

TUESDAY, MAY 4, 2021

1:20 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

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

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the Journal of Monday, May 3rd.

Mrs. Peoples-Stokes.

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

dispense with the further reading of the Journal of May the 3rd and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I would like to welcome my colleagues back to the Chambers, both those who are with us in the building as -- as well as those who are remote. I want to share this quote, Mr. Speaker. It's from Joseph Wirthlin. Joseph B. Wirthlin. And it actually -- I think it's pretty good. I'm just going to share it. It says, *We don't have to be perfect today. We don't have to be better than someone else. All we have to do is be the very best we can.* Again, Mr. Speaker, that's from Joseph B. Wirthlin. He is an American businessman and a religious leader.

So colleagues should also be reminded that today is the second day -- second Session day of the 18th week of the 244th legislative Session. And I just want to provide some information on our schedule for today. There is an -- a Calendar on your desk as well as an A-Calendar. Now, Mr. Speaker, I would ask if you would please advance the A-Calendar.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. After there are any introductions and/or housekeeping we are going to take up resolutions on page 3. Our basic work for today is going to be taking up two debates, both of -- are by our colleague Mrs. Gunther. One is Calendar No. 232 and the other is Calendar No. 278. We will also take up the following bills later on the A-Calendar: Rules Report No. 65 by Mr. Lavine and Rules Report No. 66 by Ms. Paulin.

Mr. Speaker, that's the general outline of where we're going to be going on today. If there are any introductions or housekeeping now would be a great time.

ACTING SPEAKER AUBRY: Thank you, Mrs. Peoples-Stokes. We have neither introductions nor housekeeping. We will go directly to resolutions on page 3.

The Clerk will read.

THE CLERK: Assembly Resolution No. 233, Ms. Hyndman -- on behalf of Ms. Hyndman and the entire Queens Delegation.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 4, 2021 as Queens Day in the State of New York.

ACTING SPEAKER AUBRY: Ms. Hyndman on the resolution.

MS. HYNDMAN: Thank you, Mr. Speaker. For the last several years we have been celebrating Queens Day in this -- in this Assembly Chamber, and as you know, because of COVID this is

the second day -- second year that we'll be celebrating it remotely. We usually celebrate it in The Egg. The Borough of Queens is home to more than 2.3 million people. It is the most culturally-diverse county in the United States. And it has become a tourist destination to many, from our awesome surfing in the Rockaways to the skyline views from Long Island City. We are home to the other Chinatown. We have Little Guyana, as well as many other communities and neighborhoods. Where else can you get curried goat, pine tarts or arepas within blocks of each other. We speak over 138 languages and span 150 counties. Our landmarks are the Unisphere - the globe in Flushing Meadow Park - the U.S. Tennis Association, the Resort -- Resorts World Casino and the New York Mets. We are -- we were the home to Louis Armstrong, Malcolm X, Count Basie, Ella Fitzgerald, Milt Hinton, Fats Walter [sic], Lena Horne and John Coltrane. I could go on and on about the Borough of Queens. But I will say from -- on half of the 18-member delegation of Queens in this Assembly, we encourage you all to visit the world's borough, and may the 4th be with you.

Thank you.

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. 234, Ms. Buttenschon.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 4, 2021, as Teacher Appreciation

Day in the State of New York.

ACTING SPEAKER AUBRY: Ms. Buttenschon on the resolution.

MS. BUTTENSCHON: Thank you, Mr. Speaker.

As a former academic dean and educator, I understand the hard work, steadfast enthusiasm and innovative thinking that all of our educators provide to ensure that our children's creativity and curiosity continues to develop as they yearn for a lifelong learning opportunity. Teachers are central to the excellent education that so many have received throughout the years. Today we focus on appreciating our educators and teachers throughout the State of New York and this fine country. As the contributions that our educators have made, will make a difference throughout a lifetime, I ask my colleagues to join me as we honor those educators today and on forward as they deal with many challenges that the pandemic has brought on within their classrooms and as they have taught remotely, virtually, as well as in person.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Lawler on the resolution.

MR. LAWLER: Thank you, Mr. Speaker. I thank the sponsor for putting this resolution forward. All of us have been impacted by teachers at some point in our -- in our lives. And I just want to share one who impacted my life. I'm a September birthday, so I was very young in my -- in my second-grade class. And my teacher, a Russian immigrant named Anna Petroff, had said to my parents that

she thought while I was smart, I was very immature and young and that it would do me a world of good to be left back and repeat second grade. And so my parents had talked about it and thought about it, and they told her that they would only agree to that if she would teach me again. But that was not the program. They would -- I would get a new teacher. And so my parents said to -- to her that, well then they wouldn't agree to it. And so ultimately she did, in fact, teach me again and my parents left me back. And it was the greatest thing that ever happened to me. And certainly I can say unequivocally that I wouldn't be in this Body had that not occurred. And -- and so I just -- I highlight that story for you because teachers matter. They make a difference in people's lives. And it's important that every child have the opportunity to a quality education and to have that level of attention that a teacher can provide and -- and see the potential for a child if -- if given the opportunity.

