Pause)

ACTING SPEAKER AUBRY: You have another exception, sir, before we call the vote?

MR. GOODELL: Well, I believe Mr. Tague has his hand up on Zoom, so he may want to explain his vote.

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

MR. TAGUE: Thank you, Mr. Speaker, and thank you, Mr. Goodell. For the same reasons that my other colleagues addressed, I will be voting in the affirmative on this bill as well. And thank you very much.

ACTING SPEAKER AUBRY: Mr. Tague in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Rules Report No. 8 -- page 8, Rules Report No. 94.

I'm sorry.

THE CLERK: Assembly No. A05364, Rules Report No. 94, Gunther, Lupardo, Burdick, Zinerman. An act to require the Office for People with Developmental Disabilities to establish the Care Demonstration Program; and providing for the repeal of such provisions upon the expiration thereof.

(Pause)

ACTING SPEAKER AUBRY: Rules Report No. 94 will be laid aside as we are waiting for some communication from the Senate. We will take up on page 8, Rules Report No. 96.

THE CLERK: Assembly No. A07121, Rules Report

No. 96, Kelles. An act to amend the Civil Rights Law, in relation to waiving the State's sovereign immunity to claims under the Americans with Disabilities Act of 1990, the Fair Labor Standards Act of 1938, the Age Discrimination in Employment Act of 1967, and the Family and Medical Leave Act.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. KELLES: Yes, I will.

ACTING SPEAKER AUBRY: Ms. Kelles yields.

MR. GOODELL: Thank you, Ms. Kelles. I see that this bill would waive sovereign immunity for all municipalities including State and local municipalities, retroactive 20 years to 2001. Is there a reason why we are waiving immunity retroactively for 20 years?

MS. KELLES: I would note that this is a statement that this is when the first attempt was made to pass this in recognition of Federal law and there are cases that go back until that date. But I would note that despite that, this -- this bill does not change the Civil Practice Laws and Rules which designates the statute of limitations, so it doesn't change that component of law. That's important to know.

MR. GOODELL: So what is the statute of limitations on this?

MS. KELLES: That would depend on the case.

MR. GOODELL: In particular, what's the statute of limitations for an action trying to enforce the Federal Americans with Disabilities Act as it applies against a local government?

MS. KELLES: My understanding is it is several years. It is not 20 years, but I do not know the exact number of years but you may.

MR. GOODELL: If a lawsuit were brought against a municipality, say, 20 years ago and was dismissed, would this reinstate that lawsuit? After all, they brought the lawsuit within an applicable statute of limitations.

MS. KELLES: My understanding -- and that's a great question, I asked the same question -- my understanding is that it depends on the judge in that case. But my understanding is that it is dependent.

MR. GOODELL: Now, I'm -- if I'm correct, this applies to four Federal statutes in particular, right? The Federal Americans with Disabilities Act, the Federal Fair Labor Standards Act, the Employment Act -- Age Discrimination Act and the Family and Medical Leave, right?

MS. KELLES: Correct.

MR. GOODELL: And am I correct that the Federal Fair Labor Standards Act wouldn't apply anyway because that only applies to employees that are manufacturing products used in interstate commerce?

MS. KELLES: Are you asking whether this relates to private sector employees that relate to interstate commerce or are you asking specifically about State employees? Because this law only pertains to State employees.

MR. GOODELL: No, my question is are there any State employees that are engaged in manufacturing products that are used in interstate commerce?

MS. KELLES: It could possibly be, but not to my knowledge.

MR. GOODELL: And I see it also applies to age discrimination, the Federal Age Discrimination. But New York State already has its own age discrimination provisions in the Human Rights Law, doesn't it?

MS. KELLES: It does, but this pertains specifically, again, to State employees.

MR. GOODELL: And the State age discrimination provisions currently apply to State employees as well, don't they?

MS. KELLES: My understanding is that this would add this to State employees where the rest includes specifically non-State employees.

MR. GOODELL: Okay. And then, of course, this also applies to the Federal Family and Medical Leave Act, but New York State has its own -- its own Family and Medical Leave Act. It's actually much more generous than the Federal one, correct?

MS. KELLES: We do. If someone brought

something, though, under this Federal act and referred to the Federal act, we would now be covered in both contexts. If there is any component that is not identical they would be covered under both.

MR. GOODELL: Well, I know that the State Family Leave Act is much more generous.

MS. KELLES: It's much more generous, but it is not identical.

MR. GOODELL: Is there any provision in the Federal provisions that don't already apply in New York State?

MS. KELLES: I am not sure. Have you researched that? That might be something that you would have the answer to over -- over myself. But my understanding is that this would, in fact, cover all of our grounds. Also, to answer a previous question, for the ADA the statute of limitations would be 180 days.

MR. GOODELL: I'm sorry, what is the ADA statute of limitations?

MS. KELLES: One hundred and eighty days.

MR. GOODELL: Okay. Thank you for your comments.

On the bill, sir.

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

MR. GOODELL: Thank you. I would support this bill if it were prospective. If it said that moving forward we're going to require all of our State and local governments to comply with these

Federal standards. And I would support it if it was prospective in part because three of the four bills are already in State law. We already have our own age discrimination, we already have our own family leave, and our provisions are more generous or broader, if you will, than the Federal standards. I have a real concern when we pass legislation that suggests that civil liability could occur retroactively to 20 -- or 2010, 20 years earlier. And while I appreciate my colleague's perspective that this doesn't change the statute of limitations, we, as a Legislature, can change the statute of limitations by adopting legislation that purports to apply to activities 20 years ago. And so rather than have a debate on whether this applies retroactively to every one of our schools and fire departments and local governments and the State itself, we should just simply make the bill apply prospectively rather than retroactively. And for that reason, and really that reason alone, I will be voting against this and would recommend that my colleagues also vote against it with the hope that this bill can be amended with a very simple amendment saying this law takes effect immediately or -- or at some point in the future. Thank you, sir.

ACTING SPEAKER AUBRY: Ms. Kelles.

MS. KELLES: Yes, thank you, Speaker. I just wanted to add to this why I feel this is so important. This is both a statement and a change of the law, and I think both of those are very important. I think the fact that we have been trying to pass this law for 20 years, it has passed for 20 years in the Assembly. It has not even been debated in the last five years. But it has not gone through in both

Houses and been signed into law. So this is a statement acknowledging our intention. I would also note that I think that the fact that it is retrospective not only honors that, but to say that the cases a year from now are any different than the cases a year in the past in any way except that they happened to happen a year in the past is disingenuous.

So I -- I support -- I -- I feel very strongly about the retrospective aspect of this and I hope that all of my colleagues on both sides of the aisle will support it. Thank you.

ACTING SPEAKER J.D. RIVERA: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER J.D. RIVERA: The Clerk will record the vote on Assembly 7121. This is a Party vote. Any member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Party -- or Conference will be generally opposed. Those who support this bill are encouraged to call the Minority Leader's Office so we can properly record your vote.

Thank you, sir.

ACTING SPEAKER J.D. RIVERA: Ms. Hyndman.

MS. HYNDMAN: I'd like to remind my colleagues

that this is a Party vote. Majority members will be recorded in the affirmative. If there are any exceptions I ask them to call the Majority Leader's Office at the number -- number previously provided and then your name will be announced accordingly.

(The Clerk recorded the vote.)

ACTING SPEAKER J.D. RIVERA: Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. So, I cannot vote for this bill. I agree with my colleague that if were prospective only, I would be able to support it. It is not disingenuous to point out infirmities with bill language. And when the bill states that it shall be deemed to be in full force and effect as of February 21, 2001 - and that's not a drafting error, but that's been discussed as being a statement - that -- that, to me, is a problem with the bill. And it doesn't reflect any -- anything other than that.

So I -- I can't support this bill at all and I will be voting in the negative. Thank you.

ACTING SPEAKER J.D. RIVERA: Ms. Walsh in the negative.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER J.D. RIVERA: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill passed.

Page 8, Rules Report No. 94, the Clerk will read.

THE CLERK: Assembly No. A05364, Rules Report No. 94, Gunther, Lupardo, Burdick, Zinerman. An act to require the Office for People with Developmental Disabilities to establish the Care Demonstration Program; and providing for the repeal of such provisions upon the expiration thereof.

ACTING SPEAKER J.D. RIVERA: On a motion by Mrs. Gunther, the Senate resolution [sic] is before the House. The Senate resolution [sic] is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER J.D. RIVERA: The Clerk will record the vote on Assembly 5364. 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.

On the main Calendar, page 27, Calendar No. 353, the Clerk will read.

THE CLERK: Assembly No. A03149, Calendar No. 353, Hevesi, Glick, Barron, Colton, Epstein, Buttenschon, Otis, Santabarbara, Seawright, Reyes, Gottfried. An act to amend the Social Services Law, in relation to establishing factors to be considered when a healthcare practitioner upon examination has a different opinion from an applicant's treating healthcare practitioner's opinion as to an applicant's disability.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: What this bill says is that an applicant for disability benefits, State-funded disability benefits, when they apply, their treating physician, their opinion would be generally controlling over an Independent Medical Examination that was conducted by the Department of Social Services using improved-upon practitioners list approved by the State Office of Temporary and Disability Assistance. This is, as we would say in the country, it's putting the fox in charge of the hen house. For those who aren't in the country what it means is creating a (inaudible) conflict of interest. Under the current law, someone applying for disability submits their information to the local Department of Social Services. If they agree that the person is disabled and should go on disability assistance, the application is granted. If they disagree, it goes to the second step. And in the second step our local departments of social services bring

in an independent physician that's been preapproved by the Department of -- of the State welfare department, OTDA, and that independent physician evaluates all the medical information from the applicant. And if they agree, it's approved, and if they don't agree it goes to a third step. And then the third step, the applicant can request a fair hearing. And if they reach agreement, great. If they don't, the applicant has a fourth step where they can bring an action in court to challenge the disability determination. So under our current system we have four opportunities for an applicant to verify that they are disabled for the purposes of Social -- of Social Services disability. And this would short-circuit that process by saying that the applicant's own hired physician, their determination is generally controlling. I would point out that if you look at the Federal scheme, the Federal scheme has similar language with one huge difference. The Federal Social Security Disability provisions provide that the applicant's physician is generally controlling, but only as it relates to medical determinations. And the regulations on the Federal level go on to say explicitly that the Social Services Administration is solely responsible for the disability determination. And that is because a medical condition has to be evaluated against vocational needs to determine whether there's a disability. And you can have the world's foremost physician who knows nothing about vocations. And you can have a vocational expert, of course, that is not a physician. And so the Federal standards recognize that differences. The New York State standards currently and correctly leave the disability determination to

our local Social Services Department with multiple checks and balances to ensure the system works. And it would be a mistake, in my opinion, to eliminate those checks and balances and put the applicant's physician in charge of determining whether the applicant gets taxpayer-funded welfare benefits.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Hevesi.

