

**TUESDAY, MAY 25, 2021**

**2:50 P.M.**

ACTING SPEAKER AUBRY: The House will come to order.

In the absence of clergy as we pause for a moment of silence, we remember the life and legacy of George Floyd, and let us contemplate a time and place where justice and peace walk hand in hand.

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the Journal of Monday, May 24th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move that we dispense with the further reading of the Journal of Monday, May the 24 and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Happy Tuesday to everybody, both in the -- those in the Chambers and those that are with us remotely. I want to share this quote today, this one is coming from Ben Okri. He is a Nigerian-born poet and novelist. He says, "The most authentic thing about us is our capacity to create, to overcome, to endure, to transform, to love and to be greater than our suffering." Mr. Speaker, again, that one's coming from Ben Okri, a Nigerian poetry writer.

Today members should be reminded that this is the second Session day of the 21st week of the 244th legislative Session and that you have on your desk a main Calendar, a debate list, and an A-Calendar. And, Mr. Speaker, if you could now advance the A-Calendar.

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

MRS. PEOPLES-STOKES: Thank you. After any housekeeping, Mr. Speaker, and/or introductions, we're going to take up resolutions on page 3 of the main Calendar and then we're going to

begin consenting bills on the A-Calendar. From the completion of consenting some of those bills on the A-Calendar, we're going to take up some bills from our debate list as well as from the main Calendar. So as you can tell, this is going to be a very busy day today, and that's the general outline of where we're going so if there are introductions or housekeeping, now would be a great time.

ACTING SPEAKER AUBRY: We have no housekeeping, Mrs. Peoples-Stokes.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I want to make sure that we acknowledge our former colleague, Mr. Latimer, who is now the Supervisor of -- County -- County Executive, rather, in Westchester County. We're pleased to see him again, and if you would welcome him back to our Chambers and provide for him the cordialities of our floor.

ACTING SPEAKER AUBRY: Certainly. On behalf of the Speaker, Mrs. Peoples-Stokes and all the members, George, welcome back to the House. We know that a member is always a member here and you're always welcome, you always have the privileges of the floor, and we know that you're doing an excellent job in taking care of the county that you love. Thank you so much. And again, you're always welcome.

(Applause)

On page 3, resolutions, the Clerk will read.

THE CLERK: Assembly Resolution No. 330, Ms.

Rajkumar.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 29th, 2021, as Napoli-American Heritage Day in the State of New York.

ACTING SPEAKER AUBRY: Ms. Rajkumar on the resolution.

MS. RAJKUMAR: Thank you, Mr. Speaker. Please take a moment and imagine Nepal with me, a beautiful mountainous country laying at the foothills of the Himalayas. It contains the famous peak of Mount Everest. The Goddess is worshipped there by Hindus and Buddhists, and there are Living Goddesses called Kumaris. As the first South-Asian woman elected to State office in New York, I bring you this historic resolution with enormous pride. This is the first time this Body will recognize Nepalese-Americans, who have a valued and special place in both South Asia and in New York State. The date chosen for this recognition is May 29th. On this day 13 years ago, Nepal officially became a Democratic Republic, ending 240 years of monarchy under the Shah Kings. On this day, a dynasty bowed to a new Constitutional Assembly, and Nepal's Assembly met for the first time. Nepal's fight for Democracy came after a civil war that lasted a decade and cost 13,000 lives. In the end, guerrillas gave up the bullet for the ballot box and Democracy prevailed. Nepal has strengthened its Democracy over the past decade and survived a devastating earthquake in 2015 with great resiliency.

The Democratic Republic of Nepal now enjoys a

strong relationship with the United States. Today I am proud to say 87 percent of Nepalese New Yorkers live in my home borough of Queens. They are known for their devotion to charity, their willingness to help their neighbors and community, and their peaceful relationship with all ethnic groups. Recently, Nepalese New Yorkers have endured hate crimes, including the attack of a Nepalese cab driver. But they have handled these attacks with dignity and grace, winning the respect of all. Nepalese Americans brighten all my days as the Assemblywoman from the 38th Assembly District. Our community would not be the same without their generosity of spirit, kindness, and collaboration that they bring to the table. I am proud to bring you this historic resolution commemorating Nepali Heritage Day in the State of New York.

This day is also special because it is the anniversary of the day that Mount Everest was successfully climbed for the first time by Sir Edmund Hillary and Tenzing Norgay Sherpa. With this resolution, New York State wishes the -- the Nepalese American community climbs to the highest peaks in New York State. As government leaders, we will be with the Nepalese American community every step of the way as they reach these new heights. Thank you so much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Rajkumar.

Ms. González-Rojas.

MS. GONZÁLEZ-ROJAS: Thank you, Mr. Speaker.

I want to thank the sponsor of this resolution. As someone who represents the largest Nepalese community here in New York State, I am so proud to recognize and honor Nepal -- Nepali American Heritage Day. Our Nepalese community has been a stronghold in our district. They are our doctors, our lawyers, our cab drivers, our essential workers, our immigrant communities that have been fighting and giving in the front lines. So I want to thank the sponsor so much for this day, and I want to recognize an amazing organization that works closely with the Nepalese community in building power and advancing justice called Adhikaar. So I want to thank the sponsor for this resolution and recognize and honor all Nepalese Americans across the State, but especially in my district in Jackson Heights, East Elmhurst, Corona, and Woodside. Thank you so much.

ACTING SPEAKER AUBRY: Thank you.

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

THE CLERK: Assembly Resolution No. 331, Ms. Lupardo.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 2021, as Dairy 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. 332, Mr.

Brabenec.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim August 2021, as Swiss-American Heritage 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. 333, Mr. Cusick.

Legislative Resolution memorializing Governor M. Cuomo to proclaim September 5-11, 2021, as Duchenne Muscular Dystrophy Awareness Week in the State of New York the.

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

THE CLERK: Assembly Resolution No. 334, Ms. Buttenschon.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim September 21st, 2021, as Day of Peace in the State of New York.

ACTING SPEAKER AUBRY: On -- on the resolution, all those in favor signify by saying -- excuse me.

Ms. Buttenschon on the resolution.

(Pause)

Ms. Buttenschon.

MS. BUTTENSCHON: Thank you, Mr. Speaker.

The COVID-19 pandemic has made one thing perfectly clear: We can overcome any obstacle if we work together. Celebrating this Day of Peace reminds us we can accomplish through respect (inaudible/technical difficulties) conversations with each other. Clearly, as you spoke this morning as well -- this afternoon, as well as our Majority Leader, you talk about the importance of peace and working together. While this day that we honor a Day of Peace, September 21st, is a day that we should honor throughout the year. So again, I thank you for the opportunity to speak today and I ask that you (inaudible/technical difficulties) and work hard, peace among us throughout the great State of New York, the United States of America, and the world. Thank you, Mr. Speaker.

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

THE CLERK: Assembly Resolution No. 335, Mr. DeStefano.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim September 2021, as Dystonia Awareness 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.

We'll go to the A-Calendar on consent.



THE CLERK: Assembly No. A00083, Rules Report No. 97, Quart, Blankenbush, Otis, Rodriguez. An act to amend the General Business Law, in relation to raising the maximum fine for persons who violate the law regulating telemarketing.

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 83. 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.

First vote of the day, members.

(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. A00359-A, Rules Report No. 98, Jacobson, Simon, Gottfried, DeStefano, Sayegh, Glick, Steck, Abinanti, Kim, Cusick. An act to amend the Workers' Compensation Law, in relation to requiring the Workers' Compensation Board to appoint the Uninsured Employers' Fund as the insurance carrier in cases when the identity of the responsible insurance carrier for the employer cannot be determined within ten days of the filing of a claim and to proceed with hearings and provide notices necessary to process such claim; and to make conforming technical changes.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 39 -- 359-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. A01960-A, Rules Report No. 101, Cruz, Santabarbara, Jean-Pierre, Weprin, Sayegh, Thiele, Jacobson, Simon, Morinello, Montesano, B. Miller, Gunther, Barron, L. Rosenthal, Joyner, Ashby, Schmitt, Cook, Lupardo, Darling, Buttenschon, Otis. An act to amend Tax Law, in relation to authorizing a tax check-off for the State Library System.

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 1960-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 bill is passed.

THE CLERK: Assembly No. A02113, Rules Report No. 102, Simon, Blankenbush, Cook, Hevesi, McDonough, Palmesano, Pretlow, Seawright, Dickens, Mitaynes, Reyes, Lalor, Byrne, McMahon, Wallace. An act to amend the Domestic Relations Law and the Family Court Act, in relation to prohibiting the making of decisions concerning guardianship, custody or visitation or adoption petitions solely on the basis of a parent's, guardian's or custodian's blindness; and to amend the Social Services Law, in relation to prohibiting the Department of Social Services from denying, deciding or opposing a petition or request for guardianship, custody or visitation solely because the petitioner is blind and to prohibiting a local social services agency from taking actions solely because a parent, custodian or guardian is blind.

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 2113. 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. A02520, Rules Report No. 103, Weinstein. An act to amend the Civil Practice Law and Rules, in relation to establishing that domestic violence advocates may not disclose any communication made by a client to the advocate except in certain circumstances.

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 No. A02536, Rules Report No. 104, Weinstein, Gottfried, Zebrowski, Seawright, Taylor. An act to amend the Mental Hygiene Law, in relation to requiring petitioners for appointment of a guardian to identify other persons who may be able to manage the affairs of an incapacitated person.

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 2536. 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. So in the

past this bill has not had much opposition, but I -- I'm concerned by some of the groups that are opposed to this. The New York State Bar Association and the Greater New York Hospital Association both expressed concerns about the bill. The Bar Association states that additional nuances need to be addressed to protect the individual patient. For instance, the bill seeks to prohibit health care facilities from bringing an Article 81 guardianship proceeding for the purpose of bill collection, but only references nursing homes and not facilities in general. Moreover, they oppose the bill's requirement of an affirmative statement that the guardianship proceeding is not brought primarily for bill collection purposes since such proceedings may be needed to secure governmental benefits. And the Greater New York Hospital Association has similar rationale, saying that it will impact a hospital's ability to bring a guardianship proceeding to establish Medicaid eligibility, and it will also compromise discharge planning and patient placement. So for those reasons, I'll be unable to support this bill. Thank you.

ACTING SPEAKER AUBRY: Ms. Walsh in the negative.

Ms. Weinstein to explain her vote.

MS. WEINSTEIN: Thank you, Mr. Speaker, just very briefly. One of the reasons and the genesis of this bill was, in fact, the -- the concern that we had that some facilities were bringing these actions, simply -- guardianship actions simply to be able to collect money and not necessarily in the best interests of the person

who was incapacitated and a resident of that facility. So for that reason, I urge my colleagues to vote for this bill, and I see that the overwhelming majority are. Thank you, Mr. Speaker. I vote yes.

ACTING SPEAKER AUBRY: Ms. Weinstein in the affirmative.

Ms. Walsh.

MS. WALSH: Thank you very much. In addition to Mr. Goodell and myself in the negative, could you please also mark Ms. Byrnes in the negative, Mr. DiPietro, and Mr. Simpson. Thank you.

ACTING SPEAKER AUBRY: So noted, thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03237-A, Rules Report No. 105, Hunter, Jones, Manktelow, Buttenschon, Wallace, Otis, Perry. An act to amend the County Law and the Executive Law, in relation to the reporting of a veteran's suicide.

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 3237-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.

Mr. Manktelow to explain his vote.

MR. MANKTELOW: Thank you, Mr. Speaker.

First of all, I'd like to say thank you to Assemblywoman --

Assemblywoman Hunter for bringing this bill forward, having spoke with her about this bill. And a couple of years ago I had the opportunity -- I shouldn't say *opportunity*. I had the time to spend with a young Marine who had just lost one of his friends through suicide. And this has always been on my heart and mind, and anything that we can do from the State level to help our local municipalities get a better understanding of suicide rates and what's going on with our military members, anything that we can do to help lessen that number here in New York, especially in New York State and our country, but New York is -- is such a huge number of veterans. So I just want to thank the sponsor for bringing this forward, it's much -- much appreciated. And as we recognize Memorial Day this coming Monday, it means a lot to all those veterans and their families. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you. Mr. Manktelow in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03331, Rules Report No. 106, Hevesi, Barron. An act to amend the Social Services Law, in relation to advising human trafficking victims of the availability of

social and legal services.

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 3331. 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. A03516, Rules Report No. 107, McDonald. An act to amend the Insurance Law, in relation to requiring insurers to provide insureds or subscribers with an explanation of pharmaceutical benefits relating to claims under certain accident and health insurance policies.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 3516. 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. A03826-A, Rules Report No. 108, Vanel. An act to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to requiring all advertisements for gambling and sports betting to include warnings about potential harmful and addictive effects of gambling and to requiring the State Gaming Commission to cooperate with the Commissioner of Addiction Services and Supports to ensure that all advertisements for gaming activity state a problem gambling hotline number.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 3826-A. This is a fast roll call. Members who wish to be recorded in the negative are 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. A04396, Calendar -- Rules Report No. 109, Walker. An act to amend the General Obligations Law, in relation to tenant security deposit accounts.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A04509, Rules Report No. 110, Pretlow. An act to amend Chapter 473 of the Laws of 2010 amending the Racing, Pari-mutuel Wagering and Breeding Law relating to the New York State Thoroughbred Breeding and Development Fund, in relation to the effectiveness thereof.