And so today I support this resolution, and I want to recognize my second-grade teacher who passed away many, many years ago, but who made a profound impact on my life, and thank all the teachers across the State of New York for the work that they do to educate our children and provide them with the opportunity to excel here in the State of New York. So with that, Mr. Speaker, I support the resolution.

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. 235, Mr. Stirpe.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim declare May 2-8, 2021, as Small Business Week in the State of New York.

ACTING SPEAKER AUBRY: Mr. Stirpe on the resolution.

MR. STIRPE: Thank you, Mr. Speaker. I'm certain we'll all agree that the past 14 months have been disruptive for all of us, but for certain it's been devastating for our small business community. New York's small businesses have constantly shown their resilience, innovation and adaptability to keep moving forward while everything seemed stacked against them. The Assembly held multiple small business hearings last summer across the State where we heard about the enormous difficulties our small businesses have been facing and the kinds of relief they needed to keep going. Our small businesses will be the backbone of our State's economic recovery. Their perseverance is vital to the prosperity and vibrancy of every community across New York now and in the future. Prior to the pandemic, New York's small businesses composed 96 percent of all the businesses operating in the State, and from those businesses employed half of all New Yorkers. New York's small businesses are essential to our State's economy, and along with a variety of other resources New York State expressed its desire to boost and rebuild our State's small businesses by its passage of the \$1 billion Small Business

COVID-19 Relief Program as part of the 2021-'22 Budget. Small businesses in New York State have gone through one of the darkest financial crises in history, but with the assistance of both Federal and State resources we will recover and thrive.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

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

THE CLERK: Assembly Resolution No. 236, Mrs. Barrett.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 4, 2021, as Volunteer Firefighters' Appreciation Day in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, Mrs. Barrett.

MRS. BARRETT: Thank you, Mr. Speaker. On the resolution. International Firefighters' Day has been commemorated on May the 4th around the world since 1999 to recognize and honor the sacrifices made by firefighters who put their lives on the line every day to ensure the safety of our communities. Today, as we have in recent years, we memorialize the Governor to proclaim Volunteer Firefighters' Appreciation Day in the State of New York in conjunction with the observance of International Firefighters' Day. We in this Chamber all know the value and we value the work of the nearly 100,000 volunteer firefighters, some of whom are in our

Chamber, are our colleagues, who make up two-thirds of the estimated 1.2 million firefighters across our State. These are the men and women who run towards the fire who rescue our family pets, our family treasures and our family members when we are in crisis. And while they are volunteers in the sense that they're not paid, they are professionals who train, often at their own expense, sacrifice time with family and friends and serve in many, many cases for decades as well as for generations. We should also remember as leaders of the great State of New York that our volunteer firefighters save taxpayers some \$4 billion a year in salary and benefits. And if the fire companies who staff these volunteers were to switch to an all-paid staff, property taxes across the State would rise on average 26.5 percent to cover the added cost. To that point, one of the greatest challenges is to attract and retain the next generation of volunteers to become part of our local fire companies, which has become increasingly difficult especially in rural areas where the populations are aging and people often travel outside their communities to go to work each day. New York volunteer firefighters serve our great State with pride, valor and integrity. They are unwavering in their support for our community and give the ultimate sacrifice so that our constituents may live every day feeling secure and protected. We urge all New Yorkers to remember those who have heroically served our communities, those who have given their lives and prioritized the safety and well-being of our constituents above their own. We recognize and thank them and their families who in their way also serve.

Please join me on this resolution. Thank you, Mr. Speaker, thank you, my colleagues.

ACTING SPEAKER AUBRY: Thank you, Mrs. Barrett.

Ms. Sillitti.

MS. SILLITTI: Thank you, Mr. Speaker, and thank you so much for the sponsor for bringing this to the floor today. I would like to express my deep support and appreciation for the volunteer firefighters in our community. These vollies heroically serve because they're driven by passion for protecting others and keeping our neighbor -- our neighborhoods safe. This resolution actually is of special importance to me as my husband served as a volunteer firefighter in the Manhasset-Lakeville Fire Department Company 1. His fire department serves the community in protecting residents in Manhasset, Great Neck and North New Hyde Park. The volunteer firefighters who serve at this district and all other departments across my district, Long Island and the State are true heroes who put their community above themselves. I'm so truly grateful to all of them. Across our great State countless lives have been positively -- positively impacted by these local heroes.