MR. HEVESI: On the bill.

ACTING SPEAKER AUBRY: On the bill.

MR. HEVESI: On the bill. Thank you, Mr. Speaker, very briefly. And I'd like to thank my colleague Mr. Goodell. I think this is the third or fourth year we have debated this particular bill and we have just some basic disagreements about what the goal of the legislation is. First, the purpose of this is to rectify a problem when people with disabilities, individuals with disabilities, go to apply for public assistance we have to make a determination about what jobs they can work. To do that, you need to get a doctor's assessment of their disability. What the current procedure in New York State is is that a doctor that is paid for by the local DSS sees this person with a disability one time for a short period and makes a determination. What we are proposing in this bill is that the person's treating physician - who certainly is not the fox in charge of the hen house - I would actually refer to the doctor as somebody who actually knows what the medical conditions of the person with disabilities are -- we're

going to give them controlling weight based off of the same factors that the Federal government does with their SSI determinations. And we're trying to make sure that people with disabilities are not put into jobs that they cannot handle. And I have a disagreement with my friend Mr. Goodell about not only what the purpose of this legislation is, but also the fact that the doctors controlled by the local Social Services districts can be trusted. We have case law that shows that the doctors felt pressure.

I don't want to belabor this. I disagree with my colleague and I vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Thank you, Mr. Hevesi. You will refrain from using other members' names. He is always your colleague.

Mr. Montesano.

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

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

MR. HEVESI: It is my pleasure. Does that mean I can't use his name either?

(Laughter)

MR. MONTESANO: Thanks, Mr. Hevesi. Just a question or two. When the examining doctor working for the agency reviews the patient before him and, you know, does whatever examination he may or may not do, does he have the patient's medical

file from the treating -- you know, the prior treating physician and any tests results that they may have?

MR. HEVESI: That's a great question which I've never been asked before. I'm going to have to get back to you. I would hope that he does, the doctor. I hope that he or she, that the doctor does.

MR. MONTESANO: Whatever the --

MR. HEVESI: The answer is yes, sir.

MR. MONTESANO: The answer is yes?

MR. HEVESI: Yes.

MR. MONTESANO: Okay, thank you.

MR. HEVESI: They're specifically required to give records.

MR. MONTESANO: Thank you. And the agency's doctor, if he makes a determination that denies the patient the benefits, can that patient take an appeal within the agency to the administrative law judge?

MR. HEVESI: I believe the answer is yes. They can go to a -- a fair hearing, which takes quite a long time.

MR. MONTESANO: And the one final step after that, the individual could also take an Article 78 to the Supreme Court on that decision if it's not favorable?

MR. HEVESI: Yes, that's correct, too. But I would try not to impose that on a person with disabilities seeking public assistance.

MR. MONTESANO: Thank you very much.

On the bill, Mr. Speaker. Thank you.

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

MR. MONTESANO: Yes, I understand the, you know, the sponsor's concern and trying to address it in this bill because many times the agency decisions could be a little harsh or short-handed and the applicant has to jump through his hoops. We see this a lot in Social Security Disability benefits in which I have been involved with, you know, representing people in the past and taking appeals and things of that nature. But we also have to look on the other side of the fence also to (inaudible) -- and I hate to say this in this context, but we do have people in the medical profession that will put things on paper that are sometimes not accurate or truthful or exaggerated as to the scope of a person's disability. We don't have to look far with the recent reporting in the papers the last couple of months that people working on the railroad all had disability claims filed and doctors attesting to their disability, and they were collecting hundreds of thousands of dollars a year in benefits and they were in better shape than most of us here in this Chamber and were able to engage in all kinds of activities, whether sports or work-related. So I think we have to have something in place. I believe there's a mechanism in place where an aggrieved applicant to go. They can take an appeal of the agency's decision to an administrative law judge and from there they can take an Article 78 proceeding to the State

Supreme Court. And if my recollection is correct, if they win in those arenas, their disability payments and benefits go retroactive to the date they made the initial applications. And I also understand that there's some compensation for whatever counsel that they may hire, usually working along the lines of Workers' Comp type of fee schedule.

So for those reasons I will not be able to support this piece of legislation and I will be voting in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 3149. This is a Party vote. Any member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Hevesi to explain his vote -- Mr. Goodell.

MR. GOODELL: Thank you, sir. Before Mr. Hevesi explains his vote, the Republican Conference is generally opposed to this legislation. But those who are waiting for Mr. Hevesi to change their mind are encouraged to call the Minority Leader's Office.

Thank you, sir.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. Majority colleagues are generally going to be in favor on this piece of legislation. However, there may be some that want to be an exception. They should feel free to contact the Majority Leader's Office and their vote will be properly recorded.

ACTING SPEAKER AUBRY: And I'm again reminding colleagues not to use a colleague's name, no matter how it's being used. I'm the one that can do that and you guys are asked not to.

Mr. Hevesi to explain his vote.

MR. HEVESI: You know, Mr. Speaker, I don't think you really needed to rub that in. But for my prior colleague just let me mention one last point that I agree that medical professionals do sometimes exaggerate. And the current law and also what we're proposing has a mechanism to prevent that. What we don't have prevented in the current law is when a doctor that is leaned upon by the local Department of Social Services to save money denies benefits or over- or under-diagnoses a person with disabilities so they can't fulfill their work requirements and get their benefits. If we vote for this bill, you will be able to do both.

Thank you both to my colleagues and the Speaker.

ACTING SPEAKER AUBRY: Certainly. And you will be reminded, Mr. Hevesi, that I was reminding a former speaker that he shouldn't use your name in explaining his vote. Thank you very much.

Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker. To

explain my vote.

ACTING SPEAKER AUBRY: Proceed, sir.

MR. WALCZYK: On December 6, 2019 the Governor wrote veto memo 179 and said this piece of legislation that we're bringing back up today would inevitably encourage fraud. Individual practitioners already have the opportunity within the current process to provide the input, that this bill was unnecessary and that I will conclude that it would also divert funds from differently-abled people that need the assistance from those who would perpetuate fraud.

So with that, Mr. Speaker, I vote no and encourage my colleagues to do the same.

ACTING SPEAKER AUBRY: Mr. Walczyk in the negative.

Mr. Abinanti to explain his vote.

MR. ABINANTI: Thank you, Mr. Speaker. I want to support the -- the legislation presently pending before -- before us and thank the sponsor for bringing this legislation forward. This is akin to prescriber prevails, which is something that I believe all of us support. The reason we have doctors treating patients over a period of time is to get them to do better, to heal them. And if a doctor is of the opinion that the person is not yet healed or has a condition that cannot be healed, I think we should give weight to that opinion. The Governor's veto, to me, is insignificant in this discussion. The Governor represents the system that is not now working for people

with disabilities. And we need to bring in outside experts, doctors who know the people with disabilities and what their abilities and disabilities are. This is especially true in this environment where there's very little work for people with disabilities, where people with disabilities have great difficulty finding employment. And for -- for a doctor who sees a person with a disability once to say that they could go out and work in an environment where they can't work because there are no jobs or in an environment where people are unwilling to make the accommodations necessary I think is -- is unfortunate.

So I support this legislation and urge my colleagues to put some faith in the prescribers, the doctors who are treating people with disabilities and I'm voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Abinanti in the affirmative.

Mr. Goodell.

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

Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: So noted. Thank you both.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 27, Calendar No. 354, the Clerk will read.

THE CLERK: Assembly No. A03409, Calendar No. 354, Lavine, Seawright, Santabarbara, Buttenschon, Otis, Weprin. An act to amend the Tax Law, in relation to providing a tax credit for universal visitability; and providing for the repeal of such provisions upon expiration 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 3409. 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 8 -- page 27, Calendar No. 357.

THE CLERK: Assembly No. A03960, Calendar No. 357, Cusick, Lupardo, Blankenbush, Colton, Weprin, Stern, Walsh, Hunter, Buttenschon, Otis, Santabarbara, Reilly, Seawright, Fall, Palmesano, Stirpe, Manktelow. An act to amend the Tax Law and the

Labor Law, in relation to establishing a small business tax credit for the employment of disabled persons; and providing for the repeal of such provisions upon expiration 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 3960. 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. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Just to explain my vote. I think this is a great bill. I'm very happy to be a cosponsor of it. I think it's just so important that we give a break to businesses who will open their doors and I think, then, their hearts to the employment of individuals with intellectual or developmental disabilities. What I've heard so many times from businesses in my district that have done that by -- even without getting any kind of a tax break or a credit -- have opened their doors and given the chance to an individual to come in and show what they've got. They almost -- just almost -- I can't think of an -- of an instance where they regretted it afterwards. They -- they find that the individual with disability comes in and they love their job. They don't want to miss work. They work hard. They really appreciate the opportunity and it gives them a sense

of value, and in turn, that teaches the people that are in business -- in that business who maybe don't have a disability, more about themselves, about their workplace culture. It's just so important.

I commend the sponsor. I'm so happy to support this bill. I'd love to see others like it. Thank you.

ACTING SPEAKER AUBRY: Ms. Walsh in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 29, Calendar No. 384, the Clerk will read.