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 1463-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. A04620, Rules Report No. 111, Zebrowski. An act to amend the Real Property Actions and Proceedings Law, in relation to requiring loan services for loans on vacant and abandoned residential real property to pay certain condominium common charges.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A04652, Rules Report

No. 112, Santabarbara, Dickens, Fahy, Buttenschon, Gunther, Englebright, Sillitti, Stern, Barron. An act to amend the Public Health Law, in relation to authoring forest rangers, park rangers, and Environmental Conservation police officers to possess and administer Epinephrine by use of an Epinephrine autoinjector device.

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 4652. 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. A04855, Rules Report No. 113, Gunther, Zebrowski, Wallace, Williams, Glick, Galef, Santabarbara, Abinanti, Gottfried, Buttenschon, Otis, Montesano. An act to amend the General Business Law, in relation to the use of voice recognition features.

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 4855. 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. A05275, Rules Report No. 114, Barrett, Burdick, Jacobson, Cahill. An act to amend the Executive Law, in relation to adding the Saw Kill and Fall Kill Creeks to the definition of inland waterways.

ACTING SPEAKER AUBRY: On a motion by Mrs. Barrett, 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 Senate print 3852. 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. A05374, Rules Report No. 115, McMahon, Stern, Jackson, J.D. Rivera. An act to amend the Tax Law, in relation to suspending State support for the local

enforcement of past-due property taxes until after the end of the COVID-19 State disaster emergency.

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 5374. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05386-A, Rules Report No. 116, Lupardo, Barrett, Kelles, Gallagher, Thiele, Otis, Gottfried, Simon, Sillitti, Glick, Lavine, Angelino, Davila, Zinerman, Jackson, L. Rosenthal, Perry, Santabarbara, Buttenschon. An act to amend the Agriculture and Markets Law and the Soil and Water Conservation Districts Law, in relation to establishing the Soil Health and Climate Resiliency Act.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect July 1st, 2021.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 5386-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. Lupardo to explain her vote.

MS. LUPARDO: Thank you very much, Mr.

Speaker. This bill defines soil health and encourages soil health practices and climate resistant -- climate resilient farming. Since the first carbon pilot program in the Hudson Valley, we've been trying to make a case that agriculture can play an important role in achieving the State's climate goal. The bottom line is that this is an important first step of what will, I hope, be many to come. Healthy soil draws carbon from the atmosphere and healthy soil produces healthier food. This is a winning scenario all the way around, something that we can all feel very good about. This will make a real -- a very important difference not only in climate resilience, but in producing healthier foods for our constituents. So thank you very much for allowing agriculture to play a role in this climate discussion.

ACTING SPEAKER AUBRY: Ms. Lupardo in the affirmative.

Mrs. Barrett to explain her vote.

MRS. BARRETT: Thank you, Mr. Speaker. I would like to thank the Chair of Agriculture for her leadership and thank the Speaker for moving this important legislation forward. You know, the last time that -- that our soil health legislation was changed was 1938 in response to the Dust Bowl. So I think this was overdue and as our

Chair said, this is really an integral part of all of the climate work that we're doing across the board in our State, and it's essential that we recognize the connection between healthy soil and healthy air and healthy water, and put forth the legislation like this to ensure that we keep that happening. I'm proud to vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mrs. Barrett in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05399, Rules Report No. 117, Jacobson. An act to amend the General City Law, in relation to allowing the City of Beacon to sell its excess sewage capacity to private corporations and individuals outside of the city limits.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote Assembly print A-5399. 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. A05472, Rules Report

No. 119, Glick, Reyes. An act to amend State Finance Law, in relation to five-year capital plans for the State University of New York and the City University of New York.

ACTING SPEAKER AUBRY: On a motion by Ms. Glick, 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 5475 [sic]. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to call the Majority -- the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. This bill would require the Governor to submit to the Legislature a five-year capital plan for SUNY and CUNY senior colleges. And while I certainly believe in long-term capital planning, there are a couple of concerns that I have. First, SUNY and CUNY are not under the Governor's direct purview; those are under the Education Department. And so if we want to have a capital plan for SUNY and CUNY, we ought to have the right people doing it. The second problem is that the New York State Constitution is absolutely clear that the Governor, not the Legislature, is responsible for proposing a budget. And so the Legislature cannot, in my opinion, direct the Governor to do anything



about the budget, we react once the budget is presented to us. And last, this bill requires the Governor to submit a five-year capital plan, and while I think that's great, I would remind my colleagues that even this Governor is only elected for a four-year term. And so we have a -- a Governor who potentially has one term left presenting a five-year plan.

So for those reasons, I will be voting against it, primarily because of the Constitutional infirmities that I noted. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker. Briefly, let me point out that the Governor appoints the entire Board of Trustees to SUNY and his Budget Director sits on the CUNY Board. So the Governor has a -- a great deal of the reach into both institutions, and it seems that in the past we have had five-year plans by both institutions offered, and so the Governor gets a great deal of advice. And since the Governor does control the money that is available, it would be appropriate for the Governor to weigh in at least with his appointees to ensure that they are, for planning purposes, moving in the right direction and with some input from the Governor ensuring that the money that they need actually appears in the budget as opposed to us having full teeth. That is not part of the licensure for dentistry, although I feel at this point in my career I certainly could apply. With

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

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. In addition to Mr. Goodell and myself, would you please record the following members in the negative on this bill: Mr. DiPietro, Mr. Lawler - Michael Lawler - Mr. Montesano, and Mr. Tague. Thank you.

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. A05473-A, Rules Report No. 120, Glick. An act to amend the Education Law, in relation to State appropriations to the State University of New York and the City University of New York.

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 5473-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. A05527-A, Rules Report No. 121, Williams, Forrest. An act to amend the Mental Hygiene Law, in relation to approved courses of study or equivalent on-the-job experience for counselors.

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 5527-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. A05551, Rules Report No. 122, Englebright, Montesano, Solages. An act to amend the Personal Property Law, in relation to prohibiting certain provisions in retail lease agreements.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05574, Rules Report No. 123, Cymbrowitz, Cahill, Seawright, Barron, Jackson. An act in

relation to directing the Department of Financial Services and the Division of Housing and Community Renewal to conduct a study examining the increasing costs of insurance premiums and the lack of availability of insurance coverage for affordable housing.

ACTING SPEAKER AUBRY: On a motion by Mr. Cymbrowitz, 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 5231. 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. A05688, Rules Report No. 124, Cruz, Quart. An act to amend the Criminal Procedure Law, in relation to facilitating appellate review of rulings that implicate issues of public concern.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05781-A, Rules Report No. 125, Cruz, Lupardo, Barron, Aubry, Gunther, Kelles, Steck, Fernandez, Clark, Thiele, Rodriguez, Jackson, DeStefano, Forrest, Englebright, Gottfried, Simon, Tague, Stirpe, Jensen, Hawley,

Manktelow, Salka, Griffin, Santabarbara. An act to amend the Agriculture and Markets Law, in relation to the Nourish New York Program.

ACTING SPEAKER AUBRY: On a motion by Ms. Cruz, 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 4892-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. Cruz to explain her vote.

MS. CRUZ: Thank you, Mr. Speaker. I can't even describe how excited I am today. Last Sunday, I attended a mass at St. Leo's, one of my local churches, where we were commemorating the lives of about 200 of the almost 8,000 people lost in Queens. And after such a terrible year, it began to finally feel like we were crossing over to a better tomorrow. And today, with a program like Nourish becoming permanent, I see that light even brighter.

Many of you know that I represent the epicenter of the epicenter and that many of my constituents were left with no choice but to visit food pantries like the one that I opened in my office, and that if it wasn't for programs like Nourish New York created in 2020 by the Governor, many of us wouldn't have survived,

my community would have not survived. You know, the -- the decrease and demand and the disrupted and broken supply lines created an economic crisis as well for many of our farmers Upstate who found themselves having to pour milk down the drain, having to throw away food because they had no one to purchase this food. And I got to see this plight firsthand last September when I went with one of our colleagues across the aisle to Upstate to see what was happening with our farmers, and that's where my friendship and -- and working relationship with Senator Borrello began. And we began this bipartisan process to help our communities survive, both the Upstate farming community as well as the Downstate folks.

And today, I think not only am I thankful that we put in \$50 million into this program, so thank you to all of my colleagues who supported it, but I'm incredibly thankful for our Speaker, for the Chair and the Ranker of both Houses, in the Assembly and the Senate's Agriculture Committee, because everyone worked so hard for today to happen, to make sure that we had a bill that was representative of the needs of the community, that wasn't about politics, it was about simply feeding people and helping our farmers. And I know that those 4,000 farms around our State and those 17 million pounds of fresh food that people will now have access to are going to be key to helping us take the next steps in survival because as much as I see the light, there's still so much work that needs to be done. We're really, truly going to be --

ACTING SPEAKER AUBRY: Assemblywoman,

how do you vote?

MS. CRUZ: And with that, I'll be voting in the affirmative. Thank you --

ACTING SPEAKER AUBRY: Thank you so very much. Congratulations.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05840-A, Rules Report No. 126, Clark, Hevesi, McDonald, Burdick, Wallace, Reyes, Barron, Thiele, Woerner, Steck, Gottfried, Santabarbara, Meeks, Otis, McMahon, Sillitti, Gunther, Jackson, Jensen, Byrnes, McDonough, Gallagher, Simon, Simpson, Bronson, Rozic, Lunsford, Jean-Pierre, Darling, Septimo, Dinowitz, J.D. Rivera, Hunter, Aubry, Forrest, Lupardo, Stirpe, Paulin, Fahy, Kelles, Buttenschon, Magnarelli, Seawright, González-Rojas, Griffin, Quart. An act to amend the Social Services Law, in relation to requiring local social services districts to offer to pay child care providers via a direct deposit for any subsidized child care funds owed.

ACTING SPEAKER AUBRY: On a motion by Ms. Clark, 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 5162. 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. Clark to explain her vote.

MS. CLARK: Thank you, Mr. Speaker. I am so excited to see this bill finally come to the floor for a vote. Oftentimes, the answer or the solution to a problem is simple. Our child care providers work on some of the slimmest margins. We've known this for years, and the COVID pandemic only exasperated that. What we learned is that when you only have the option of paper checks, sometimes you're not getting paid four to five to six weeks past the time of which you submitted the -- the subsidy. We can change that by a simple solution, direct deposit. We've been using it for years in so many other forums across the State government that it's time to bring it into our child care system and allow our providers that option to make sure they're getting paid in a timely fashion. I am amazed by the support of so many of my colleagues, so very, very thankful as we look to truly invest into our child care system, make it one of the best in the country. I can't wait to partner with you all as we look at -- for some more solutions to do this, but today is an exciting day to make this very simple solution happen in reality. Thank you so much.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)



The bill is passed.

THE CLERK: Assembly No. A05859, Rules Report No. 127, Dinowitz. An act to amend Chapter 237 of the Laws of 2015 amending the Judiciary Law, the Civil Practice Law and Rules and other laws relating to the use of electronic means for the commencement and filing of papers in certain actions and proceedings, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 5859. 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. A06182, Rules Report No. 128, Gunther. An act to amend the Environmental Conservation Law, in relation to adding certain wildlife management units to the yearling buck protection 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 Senate [sic] print 6182. This is a fast roll call. Any

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

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06289, Rules Report No. 129, Gunther. An act to legalize, validate, ratify, and confirm the actions of the Monticello Central School District notwithstanding the failure to timely file final building cost reports with the Education Department.

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 6289. 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. A06356-B, Rules Report No. 130, Griffin, Darling. An act relating to legalizing, validating, ratifying, and confirming the transportation contracts for

the Baldwin Union Free School District.

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 6356-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 number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06376-A, Rules Report No. 131, Magnarelli. An act authorizing the use of existing village sewer rents for infrastructure projects other than sewer projects in the Village of Baldwinsville; and providing for the repeal of such provisions upon expiration thereof.

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

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

ACTING SPEAKER AUBRY: The Clerk will record the vote Assembly print 6376-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. A06562, Rules Report No. 132, Abinanti. An act to amend Chapter 63 of the Laws of 2021 amending the Environmental Conservation Law relating to supermarkets providing excess edible food to food relief organizations, in relation to extending the effectiveness of certain provisions 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 6562. 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 provide -- 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. A06746-A, Rules Report No. 133, Wallace. An act to amend Chapter 625 of the Laws of 1961 relating to the Cleveland Hill Hose Company 6 Benevolent Association, in relation to its purpose and the use of foreign fire

insurance premium taxes.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 6746-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. A07033-A, Rules Report No. 134, Burdick. An act to authorize the Town of New Castle, County of Westchester, to alienate and discontinue the use of certain parklands and to dedicate certain other lands as parklands.