I am a proud cosponsor of this resolution and I call on each of us to express our utmost appreciation to the volunteer firefighters in our lives. Thank you so much.

ACTING SPEAKER AUBRY: Thank you.

Mr. DeStefano.

MR. DESTEFANO: Thank you, Mr. Speaker, for the opportunity to speak on this resolution. Today we pause and recognize and appreciate the New York's one thousands and thousands of volunteer firefighters in New York State. When it comes to protecting and serving their communities, these selfless individuals do so and do not even pause. These are your friends and your neighbors, giving of their time to serve their communities, all without a paycheck. When the alarm rings, whether it be in the middle of the night or a cold winter morning, they will answer. Many of these brave men and women have missed many holidays, including Christmases and Thanksgiving dinners with their families, school plays, countless sporting events. And while their children were in these plays and were participating in these sporting events, they missed them because they went to the call for help. If they have to rush into a burning building to save a life, they will do so. You will see them march proudly in the Memorial Day parades, Fourth of July parades. And if there's an opportunity to promote fire safety, as we see many times in the month of October during Fire Prevention Month, they show the kids how to use smoke alarms and awareness in the schools and give freely of their time and energy, all without a paycheck. I have worked alongside these dedicated volunteers for over 40 years in the Medford Fire Department in Suffolk County. I know full well the commitment and sacrifice it takes to drive a fire engine, a rescue truck, a tower ladder and even a brush truck. And encourage that the -- when we -- when we all go out in these fire alarms and things like that, you will

see that the selflessness of these individuals and the time they spend away during these events is -- is unremarkable. When you call on them, they will come. They -- they don't ask if you're a Republican or a Democrat or an Independent or anything like that. They will show up because that's their job, to protect life and property in their communities.

To the volunteer firefighters of the State of New York, I say thank you. This is your day, and you deserve all the recognition you will receive so humbly. I would like to thank the sponsor of this resolution for bringing it to the floor, and I enthusiastically support it and encourage my colleagues to do the same.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

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

THE CLERK: Assembly Resolution No. 237, Ms. Lupardo.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 2021, as Motorcycle Safety and 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.

Page 19, Calendar No. 232, the Clerk will read.

THE CLERK: Assembly No. A00108-B, Calendar No. 232, Gunther, Gottfried, Peoples-Stokes, Barrett, L. Rosenthal, Bronson, Colton, Benedetto, Cruz, Magnarelli, Weprin, J. Rivera, Fall, Aubry, Otis, Steck, Santabarbara, Zebrowski, Abinanti, Barron, Seawright, Walker, Bichotte Hermelyn, Richardson, Hyndman, Pichardo, Joyner, Jean-Pierre, Rozic, Kim, Hevesi, O'Donnell, Dilan, Davila, Hunter, Williams, Carroll, Woerner, Pheffer Amato, Jones, Vanel, Niou, Taylor, Dinowitz, Dickens, Wallace, Reyes, Stern, Sayegh, Jacobson, McMahon, Abbate, Cahill, Fernandez, Frontus, Epstein, Buttenschon, Ramos, Darling, Braunstein, De La Rosa, Griffin, Quart, McDonald, Englebright, Gallagher, Burke, Kelles, Cymbrowitz, Clark, Meeks, Brabenec, Smith, Montesano, Salka, Schmitt, Morinello, B. Miller, Ashby, M. Miller, DeStefano, Forrest, González-Rojas, Burdick, Mamdani, Mitaynes, Conrad, Cusick, Anderson, Zinerman, Lawler, Lunsford, Perry, Stirpe, Weinstein, Lavine, Barnwell. An act to amend the Public Health Law, in relation to establishing clinical staffing committees.

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

MRS. GUNTHER: This bill would require each general hospital to establish a clinical staffing committee by January 1, 2022. The committees would be charged with creating a clinical staffing plan for each hospital. The plans --

ACTING SPEAKER AUBRY: Mrs. Gunther, I don't -- please pull your mic up.

MRS. GUNTHER: Sorry.

ACTING SPEAKER AUBRY: Thank you so much.
We want to hear you.