THE CLERK: Assembly No. A07358-A, Calendar No. 384, Abinanti, Burdick, Zinerman. An act to amend the Mental Hygiene Law, in relation to the appointment of members to the Developmental Disabilities Advisory Council.

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 7358-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 week I had

marked this bill to be laid aside. And while I appreciated that the appointment of members to the Developmental Disabilities Advisory Committee [sic] was being addressed, it did not include a single Minority representative. And of course as you can appreciate, the developmental disabilities is an issue that affects all the State, including the 30 percent that's represented by Republican legislators. I was very pleased to see that the sponsor took the opportunity over the last week to amend it to include a Minority representation or appointments on that commission and, therefore, I'm pleased to be supporting it today.

Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the affirmative.

Mr. Abinanti to explain his vote.

MR. ABINANTI: Thank you, Mr. Speaker. People with disabilities are Democrats, Republicans, Conservatives, Independents, Progressives. A disability affects a person regardless of their political affiliation, regardless of their race, color or creed. And I think what we've seen today are most of the bills, we've all gotten together to send a message that we care about people with disabilities in this House and we're going to do the best that we can to move things forward to improve the quality of life for people with disabilities. We -- we passed a series of bills, most of which makes some changes in the structure of the way we -- we deal with people with disabilities, and I look forward to working with this House to --

to next to try to improve some of the individual pieces and make sure our State government is -- is doing an even better job. There are some families out there and we really need to address those. And I want to thank the Speaker. I want to thank the staff, particularly Kim Hill, and I want to thank my colleagues for supporting the legislation that we supported today. And I will vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Abinanti in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, colleagues, if we can now go to the A-Calendar we're going to consent beginning on page 3. And there are several new bills on this Calendar and we're going to work right through them. And we're also going to go to the debate list immediately following that. So again, Mr. Speaker, page 3 of the A-Calendar.

ACTING SPEAKER AUBRY: Page 3 on the A-Calendar, the Clerk will read.

THE CLERK: Assembly No. A00096-A, Calendar No. 67, Gunther, Benedetto, Hyndman, Walker, Galef, Paulin, Steck, Stirpe, Woerner, O'Donnell, Fahy, Jean-Pierre, Solages, Colton, Hevesi, Gottfried, Simon, Carroll, Taylor, Santabarbara, Quart, DiPietro, McDonough, Palmesano, Ra, Lemondes, Lawler, Darling,

McMahon, Thiele, L. Rosenthal, B. Miller, Wallace, Frontus, Dinowitz. An act to amend the Vehicle and Traffic Law, in relation to designating human organ delivery vehicles as authorized emergency vehicles.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: This is -- the Clerk will record the vote on Assembly print 96-A. The Clerk will record -- 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. A00336-A, Rules Report No. 68, Braunstein, Dinowitz, Otis, Cymbrowitz, Aubry, L. Rosenthal, Fernandez, Stern, Hevesi, Hunter, Joyner, Perry, Ramos, Steck, Barron, McDonald, Rozic. An act to amend the Public Health Law, in relation to prescribing an opioid antagonist with a patient's first opioid prescription in a given year.

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 336-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. A00430, Rules Report No. 69, L. Rosenthal, Zebrowski, Gottfried, Cahill, Perry, Weprin, De La Rosa, Cruz, Abinanti, Colton, Simon, Otis. An act to amend the Civil Rights Law, in relation to electronic monitoring.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00783, Rules Report No. 70, Cahill, Barron, Forrest. An act to amend the Public Health Law, in relation to coverage of ostomy supplies in the Child Health Plus program.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 78 -- 783. 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. A00811-A, Rules Report No. 71, Wallace, Norris, McMahon, Lupardo, Tague. An act to amend the Vehicle and Traffic Law, in relation to the use of green lights on municipal hazard vehicles designed for ice and snow removal and in relation to the operation of vehicles when approaching such a parked, stopped or standing hazard vehicle.

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 811-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. Montesano to explain his vote.

MR. MONTESANO: Thank you, Mr. Speaker. To explain my vote. You know, throughout the ages the green light was preserved and designated to volunteer ambulance workers, emergency medical technicians, paramedics, that don't belong to a fire department but belong to emergency services, the ambulance services. So the green light is always theirs and representative of theirs. I don't

understand. If we're worried about providing additional protection to work vehicles that display the flashing amber lights, we could very simply add white strobe lights to that setup which would get people's attention even more on the road versus the green light.

So for those reasons I'll be voting in the negative.

Thank you.

ACTING SPEAKER AUBRY: Mr. Montesano in the negative.

Mr. Byrne to explain his vote.

MR. BYRNE: Yes, thank you, Mr. Speaker. I wanted to explain my vote for a -- for a couple of reasons: One, I'm switching my vote. I actually voted no in the Transportation Committee for some of the reasons that were just voiced by my friend and colleague who I have great respect for. Whenever we're talking about changing the blue light law or the green light law which are extremely important for our voluntary emergency services - blue light for the fire service, green light for volunteer emergency ambulance workers - we want to make sure we don't lessen the effectiveness of those courtesy lights when they're responding to an emergency. But I want to thank the sponsor because we actually were able to speak about the bill a little bit, and I -- I do believe that this bill is narrow enough where it's specific for those municipal plows and I do think it's going to help improve public safety. I reached out to some of the emergency service members in my community, in my area, and they didn't seem to object to it because it was narrow. I know some of our

highway superintendents have voiced support for this.

So, I'm going to be voting yes, and I just -- I do appreciate the sponsor being collaborative and patient and taking into consideration some of the concerns that people have -- like myself have voiced in the past. But I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Byrne in the affirmative.

Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker. To explain my vote.

ACTING SPEAKER AUBRY: Please, sir.

MR. TAGUE: First of all, I want to commend the sponsor. I'm happy to be a cosponsor of this bill. And my support for this bill was brought forward by the highway superintendents, town, village and county that -- that work in my Assembly District, so I am proud to be in the affirmative on this bill and encourage my colleagues to do the same.

Thank you.

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

Ms. Wallace to explain her vote.

MS. WALLACE: Thank you, Mr. Speaker, for giving me an opportunity to explain my vote. I want to thank my colleagues for supporting this legislation. This will make a big difference in our community in terms of keeping people safe. People

who have not been in a whiteout in the Western New York area might not appreciate how important this legislation is. Interestingly, science shows that green -- green hazard lights are more visible in those kinds of conditions. So this legislation for that reason was supported by the highway superintendents, and I know it will save lives and I want to thank all of my colleagues for supporting this legislation.

Thank you.

ACTING SPEAKER AUBRY: Ms. Wallace in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleagues Mr. DiPietro and Mr. Fitzpatrick in the negative along with those who are voting no on the floor.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00831-A, Rules Report No. 72, Paulin. An act to amend the Election Law, in relation to the accessibility of congressional, Senatorial, Assembly and election district maps.

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 831-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. A00848, Rules Report No. 73, Jean-Pierre, Hunter, Hyndman, Lavine, Dickens, Niou, Simon, Englebright, Smith, Mikulin, Williams, Taylor, Fernandez, Ramos, Richardson, Cook, Peoples-Stokes, Dilan. An act to amend the Tax Law, in relation to exempting certain distributions from eligible retirement plans for income tax purposes.

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 848. 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. Hurricane Sandy occurred nine years ago, nine years ago. So when this bill was first proposed nine years ago, I was an enthusiastic supporter because I understood the people may have needed to take money out of their IRA or other pension funds to address that emergency situation, and we didn't want to penalize them by forcing them to pay capital gains tax or whatever tax might be applicable. But that was nine years ago. And after nine years, people who are still taking money out and claiming it was for Hurricane Sandy, it becomes increasingly difficult to tell whether it's a routine home improvement project or it was related to a hurricane a decade ago. And so while I'm supporting it this year, I think we seriously need to say after a decade those repairs are home improvement projects, not a Hurricane Sandy response.

Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00993-A, Rules Report No. 74, Bronson, Clark, Meeks, Lunsford. An act to amend Chapter 416 of the Laws of 2007, establishing the City of Rochester and the Board of Education of the City School District of the City of Rochester School Facilities Modernization Program Act, in relation to granting further authority to the RJSCB to modernize educational

facilities in the City of Rochester; and to amend the Education Law, in relation to the computation of building aid.

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 993-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.

MR. GOODELL: Thank you, sir. This bill has had an interesting history. In 2014 there were 32 no votes. Primarily over really deep concerns over the bidding process and the construction process in the Rochester School District where there were a lot of allegations of -- of improprieties. By 2016, this Legislature felt a lot more comfortable and there were only eight no votes. I will be voting against this bill today, primarily because this bill requires that every contract related to the Rochester School project had a project labor agreement, which is fundamentally discriminatory against any construction companies that are non-union. And I have a concern when we say to a whole segment of our society, *It may be your tax dollars that are paying for this project, but you don't even need to apply. You don't even need to submit a bid. We don't care if you're the lowest contractor. We don't care if you pay prevailing wages,*

which most of us know and understand are union wages. *If you don't have a union, don't even bother seeking a contract with the government to do work on a project that you help fund with your own tax dollars.* And I just don't think a discriminatory statutory provision is an appropriate way to go.

So I will be voting against it this year and recommend the same to my colleagues. But it is limited to the Rochester School, and so that's a mitigating factor since most of my non-union contractors wouldn't be bidding up there. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker. To explain my vote.

ACTING SPEAKER AUBRY: Proceed.

MR. TAGUE: I reiterate what my colleague just said. Due to the mandatory PLAs on this contract, I will also be voting -- voting in the negative and I encourage each and every one of my colleagues to do the same. If you're about fairness, you will vote no on this bill.