ACTING SPEAKER AUBRY: On a motion by Mr. Burdick, the Senate bill is before the House. The Senate bill is advanced. 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 Senate print 6046-B. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Burdick explain his vote.

MR. BURDICK: I just want to thank the Speaker for allowing this bill to come to the floor. It's very important to the Town of New Castle in my district and will provide for a very good passage through creating a parkland passageway. So I again want to thank the Speaker and my colleagues for allowing this to go forward. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Burdick in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you would please call our colleague, Mr. Barron, in as a negative on Assembly Bill No. 7033.

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. A07038-A, Rules Report No. 135, Galef. An act to amend the Village Law and the Public Officer's Law, in relation to authorizing building inspectors, fire inspectors and code enforcement officers of the Village of Buchanan to live within Westchester County or an adjoining county.

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 7038-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. A07096, Rules Report No. 136, Fahy. An act to amend the Real Property Tax Law, in relation to conservation easement agreement exemptions in certain towns.

ACTING SPEAKER AUBRY: On a motion by Ms. Fahy, 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 6469. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leaders at the number previously provided.

(The Clerk recorded the vote.)

Ms. Fahy to explain her vote.

MS. FAHY: Thank you, Mr. Speaker. I just want to briefly explain and -- and thank the Speaker for bringing this bill forward. This is to assist the Town of Guilderland, very similar to a

bill I did for the Town of Bethlehem. What this is is to really assist towns in my district that have some serious pressures on development, such that they can work with developers, work with small farmers who feel that development pressure, and encourage smart growth as well as work with farmers who may actually want to preserve their lands in these rapidly growing communities, yet keep it off the tax rolls for decades to come, assuming that they do decide not to develop the land. So it's -- it's a smart growth, it's good for the environment, and good for our towns in this region to work with their communities, with their farmers and developers to encourage smart growth and what's also good for our climate. So thank you again for the support for this bill, Mr. Speaker, and with that I vote in support.

ACTING SPEAKER AUBRY: Ms. Fahy in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07168, Rules Report No. 137, Pichardo. An act to amend the Local Finance Law and Chapter 419 of the Laws of 1991, amending the Local Finance Law and other laws relating to providing relief to local governments for certain mandated programs and services, in relation to local government borrowing practices and mandate relief.

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 7168. 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. A07204, Rules Report No. 138, Abbate. An act to amend the Administrative Code of the City of New York, in relation to the tax-deferred annuity program of the New York City Teachers' Retirement System.

ACTING SPEAKER AUBRY: On a motion by Mr. Abbate, 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 5728-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. A07288, Rules Report

No. 139, Conrad. An act to amend Chapter 413 of the Laws of 2003 amending the Labor Law relating to the self-employment assistance program and other matters, in relation to extending the effectiveness thereof.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07397, Rules Report No. 140, Sillitti, Englebright, Burdick. An act to amend the Environmental Conservation Law, in relation to water pollution control revolving fund agreements.

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 A-7397. 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 CUSICK: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07398, Rules Report No. 141, Jackson. An act to amend the Local Finance Law, in relation to the sale of bonds and notes of the City of New York, the issuance of bonds or notes with variable rates or interest, interest rate exchange

agreements of the City of New York, and the refunding of bonds; to amend Chapter 868 of the Laws of 1975 constituting the New York State Financial Emergency Act for the City of New York, in relation to a pledge and agreement of the State; and to amend Chapter 142 of the Laws of 2004, amending the Local Finance Law relating to interest rate exchange agreements of the City of New York and refunding bonds of such City, in relation to the effectiveness thereof.

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

THE CLERK: Assembly No. A07484, Rules Report No. 142, González-Rojas, L. Rosenthal, Barron. An act to amend Chapter 74 of the Laws of 2007 amending the Penal Law, the Criminal Procedure Law, the Correction Law, the Social Services Law and the Executive Law relating to human trafficking, in relation to extending the Interagency Task Force on Human Trafficking.

(Pause)

ACTING SPEAKER CUSICK: On a motion by Ms. González-Rojas, 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 CUSICK: The Clerk will record the vote on Senate 6696. 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. I'm glad to support the Interagency Task Force on Human Trafficking, I just note, however, that it's hard to see whether they have done anything in terms of actually accomplishing anything and it would be nice to have reports. It's my understanding the last report we got from this Task Force was several years ago. So I -- I support it and I would encourage them to actually see what they can do to accomplish positive results. Thank you, sir.

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

(The Clerk announced the results.)

The bill is passed.

Congratulations on your first bill.

(Applause)

THE CLERK: Assembly No. A07500, Rules Report No. 143, McDonald, Galef, Thiele, Dickens, Davila, Abinanti, Jackson. An act to amend the Executive Law, in relation to a report by the Division for Small Business; and to amend Chapter 731 of the Laws of 2019 amending the Executive Law relating to regulatory fines for small businesses, in relation to the effectiveness thereof.

ACTING SPEAKER CUSICK: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER CUSICK: The Clerk will

record the vote on Assembly 7500. 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. I'll be supporting this bill that continues providing reports for small business cure opportunities if there is a technical violation of our rules and regulations, and I think it's great to let our small businesses know how they can cure those violations. I would note, however, that the original law provided a very, very short time frame, only about two weeks for allowing these cure opportunities. And if we want to be more business friendly, we ought to reexamine that and increase that cure period. Thank you, sir.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07501, Rules Report No. 144, Stirpe. An act to amend the Economic Development Law, in relation to extending the reporting deadline of the advisory panel on employee-owned enterprises, and to amend Chapter 435 of the Laws of 2017, amending the Economic Development Law, relating to establishing an advisory panel on employee-owned enterprises within

the Division of Small Business Services, in relation to the effectiveness thereof.

ACTING SPEAKER CUSICK: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER CUSICK: The Clerk will record the vote on A-7501. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader's Office 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. A07546, Rules Report No. 145, Perry. An act to amend Chapter 479 of the Laws of 2011, amending the Tax Law relating to establishing the taxpayer refund choice act and affirming the right of State residents to receive personal income tax refunds by paper check and requiring the Department of Taxation and Finance to fully describe any debit card or direct deposit program, in relation to extending the effectiveness thereof.

ACTING SPEAKER CUSICK: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER CUSICK: The Clerk will record the vote on A-7546. 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. A07552, Rules Report No. 146, Paulin, Dickens, Otis. An act to amend Chapter 333 of the Laws of 2018 amending the General Business Law relating to the one-call notification system, in relation to making such provisions permanent; and to repeal certain provisions of such chapter relating thereto.

ACTING SPEAKER CUSICK: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER CUSICK: The Clerk will record the vote on A-7552. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leaders 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. A07569, Rules Report No. 147, Hunter. An act to amend the Environmental Conservation Law, in relation to extending the authority of the Department of Environmental Conservation to manage deer and bear; and to amend

Chapter 600 of the Laws of 1993, amending the Environmental Conservation Law relating to the management of deer, in relation to the effectiveness of such chapter.

ACTING SPEAKER CUSICK: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER CUSICK: The Clerk will record the vote on A-7569. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to call the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could record our colleagues Ms. Weinstein and Ms. Rosenthal in the negative on this one.

ACTING SPEAKER CUSICK: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07574, Rules Report No. 148, Conrad. An act to amend Chapter 84 of the Laws of 2010, amending the Environmental Conservation Law relating to the management of migratory game birds, in relation to extending the effectiveness thereof.

ACTING SPEAKER CUSICK: Read the last section.

THE CLERK: This act shall take effect immediately.



ACTING SPEAKER CUSICK: The Clerk will record the vote on A-7574. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07577, Rules Report No. 149, Stirpe. An act to amend Chapter 448 of the Laws of 2017, amending the Canal Law relating to the Upstate Flood Mitigation Task Force, in relation to extending the effectiveness thereof.

ACTING SPEAKER CUSICK: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER CUSICK: The Clerk will record the vote on A-7577. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number provided.

(The Clerk recorded the vote.)

Ms. Walsh to explain your vote.

MS. WALSH: Thank you. I'll definitely support this bill. I would just note that when the original law was passed, it was in response to Governor Cuomo declaring a state of emergency as a result of flooding along the Lake Ontario southern shore in Western New York. And even for several years prior to its passage, Upstate

had experienced some of the worst flooding in history. According to the sponsor, this task force that was called for in the original legislation was never formed. The bill was passed in 2017 and that's why we need to do this extender. So you know, four years passed and the task force was never even created, let alone work on a report with recommendations. I mean, I just think that that's unacceptable. So of course I'll support this extender, we need to get this work done, it's important, I just think that for four years to go by and to have the task force not even created is really kind of sad.

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. A07607, Rules Report No. 150, Kelles. An act to amend the Environmental Conservation Law, in relation to extending the authority of the Department of Environmental Conservation to manage scallops.

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 7607. 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. A07656, Rules Report No. 151, L. Rosenthal. An act to amend Chapter 436 of the Laws of 1997, constituting the Welfare Reform Act of 1997, in relation to extending the current exemptions of income and resources for public assistance programs.

ACTING SPEAKER AUBRY: The bill is laid aside.

At the request of the sponsor, Rules Report No. 152, Bill No. A07695, the bill is starred.

THE CLERK: Assembly No. A07710, Rules Report No. 153, Englebright. An act to amend the Environmental Conservation Law, in relation to the regulation of taking crabs.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 7710. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker and my colleagues, we are moving along at a very nice pace. We are going to go to our debate list now. We're going to start with the first five that we will do and we'll go back and attempt to do five to six more. So let us start, if we could, with Calendar No. 380, Assembly Bill No. 7023 by Mr. Abbate; and then we'll go to Calendar No. 308, Assembly Bill No. 4060 by Mr. Abbate; and then Calendar No. 358, Assembly Bill No. 4077 by Mr. Abbate; and then Calendar No. 310, Assembly Bill No. 4125 which is also by Mr. Abbate. Following that, we'll go directly to Calendar No. 259, Assembly Bill No. 5678 - that's a nice ring, 5-6-7-8 - and it is number five and it will be debated by Ms. Joyner.

ACTING SPEAKER AUBRY: Page 29, Calendar No. 380, the Clerk will read.

THE CLERK: Assembly No. A07023, Calendar No. 380, Abbate. An act to amend Chapter 929 of the Laws of 1986 amending the Tax Law and other laws relating to the Metropolitan Transportation Authority, in relation to extending certain provisions thereof applicable to the resolution of labor disputes.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: One of the challenges we always have as the Legislature is balancing our fiduciary duty with the

taxpayers with a desire to be fair and equitable to everyone. The next several bills either extend or impose binding arbitration on a number of different entities. And at first flush if you're not familiar with how labor negotiations go, you might say, well, binding arbitration is great. If you have two parties that can't agree, you bring in binding arbitration, they make an independent decision. Sounds good in theory, but that's not actually what happens. Unlike a judge who makes the decision that goes one way or the other or somewhere in between, and binding arbitration almost always results in splitting the difference. And there's a very good reason why they split the difference regardless of the merits, and that is if you're an arbitrator and you rule against the employer and you give everything that the employees want, the employer will never hire you again because it's like double elimination and so you are out of a job forever. On the other hand, if you give everything that the -- that the employer wants, well, same things happens, you'll be black balled by the unions.

And so what happens on binding arbitrations, rather than focus on finding the right solution that balances the needs of our public entities that charge us in fares for the cost of their -- their employees, and balancing that against the need to have high-quality employees earning a reasonable rate, these arbitrators almost invariably split the difference. Now I know there are some of you who are saying, oh, wait a minute, what about King Solomon. Remember when he said, *I'm going to split the baby*? Well, you got to read a little bit more in the Bible because what happened is when

King Solomon said that, the real mother said, *Don't kill my baby. I would rather it was raised by somebody else than to see my flesh and blood killed.* And then King Solomon awarded the baby to the mother. So the problem you have is that arbitrators never seek the right decision, they seek a compromise, somewhere in between.

The second problem is this approach engenders game playing. And so this is how it works. The employer walks in and if the employer's worried about binding arbitration, the employer offers zero, even though the employer might reasonably believe that a wage increase might and should be much higher. And then at the same time, the union walks in with a much higher request, even though the union leadership itself recognizes that a lower amount should be appropriate. And so rather than foster a thoughtful discussion and negotiation, binding arbitration does the opposite and it results in much higher costs for all the ratepayers who are riding on the MTA, assuming the MTA eventually raises its rates, or the Niagara Frontier buses, or whatever entity is involved.

Now some of you may be wondering, *Well, if we don't have binding arbitration, how do we settle wage disputes?* The answer is the Public Employees Relation Board, PERB, has very skilled mediators, and those mediators can't force a settlement down the throat of either the union or the employer. But they are very skilled in working on getting settlements. Instead of using arbitrators who may be out of the area, who may fly in, who bear no responsibility for the financial ramifications that occur based on their

decision, we should focus on mediation. And we should recognize that the employer has a legitimate interest, both in keeping rates reasonable for our customers and our transit riders, and making sure they have good employees.