MRS. GUNTHER: Should I start again, or... Okay, thank you. I wanted to do that anyway. This bill would require each general hospital to establish a clinical staffing committee by January 1st of 2022. The committee would be charged with creating a clinical staffing plan for their hospital. The plans must be implemented by January 2023. The committees must consider certain factors specific to each hospital, such as the Census, the acuity and the availability of experienced staff when determining the ratio. The plans also must consider unforeseeable circumstances such as a state of emergency and the hospital's finances and resources. This bill would also require hospitals to publicly disclose information regarding staffing in a manner which is visible and accessible. An independent advisory committee consisting of experts on staffing standards and patient quality care would be established to evaluate and report to the Legislature on the effectiveness of the clinical staffing committees.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MRS. GUNTHER: Yes.

ACTING SPEAKER AUBRY: Mrs. Gunther yields.

MR. GOODELL: Thank you very much, Mrs. Gunther. As you know, we've considered safe staffing bills several times in the past.

MRS. GUNTHER: Yes, we have.

MR. GOODELL: This bill is significantly different than many of the ones we've seen in the past. How -- can you explain why these changes occurred? Where they a part of the negotiations with --

MRS. GUNTHER: So, as before we were mandating staffing ratios. Now we're actually creating clinical committees to be able to look at each hospital individual -- individually, and also each unit to provide the appropriate staffing. So it's different than the last time.

MR. GOODELL: And I -- I might add from my perspective, I -- I appreciate that additional flexibility because as we know, we have general hospitals that -- that vary widely in terms of their acuity, their staffing, their mission. Anywhere in my county I have a very, very small one to a much larger regional one.

MRS. GUNTHER: Correct.

MR. GOODELL: And so I appreciate that flexibility. I had a couple of questions on some of the specific provisions. I note that the clinical staffing committee is composed half of staff and half of administration. And you mentioned specifically that the membership includes registered nurses, licensed practical nurses and ancillary members who are defined as including, but not limited to,

patient care technicians, certified nursing assistants and other non-licensed staff assisting with nursing or clerical tasks. Would that include, for example, respiratory therapists?

MRS. GUNTHER: It -- it certainly would include that. And I think by having such a mixture of healthcare workers, I think that the outcomes will be so much better.

MR. GOODELL: I agree.

MRS. GUNTHER: Because we're all part of -- you know, I've been working in the hospital since the pandemic began, voluntarily. But it take -- it takes a family and it takes -- it takes all of us to work together and that's why we're all involved.

MR. GOODELL: Would that also include dietitians, for example?

MRS. GUNTHER: Yes. Yes, it would. And you know what. I think that by including everybody we'll get a better product.

MR. GOODELL: I absolutely agree.

Now, as I understand it, this report has to be updated annually but is reviewed semi-annually, is that correct?

MRS. GUNTHER: Yes. Yes.

MR. GOODELL: And if for some reason they don't reach a consensus on a particular issue, the final decision is made by the Chief Executive Officer, is that correct?

MRS. GUNTHER: Yes. So, the administration would get involved. And, you know, I -- I'm working in hospitals.

They -- they always have been involved, and we certainly respect their input.

MR. GOODELL: On the -- the bill requires the posting of staff information in a publicly-conspicuous manner. And that I found just a little curious because if you're in a large hospital the staffing could be quite significant. I mean, you could be talking hundreds and hundreds of people. How did you envision that would occur?

MRS. GUNTHER: I -- I think that within each unit I think that they would do per shift, 12-hour shift or 8-hour shift, depending, and they would just be -- be able to post it so that people, family members and patients themselves would be able to see what kind of staffing is in that particular hospital.

MR. GOODELL: Now, you mentioned in your explanation that in developing this staffing plan the committee is advised to look at a number of different factors, and not just the Census but the acuity, the type of hospital. But also financial issues, right? And if there is a concern of whether or not they're following their plan, am I correct that the Department of Health could also look at those factors, the same factors?

MRS. GUNTHER: Yes. Yes, they can.

MR. GOODELL: And I see you provided an explicit exception for compliance with the plan in the event of an unforeseen emergency circumstance.

MRS. GUNTHER: In emergency -- an emergent

situation.

MR. GOODELL: I saw that one of the criteria the commission was to review was how other states have approached the staffing issues.

MRS. GUNTHER: Yes.

MR. GOODELL: And of course for my smallest hospital they're like, *What do you mean? How am I going to do that?* But I see you also put in an advisory committee, presumably on the State level, to help in that analysis.

MRS. GUNTHER: Yes. Yes. And also critical access hospitals have special consideration. We have a critical access hospital in Callicoon, New York, and so they will have -- you know, they will be an exception and they will have special -- special consideration. Yeah, I'm losing my words. I can't stand talking with this thing on my face. It's difficult. It doesn't let my brain get oxygen.