ACTING SPEAKER AUBRY: Mr. Tague in the negative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. In addition to the negative votes on the floor, please record the following colleagues in

the negative: Ms. Byrnes, Mr. DiPietro, Mr. Fitzpatrick and Mr. Friend.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01140-A, Rules Report No. 75, Wallace, Burdick, Buttenschon. An act to amend the Executive Law, in relation to creating the Women Veterans Advisory Committee.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 120th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 1140-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. A01242, Rules Report

No. 77, Cahill, Griffin, Jacobson. An act to amend the Tax Law, in relation to including certain independent contractors in the State directory of new hires to aid in the administration of the Child Support Enforcement Program.

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

THE CLERK: Assembly No. A01450, Rules Report No. 78, Dinowitz, Galef, Williams, Colton, Dickens, Gottfried, Seawright, Zebrowski, Reyes. An act to amend the General Business Law, in relation to requiring notice of mandatory arbitration clauses in certain consumer contracts.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01893, Rules Report No. 79, Simon, Englebright, Steck, Richardson, Otis, Jacobson, Forrest. An act to amend the Labor Law, in relation to wage theft.

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

THE CLERK: Assembly No. A02140-B, Rules Report No. 80, Griffin, Solages, Williams, Ra, Braunstein, Aubry, O'Donnell, Hyndman, Montesano, Cook, Anderson, Burdick, Jackson, Sillitti. An act to direct the Department of Environmental Conservation and other State departments and agencies to conduct a study on the quality of life and human health impacts at John F.

Kennedy International Airport and LaGuardia Airport.

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 2140-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.)

Ms. Griffin to explain her vote.

MS. GRIFFIN: Okay. Thank you for allowing me to explain my vote, Mr. Speaker. For far too long, our mutual constituents from several Assembly and Senate districts, including mine, have continued to experience a detrimental health impact and a diminished quality of life from the excessive daily noise of air traffic control -- of air traffic above their homes. This excessive noise has continued unabated for decades and continues to worsen as a result of changing air traffic patterns, cargo planes and planes flying low when approaching the airports. Over the last year, the COVID-19 pandemic has heavily restricted travel, but as more people are beginning to travel again, Long Island and New York City communities will once again be dealing with harmful noise pollution and emissions. While air traffic is primarily a Federal jurisdiction, this -- this study will scientifically validate what residents already know. The noise is excessive, harmful to humans and needs to be better regulated and

mitigated. Although we will always endure a level of airplane noise, this study will illustrate that many residents are faced with excessive noise way above the acceptable level and this negatively impacts their health. Our -- our residents deserve the right to live in their home without having to face a constant erosion of their health and well-being due to flight patterns, and this legislation, coupled with the funding I help secure in the State budget, will help us better identify the issues they continue to face so the FAA can finally resolve these issues. Although this bill previously passed both Houses, it was vetoed by the Governor. The bill was amended, and now with the funding secured in the 2021 budget, I implore the Governor to sign it once it passes in the Senate. So I hope he can sign it into law this year.

Thank you again to the Speaker for bringing this legislation to the floor, and thank you to all my colleagues for voting to pass it and I vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Griffin in the affirmative.

Mr. Montesano.

MR. MONTESANO: Thank you, Mr. Speaker. To explain my vote. First I would thank the sponsor for this bill which I proudly cosponsor with her. This has been a daunting problem in my Assembly District and surrounding areas. We've had many, you know, complaints and meetings. And air traffic has increased exponentially over the years, and as pointed out, the sizes the -- the

sizes of the aircraft have increased tremendously, also. The -- the routes taken at our particular areas service three airports, so being Kennedy, LaGuardia and Newark Airport. We get thousands upon thousands of flights a day in and out from the early morning to late at night. And when the weather pattern changes they also reroute additional aircraft out over us from different parts of the State that continually, you know, with noise -- the noise pollution and environmental pollution. There has to be a better way to do this. Also, one of the issues are when the Port Authority decides arbitrarily on any given day to close a runway at Kennedy Airport or LaGuardia Airport, they reroute additional traffic back over us. So if I sit outside any time in the spring and summer, the planes are less than one minute apart coming over us at about approximately 1,500 feet because we're lined up with the final approach to Kennedy Airport. So on -- on any good day I could reach up and grab the tire because that's how low they come in sometimes. And if anybody's ever experienced that before, to watch a 747 -- or it could be a commercial cargo plane -- coming over you, it's -- it's not so pleasant.

So, thank you and I'll be voting in the affirmative and ask my colleagues to do the same. Thank you.

ACTING SPEAKER JONES: Mr. Montesano in the affirmative.

Mr. Aubry to explain his vote.

MR. AUBRY: Thank you, Mr. Speaker, for this opportunity to explain my vote. Let me give my thanks to the -- the

member who has sponsored this. I have lived next to this airport -- airport -- LaGuardia Airport for most of my life. I grew up with the airplanes flying directly over my house and directly over my grammar school. I learned to pause when I speak because the planes would fly over and we couldn't talk. And so the -- the measured ability to speak was learned early. But no doubt it has impacted my community over the years both in air quality and noise related to it. They've diverted those, but now a portion of my district that is to my -- my west now gets a direct flight over. The people in that community say they can wave at passengers as the planes come down. And so we joke about it, but we've lived with it for all these decades. And the level of asthma, the level of heart conditions in that community we believe are directly related to airport operations. We've never been able to get a full readout on how that impact has played in our neighborhood, and so it is a welcome sight to have this study begin so that future generations who live in my community will have an opportunity to understand what goes on, what dangers they are facing and what remedies may be possible.

So, I want to thank the sponsor of the bill and I remove my objection and vote in the affirmative.

ACTING SPEAKER JONES: Mr. Aubry in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following colleagues of ours in the negative: Mr. DiPietro, Mr.

Fitzpatrick and Mr. Tague.

Thank you, sir.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02239-A, Rules Report No. 81, Stern, Simpson, Sillitti. An act to amend the General Municipal Law, in relation to authorizing a municipality to increase the number of years of service that a participant in a defined contribution plan service award program or a defined benefit plan service award program may receive a contribution.

ACTING SPEAKER AUBRY: On a motion by Mr. Stern -- on a motion by Mr. Stern, 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 1091-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. A02502, Rules Report No. 82, Weinstein, Taylor. An act to amend the Real Property Actions and Proceedings Law, in relation to foreclosure of mortgages.

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

THE CLERK: Assembly A02561-B, Rules Report No. 83, Woerner, McDonald, Lupardo, Angelino, Dickens, Hunter, Walczyk, Galef, Gottfried, Barron, Byrne. An act to amend the pub -- the Public Health Law, in relation to availability of air transport ambulance service providers to store and distribute human blood and blood products and to initiate and administer transfusions of the same.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 4085-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Ms. Woerner to explain his vote -- her vote.

MS. WOERNER: Thank you, Mr. Speaker. I appreciate the opportunity to explain my vote. This particular bill is -- is one that for many of us in rural communities has some real significance because we have all seen what happens when people have traumatic injuries in a -- in a farm field or in a -- on a dark road in the middle of no -- nowhere, and how often we -- we rely on the services of air ambulances. We are the last state in the nation to allow our air ambulances to transport blood on an air ambulance and to initiate a transfusion. With this -- with this legislation our air ambulances will be able to provide the quality of care that they -- that -- that our residents and visitors from other parts of the country can get any -- any -- in any other state.

And so I appreciate the opportunity for us to bring this bill forward. I vote in the affirmative and I look forward to having everyone else in this Chamber do the same. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Woerner in the affirmative.

Mr. -- Ms. Lupardo, excuse me.

MS. LUPARDO: Thank you very much --

ACTING SPEAKER AUBRY: To explain her vote.

MS. LUPARDO: Thank you, Mr. Speaker. I'd like to thank the sponsor for bringing forward this extremely important bill. In my county on March 13th, Travis Flanagan was involved in a tragic farming accident where he -- his coveralls were caught in a corn

harvester. He lost both legs in the accident below the knee. This would have had a much more tragic outcome were it not for a -- an ambulance -- a medical chopper from Pennsylvania. If that helicopter had not responded with blood on board where he received two transfusions in the field, he would not have been alive today to enjoy his young family with a newborn on the way. As it turns out, there was a New York medical chopper available but they were -- I mean, we had one in -- in service but it was not available to respond to Mr. Flanagan. Fortunately, he's alive to thank all of you personally when he hears this news and I couldn't be happier. Thank you.

ACTING SPEAKER AUBRY: Ms. Lupardo in the affirmative.

Mr. Angelino to explain his vote.

MR. ANGELINO: Thank you, Mr. Speaker. On March 13th, a Saturday of this year, I -- I had the unfortunate task of being on call for my Fire Department and listened as the Smithville Fire Department and the Greene Emergency Squad were toned out for a farm accident. Travis Flanagan was working his fields when he was pulled into the gears and the teeth of his farm equipment, losing both legs. Travis Flanagan isn't the average person who works the fields, he's a nurse anesthetist and works in an operating room. Every fireman and every fire department in my county was listening on the radio and could hear each time the mics were keyed his screams of anguish, and also we could hear his directions and guidance to the -- to the rescue workers working on him. The 122nd District straddles a

long line of -- of the Pennsylvania border, and when they called for an air medivac, just by grace of God, a Pennsylvania helicopter was already in the air and rogered up and took the -- took the call. Had that been a New York State medical helicopter, things would have turned out differently. New York State, the last state in the country to allow helicopters to carry blood.

And in the humble strength of Travis Flanagan, there's no reason for anybody in this Chamber to vote no on this and I will be voting in the affirmative in his honor. Thank you.

ACTING SPEAKER AUBRY: Mr. Angelino in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02573-A, Rules Report No. 84, Fall, Dickens, Williams, Sayegh, Gottfried, O'Donnell, Epstein, Barron, Pichardo. An act to amend the Surrogate's Court Procedure Act, in relation to removing the prohibition on individuals convicted of a felony that prevents them from being appointed fiduciary of an estate.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02633, Rules Report No. 85, Thiele. An act to amend the Town Law and the Tax Law, in relation to authorizing towns in the Peconic Bay region to establish community housing funds to be funded by a supplemental real estate

transfer tax.