Now all of us I think are concerned about the cost of living in New York State. All of us want New York State to be more affordable, and if we want New York State to be more affordable, we should not remove the final decision from the parties and give that final decision to some third party that hasn't been selected to run the organization and doesn't work for the organization and just comes in to actuate, split the baby in direct contravention of King Solomon's advice.

And so for that reason, I and several of my colleagues will be voting against it, but I know it certainly has an attraction on its surface to extend binding arbitration. 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 7023. 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. In addition to those voting no on the floor, please record Mr. Ashby in the negative

along with Ms. Byrnes, Mr. DiPietro, Mr. Fitzpatrick, Mr. Hawley, and Mr. Montesano. 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 23, Calendar No. 308, the Clerk will read.

THE CLERK: Senate No. S04897, Calendar No. 308, Senator Gounardes (Abbate--A04060). An act to amend the Civil Service Law, in relation to employees classified as the Triborough Bridge and Tunnel Authority Superior Officers Benevolent Association of an MTA-employer and the resolution of disputes in the course of collective negotiations.

ACTING SPEAKER AUBRY: Mr. Goodell. Oh, no?

MR. GOODELL: Thank you, sir. This is another binding arbitration provision that applies, in this case, to the Triborough Bridge and Tunnel Authority. And once again, it eliminates the balancing act that management employees have when they negotiate and replace it with a mandatory binding decision made by third-parties who are neither in management nor employees. And it will undoubtedly end up driving up our costs for those consumers who like to use the Triborough Bridge and Tunnel, and I'm interested in doing everything I can to maximize the affordability of living in New York State, and that means encouraging people to use mediation



rather than arbitration. Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 4897. 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. Please record the following colleagues voting no on this legislation: Ms. Byrnes, Mr. DiPietro, Mr. Fitzpatrick, Mr. Friend, Mr. Hawley, and Mr. Simpson.

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

MR. TAGUE: Yes, Mr. Speaker. Please also put me down as a no vote, in the negative on this, as well.

ACTING SPEAKER AUBRY: Our pleasure. Mr. Tague in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 27, Calendar No. 358, the Clerk will read.

THE CLERK: Senate No. S03537, Rules Report No. 358, Senator Kennedy (Abbate--A04077). An act to amend the Civil Service Law, in relation to resolution of disputes in the course of

collective negotiations.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: This bill would extend binding arbitration for the Niagara Frontier Transportation Authority, which is the NFTA, the Rochester-Genesee Regional Transportation Authority, the Capital District Transportation Authority and the Central New York Region Transportation Authority. The bill is opposed by the New York Public Transit on behalf of the Niagara Frontier Transportation Authority, the Rochester-Genesee Transportation Authority, the Capital District Transportation Authority, and the Central New York Transportation Authority, and they all oppose it on the grounds that this undermines their bargaining ability which ultimately drives up labor costs, increases operating deficits and hurts New York tax -- taxpayers. Because this bill had 31 no votes the last time it was presented, this will be a Party vote in the negative. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

The Clerk will record the vote on Senate print 3537. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

MRS. PEOPLES-STOKES: Mr. Speaker, our

colleagues are generally going to be in the affirmative on this one; however, if there are colleagues that desire to be an exception, they should contact the Majority Leader's Office and we will be pleased to record your vote.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir. As mentioned, this will be a Party vote in the negative on behalf of the Republican Conference, but those who support the legislation are encouraged to call the Minority Leader's Office so we can record your vote properly. Thank you, sir.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir. In addition to the affirmative votes on the floor, please record the following in the affirmative: Mr. Brabenec, Mr. Gandolfo, Mr. Mike Lawler, Mr. Mikulin --

ACTING SPEAKER AUBRY: One minute.

Proceed.

MR. GOODELL: -- Mr. Miller, Mr. Schmitt, and Mr. Smith. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 23, Calendar No. 310, the Clerk will read.

THE CLERK: Assembly No. A04125, Calendar No. 310, Abbate, J.D. Rivera, Lunsford, Sillitti. An act to amend the Civil Service Law, the Public Authorities Law and the Military Law, in relation to suspension or demotion upon the abolition or reduction of positions for labor class and noncompetitive titles; and to repeal Section 80-a of the Civil Service Law relating thereto.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

Mr. Abbate yields.

MR. GOODELL: Thank you, Mr. Abbate. Since we're doing all these bills for you, I thought it was only appropriate I'd give you an opportunity to you stand and stretch your legs.

MR. ABBATE: Thank you very much. I appreciate it.

MR. GOODELL: Now, what this bill does, as I understand it, it would expand the Civil Service Law seniority provisions to require employees in the noncompetitive and in the labor classes to be laid off in -- based on seniority.

MR. ABBATE: To be -- to be characterized and to be in the same situation as all other employees.

MR. GOODELL: Is there anything under current law that prohibits a municipality from negotiating those provisions in a

collective bargaining agreement?

MR. ABBATE: I don't think there's anything in current law. It doesn't seem like any of them are willing to do that. This would basically state, as in all other categories, you know, you've heard it many times before and some of my newer colleagues, those who were first hired, you know, the longest on the job are usually -- God forbid you have to lay off people last, and when you hire back, you hire those people back who have the longest seniority. We're trying to just expand that to all classes of workers in the State.

MR. GOODELL: Thank you, Mr. Abbate for explaining that.

On the bill, sir.

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

MR. GOODELL: Under current law, it's up to a local government to negotiate a collective bargaining agreement that can define that noncompetitive or labor classes are laid off based strictly on seniority or based on other factors. And in my county, I have 18 school districts, 27 towns, two cities, and a handful of villages, each headed by local elected officials that were entrusted by their local residents to do the right thing. And I'm concerned that we, in the State, are passing a law that applies across the board to thousands of municipalities without any knowledge or consideration of what they might want or what their employees might want, or even what they might want to competitively negotiate. I don't think it's the right role

for this State to sit on top of our ivory tower and tell thousands of local municipalities how they should operate when most of us would have a hard time finding where those municipalities are on a map. So let's leave local discretion with local officials and let them make the thoughtful decisions that they were elected to make. 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 4125. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation. Those who would like to support it are encouraged to call the Minority Leader's Office so we can properly record your vote. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, the Majority Conference will generally be in favor of this one; however, there may be some of our colleagues that would like to be an exception. We're pleased to take their call in the Majority Leader's

Office should they decide to do so. Thank you.

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

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. In addition to those voting in the affirmative on the floor, please record the following colleagues in the affirmative: Mr. Brabenec, Mr. Gandolfo, Mr. Lawler, Brian Miller, Ms. Miller, and Mr. Schmitt. 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.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Just a little bit of a change in our schedule here. So we're going to go next to Calendar No. 30, Mr. Gottfried, Assembly Bill No. 126-A; followed by Calendar No. 259, Assembly Bill No. 5678 by Ms. Joyner; and Calendar No. 104, Assembly Bill No. 2505 by Ms. Weinstein, and asking colleagues' patience because there will be more to come.

ACTING SPEAKER AUBRY: Thank you.

Page -- Calendar No. 30, page 6, the Clerk will read.

THE CLERK: Assembly No. A00126-A, Calendar

No. 30, Gottfried, Englebright, Thiele, Reyes, Colton, L. Rosenthal, Carroll, Dinowitz, Griffin, Steck, Jacobson, McMahon, Cruz, Galef, Ashby, Epstein, McDonald, Abinanti, Barron, Sayegh, Hevesi, Fahy, Zebrowski, Clark, Lemondes, Lawler, Zinerman, Otis, DeStefano, Forrest, Kelles, Simon, Seawright, Stern, Lupardo, Perry, Durso, Burdick. An act to amend the Public Health Law, in relation to establishing a list of emerging contaminants.

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

MR. GOTTFRIED: Yes. So about four years ago, we -- the Legislature and the Governor told the Health Department to prepare a list of drinking water contaminants and to then make regulations about those contaminants. Four years later, the Department has yet to create such a list and being tired of waiting on them, this bill creates the first list of some specified chemicals, invites the Department to add to it, and to then make the regulations that they were supposed to make four years ago.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

ACTING SPEAKER AUBRY: Will you yield, Mr. Gottfried?

MR. GOTTFRIED: Certainly.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Mr. Gottfried. I was



going to ask you to read the list.

(Laughter)

MR. GOTTFRIED: I thought you might.

MR. GOODELL: And I couldn't pronounce any of them, with a few exceptions, but... so what's it mean, under this bill, that these particular chemicals are identified as emerging contaminants; what's that actually mean?

MR. GOTTFRIED: Well, that means that they are chemicals in drinking water for which the Health Department would set regulations as to what are called action levels of concentrations at which a water system must take action, and also to make regulations as to what, if any, action would be appropriate such as remediation of -- remediation would be appropriated in some circumstances, not in all. These chemicals are all chemicals that are listed as human hazards by the Federal EPA. I don't know that anybody that I know of has ever raised any question as to whether these chemicals really do belong on such a list and if the Health Department were doing its job, we wouldn't be considering this bill because they would've already done it. But as members --

MR. GOODELL: So it's your view that --

MR. GOTTFRIED: -- on both sides of the aisle have observed on any number of topics relating to the Health Department in the recent past, they're not always on the top of their game, and this is one of them.

MR. GOODELL: So it's your -- your view that the

Health Department is simply not doing its job as required under the Emerging Contaminant Monitoring Act of 2018?

MR. GOTTFRIED: Exactly.

MR. GOODELL: Now, it's my understanding that the Health Department currently requires periodic testing for 30 unregulated contaminants for public drinking water. Doesn't that list of 30 contaminants include these?

MR. GOTTFRIED: I'm not familiar with that list, but what I can tell you is that the contaminant law that we passed four years ago has its own set of provisions and is supposed to have a list, and under this bill it will now have a list. The chemicals you're talking about, I'm not sure what list they're on or what the consequences of being on that list might be.

MR. GOODELL: Of course the Federal government has long been involved in this and they have the Safe Drinking Water Act regulated by the U.S. EPA. Is it your view that the Federal government is also not doing its job?

MR. GOTTFRIED: Well, I'm not entirely sure what its job is. I'm not an expert on what the -- what EPA's authority is. I am sure that they are not doing this job which is a job that four years ago the Legislature and the Governor assigned to the Health Department. And in the intervening time, I'm not aware that anyone has -- certainly I don't think anyone in the Legislature has said, *Oh my God, what we did four years ago, that was a mistake. We ought to pull back on that.* I don't think anybody has said that. What many

members of the Legislature have said is expressing at least dissatisfaction at the Health Department for not doing what this Legislature and our Governor ordered them to do.

MR. GOODELL: Of course the legislation that we passed back in 2017 and '18 established a process for designating these types of chemicals, which included, of course, a comprehensive review of available literature, a formal rule-making process, public comment. But this legislation bypasses all of that, right? There were no public hearings on these -- on this list of contaminants was there?

MR. GOTTFRIED: Well, you know, I'm not sure whether the Health Department may have held hearings on this topic. It is quite clear that these chemicals are all chemicals that are appropriately -- appropriate for this kind of list officially designated by the EPA. They are all chemicals -- and, by the way, we pared the bill down a couple months ago to make it even -- to make it narrower. They're all chemicals that a variety of very competent and knowledgeable environmental groups have long advocated being put on this list. They're chemicals that I think any number of legislators have been hollering about in their localities because they turn up in their water. So I don't know that there is anybody who makes a case that these chemicals don't belong on that list. Again, the only reason we have this bill in front of us is because of a Health Department's failure to do its job. Would it have been better if three years ago the Health Department had held hearings, had the Water Quality Council meet and debate and talk about all of this and then put these chemicals

on a list? Sure, that would have been a whole lot better. But, you know, I'd like to have this list go forward before, you know, my great-grandchildren are drinking the water.

MR. GOODELL: Thank you, Mr. Gottfried. I appreciate that explanation.

On the bill, sir.

MR. GOTTFRIED: Thank you.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: This legislation has a long list of chemical compounds that, with few exceptions, I cannot pronounce and I would doubt that anyone in the Legislature fully understands. And so we are being asked, as legislators, to ban certain products when we have not had any hearings, we have not solicited input, we have not reviewed all of the literature, and none of us, or almost none of us have the expertise or even the ability to pronounce these chemicals. It's not our role, and it should not be our role. Our role was correctly exercised in 2017 when we asked the Health Department to do the right process, to hold those hearings, to evaluate all the literature, to do the scientific studies and implement what chemicals, if any, should be identified. All in an open, public session. All with the opportunity for public comment. All with a cost-benefit opportunity. And this short circuits all of it and it asks all of us to vote in banning certain chemicals that we can't even pronounce and, my guess, unless you try to read this list, you've never heard of and never will even hear of.

So if we're concerned with the Health Department, it's not doing its job, and I share my colleague's deep concern in that regard as evidenced by multiple things over the last year, of course, but it seems the right remedy is for us as the Legislature to hold hearings and invite the Health Department and representatives from water companies, from the environment, scientists, and everyone else to come in front of us in a legislative hearing session and explain what's going on and what should be going on. None of that happened with this legislation.

So I have in front of me, believe it or not, a provision that says -- talks about humility. It says, *Be completely humble*. I'm not reading the rest of the quote because I rarely comply with the rest of it, but humility means recognizing that there are others with a lot more expertise than us who ought to be making thoughtful, balanced decisions. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

Would the sponsor yield for just a couple questions?

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

MR. GOTTFRIED: Yes.

ACTING SPEAKER AUBRY: Mr. Gottfried yields, sir.

MR. MANKTELOW: Thank you, sir. I was just wondering, who actually put this list together?

MR. GOTTFRIED: Who actually put this list together? Well, many hands made light work. I and my staff did a lot of the putting together of it. Kelly Stewart at the Legislative Bill Drafting Commission actually did the typing. The suggested chemicals were provided to us with appropriate references to the Federal EPA list by various environmental groups.

MR. MANKTELOW: So did the environmental groups, those are the ones that provided the list to you, sir?

MR. GOTTFRIED: They -- they provided a list. They also provided references to EPA and other sources that have such a list. So it wasn't just they made up the list at a whole thought, they were sending us a list based on EPA and other material that they sent to us and that we looked at. And I don't know that anybody, whether they can pronounce these chemicals or not, and I don't think our -- our fluency with chemical names or what, you know, whether we took a graduate course in chemistry is all that relevant here, but I don't know that anybody seriously contends that you really don't want your children drinking this stuff.

MR. MANKTELOW: Yeah, I -- I totally agree with you.

MR. GOTTFRIED: Thank you.

MR. MANKTELOW: So just another question. So the list of contaminants, where are they coming from?

MR. GOTTFRIED: Where are the chemicals coming from?

MR. MANKTELOW: Yes, sir.

MR. GOTTFRIED: A variety of places. A lot of them come from industrial operations, some of them come from, you know, in the areas around a couple of military bases; apparently some of the chemicals in the water come from fire retarding foam that they spread on air fields and -- and -- and the like. So the chemicals come from a variety of places in our modern, industrial society.

MR. MANKTELOW: So if we -- if we move forward and we get this list of chemicals, what are we going to do then with the list of chemicals?

MR. GOTTFRIED: What are we then going to do?

MR. MANKTELOW: Yes, sir.

MR. GOTTFRIED: The Health Department, assuming they do their job, the Health Department will take this list and make regulations specifying contamination levels that call for action, and they will -- and that's in the existing law that we enacted four years ago. They would also make regulations as to what the appropriate actions are, for example, if a chemical is capable of being remediated from the ground water or from drinking water, they would make regulations about remediation. If there's no way to remediate that is reasonable, then they -- they wouldn't be doing that. That is part of the job we gave them four years ago and would still be their job if this bill passes. All this bill does is say, *You've had four years to begin building a list, you haven't put anything on the list. Here's the first batch of chemicals on the list.* And by the way, I -- I haven't

heard anybody suggest that these chemicals really don't belong on such a list, it's just that the Health Department, every time they would schedule a meeting of the Water Quality Board, it would get postponed for four years while our children keep drinking the water.

MR. MANKTELOW: So you're -- you're the Chair of the Health Committee, correct?

MR. GOTTFRIED: I am Chair of the Health Committee, yes.

MR. MANKTELOW: Over the last four years seeing this was given to the Health Department, how many times did you contact them to ask them where the list was?

MR. GOTTFRIED: I've lost count. We've sent them quite a few letters and memos.

MR. MANKTELOW: Any personal conversations?

MR. GOTTFRIED: Any -- I'm sorry.

MR. MANKTELOW: I'm sorry. Any personal conversations with the Health Department?

MR. GOTTFRIED: I have not, I don't know whether anyone of my staff has talked to people in the Department, probably because they, you know, they every so often come up with an excuse like, you know, *Sorry we had to cancel this week's meeting because something came up*, and then for the last several months, of course, it's, *Oh, the water quality people can't pull a meeting together because we're so busy with COVID*. I don't know that the water quality people are involved with COVID, but that's been a recent excuse. It's always,



as Gilda Radner used to say, *It's always something*.

MR. MANKTELOW: Yeah, especially with COVID going on, absolutely. So if we do get this together, this list is all put together and it's directing the Health Department to look into this, how are we going to make that happen? If they couldn't even come up with a list, how are we going to have them implement the list?

MR. GOTTFRIED: I'm sorry, your last couple of words were muffled; how are we going to...

MR. MANKTELOW: Sorry about that. How are we going to have the Health Department implement this list if they haven't even had time to -- to make the list?

MR. GOTTFRIED: Well, maybe they'll finally get the message and (inaudible) now that we will have done the first part of their work for them. I can't guarantee that. I'm lucky if I can guarantee what I'll do over the next three months, I certainly can't guarantee what the Health Department will do. But we will at least have taken a significant step, assuming both -- the bill passes both Houses and the Governor signs it. If the Health Department continues to fall down on their job, we'll have to cross that bridge when we come to it.

MR. MANKTELOW: So maybe, you know, the possibility would be that again, your office would even take over more work for the Health Department, then, is that what I'm hearing?

MR. GOTTFRIED: Well, who knows. You know, I always say sometimes the Legislature can stop a government agency

from doing something, sometimes. It's very hard for us to make a government agency do something. It's like the old saying pushing on a rope. And that's part of the frustration of being in the Legislative branch. You know, we're not a Canadian province where I would be the Minister of Health, which would probably not be a good idea.

MR. MANKTELOW: So who, sir, who would have the power to push them to do their job?

MR. GOTTFRIED: Who would have the power to make them do their job?

MR. MANKTELOW: Yes, sir.

MR. GOTTFRIED: Obviously the Governor.

MR. MANKTELOW: And that's not being done.

MR. GOTTFRIED: And that's not happening, correct.

MR. MANKTELOW: So we're to create more --

MR. GOTTFRIED: If you want to take that as a dig at the Governor, I wouldn't argue with you.

MR. MANKTELOW: No, not at all, I just -- I have concern that we, again, adding more work to the Department of Health when we can't even get them to do the original agreement or the original bill coming up with a list. So just one last question. I know when I work with my staff back home in the office, working with your staff, did anybody work with them prior to asking questions about the different chemicals? I just wondered. Did they have any training or anything on that?

MR. GOTTFRIED: I'm sorry, any -- did we work with any --

MR. MANKTELOW: I'm sorry. Did your staff -- I appreciate the work that your staff did. Did your staff have any training on any information or where these chemicals are coming from, or they were just making the phone calls for you?

MR. GOTTFRIED: My staff and I were working on information presented to us by people who are professionals in this field. Environmental advocates, scientists, information directly from the EPA and the like. So we're not just guessing about, you know, *Gee, this chemical has a long name, it's probably bad for you.* There is strong, scientific, governmentally-documented basis for every chemical in this bill.

MR. MANKTELOW: And when you were doing all this -- all this work, how many water authorities throughout the State did you reach out just to -- to get their input?

MR. GOTTFRIED: I'm sorry, how many...

MR. MANKTELOW: I'm sorry. How many water authorities that we have throughout the State, how many of them did you contact to get their input on this?

MR. GOTTFRIED: I don't know that we reached out to any of them in particular. I'm quite certain -- I mean, this bill's been around for a while. I'm quite certain their -- their various trade associations are very familiar with the bill.

MR. MANKTELOW: All right. Okay. So -- so

you're -- you're quite certain about it, but not really for sure 100 percent?

MR. GOTTFRIED: I haven't personally quizzed them, no.

MR. MANKTELOW: Okay.

MR. GOTTFRIED: But, you know, the bill has a pretty low bill number. It's been around for a while. I think we had a version of this bill in last year. So it's -- I mean, it's not like the water companies are going to go, *Oh my goodness, where did this come from?* I think they know.

MR. MANKTELOW: Yeah, I think they know but I think it's our responsibility to do due diligence with all the players involved in this, including the water authorities, including people that are on wells in the rural districts. I appreciate the -- where you're trying to go with this. The one thing that I don't agree with is you and your staff should not be doing the work of the Department of Health. We as legislators should make sure they have the people, the funding to do their job. And if they're not going to do their job, then we should absolutely hold the Governor responsible because he has the power to make that happen, and obviously that's not happening. And we're seeing this more and more as we've been dealing with the COVID the last couple last -- or, the last year-and-a-half. So I thank you for your comments and your time, sir, and Mr. Speaker, on the bill.

MR. GOTTFRIED: Thanks.

ACTING SPEAKER AUBRY: On the bill. And if you can pull that mask up for me. Thank you.

MR. MANKTELOW: I'm trying, but it's hard to talk through.

ACTING SPEAKER AUBRY: I understand, I know.

MR. MANKTELOW: I gotcha.

ACTING SPEAKER AUBRY: It's difficult to talk with it, but...

MR. MANKTELOW: Don't tell Wayne, okay, because he'll be over here.

(Laughter)

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MANKTELOW: I -- I -- I applaud the sponsor of the bill for looking out for what's in drinking water, absolutely. Do we need to keep it healthy? Absolutely. But at the same time, we need to have all the players at the table and I just don't feel that we as legislators and our office staff should be coming up with a list of chemicals to look at. That's not our responsibility and not our job. We -- our taxpayers of this State pay the Department of Health to do this and we need to hold their feet to the fire.

So I just have concerns as we move forward that we're not vetting this enough, and sometimes it's easier to take smaller steps than bigger steps and that's what I'm asking our sponsor to do. Let's take another look at this and let's -- let's hold the Department of

Health to -- to do their job. That's what they're there for. So I will be voting in the negative on this, I will ask my colleagues to do the same, but I do applaud the sponsor for -- for his hard work and his staff's hard work and everybody else involved. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Montesano.

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

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

MR. GOTTFRIED: Yes.

MR. MONTESANO: Thank you, Mr. Gottfried. I just have a question on the list that was put together, is there numbers on there that indicate what the recommended amount is with the, you know, the amount is to make it dangerous, you know, as far as the measurements they use for the chemicals in water?

MR. GOTTFRIED: Determining the action levels for the various chemicals would still be the job of the Health Department.

MR. MONTESANO: So basically this list is telling them this is what we think should be on the list they should have made and then they have to do the rest of the technical work.

MR. GOTTFRIED: Yes. We're not taking over the whole job. We're not even taking over the job of making the list. The bill says these are the first chemicals that should be on the list and now we want you to make -- take the rest of the actions about rule

making, et cetera, under the law at least for this first group.

MR. MONTESANO: And when they get that, if this becomes law and they get this list, do they have the ability after doing an analysis and study to remove any of these chemicals from the list?

MR. GOTTFRIED: I think they could remove a chemical from the list. They could certainly set an action level at a high enough level so that there would rarely be action. I suppose they could just say that, you know, we're supposed to say what's appropriate and appropriate is to do nothing. So they -- they could do that with some or -- or any of these chemicals. That is true. That would at least require them to get up in the morning and actually do something and do it in public. The frustration here has been for four years they've done nothing.

MR. MONTESANO: No, well, I agree with you and I thank you for doing that. Thank you, Mr. Gottfried.

Mr. Speaker, on the bill.

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

MR. MONTESANO: Thank you. So I understand what's going on, I've been involved with our water districts over the past several years with some remediation issues on Long Island and, you know, the water districts, you know, of course get their guidance from both the New York State Department of Health and the Nassau County Department of Health. And recently, as my fellow colleagues from Long Island know, especially in Nassau County, hundreds of

millions of dollars was expended by these water districts between bonding -- bonding money, some money that came in from State -- from Federal government to put a lot of remediation pumps and systems into effect, especially dealing with 1,4-Dioxane and other issues. And it's cost a lot of money and money well spent, by the way, and necessary, but they have to build buildings in many occasions to put this remediation equipment in. A lot of the remediation equipment had to be designed and built which caused a, you know, a delay in implementation.

So when we look at the list now with additional contaminants that have to be studied, I think, you know, water districts have to be included so they can prepare and looking -- going forward what they're going to be called upon to do. So I will support this -- this bill because I think it's necessary, it's very important. And like the sponsor, you know, I have a number of grandchildren I'd like to see have a little better water quality, especially on Long Island since we draw out of the aquifers and we've had a lot of industry out there over the years, and who knows what else they've dumped into the water that's going to start emerging at this point because that 50-year mark, you know, has hit us and we're starting to see a lot.

The one thing I would like to suggest to the sponsor and to my colleagues as we consider this piece of legislation and try to prompt the Health Department to do its job, this is not the first time we've seen them sitting on their hands on different matters, health-related matters, water quality matters, and other things that



have gone on this last year-and-a-half. It seems to me in my own personal opinion that there's a lack of leadership over in the Health Department. While I think we can make a case they could use some additional manpower because we put things on their back in additional funding, I really, truly believe there's a lack of leadership there. And while the Governor is responsible because the Commissioner is his appointee, I think one of the things the Legislature, especially our House, should consider is taking a vote of no confidence against the Health Commissioner to force his removal from the Health Department, and maybe we could get somebody in there that will, first of all, respect the Legislature and respond to us in a timely manner when we have these issues and realize the importance of conducting these studies and arranging for public hearings to be held, bringing in the scientific community, bringing in the environmental community as is necessary to get this problem done.