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 2633. 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 numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. This bill would allow certain municipalities to create a housing fund using taxpayer money, and then use that money to give grants or loans to those who are acquiring housing or building. And a lot of concern has been raised in the past on a couple of different grounds, including the fact that this legislation doesn't require any particular details and/or documentation or the normal things that we would look for to avoid conflicts of interest. It was also vetoed by the Governor, expressing concerns over constitutional infirmities because Article VIII, Section 1 of the New York State Constitution prohibits taxpayer money from being used as a gift or loan to private individuals with certain exceptions that would not normally apply to giving a grant to a person who wants to buy or build their own house that they would then own with no obligation to refund the money. Those were the concerns. Last time this bill came up there were 24 no votes. But I recognize as

well that this is a bill that's close to being a local bill because it applies only to certain municipalities. And that's why I suggested a fast roll recognizing the local impact. But I wanted to express concerns that many of my colleagues may have over those other issues. Thank you, sir.

I personally will be voting no, but I certainly understand the local nature of this and normally I would give a lot more flexibility to local issues. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Montesano to explain his vote.

MR. MONTESANO: Thank you, Mr. Speaker. To explain my vote. You know, while the -- the intent of the bill is laudable to provide, you know, affordable housing for people in this -- in this particular region, you know, once again we go to the taxpayers in the region that have been taxed already with additional transfer taxes to pay for land preservation and -- which is laudable also in that Peconic Bay region. So there's also an expensive tax when you sell a piece of property, buy a piece of property in that area to cover that expense, and now we're going to put this additional transfer tax on the people. And while that is a -- considered to be a local type of bill, I believe these types of bills set a precedent for other jurisdictions in the State to do the same thing. I don't think it's fair that we tax certain groups of people additionally when they sell their house for these types of projects. I think it's the obligation of local government in

their budgeting and our State government in its budgeting process to provide grants and assistance for people to acquire affordable housing in these regions and not go to the independent taxpayers. And the Governor in his veto message last time around in 2019 also alluded to the fact of a -- a violation of the State Constitution in that it provides that -- towns to provide direct benefits to individuals. And that -- that would be a violation of the State's Constitution.

So, for those reasons, I'll be voting in the negative.

Thank you.

ACTING SPEAKER AUBRY: Mr. Montesano in the negative.

Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker. To explain my vote.

ACTING SPEAKER AUBRY: Please, sir.

MR. TAGUE: For the same reasons that my two esteemed colleagues just brought up, I, too, will be voting in the negative on this bill. We need to stop taxing the residents of this State.

So I will be voting in the negative and encourage my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Mr. Tague in the negative.

Mr. McDonough.

MR. MCDONOUGH: Thank you, Mr. Speaker. For

the reasons just cited by my colleagues, I will also be voting in the negative.

ACTING SPEAKER AUBRY: Mr. McDonough in the negative.

Mr. Thiele to explain his vote.

MR. THIELE: Thank you, Mr. -- Mr. Speaker. And I just want to speak in favor of this bill. Obviously, I'm the sponsor. But to point out that the need for affordable housing is desperate in a lot of places, and even more so after the pandemic where the -- the need for affordable housing is greater than ever. And as there's been changes in demographics, particularly on the East End, prices have been driven up as -- as people have fled from other areas to -- to buy a house on the East End of Long Island. Yes, this bill does include an extra half-a-percent with regard to the real estate transfer tax. However, it can only be imposed subject to mandatory referendum. The residents of the communities that I represent have to vote to tax themselves to implement this program. So this is not a case of Albany imposing a tax, this is giving the authority to the public to decide whether or not, for the basis of providing affordable housing, they want to impose this additional tax.

And just one last point with regard to the constitutionality. You know, we've certainly spoken with the Governor's office since the veto. There are a number of cases and opinions that recognize affordable housing as a legitimate public purpose. This is not a case of -- of -- by providing housing assistance

the -- and providing housing assistance that somehow this is an unconstitutional gift or payment to -- to the private sector. This is about providing a public need, and that's affordable housing. And my constituents want the opportunity to be able to vote yes or no on this and this bill will give them the opportunity to do that.

I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Thiele in the affirmative.

Mr. Fitzpatrick to explain his vote.

MR. FITZPATRICK: Thank you, Mr. Speaker.

What -- what we are passing here is enabling legislation. Anybody who knows me knows I am not in favor of increasing taxes, but the East End of Long Island is a very unique area. It's a very beautiful area. And it is an area where young people and people of moderate means are finding it almost impossible to find housing that is affordable. This is an opportunity for a referendum, a mandatory referendum for the voters of the East End to make that decision if they would like to offer assistance to younger buyers so that we can balance out the housing market out on the -- on the beautiful East End of Long Island.

So, I am happy to support this. This is not a tax which we would normally be opposed to, this is really enabling legislation allowing voters on the East End to tax themselves to come to a solution to a very, very serious problem. I applaud the sponsor and urge my colleagues to please consider supporting this. Thank you,

Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Fitzpatrick in the affirmative.

Ms. Giglio.

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

ACTING SPEAKER AUBRY: Please.

MS. GIGLIO: So, Mr. Thiele -- Assembly -- oh, I'm not supposed to say his name -- but the two sponsors in the Assembly and the Senate are both in my district, and affordable housing is a significant problem. As a matter of fact, the housing market has increased tremendously where people are now occupying full-time their summer homes and turning them into full-time residences where rental opportunities don't even exist. The rental prices for homes have gone up substantially where we're losing our younger generation. We're going to be losing our firefighters, our volunteers, our ambulance volunteers if we don't provide affordable housing.

So, I fully support this going for a referendum and letting the voters decide if this is a worthy cause. And I will be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Thank you. Ms. Giglio in the affirmative.

Are there any other votes?

Mr. Goodell.

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

following Assemblymembers in the negative: Mr. Brown, Mr. Byrne, Mr. DiPietro, Mr. Friend, Mr. Miller, and of course those who have voted on the floor.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted. So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you would please record our colleagues Ms. Lunsford, Mr. Santabarbara, Mr. Ramos, Ms. Barrett, Mr. Burke and Ms. Buttenschon in the negative on this one.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03466, Rules Report No. 87, McDonald, Galef, Dickens. An act to amend the Insurance Law, in relation to authorizing the Superintendent of Financial Services to authorize the return of subscribing member operating reserve balances to members of a municipal insurance reciprocal.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will

record the vote on Senate print 4112. 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. A03523-A, Rules Report No. 88, Peoples-Stokes, Solages, Gunther, M. Miller, Thiele, Byrne, Santabarbara, Abinanti, Walsh, Stirpe, Barclay, Zebrowski, Schmitt, Wallace, Gottfried, DiPietro, Jacobson, Pichardo, Dickens, Colton, Niou, McMahon, Paulin, Dinowitz, Clark, Eichenstein, Lunsford, Walczyk, Simon, Burdick, Rozic, Ra, Frontus. An act to amend the Education Law, in relation to applied behavior analysis.

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 3523-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. Just to -- to

explain my vote. I'm very happy to be a cosponsor of this bill. I really want to thank the sponsor for bringing it forward. This is something that's very important not just within the autism community, but I first learned about ABA or Applied Behavioral Analysis when my son Terry began receiving treatment when he was just a little guy, maybe three-and-a-half. We know that early intervention can really change and turn around the lives of the kids who were fortunate enough to get it. This bill basically says that ABA, this technique is something that can be used beyond autism to really assist others who may benefit, including one -- one group that I know has had ABA and has benefitted from it are those with -- with Down Syndrome. But I find that I use ABA with a lot of just people that I meet because it's a very directive way of trying to get -- to reach and connect with people. And I really commend the sponsor. I think that this is -- this makes a lot of sense and I know that it's something that the -- the people in my district that are providing it really want to be able to use it with other children and people who could -- who could, you know, use the therapy.

So, I'm happy to support this. Thank you.

ACTING SPEAKER AUBRY: Ms. Walsh in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03807, Rules Report

No. 89, Cymbrowitz, Otis, Rodriguez, Simon. An act to amend the Public Housing Law, in relation to an affordable housing five-year capital plan.

ACTING SPEAKER AUBRY: 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 Assembly print 3807. 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. A03994, Rules Report No. 91, Cusick, Thiele. An act to amend the Insurance Law, in relation to removing the bonding requirement for independent adjusters.

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 3994. 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. A04216, Rules Report No. 92, Thiele. An act in relation to the enforcement of the Village of Sagaponack of interests in real property acquired for the purposes of open space or open areas.

ACTING SPEAKER AUBRY: Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print A.4216. 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. A04408, Rules Report No. 93, Pretlow. An act to amend the Racing, Pari-Mutuel Wagering and Breeding Law, in relation to certain payments to the Horsemen's Organization.

ACTING SPEAKER AUBRY: On a motion by Mr. Pretlow, 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 5723. 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. A06258-A, Rules Report No. 95, Magnarelli, Hunter. An act to amend Part A-4 of Chapter 58 of the Laws of 2006, enacting the "City of Syracuse and the Board of Education of the City School District of the City of Syracuse Cooperative School Reconstruction Act", in relation to construction and design contracts entered into by the JSC Board; and to amend the Education Law, in relation to the computation of building aid for reconstruction or modernizing of no more than three projects for the third phase of the City of Syracuse Cooperative School Reconstruction Act.

ACTING SPEAKER AUBRY: On a -- read the last

section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 6258-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. Once again, today we're passing legislation that says that private contractors cannot even apply or submit a bid or do work on a school construction project unless they're union. And while I certainly appreciate all my brethren who are union members and the phenomenal work they do, I also believe that we should foster open competition whether you're union or nonunion as long as you are both paying prevailing wages. And for that reason I and several of my colleagues will be opposing this bill, even though it relates only to the Syracuse School Construction projects.

Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Tague to explain his vote.