So I will support the bill and, to me, it's something that's necessary that we need to do to prompt this Health Department. And we shouldn't have to be doing this to prompt them to do their job, but I would like my colleagues to seriously consider taking some action to stimulate the Governor and the Health Commissioner to get moving or get out. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Giglio.

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

ACTING SPEAKER AUBRY: Mr. Gottfried --

MR. GOTTFRIED: Yes.

ACTING SPEAKER AUBRY: -- yields.

MS. GIGLIO: Thank you. So as a commissioner of a water district, as I was for ten years, you know, we -- the Town of Riverhead took a very big hit. We're also near the former Grumman facility. And when the State last year in July reduced the parts per trillion from 70 parts per trillion to 10 parts per trillion for PFAS and PFOS, it really, it cost millions of dollars to try and get matching grants, to try and get funding, to try and remediate the wells that were for the public water supply. And we also have several properties that are out of reach; there's approximately 130 properties that are out of reach from the water district and from the lines. We did a map and plan last year and it's going to cost around \$6 million to extend public water to those 130 houses that have the contaminants in their drinking water wells, and the New York State DEC has been going there on a regular basis and putting in filtration systems and testing their wells, which also costs a lot of money. So I'm just wondering, is there any funding that goes along with these emerging contaminants and reducing the amount of parts per trillion, say as they did with the PFAS and the PFOS from 70- to 10-?

MR. GOTTFRIED: Well, the -- what -- what this bill specifically deals with is the question of what chemicals are going to be subject to the process. Exactly what decisions are made and how those decisions are implemented is a separate question. The testing

itself, by the way, is actually relatively inexpensive particularly since while you -- you look at this list and you say, *Oh my goodness, look at all these, you know, there's like a couple of dozen PFAS... chemicals on the list.* Fortunately they are -- they are in a couple of classes of chemical and can be tested for on a class and dealt with on a class basis.

So what we do when we find these problems and who will pay for it, you know, is -- is essentially something we legislated about four years ago. All this bill does is put the first batch of chemicals into the decision-making pipeline. What we do with them will be up to the Health Department and hopefully they will do their job. But whatever we do a little bit down the road I think it's -- it's essential that we start out with a science-based list as opposed to virtually no list. And by the way earlier, I should correct myself. I -- I said there was -- they had not made any list at all. They did actually put two chemicals on a list. One PFAS molecule and one other but, you know, that's -- that was such a minimal step.

MS. GIGLIO: I get it. So my time doesn't run out, I couldn't agree with you more that we all want good, clean water for our children and, you know, we do have these 130 houses that are south of the Grumman facility and they do not have good drinking water. So it is a problem and I agree with you that this is a noble cause and we need to fix it, but the fact that the Health Department hasn't done anything about it and that they are deferring penalties for two years for water districts that are trying to mediate it and trying to

make improvements to the list, that there isn't any grant funding. I mean, my Superintendent of the water district is texting me now, he's saying, you know, if the Health Department and the New York State DEC were more apt to allow water districts to blend wells, I mean, that might be good legislation to put forth to let them blend the wells so that it reduces the amount of contaminants that's actually coming out of the water district.

But this is an unfunded mandate and the fact that the Health Department has not had the public hearings to talk about what contaminants really hurt public health and how it affects health and how do we work to fix it. I -- I really respect you for putting this forward and I am going to be voting in the affirmative, but I caution that with the elimination of these emerging contaminants, it comes with a lot of money, a lot of money especially in small towns that their water districts don't have.

MR. GOTTFRIED: I would agree.

MS. GIGLIO: So hopefully we can work together on some sort of grant funding. I know I have been speaking to Assemblyman Engle -- an Assemblyman in my district that flows over into his district and I'm hoping that we're going to be able to get some funding to fix these problems, because it's okay to say on the floor that these are emerging contaminants and they're bad for your health, but if the money is not there to mediate -- remediate it and to make it better, then it's really a useless exercise.

MR. GOTTFRIED: Yeah. Several years ago, we --

we authorized, I forget the exact number, but it's a huge funding authorization for water quality. As far as I know, that money is still awaiting being used.

MS. GIGLIO: Yeah, I mean there is a lot of money, and there was a matching grant for Manganese removal, but not for these contaminants that you have in this bill. So we need to work towards that and make sure that you're not putting water districts out of business --

MR. GOTTFRIED: Right.

MS. GIGLIO: -- and that, you know, 160 people will benefit from the majority in the district, but if it's a small district it really does put a strain on the water district in actually getting the water out --

MR. GOTTFRIED: Right.

MS. GIGLIO: -- and keeping the water good.

MR. GOTTFRIED: I agree.

MS. GIGLIO: Okay. Thank you for your time.

MR. GOTTFRIED: Okay. You're welcome.

MS. GIGLIO: Thank you, Mr. Speaker.

On the bill.

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

MS. GIGLIO: So I will be voting in the affirmative because I've heard from the residents in my district that are down flow from the former Grumman facility and their wells are contaminated.

But there isn't any funding for it, we have to get these people connected to public water and we have to do it sooner than later. So I will be voting in the affirmative and I will be working with Mr. Gottfried -- or with my colleagues to try and get funding to the water district so that those people can have clean water, which is what we expect by adopting legislation like this. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker, if the sponsor would yield.

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

MR. GOTTFRIED: Yes.

MR. WALCZYK: Thanks, and I laud your concern about PFOS and PFAS getting into our water supply, as I think a lot of us are -- are concerned about those, as well as contaminants. I've been, for the last few minutes here, Googling some of the things that are on your extensive list, but I wanted to start with a question here about -- it seems like the target and by way of your -- your justification in the sponsor's memo, is for a lot of the smaller municipalities. So this -- this doesn't impact anything that is already covered, this is only for areas that aren't testing the water for these emerging contaminants, and that's 10,000 or less; am I reading that right?

MR. GOTTFRIED: Well, the bill doesn't change

who is subject to what laws. That was all done four years ago. This just starts filling in the list that the law called for.

MR. WALCZYK: Okay, I see a --

MR. GOTTFRIED: I'd have to go back and check on the -- what we said four years ago about the question you asked.

MR. WALCZYK: Yeah, you mentioned the loophole that leaves 2.5 million New Yorkers on smaller water systems that don't benefit from this testing. So I was just wondering where are those 2.5 million -- who are we really trying to address here in that 2.5 million New Yorkers?

MR. GOTTFRIED: Well, if they're in smaller communities, they, you know, they're more likely, I imagine, to be your constituents than mine. Where each of those small communities is, I don't -- I couldn't tell you which counties they're in, but I think we all have an intuitive sense of where the smaller population communities in the State are.

MR. WALCZYK: Sure. But to be clear, like New York City, for example, the emerging contaminants are already listed for that water supply and tested on a monthly basis?

MR. GOTTFRIED: I'd have to go back and check and see what -- what list does or doesn't apply, let's say, to New York City right now.

MR. WALCZYK: Yeah, that's -- that's what I'm asking you.

MR. GOTTFRIED: And I'm not quite sure how that

affects whether this bill is the right -- is a good idea or not.

MR. WALCZYK: Yeah, neither was I. That's why I wanted to ask you about it.

MR. GOTTFRIED: Yeah.

MR. WALCZYK: Because as it was -- as it was written, water supplies with -- with that supply to 10,000 people or less, and these 2.5 million New Yorkers on the smaller systems are left out in a loophole here, so that's -- that's the population I was trying to, by this line of questioning, understand who exactly wasn't already covered.

MR. GOTTFRIED: Yeah, I -- I could not recite to you a list of the communities of 10,000 or fewer population.

MR. WALCZYK: Okay. And I, you know, in hearing the dialog between -- between you and I can -- I think everyone in this Chamber can point to some frustration that we've had with an agency or department in New York State, and I -- I hear you on the frustration. So if you -- any time you talk about checks and balances, you get me excited. We put it in statute in 2017 having an act of 2018 and you expect to get those answers from Department of Health. What's -- what's preventing the scientists at Department of Health, what mechanism at the Department of Health is preventing them from putting out their own list like this?

MR. GOTTFRIED: Well, that's a good question. I don't know what either within the Department or between the Department and the Governor's Office has really led to the fact that for



all these years they keep coming up with a series of reasons for why they can't hold the water quality meeting, you know, next month, you know, whichever month you want to pick. All I know is they have scheduled many such meetings, they always get postponed and there's really never a good explanation for it. And a lot of people just finally said, *Enough is enough. Let's legislate putting at least the first few chemicals on the list to get the ball rolling.*

MR. WALCZYK: Sure, and if these -- if these listed chemicals are codified in statute here and that testing is done every -- every 30 days as I understand you've got it written here, what's the public notice look like if any of those emerging contaminants are -- are found in the water supply?

MR. GOTTFRIED: Well, that's all spelled out in the legislation from four years ago and the Department would -- would also be able to make further regulations about that. So off the top of my head, I can't tell you what the notice provisions are. They've been in the law for four years now.

MR. WALCZYK: Would it -- would it be the owner of that water supply that's then responsible for alerting residents that an emerging contaminant is possibly in their water supply?

MR. GOTTFRIED: Same answer, I'd have to go back and check to be sure. It would probably be some combination of the water company's responsibility to communicate with its customers. There may also be a responsibility with the Health Department.

MR. WALCZYK: Is there -- is there any bottom? So

-- so we're looking to capture every public water system, private water systems, as well. Is there any -- any bottom layer size, we're not talking about individual homeowner wells or anything like that are we, Mr. Sponsor?

MR. GOTTFRIED: You'd have to go back and look at the 2017 legislation. This bill makes no change on that score. So whatever -- whatever the law has been for four years, if the Department had ever gotten around to making the list, that would be the same law under this bill.

MR. WALCZYK: I got it. And you have finally steered me to a proper discussion on this particular piece of legislation, which is -- is that list. So I'm curious, the scientists -- and I, you know, I don't know what all of these chemicals are here. I wish that we had someone in the Chamber that was an expert on all of these things, I can't pronounce most of them, but a couple of them stood out. I saw testosterone was on the list. What are the -- the health risks associated with testosterone in the water supply? I really haven't read anything about that.

MR. GOTTFRIED: Well, as I often, as Health Chair say, my degree has a D in it but the first letter is a J, not an M, and certainly not a PH. So don't ask me all the things that having testosterone in your drinking water could do to you, but the EPA and environmental groups and a whole lot of the scientific community really thinks it's a bad idea. I mean, if you want, I've got a document in my computer that lists a whole lot -- all of these chemicals and

mentions which of them cause cancer and which of them, you know, make your head fall off, I just can't recite that from memory.

MR. WALCZYK: And --

MR. GOTTFRIED: But what I can tell you is that people who -- people who know about such things are about as unanimous as can be in wanting these 20 -- these chemicals on that list. This list, I mean, unless you're a chemical company, this list is not controversial. I don't know that anybody is attacking this list as being controversial. Again, except maybe some of the chemical companies who make a lot of money selling these chemicals that end up in our water. But other than them, I don't know that there is any scientific debate to speak of about the dangerousness -- the dangerousness of these chemicals.

MR. WALCZYK: Well, and I apologize for not knowing and being privy to a lot of the legislation that you worked on back in 2017, I wasn't a member of this Body so I didn't participate in those -- those hearings. It seems like from my quick Google of a lot of this list, many of these chemicals are building blocks for PFOS and PFAS, which is written about widely, and I -- like I laud your efforts right in the beginning. Testosterone sort of stuck out at me as one of the chemicals that really has nothing to do with PFOS or PFAS so I was curious how scientists put that one as a priority on the list. And I have read a lot about estrogen in drinking water recently. Was that recommended by scientists, or why was that one left off the list?

MR. GOTTFRIED: Every chemical on this list -- I'm

pretty sure every chemical on this list is on the EPA list. They are all chemicals that -- that the reputable scientific community is united in saying ought to be on this list. I think every one of them is on the EPA list.

MR. WALCZYK: The 1,4,6-Androstatriene-3,17-dione, I couldn't tell you if I'm saying that right, but I Googled it, is a over-the-counter supplement with a 48-hour half life. How did that one end up on the list?

MR. GOTTFRIED: Well again, my degree begins with a J and not a PH, and I would say its half life may relate to some of its active qualities. I don't know whether it means it disappears in its half life or -- or is no longer a concern. All I know is that people who know infinitely more about this topic than I do agree that this chemical ought to be on the list. And again, with all of these chemicals, it may be that the companies that make them and make a lot of money selling them don't like their chemical being on this list, but I don't know of anybody else who would quibble about this list.

MR. WALCZYK: Thank you, Mr. Speaker.

On the bill.

Thank you, Mr. Sponsor.

ACTING SPEAKER AUBRY: On the bill.

MR. WALCZYK: I appreciate my colleague's answers and I think -- and no offense meant whatsoever, but I think it demonstrates a larger point that I want to make, we're not scientists in this Chamber, and I can appreciate the sponsor's frustration with the

Department of Health and the science that they rely on not being forthcoming, not doing their job. I think it's a great goal for us to be a check and a balance. I think a lot of this looks to be chemicals that are building blocks for PFOS and PFAS which are dangerous chemicals that have been used in clothing manufacturing and Teflon products and that sort of thing, and some manufacturing processes. And when they end up in the water supply, it can be very harmful to us. Those are known about.

The rest of the list, there's some things on here that are just -- I feel uncomfortable, so does the sponsor of the bill even -- even debating this list, and I think that kind of illustrates the point, that's why we trust the scientists in this Chamber. We believe in the science, we don't deny them, and it's our job to hold them accountable. And it's our job to hold them accountable, not when they don't produce the list, then we play like we're holding them accountable by producing our own list which came from, as my colleagues have pointed out, many different groups that lobby this Chamber. I mean, it's kind of an uncomfortable position to be in. So I don't -- I don't want to -- I don't want to fake being a scientist, I think that's the thing that I'm a little bit worried here about, Mr. Speaker. I encourage our colleagues to continue working on legislation that makes our water cleaner to drink, and I laud my colleague for the work that he did back in 2017 to put that bill in in the first place, but I'll stand up with any Republican or Democrat in this Chamber and demand accountability from the Executive. I'm a little bit more uncomfortable in playing a

scientist from this political Body. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Kelles.

MS. KELLES: Thank you so much. Will the Speaker yield for a question?

ACTING SPEAKER AUBRY: The sponsor will yield.

MS. KELLES: I'm sorry. Well, maybe the Speaker as well, we can have a conversation, thank you so much.

MR. GOTTFRIED: I'm happy to yield.

MS. KELLES: Thank you. Just one question about the process. This bill would create the emerging contaminants list which, in and of itself, is only the first phase of data collection, is that correct?

MR. GOTTFRIED: Correct.

MS. KELLES: And this data is necessary for us to extrapolate -- to establish maximum contaminant levels, correct?

MR. GOTTFRIED: Well, action levels and -- yes, and follow-up regulations, correct.

MS. KELLES: Right, because those are what's -- what are established once we've identified levels for impact, negative impact on health, right?

MR. GOTTFRIED: Correct.

MS. KELLES: Right. Thank you so much, that's -- I think that's really important, and that was my only question.

On the bill.

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

MS. KELLES: I wanted to note that -- several things. Myself as a having a background in biochemistry, I'm happy to read this list out loud or to -- to anyone who would like at any point, and I know that there are several amazing nurses and other people who are health professionals in this list that could, I am sure, speak about these chemicals as well, but I do want to note, you know, that the most important thing is that we can't clean up contamination if we don't know where they are and we don't know how much there is. And I think that that's the most important thing about this bill.

This data is crucial to develop the standards we need to protect public health. That, in and of itself -- and our health should not be for sale. That is another piece that is really important. And I just want to add to this, 4-Androstene-3,17-dione, that has been found to specifically be correlated with reproductive health issues, for one. It has also been associated with Breast Cancer and Uterine Cancer for women, along with other reproductive health consequences. The other hormones have been identified to affect reproductive health in amphibians as well in some cases, but particularly in reproductive health for humans. So I would -- I'm very glad that these are on this list. The others, obviously PFOAs and PFAS we're more familiar with, but the comprehensive list is very, very important. And -- and I would add my voice if this list hasn't been created yet, then that is -- speaks even more, to me, why this bill is so important and I applaud

the sponsor of this bill for -- for his diligence and determination and perseverance to bring this forward. So thank you so much and I certainly support this bill.

ACTING SPEAKER AUBRY: Thank you very much.

Mr. Brown.

MR. BROWN: Mr. Speaker, will the sponsor yield for a couple of questions?

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

MR. GOTTFRIED: Yes.

ACTING SPEAKER AUBRY: Mr. Gottfried yields, sir.

MR. BROWN: Thank you, sir. Mr. Gottfried, I noticed that in looking at the bill there are three items that were struck in terms of the chemicals to be identified as emerging contaminants, and one of them is 1,4-dioxane and I just wanted to ask if you know why it was struck?

MR. GOTTFRIED: I'm sorry, if I know...

MR. BROWN: Why 1,4-dioxane was struck from the list?

MR. GOTTFRIED: Oh, because that's one of the couple of chemicals that the Health Department actually pulled up their socks and added -- and put on the list.

MR. BROWN: Ah, okay. And just looking at the



sponsor memo, and I'm just scrolling down here, I'm really trying to understand so I can vote on this properly, but it says that the creation of New York's first emerging contaminant list, which would include most UCMR3 chemicals and some of the most recent emergent contaminants would provide the public with critical water quality information, protect public health, and inform the Department of Health what chemicals meet drinking water standards. This testing is a crucial means to begin a proactive approach to regulate drinking water contaminants in New York. And I just -- I'd like to understand how this bill does that.

MR. GOTTFRIED: Well, by having chemicals on this list, they become chemicals that water companies are going to be required or can be required to test for.

MR. BROWN: But the bill doesn't actually take any action, is that correct, it just creates the list?

MR. GOTTFRIED: Right. The rest of the law does everything else. This bill fills in, or begins to fill in an essential gap in that law which is to create the list that the law then operates on. But without at least the beginning of a list, the rest of the law has nothing to chew on, if you will.

MR. BROWN: Okay. So I just want to make sure that we're not just passing a bill here today that's just a feel-good measure, that this actually is going to work towards testing for emergent contaminants in drinking water throughout the State?

MR. GOTTFRIED: Well, I certainly hope so. As I

said earlier, the Health Department will still have the responsibility to actually do its job. This bill does one small piece of the Department's job, namely creating a list. That's something we could do. You can type up a list and put it in a bill. I -- it would be a very different proposition if we were to try to come up with a list of action levels for each of these chemicals, and specific actions could then be taken, remediation, et cetera. That would be a -- a -- a very long and very complicated bill. It's a whole lot better if the Department does all of that work, as they're supposed to, and we are hoping that at least getting the list begun will get the Department doing the rest of its job. We may be back here in a year or two saying, *Oh my God, we put the list together and the Department still hasn't done anything*. You know, we'll have to -- if -- if that were to happen, then we would then have to respond at some point. For now, we are hoping that taking at least this initial action will -- will induce the Department to follow through.

MR. BROWN: Thank you very much for those answers, I appreciate it.

On the bill, Mr. Speaker.

MR. GOTTFRIED: Yeah.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BROWN: So Mr. Speaker, I'm -- I'm concerned as a resident of Long Island and for the people in my district because my district and one of the wells located in East Northport was one of the first wells where 1,4-dioxane was detected. And I personally

wrote a letter to our Congressman asking for infrastructure money to help the Suffolk County Water Authority test in water wells to see if emergent contaminants like 1,4-dioxane is located. So my other concern was identified by the bill sponsor and that is while we're creating a list, there's no action that goes into the legislation. And that concerns me because on one hand, I'm not in favor of creating unfunded mandates for our water authorities to have to deal with, but on the other hand we just passed a \$212 billion budget, and there's nothing more important to the residents of this State but having safe drinking water. And that, in particular, on Long Island where we have so many contaminants in our drinking water, and our water authorities are battling every day trying to make sure that those contaminants are not going into people's drinking water and we wind up like Detroit, Michigan.

So I applaud the sponsor of the bill, but I think it's not enough. And I really would like to work in the future together with him and have a public hearing out on Long Island and invite the members of the Health Committee to listen to the people of Long Island and what they have to say about emergent contaminants that are contained in our drinking water. I held a water panel on Earth Day and we just started to scratch the surface on water quality on Long Island, and for that reason I am going to vote in favor of the bill, but I look forward to working with the bill's sponsor in the future. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Salka.

MR. SALKA: Mr. Speaker, would the sponsor yield for a couple questions and possibly a comment?

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

MR. GOTTFRIED: Yes.

ACTING SPEAKER AUBRY: Mr. Gottfried yields, sir.

MR. SALKA: First of all, Mr. Gottfried, I want to commend you on this. Your concern about public health has been something that I've greatly admired and this is a bill that I think follows suit with showing that deep concern for -- for the public's health. And I have a question. This is with all due respect, this bill was passed -- a like bill was passed back in 2017 and now we're probably going to pass this bill this evening. What makes you think they're going to do anything different? I mean, they didn't move on it the first time. What in this bill, if anything, is there any kind of motive for them to act on what we are demanding that they do through this legislation?

MR. GOTTFRIED: Well, hopefully the fact that the Legislature finally had to pass a bill creating the first stage of this list will put some public pressure on the Department now that there is, at least -- there will be at least the beginning of a list. Hopefully that will put some public pressure on the Department to follow through. As I said, you know, the Legislative branch can sometimes stop an

agency from doing something, sometimes. It is very rare that we can make an agency do something that they don't want to do. If we had a lot more time, I could give you some sad examples, but this is one thing we can do to try to help create an environment in which the Department and the Governor will feel pressure to act. Does it guarantee that they will act? No. Like most areas in life, we don't have a guarantee here. It is something we can do that I think is likely to have a positive effect.

MR. SALKA: And I agree, sir, and I wish I shared your limited amount of optimism. The two common denominators that I see that have existed in 2017 and that exist now are a Governor and Commissioner of Health that have time and time again, in particular over the past year with the nursing home issue, have led this Legislature astray, has led the public astray and have been somewhat disingenuous in a lot of their -- their intent.

So again, I commend you for this. I will be voting in the affirmative for this bill, but I -- I would wish that enough public pressure could be applied, but I have to admit, the cynic in me says that I think a year or two we're probably going to be standing here with basically the same complaint. But again, I commend you on your efforts and I'll be proud to vote in the affirmative on this bill. Thank you, sir.

MR. GOTTFRIED: Well, thank you and my -- my only quibble, if you will, with what you said is where you attributed optimism to me, and I think that would be a slight overstatement of

my attitude towards the Department on this topic. I don't think *optimism* is quite the word. I wish I could feel optimistic.

MR. SALKA: Thank you, sir.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: Thank you, sir. On the bill.

MR. SALKA: Yes, sir. Thank you. Again, and I repeat, the two common denominators, the obstacles that will be in the way of getting anything done with this well-intended bill will be the Governor and the Commissioner of Health. I have to concur with my -- my Long Island Republican colleague that maybe there's a time now that we need to really look seriously at who is at the helm at the Department of Health and whether or not they're doing the job. The Department of Health, in my estimation from being in the -- in the health business for 30 years, people's health is one of the most important jobs that this Legislature has and in my personal opinion, and I base this on what I have seen over the past couple of years is I believe that our Department of Health is falling flat on its face with that -- that very important responsibility in protecting -- protecting the health of the public. But thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 126-A. This is a Party vote. Any member

who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. We have several very fine legislators on both sides of this issue, but at this point in time this will be a Republican Conference will be generally voting no, although I certainly agree with my colleagues it would be nice to get the Health Department to do their job. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Hyndman.

MS. HYNDMAN: I would like to remind my colleagues that this is a Party vote. Majority members will be recorded in the affirmative. If there are any exceptions, I ask Majority members to contact the Majority Leader's Office at the number previously provided and your name will be announced accordingly.

ACTING SPEAKER AUBRY: Thank you.

(The Clerk recorded the vote.)

Mr. Burdick to explain his vote.

MR. BURDICK: Thank you, Mr. Speaker. I first wish to commend the sponsor for bringing this bill to the floor and to thank the Speaker for allowing it to come up. And I'm a cosponsor of this legislation because of the loophole that's explained in the justification for the bill. It's mentioned that some two-and-a-half million New Yorkers that are on smaller water systems, that is those

serving fewer than 10,000 people, do not benefit from testing of some 30 unregulated contaminants, and I have many of those smaller water systems in my district in Westchester County. And so I feel that this is a necessity to deal with those smaller water systems, obviously not just in my district, but throughout the State.

As to funding for implementation that was referenced earlier during the debate, I do believe that it behooves us to ensure that there is sufficient funding and provided most likely through the DEC budget through their water quality improvement project funding. So again, I wish to commend the sponsor for this legislation and I vote in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Burdick in the affirmative.

Mr. Ra to explain his vote.

MR. RA: Thank you, Mr. Speaker. I just want to thank the sponsor for bringing this forward. As many of us who have been around here know, we mention, you know, two of the contaminants that the Department of Health did act on, 1,4-dioxane and PFOS, and it took tons of prodding to get them to move along, set acceptable limits for those chemicals and as was said, districts throughout the State, water districts are starting to remediate them, and it is very expensive. And this Legislature has allocated sums of money into the billions at this point going into clean water infrastructure in recent years, and I think given that fact, that's something we need to continue to do to help with these costs, but



given the expense in treating it, the last thing we want to do is allow chemicals to continue to go into our water that we're going to keep having to spend more and more money to treat.

So I hope that the Department of Health will do the right thing. Hopefully this is a kick to move them in the right direction and I cast my vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Ra in the affirmative.

Mr. Otis.