MR. TAGUE: Thank you, Mr. Speaker. Again, echoing the words of my colleague because of the PLA mandate on

this project and allowing an unfair playing field for open shop competitors, I am a big negative on this and encourage all my colleagues to be the same out of fairness. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you. Mr. Tague in the negative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. In addition to the negative votes on the floor, please record the following in the negative: Ms. Byrnes, Mr. DiPietro, Mr. Fitzpatrick and Mr. Friend.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could now continue our work by going to our debate list, we're going to take up three bills from that. We're going to start with Calendar No. 342, Assembly Bill 711 by Ms. Wallace. And then go to Calendar No. 179, Assembly Bill 1423 by Mr. Dinowitz. And follow that by Calendar No. 292, Assembly Bill 1524 by Ms. Reyes.

ACTING SPEAKER AUBRY: The Clerk will read. Thank you.

THE CLERK: Assembly No. A00711, Calendar No. 342, Wallace. An act to amend the General Business Law, in relation to requiring that a homeowner be provided a cost estimate for

installation of a fire sprinkler system.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

On a motion by -- excuse me one minute. On a motion by Ms. Wallace, the Senate bill is before the House. The Senate bill is advanced.

Mr. Goodell on the bill.

MR. GOODELL: Thank you, sir. Under current law, when a contractor is building a new home the contractor is required to provide the homeowner with information about the availability and the wisdom of installing a sprinkler system as part of the new construction. And that's been a requirement since 2013. So it's been the last eight years. This bill would go one step further and require the contractor, even before the contractor has a contract to build the house, to obtain an estimate of the actual cost of installing a sprinkler system. And unfortunately, this creates a problem because we're asking contractors to go through the trouble and effort of developing a bid specification and an estimate for a sprinkler system when the owner has expressed no interest whatsoever in actually installing a sprinkler system. So under law current if the owner says, *Yeah, I'm interested*, they go ahead and prepare the bid. Under this law, even if the owner says, *I don't care. I don't want it*, this law requires the contractor to obtain a written estimate of the cost of the sprinkler

system. And the contractor has to obtain that estimate even before the contractor has a contract to build the house. So if you're a homeowner and you've asked for bids from two or three different contractors, each one of them has to get an estimate to install a sprinkler system even though they know that if you've got four contractors maybe only one of them will get the bid. I discussed this issue with our local sprinkler contractors, and they advised me that on average it takes them about four hours to prepare this type of bid. And if they know the owner is serious about moving forward, they simply take that cost of preparing the bid and roll it into the overall cost of the project. But they're pretty clear as well that if the owner is not interested, if it's an idle inquiry, they bill for that estimate. And the cost in my district - which is a fraction of the cost in many other districts - the cost in my district is running about \$500. So what we're saying to homeowners is, *We've given you all the information, now we're going to force someone to do \$500 worth of work without even asking you whether or not you want it*, and we're asking contractors to get the information that the homeowner isn't asking for, is not asking for, even before the contractor has a contract. So, it's a good idea gone too far. The current system is the right approach and it's one we should stay with.

For that reason, I'll be opposing it and recommending that my colleagues also oppose it. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 1383. This is a Party vote. Any member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this. However, those who want to support it should contact the Minority Leader's Office or vote on the floor so that we know what your position is.

Thank you, sir.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: The Democratic Conference will be generally in favor of this one in support of homeowners having proper bids. Those who feel the need to be an exception should feel free to contact the Majority Leader's Office and your vote will be properly recorded.

ACTING SPEAKER AUBRY: Thank you both.

(The Clerk recorded the vote.)

Ms. Wallace to explain her vote.

MS. WALLACE: Thank you, Mr. Speaker. So, as has been said, this legislation requires a builder of any new one- and two-bedroom family home to provide an estimate of an automatic

sprinkler system. A sprinkler system controls a fire 90 percent of the time and is the single-most effective way to control a fire in the begin -- when it first starts. There -- it's -- it costs on average only about \$2,000 in damage when a fire has a sprinkler system, when their home has a sprinkler system, versus about \$45,000 in damage without one, and decreases the risk of death from the fire 80 percent of the time when there's a fire sprinkler.

So this bill is going to save families and it will save the lives of first responders and, therefore, I vote in the affirmative and I thank my colleagues for supporting this legislation.

ACTING SPEAKER AUBRY: Ms. Wallace in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 15, Calendar No. 174, the Clerk will read.

One minute.

THE CLERK: Assembly No. A01423-B, Calendar No. 179, Dinowitz, Quart, Seawright, Walker, Barron. An act in relation to enacting the "Pandemic Self-Storage Act"; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Dinowitz, the Senate bill is before the House. The Senate bill is advanced -- no. All right. So we have a -- hold one minute, please.

Let's do that again. Page 15, Calendar No. 179, the

Clerk will read.

THE CLERK: Assembly No. A01423-B, Calendar No. 179, Dinowitz, Quart, Seawright, Walker, Barron. An act in relation to enacting the "Pandemic Self-Storage Act"; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MR. DINOWITZ: Yes.

MR. GOODELL: Thank you, Mr. Dinowitz. As I understand it, this bill would impose a moratorium on any self-storage facility from enforcing any lien for unpaid storage charges through August 31st of this year, correct?

MR. DINOWITZ: Yes, that's correct.

MR. GOODELL: Does this bill require any certification by the storage unit renter of any hardship?

MR. DINOWITZ: This bill does not do that.

MR. GOODELL: Does this bill prohibit the storage facility from actually evicting the unit? That is, cleaning it out and putting the personal property on -- on the curb, which of course as you know, is their right irrespective of a lien foreclosure.

MR. DINOWITZ: The bill prohibits the self-storage facility from enforcing a lien. The purpose is to prevent the

self-storage facility, most of whom I think tend to do the right thing, by the way, in most cases, to prevent them from basically getting rid of people's property. Because you've got to keep in mind that while it's true some people use self-storage facilities because they're hoarders, some do it because they need more space. Some people have their possessions in a self-storage facility because they lost their home. So can you imagine losing your home, you're forced to put your stuff in a self-storage facility and then you lose everything else? So, this is sort of a temporary stop-gap measure to prevent that from happening.

MR. GOODELL: I appreciate that. Is there any requirement under this that the individual assert that they have lost their home?

MR. DINOWITZ: Not in this bill, although that's something that we're considering.

MR. GOODELL: I see. And this bill --

MR. DINOWITZ: Well, something that -- the possibility of -- of, let's say, a hardship declaration similar to what we provided for in -- in the eviction moratorium. We've talked about that and may, you know, may look at that. But this bill does not actually do that.

MR. GOODELL: I appreciate your comment just a moment ago when you said that the vast majority of self-storage units or facilities are working closely with their customers already.

MR. DINOWITZ: I -- I don't doubt that for a second. But not all.

MR. GOODELL: And I see, for example, the New York Self-Storage Association itself representing -- a lot of the major self-storage facilities have all made a commitment to work with any pandemic-related financial hardship customers. They're not saying everyone gets to store their stuff for free until August 31st, but they've made a commitment to work with those who are suffering a financial hardship. But this bill isn't limited to those with financial hardship, it applies to every single person, correct?

MR. DINOWITZ: The -- the bill itself doesn't talk of financial hardship.

MR. GOODELL: Thank you, Mr. Dinowitz. I appreciate your comments.

MR. DINOWITZ: You're very welcome.

MR. GOODELL: On the bill, sir.

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

MR. GOODELL: We've gone through extensive lengths in this Legislature to help those who are suffering a financial hardship as a result of COVID. And this takes it one step further. And as the sponsor acknowledged, the vast majority of self-storage units are more than willing to work with a customer that is facing financial hardship, but this bill is not limited to those customers. This bill prevents any foreclosure on a self-storage unit regardless of whether the individual was affected by the pandemic or regardless of whether they might have lost their house or be facing a -- well, they

wouldn't be facing a rental eviction, would they, because we've suspended that -- and they wouldn't be facing a mortgage eviction because they've suspended that. So the only way they'd be facing a -- a loss of housing and homelessness is if they were destroying their home because that's one of the few exceptions, and that assumes that they would be able to get into court and the courts are facing a million-case backlog. So what we're basically saying with this bill is, *Hey, we don't care who you are or what your circumstances are. We don't care that we've lifted all the mask mandates. We don't care that employers are seeking help everywhere without success. We don't even care whether you need it. You get to store your stuff for free at a store-self storage facility through the end of August.* It goes way too far, it's inappropriate and it's not necessary.

For all those reasons, I will be voting against it and recommend that my colleagues also oppose it. 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 Assembly print 1423-B. This is a Party vote. Any member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Our Conference -- the Republican Conference will be generally in the

negative on this vote. If anybody wishes to vote in the affirmative, they should contact the Leader's Office so that their vote can be properly recorded.

Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, the Majority colleagues will generally be in the affirmative on this one. However, there should be some folks who will not (inaudible). If they are, they should feel free to contact their office and we'll be happy to record their vote properly.

(The Clerk recorded the vote.)

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If you could record our colleagues Mr. Santabarbara, Mr. McDonald, Mr. Sayegh and Mrs. Gunther in the negative on this one.

ACTING SPEAKER AUBRY: So noted.

MRS. PEOPLES-STOKES: And Ms. Fahy as well.

ACTING SPEAKER AUBRY: Thank you very much.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 21, Calendar No. 292, the Clerk will read.

THE CLERK: Senate No. S00064, Calendar No. 292, Senator Persaud (A01524, Reyes, Epstein, Gottfried, D. Rosenthal, L. Rosenthal, Aubry, Simon, O'Donnell, Joyner, Jean-Pierre, Montesano, Stirpe, Barron, Cook, Taylor, Williams, Cruz, Abbate, Woerner, Niou, Hunter, Jacobson, Lavine, Dickens, Dinowitz, Colton, Hevesi, Lupardo, Seawright, Anderson, Griffin, Sillitti, Eichenstein, Fernandez, Gallagher, Otis, Jackson, Englebright, Darling, Zinerman, Barnwell, Nolan, Rajkumar, Mamdani, Lunsford, Rodriguez, Forrest, Thiele, Ramos, Richardson, Davila, González-Rojas). An act to amend the Social Services Law, in relation to establishing a Statewide restaurant meals program as part of the Supplemental Nutrition Assistance Program.