MR. OTIS: Thank you, Mr. Speaker. And thank you, Chair Gottfried. I am a cosponsor of this bill, and thank you for your efforts on it. It should be mentioned that we in the Legislature have made a big commitment towards clean water funding since 2017 and including in this year's budget, \$500 million a year. Because of COVID, there was no money put out last year, but in 2019, within the \$500 million that was spent that year, \$120 million was spent towards emerging contaminants projects on important -- an important priority, and EFC, Environmental Facilities Corporation, raised the cap on project share to 60 percent to make doing those projects more affordable for local government.

So let's continue the good work together. Let's get this bill signed into law. I think the costs are going to go up as we identify more chemicals that need to be remediated. Thank you. I vote aye.

ACTING SPEAKER AUBRY: Mr. Otis in the

affirmative.

Mr. McDonough.

MR. MCDONOUGH: Thank you, Mr. Speaker, and thank the sponsor for this. On Long Island, I represent the South Shore of Nassau County and I can tell you in Long Island, all of Long Island, we've had a spike in Breast Cancer over the years. Many of us believe it's attributed to the water, so we have to move on and identify these contaminants. And I also would suggest that we do call for a hearing and get the Commissioner of Health down and find out what is the -- what is the Water Authority going to do, what is the Health Department going to do. We've got to move on this. It is a matter of life and death in some cases. So I support this bill and I'm happy to cast my vote in favor of it. Thank you.

ACTING SPEAKER AUBRY: Mr. McDonough in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. In addition to the votes on the floor, please record the following colleagues in the affirmative: Mr. Ashby, Mr. Byrne, Mr. DeStefano, Mr. Fitzpatrick, Mr. Gallahan, Mr. Gandolfo, Ms. Giglio, Mr. Giglio, Mr. Mike Lawler, Mr. Mikulin, Ms. Miller, Mr. Montesano, Mr. Salka, Mr. Schmitt, and Mr. Smith. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 20, Calendar No. 259, the Clerk will read.

THE CLERK: Senate No. S04049, Calendar No. 259, Senator Ramos (Joyner, Otis, McDonald, Simon, Dickens--A05678). An act to amend the Labor Law, in relation to benefits of shared work programs.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

ACTING SPEAKER AUBRY: Ms. Joyner, will you yield.

MS. JOYNER: Yes.

ACTING SPEAKER AUBRY: Ms. Joyner yields, sir.

MR. GOODELL: Thank you, Ms. Joyner. As I understand it, under current law if an employer is involved in a shared work program, they can have their employees working less than full time and still be eligible for prorated unemployment benefit, correct?

MS. JOYNER: Yes.

MR. GOODELL: And so just to give an example, if your workforce was on 50 percent time, the amount of the unemployment would be cut to 50 percent of the normal unemployment, is that correct?

MS. JOYNER: Yes.

MR. GOODELL: And under this bill as with current

unemployment, you can collect unemployment for a maximum of 26 weeks, is that correct?

MS. JOYNER: That's correct, yep.

MR. GOODELL: And this bill would change that by saying you could continue to collect unemployment beyond the 26 weeks until the amount that the employee collected is equal to the amount they would have collected had they been completely unemployed for the first 26 weeks, is that correct?

MS. JOYNER: Right, that's correct. So it's -- this is going to create parity between shared work employees and those who are partially employed individuals. So there's -- this is going to create parity.

MR. GOODELL: Thank you very much for explaining the bill.

On the bill, sir.

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

MR. GOODELL: So using the example I had, under the current bill if someone's working 50 percent of the time they -- they collect half of their unemployment and they collect the other half in salary, and they do so for 26 weeks. And at the end of that initial 26 weeks, the combination of their salary and their unemployment almost invariably is higher than if they were simply laid off. And the reason for that is the amount that you collect under unemployment is equal to only 50 percent of your salary. So it is always preferable to

be employed.

What this bill does, though, is eliminate the incentive that many employers have to participate in the work share program because under the current law, an employer recognizes that at the end of the 26 weeks their unemployment bill, using my example of 50 percent, their unemployment bill is going to be half. And this says no, it can continue to be 100 percent and instead of paying unemployment for 26 weeks, you can be paying unemployment for 52 weeks, using my example of 50 percent. Unfortunately, that financial disincentive, I'm concerned, will undercut the attractiveness of the shared work program because the employer, when they're engaged in the shared work program, they have considerable administrative challenges because they have to keep track of the salary every single week and they have to coordinate that with the unemployment and they have to be under the supervision of the Labor Department and it's worth -- it's worth it for the employer to do that because the employer has an opportunity to cut their overall unemployment bill.

We are now coming out of the pandemic. We have been told that the Unemployment Compensation Fund has a deficit of \$4 billion, \$4 billion. And just on a personal level, even though I didn't lay off a single employee during the pandemic, I saw my own unemployment insurance rate in my law firm go up to 9.75 percent of payroll. I now pay more than I do in FICA. And most have seen their unemployment charge go up 300, 350 percent or even more. So now is not the time to enact legislation that might kill a great program and

potentially double the cost of unemployment for employers. The shared work program has a very high level of acceptance. People like it because they know they're all in it together. And that's why I think we should stay with the current system where both employees come out ahead and employers come out ahead. And at the end of the day, more people under the current system will have more money in their pocket and lower unemployment costs facing the employer. For that reason, I will be recommending to my colleagues that they vote against this. Thank you, sir.

(Pause)

ACTING SPEAKER GONZÁLEZ-ROJAS: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER GONZÁLEZ-ROJAS: The Clerk -- the Clerk will record the vote on Senate Bill S-4049. This is a Party vote. Any member who wishes to be record as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, Madam Chair. The Republican Conference will be generally opposed to this legislation. Those who support it are encouraged to call the Minority Leader's Office so that we can record their vote properly. Thank you, Madam.

ACTING SPEAKER GONZÁLEZ-ROJAS: Ms. Hyndman.

MS. HYNDMAN: I would like to remind my colleagues that this is a Majority vote -- that this is a Party vote. Majority members will be recorded in the affirmative. If there are any exceptions, please contact the Majority Leader's Office at the number previously provided and your name will be announced accordingly.

ACTING SPEAKER GONZÁLEZ-ROJAS: So noted. Thank you.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker. In addition to the affirmative votes on the floor, please record my colleague, Ms. Giglio, in the affirmative. Thank you.

ACTING SPEAKER GONZÁLEZ-ROJAS: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 10, Calendar No. 104, the Clerk will read.

THE CLERK: Assembly No. A02505, Calendar No. 104, Weinstein, Dinowitz, Seawright, Englebright, Gottfried, Zebrowski, Taylor, McMahon. An act to amend the Civil Practice Law and Rules, in relation to claims relating to consumer goods.

ACTING SPEAKER GONZÁLEZ-ROJAS: Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker.

What this bill does is it makes it illegal for parties to voluntarily agree in writing on where they want the dispute to be adjudicated if they have a problem. So under current law, if you're leasing a car, for example, from the local rental company or maybe a local car dealer, it's not unusual for the contract to provide that if there's any litigation involving that vehicle you have to bring a lawsuit in the county where the car dealership is located. This would say that even though consumers understand it and agree to it, and it's part of the bargain and it's part of a written contract, this bill would prohibit that provision from being enforced which means you could rent a car on Long Island from a local dealer, decide to relocate to Buffalo and if you have a dispute, you might have to force the car dealer to go all across the State. And, by the way, it's not just across the State, this would bar any venue provision, so it could be across the country. I think it's -- it makes more sense -- it seems to me to make sure that consumers understand that there's a venue provision that's going to require them to bring any lawsuit in the area of the vendor and allow them to make that decision on their own and allow that to be enforceable.

There's one other issue. As many of you know, the U.S. Constitution has a contracts clause and it says that the Legislature shall not pass any laws abridging the validity of any contract; yet, that is exactly what this bill does. It states that we don't care if you agreed in black and white that if there is a dispute, you're going to litigate it in the jurisdiction where your car dealer was or in the jurisdiction where you had a landlord relationship or in the jurisdiction where you



may have bought the -- the goods or service, we don't care what your contract says, this legislation would eliminate that clause in violation of the voluntary agreement of the parties and in violation of their written contracts. And for that reason, I'll be opposing it and recommend the same to my colleagues. Thank you.

ACTING SPEAKER GONZÁLEZ-ROJAS: Read the last section.

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

ACTING SPEAKER GONZÁLEZ-ROJAS: The Clerk will record the vote on A-2505. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker. The Republican Conference is generally opposed to this and so it's a Party vote and we look forward to having a party when we're done today. But those who want to linger longer should certainly make sure that their vote is recorded by calling the Minority Leader's Office. Thank you, Madam Speaker.

ACTING SPEAKER GONZÁLEZ-ROJAS: So noted.

Ms. Hyndman.

MS. HYNDMAN: Thank you, Madam Speaker. 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 Majority members to contact the Majority Leader's Office and call the number previously provided and then their name will be announced accordingly. Sorry, I'm thinking about the party.

(Laughter)

ACTING SPEAKER GONZÁLEZ-ROJAS: So noted, thank you.

Ms. Weinstein to explain her vote.

MS. WEINSTEIN: To not cut in to the party time, let me just say, the -- the reason for this bill is that there isn't a negotiated position on where to bring actions, but so often consumers who we want to make sure have extra protections are faced with boiler plate language about venue, often very far away from where they live, it may even be in another state, such as when you click on on accepting terms and conditions online, for example, eBay has a clause in it that arbitration has to take place at their home base in California. So it's very important to provide this extra protection for consumers, and I urge my colleagues to vote yes.

ACTING SPEAKER GONZÁLEZ-ROJAS: Thank you.

Mr. Montesano to explain his vote.

MR. MONTESANO: Thank you, Madam Speaker. First, I'd like to thank the sponsor for -- for this bill. You know, a lot's been said about the Constitution and, you know, you can't affect the

contracts between parties, and that's for contracts that are fairly negotiated. There's nothing about these contracts that are fairly negotiated. I've been leasing cars for over 20 years and before that, financing cars. There is no way, no how they will ever change the language on one of those lease or financed agreements. They're all boiler plate. And you talk about there's a possibility of the car leasing company or financing bank has to go where you want to litigate the case. How about you going to the states that they come out of to litigate a case? They -- you could get the -- the car, you could lease the car, buy the car from your local dealer, but the financing agreement or lease agreement is held by a company outside the State, they're never local. So you're the one who's doing the traveling, whereas a bank who's doing the financing whether it's for a lease or a purchase, they have the ability to have to counsel anywhere to go answer a case. So if the -- if the bank is in New Jersey or if the bank is in California and there's a controversy here in New York, you can rest assured, they have enough counsel, attorney to appear for them, you know, in the State.

So there's not a fair -- a fair playing field when you enter into these contracts; in fact, my opinion is what we call in the legal profession, they're adhesion contracts, they're not -- they're not even, they're not evenly negotiated, they're one-sided contracts. So I'm going to be supporting this bill. I think it's necessary to get these -- these banks and finance companies and some of these big corporate entities back into line when it comes to dealing with consumer

disputes and controversy. So I'll be voting in the affirmative. Thank you, Madam Speaker.

ACTING SPEAKER GONZÁLEZ-ROJAS: Thank you.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, and I certainly appreciate the comments of all my colleagues. Just a little story. When I was a second year law student, I had to borrow money to finish my law degree. And as one of my colleagues mentioned, I got a preprinted form that had a venue provision. And since I was a budding attorney I felt compelled to actually read the fine print. And so I took the venue provision, crossed it out and wrote in that any action would be involved would have to be in Chautauqua County. Never had a problem. Thank God they never had to sue me. But, yeah, you never get any negotiation unless you ask, but if you ask, you can sometimes get some flexibility. Thank you, Madam.

ACTING SPEAKER GONZÁLEZ-ROJAS: Thank you.

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker. Please record Ms. Giglio and Mr. Montesano in the affirmative. Thank you, Madam Speaker.

ACTING SPEAKER GONZÁLEZ-ROJAS: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Pause)

ACTING SPEAKER AUBRY: Ms. Hyndman.

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

ACTING SPEAKER AUBRY: We have both, Ms. Hyndman, and we'll do the housekeeping first.

On a motion by Ms. Paulin, page 16, Calendar No. 190, Bill No. 118-A, the amendments are received and adopted.

On a motion by Mr. Pichardo, page 24, Calendar No. 317, Bill No. A4954-A, amendments are received and adopted.

And on behalf of Ms. Hyndman, Assembly bill recalled from the Senate. The Clerk will read the title of the bill -- this is Bill No. A06229-A. The Clerk will read the title of the bill.

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

ACTING SPEAKER AUBRY: There is a motion to reconsider the vote by which the bill passed the House. The Clerk 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.

And we have numerous fine resolutions, Ms. Hyndman, which we will take up with one vote. On the resolutions, all those in favor signify by saying aye; opposed, no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 336-338 were unanimously approved.)

Ms. Hyndman.

MS. HYNDMAN: I now move that the Assembly stand adjourned until 11:00 a.m., Wednesday, May 26th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 7:16 p.m., the Assembly stood adjourned until Wednesday, May 26th at 11:00 a.m., Wednesday being a Session day.)