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

MS. REYES: Thank you, Mr. Speaker. This bill would require the Office of Temporary Disability Assistance to establish a Statewide restaurant meals program as part of SNAP. Currently, State participation in this program is voluntary. As part of the program, SNAP households with -- with elderly disabled individuals and their spouses or homeless individuals as defined under Federal law can redeem their SNAP benefits in accordance with Federal requirements at private establishments that contract with OTDA for meals at concessional prices subject to Federal regulation.

ACTING SPEAKER AUBRY: Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker. Would the sponsor be so kind as to yield?

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

MS. REYES: Yes, I do.

MR. WALCZYK: I appreciate the opportunity to speak with you through the Speaker once again on -- on this piece of legislation, and -- and especially coming from your area of expertise. If you would share with the Body, what was the number one comorbidity and continues to be during the COVID-19 crisis?

MS. REYES: Cardiovascular diseases, respiratory diseases.

MR. WALCZYK: Okay. Thank you. What restaurants will qualify under this -- for any of the provisions in -- in this legislation?

MS. REYES: Well, we don't specify in the language which restaurants, but they would have to contract with OTDA to do that. And I -- I'm guessing where you're going with this question because we've had this conversation in the past. It's not going to include fast food restaurants, so it's not going to be McDonald's for your SNAP benefits that they're going to be able to access.

MR. WALCZYK: Will this -- and thank you. Mr. Speaker, through you, will this legislation -- and I -- and I appreciate the sentiment -- will it specifically preclude fast food restaurants?

MS. REYES: No, it doesn't -- it doesn't preclude or

include any restaurants, but that's up to the Office of Temporary -- Temporary Disability Assistance to determine which restaurants will be in their program.

MR. WALCZYK: Are there -- are there any provisions within this legislation that I could -- I could address or -- or look at that would tell me or this Body that there's more of a push to support mom and pop restaurants, non-franchise, local restaurants, restaurants that practice healthier food practices or anything like that in this legislation?

MS. REYES: Right. It --it -- it is not, but this is a Federal program. So we're not building out a program, this already exists under Federal law. We would just be enrolling the State of New York in it so those -- those folks with SNAP would be able to access -- access prepared meals. And that's already described under Federal regulation for SNAP.

MR. WALCZYK: Thank you. And through you, Mr. Speaker, I'm -- I'm glad that the sponsor brought the -- the Federal aspect of this up because there are a few states that are ahead of New York on this. They've reached out, they've set up programs. Some of them have fast food restaurants that they've partnered with, others it seems like they're a little bit more restrictive. This legislation, at least by my read, is kind of wide open. We're offering it to OTDA. But my question for the sponsor is, do we have any studies on obesity or the health effects that offering SNAP benefits through any of the restaurants, especially fast food restaurants, that have come out of

some of these? Do we have any of the data that's come out from other states?

MS. REYES: No. But I would also ask that -- I would also point out that you can with your SNAP benefits purchase any kind of product in a supermarket that's a food product without regard to its nutritional value, sodium content, sugar content, fat content and SNAP doesn't regulate that. This is an -- an attempt to make sure that those people who don't have cooking facilities or unable to prepare meals on their own could have a hot meal. We know that a lot of our frozen foods, canned foods are very high in sodium and high in preservatives and we're trying to give people a healthier option with their SNAP benefits.

MR. WALCZYK: And through you, Mr. Speaker, does this -- does this legislation require someone to -- to demonstrate that they don't have access to a cooking facility, as you said?

MS. REYES: No. They just need to fit the requirements; either be elderly, disabled or homeless as described in Federal law.

MR. WALCZYK: Are there any -- are there any specific foods that are -- are precluded or prohibited as lined out in this legislation? So, does the Office of Temporary Disability Assistance know that, you know, milkshakes may not qualify or something like that?

MS. REYES: No. But it's not precluded when they use their SNAP benefits not for hot meals. So, under current SNAP

regulation, nothing's precluded as long as it's a food product.

MR. WALCZYK: Okay. Thank you. Mr. Speaker, on this piece of legislation and I thank the sponsor for yielding for those questions.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. WALCZYK: The -- I just did a quick look. It's been a little while since we've talked about this bill, but the -- the health of New Yorkers should stand at the forefront, and I know that it does for many in this Chamber, especially for what we've been through over the last year. Obviously, cardiovascular and -- and lung health is important. I understand obesity to be one of the largest contributors to mortality when it comes to the COVID crisis for many other health ailments as a comorbidity. And I would just share, if we move forward with this legislation, the way that OTDA could interpret it instead of a program wouldn't prohibit anyone from using their SNAP benefit for buying a McDonald's double quarter pounder with cheese, which the Internet informs me has a nice chunk of 730 calories and 40 grams of fat. Or the Shake Shack double smoke shack, which I've never enjoyed, but that has 850 calories and 50 grams of fat. Five Guys, which I know we're approaching the dinner hour, so if you're as hungry me this might sound delicious. The Five Guys bacon cheeseburger has 920 calories and 63 grams of fat. The Wendy's Classic Triple with cheese, 970 calories, 59 grams. The Red Robin -- mm yum -- the Whiskey River barbecue burger, we're up with a comma in the calorie right now, 1,114 calories and 69 grams of fat in

one burger. The Burge King Triple Whopper, which was actually at the top of the list the last time we talked about this bill, 1,230 calories and 82 grams of fat. And the Super Sonic bacon double cheeseburger now tops the charts, gentlemen and ladies, with 1,240 calories and 87 grams of fat if you add the mayonnaise. So, Mr. Speaker, I would say on this piece of legislation, look, I -- I know this sponsor comes from a good place and -- and there are dis -- displaced people who may not have access to a kitchen and we want to make sure that New Yorkers aren't going hungry, right? I get that. But we also want to make sure that New Yorkers are healthy. There's a slow foods movement out there that can help agriculture, our local economy and also people with their life sustainment right here in the State of New York. But that requires us to put forward policies that have food that's a little bit closer to home. That encourage people to use less preservatives. That encourage people to focus on biodiversity and connect the consumer to the actual food producer. And I mean when you allow fast food restaurants into pieces of legislation like this and we don't take the time to allow the other states to make the mistake and then get the data on the mistakes that they've made so that we don't make them again here, I'd say we're -- we're rushing to do something that could be tremendously unhealthy and put a population that we're trying to help right now at a serious disadvantage. This isn't a slow foods movement. This bill is the fast foods movement, and what -- it's preying on the State's most vulnerable population. Give a man a Super Sonic double burger and you might feed him for a day, but if we

give him some fresh fish they might actually live to life expectancy.

And with that I vote no, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Walczyk, thank you.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote Senate print 64. This is a Party vote. Any member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the Republican Conference generally in the negative. Those who would like to support this bill should contact the Minority Leader's Office.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, our Majority colleagues will be voting in the affirmative on this one generally. However, should there be some folks who would like to be an exception, they should feel free to contact the Majority Leader's Office and your vote will be properly recorded.

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

(The Clerk recorded the vote.)

Ms. Reyes to explain her vote.

MS. REYES: Thank you, Mr. Speaker. I do appreciate my colleague's very impassionate and colorful soliloquy on fast food restaurant menus. I don't know if he's ever had to feed a family on a budget, but most families or seniors receive very little money in SNAP benefits and have to make that dollar stretch. And that usually means buying the cheapest most high-calorie food item that they can afford based on those benefits. Oftentimes that means buying frozen foods or canned foods would have -- which have upwards of five -- 500 milligrams of sodium each. And I think it's important particularly now when our small businesses have been suffering and our restaurants have been suffering, to provide them with another source of revenue so our folks could use their SNAP benefits to buy some hot prepared healthy options at our local delis and our local restaurants. And that includes farmers markets, too, who also sell hot and prepared meals.

So I am very happy to vote for this bill and see it pass. We passed it last year. The Senate finally moved it and I hope that this becomes another benefit that -- that our seniors, our elderly and our disabled folks are able to access and take advantage of. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Reyes in the affirmative.

Mr. Anderson to explain his vote.

MR. ANDERSON: Thank you, Mr. Speaker. To explain my vote.

ACTING SPEAKER AUBRY: Please.

MR. ANDERSON: Yes. I want to thank the sponsor for her vision and thoughtfulness in bringing this bill to the forefront of the Legislature. You know, I survived Superstorm Sandy, as many of my colleagues and constituencies across the State have lived through, and during that period a number of families relied on food stamps and had to -- were able to use their food stamp and SNAP benefits card to purchase hot food when the ban on the Federal level was lifted. And this is an opportunity for us now to look at and make sure that people who can't cook for themselves, seniors, folks who are disabled, can now have that opportunity to do so here in the State of New York and we'll be in line with many other states who are doing this work.

So I commend, again, the sponsor for this work and looking forward to voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Anderson in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. I have the great pleasure of living with a vegetarian, and I eat much of what she cooks, all of which, I might add, is both more nutritious and better tasting than what I cook. But this bill doesn't require that anyone eat healthy food, and as we all know, obesity is a large and growing problem. So

we need to be sensitive to that. I appreciate the fact that for some restaurants this will give them an additional source of income, but I would note that only those private establishments that actually have a contract with the State of New York can participate in the program. So as a practical matter that's going to eliminate almost all your local restaurants who are not going to go through the process of trying to contract with OTDA so that they can provide restaurants to SNAP benefit recipients. I hope in the future that we focus on a more healthy initiative for the benefit of all of the residents of New York State, not just my wife and those like her who are careful about what they eat.

Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker, for an opportunity to explain my vote. I -- we could probably have been -- you know, ten years ago when several of us were asking for restaurants to list what the calorie content was on their meals. And we were asking food manufacturers to list what the calorie content was on what they were selling us in the stores. There was a lot of pushback on that, but we finally got to it. And because we did get to that, some people are learning how to eat healthier. Now of course there are some people who really just don't care. But at the end of the day, everybody cares about having something to eat. And so I think that this is moving us forward into a future -- not necessarily the folks

that are going to Five Guys, because at some point Five Guys are going to be selling plant-based food if it wants to have a product at all. If it wants to keep customers it's going to go have to go that way. And so I want to commend the sponsor for having, you know, the visionary thought to see what's happening with the food industry in this country and how people are actually eating now. You have more people driving around delivering food than you have taking kids to daycare. That's going to happen for these folks as well. It's already happening for them. And if it makes it easier for them to feed their children and themselves and still be able to get to work, do the housekeeping and the laundry, let's allow that to happen. I also want to remind us when a farmer's market couldn't even take a food stamp. There was a lot of controversy about that, but it was the right thing to do and so is this.

So, again, I want to commend the sponsor and I will be voting in the affirmative.

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

Ms. Walsh.

MS. WALSH: Thank you. To explain my vote. So, this is a surprisingly difficult bill for me because I am really sensitive to the idea of food deserts and the fact that individuals, particularly the homeless, disabled and elderly SNAP recipients, may find it very hard for them to use their SNAP benefits and -- in -- in some of the areas where they live. But I've listened to the debate pretty carefully today, and I -- I think I would be more supportive of a bill like this if perhaps

it was a pilot program or something that was done, tried on maybe a smaller scale or in a couple of counties and kind of see how it goes. I am really concerned about -- it's not that I think that I'm -- I'm the, you know, arbiter of what's good eating and what's not good eating and that I'm going to impose my will on everybody else. But I just think that it's -- it is kind of troubling to me to just open it right up to everybody in the State to be able to use SNAP benefits for anything that OTDA says they can use their SNAP benefits for.

So I'm -- I'm actually going to vote in the negative this time. Or stay in the negative. But I -- I have been supportive of this bill in the past. So, but it's a difficult vote for me. Thanks.

ACTING SPEAKER AUBRY: Ms. Walsh in the negative.

Mr. Burdick to explain his vote.

MR. BURDICK: Thank you, Mr. Speaker. I first want to commend the sponsor for bringing forward this legislation. You know, one of the things that became abundantly clear through the pandemic is just the extent of food insecurity. In my area in northern Westchester, which by and large is a pretty affluent area, we nonetheless had in one food pantry after another literally a five-fold increase in the amount of food that was being distributed. And this is especially important for the very people who would be benefitted by this program. This is a commonsense bill. It simply is requiring the State to participate in -- in an existing Federal program, the Restaurant Meals Program, offering an option to those who are most in need; the

homeless, the elderly and the disabled.

So I very much will be supporting this, so I will be voting in the -- in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Burdick in the affirmative.

Ms. Kelles.

MS. KELLES: I, too, want to commend the sponsor and -- and give my thanks for putting this really important bill together and just acknowledge that this bill is -- is -- is a human rights bill. For -- for anyone who has studied the environment that many low-income people live in throughout the United States and in New York State, many of us assume that people have full kitchens. Maybe small, but still, the ability to cook a wide range of food. That cannot be assumed and is not the reality for some families, some households. And I think that this is absolutely critical to make sure that everyone has access to food, regardless of what their home situation is like or -- or -- you know, also with people with disabilities who are unable to cook their own food, this is absolutely critical. So I just want to acknowledge the fact that this is a human rights bill as far as I'm concerned. And the other piece that is really important is that this allows for equity. Everyone should be able to have this diversity of food, including being able to -- to eat food from restaurants, and to not have that ability adds to the psychological feeling of being marginalized by some populations within our State.

So for all of those reasons, I am in support of this bill.

Thank you so much again to the sponsor, and I vote in the positive.

ACTING SPEAKER AUBRY: Ms. Kelles in the affirmative.

Mr. Tague to explain his vote.

MR. TAGUE: Thank you, Mr. Speaker. To explain my vote. First I just wanted to make a comment. One of my esteemed colleagues made a point to say that in the near future only plant-based foods will be available in different restaurants. I hope, I hope that that is not the case. Because there will be thousands of livestock farmers, mainly in rural Upstate New York and mainly beef producers, that will be put out of business. I also want to make mention that the reason why we put \$50 million in the budget for the Nourish New York program of quality, New York-grown agricultural products was to help to feed the needy.

For those reasons I will be voting in the negative.

ACTING SPEAKER AUBRY: Mr. Tague in the negative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following members in the affirmative: Mr. Brabenec, Mr. Fitzpatrick, Ms. Miller and Mr. Schmitt.

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.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker and my colleagues, we are just about done here. We have two more bills we'd like to take up tonight. The first one is going to be Calendar No. 315, 4522-A by Mrs. Galef, and the second one will be Calendar No. 347, Assembly bill 2030 by Ms. Rosenthal. Linda Rosenthal.

ACTING SPEAKER AUBRY: Page 23, Calendar No. 315, the Clerk will read.

THE CLERK: Assembly No. A04522-A, Calendar No. 315, Galef, L. Rosenthal, Englebright, Weprin, Seawright, Colton. An act to amend the Public Health Law, in relation to the manufacture and sale of seasonal and decorative lighting products containing lead.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print A.4522-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.

MR. GOODELL: Thank you, sir. This bill would require that any seasonal lighting product -- products like Christmas or

Halloween or whatever contain a permanent warning that says, *Handling the coated electrical wire of this product may expose you to lead. Wash hands thoroughly after use.* And it imposes a \$1,000 fine. And I certainly appreciate my colleague's concern about lead exposure, although I -- I'm also mindful of the fact that most people, as soon as they get holiday decorations, what do they do? The first thing after they take it out of the box, they take all those little stickers off it because who wants a whole bunch of stickers on your Christmas tree unless the warning is in red and green and in a decorative print? And the likelihood that you could get a lead exposure from handling the insulation is very small, but the potential that you could interfere with the sale of products that are made elsewhere and deprive your kids when they're asking to see all those sparkling lights from out-of-State manufacturers is real.

And so while I appreciate the objectives and most of my colleagues I think will support this, and with good reason, I will be voting no. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Tague to explain his vote.

MR. TAGUE: Thank you, Mr. Speaker. Just for the same reasons that my colleague who just spoke, I will also be voting in the negative on this bill. Thank you very much.

ACTING SPEAKER AUBRY: Mr. Tague in the negative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. In addition to the negative votes on the floor, please record the following colleagues in the negative: Mr. DiPietro, Mr. Fitzpatrick, Mr. Friend and Mr. Hawley.

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 26, Calendar No. 347, the Clerk will read.

THE CLERK: Assembly No. A02030, Calendar No. 347, L. Rosenthal, Quart, Richardson, Carroll, Weprin, Simon, Gottfried, Hevesi, Barron, Steck, González-Rojas, Burgos. An act to amend the Social Services Law and the Public Health Law, in relation to medication for the treatment of substance use disorders.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. ROSENTHAL: Yes, I will.

ACTING SPEAKER AUBRY: Ms. Rosenthal yields.

MR. GOODELL: Thank you, Ms. Rosenthal. I see

that this bill was vetoed by the Governor in 2019. Have there been any changes in the bill since then?

MS. ROSENTHAL: Just technical corrections to account for amendments to the underlying statute.

MR. GOODELL: I see. And in the veto memo, the Governor made a specific note that they tried to come to a compromise but all recommendations were rejected. What were those compromises that were being urged by the Governor?

MS. ROSENTHAL: You know, I don't recall all of them. However, when he vetoed it he also did say that there would be a single Statewide formulary for all medication-assisted treatment drugs, and that would eliminate prior authorization for all of these drugs. However, the way the single Statewide formulary is being implemented, there would still be prior authorization for some medication-assisted treatment drugs.

MR. GOODELL: And is it your view that no prior authorization should be required for medically-assisted treatment?

MS. ROSENTHAL: Medication-assisted treatment. You know, at the time that the Governor vetoed this bill, he also signed into law a bill that said there would be no prior authorization for those holding commercial insurance. So what he did by signing law and then vetoing the other is implement a two-tiered system in this State. And we know that overdose is up across the State, and prior authorization delays people getting the medication they desperately need.

MR. GOODELL: Isn't there a concern that some of the medically-assisted treatments have risks of their own that need to be addressed or should be administered under the supervision of a physician?

MS. ROSENTHAL: Well, those physicians prescribe these drugs, so they are -- they would be taken under a physician's implementation. The problem is that only some people can get them without waiting. People on Medicaid will have to wait for certain drugs to be approved by the insurance company. And we don't want a two-tiered system in this State, number one. But number two, during COVID we know that overdose deaths rose. This is the gold standard on how to treat people with substance use disorder. It is recommended all the way from the former President's task force to the AMA to many different organizations say people should have immediate access to MAT drugs when they need it.

MR. GOODELL: Thank you very much, Ms. Rosenthal.

On the bill, sir.

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

MR. GOODELL: Thank you, sir. I -- I will be supporting this bill because I think it's important that we make sure that all treatment options are readily available to those who are suffering opioid addictions. I am always sensitive when we try to implement the gold standard when it comes to Medicaid because right

now Medicaid accounts for anywhere from 80 to 90 and sometimes more than 100 hundred percent of the entire real property tax levy for some counties. And so maybe when we're talking about Medicaid we shouldn't be focusing on the gold standard, we ought to be focusing on the most cost-effective standard. But I think this bill strikes a reasonable balance by requiring physician approval and streamlining the process of getting opioid treatment.

For that reason I will be supporting it. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 2030. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

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

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

On behalf of Mr. Aubry, Bill A.2388-A, Assembly bill recalled from the Senate.

The Clerk will read the title of the bill.

THE CLERK: An act to amend the Public Health Law.

ACTING SPEAKER AUBRY: Motion to reconsider the vote by which the bill passed the House. The Clerk will read the vote -- will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

The bill is before the House and the amendments are received and adopted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I now move that the Assembly stand adjourned until 2:00 p.m., Tuesday, May the 25th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 6:59 p.m., the House stood adjourned until Tuesday, May 25th at 2:00 p.m., that being a Session day.)