MR. GOODELL: I -- I -- I can certainly relate because I also wear one, and -- and I appreciate very much your comments. Thank you very much, Mrs. Gunther.

On the bill, sir.

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

MR. GOODELL: I very much appreciate the -- the work that's been done by the sponsor in modifying this plan. The original staffing bill that we -- we saw and that we've debated for many years was in many respects very inflexible because it had very

specific ratios set forth in law, and there was a lot of concern raised that those ratios might be too low for some hospitals and too high for others. And there was a concern that if you didn't meet a particular statutory ratio that a hospital could incur liability even in an emergency or in unusual circumstances where the emergency room might be overwhelmed, for example, if there was a catastrophic accident on a nearby highway. All those issues have been addressed in this legislation. Certainly, there will be some members who are concerned that we're going down a slippery slope by transferring, if you will, management control over to a committee, particularly since the committee members are all paid while they're meeting and there's no restriction on how long they can meet or how often. But I think there's a sincere and considerate effort to reach a balanced approach to addressing staffing needs that includes a wide range of employees from different perspectives, because certainly on earlier bills there was a concern if you only raise nurses you might lose technicians or respiratory therapists or others. But they're all included in this, and as a result I think it's a much stronger and a much better bill and it has my support.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell.

Mr. Salka.

MR. SALKA: Thank you, Mr. Speaker. Would the sponsor yield for a question or two?

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

MRS. GUNTHER: Yes.

ACTING SPEAKER AUBRY: Mrs. Gunther yields.

MR. SALKA: Thank you. And -- and thanks for this bill. Just a couple questions here. Now, we've been -- we're -- we're -- we've been in the business. And would you agree that the key component to this whole plan is to make sure that we have, in fact, have the staff available to meet those -- those ever-changing needs according to acuity and -- and patient population and all that?

MRS. GUNTHER: I absolutely do. I think that this really -- it will improve the quality of care that patients get.

MR. SALKA: And -- and -- and I agree. I'm -- I'm sure you're well aware of how long it takes to train a good nurse, to train a good therapist, to train a good -- a good phlebotomist. It just doesn't take the education, the formal education, it takes a lot of hands-on experience, a lot of patient care. Do you think we have a pool of nurses in New York State that would, in fact, be able to fit the need for, obviously, better staffing for the hospitals, which of course I agree with. But I guess it goes back to the -- the bottom line is we saw how in the pandemic how the existing pool of nurses that we had wasn't quite enough and we had to actually import nurses and -- and therapists. Do you think -- are you confident that we have the available staff pool of professionals in New York State to be able to implement these, you know, these requirements?

MRS. GUNTHER: Well, you know what I would say is that I represent Orange County Community College and also Sullivan County Community College, and the waiting list in Orange County Community College is over 200. So my thought into the future is there are many people that want to be respiratory therapists, P -- OT, PT, and we have to expand that education in New York State. And I know that there -- my Orange County Community College President said there's over 200. So right now I think we should prepare for the future. I think that there are many people -- right now that our hospitals are staffed. They could occasionally need more. We also have people that come from other countries and we staff our hospitals with people that decide to come and -- and practice in -- in the United States. So I think as we go forward I think preparation is necessary, and I think there are those people that are dying to get into these programs to be able to serve our community.

MR. SALKA: That's great to hear and I'm encouraged by that. I know from a personal experience when I was the director of the cardiac lab and respiratory therapy services, when I tried to find a cardiac nurse or a respiratory therapist it was a real tough call. You know, a lot of these professionals have left New York State along with a lot of other professions, and I'm hoping that -- that we can -- we can retain the nurses that we are training to stay in New York State.

Thank you for time.

MRS. GUNTHER: I think we're trying to increase

salaries in many of these professions to prevent the burnout, and I think that we're doing everything to improve the workplace for people that are in the medical field and I think that we are very cognizant of the needs and we're working towards that goal.

MR. SALKA: Great. And it's a great goal to work toward. You know, there's something that we all know about people in the medical profession. It's a close community, and a lot of times you might not take that job physically home with you but you take it home with what you carry on in your mind that you've seen, you know, throughout the day. But I want to thank you for this bill and those -- and those questions answered.

Mr. Speaker, on the bill.

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

MR. SALKA: Mr. Speaker, I'm encouraged by several components of this bill that allow for the input of not only nurses, but ancillary staff of which I was a member of for many years. Because we always had a lot to say and because we're directly hands-on providers, I think our input is important, even down as far as housekeeping and dietary. These are the people that staff our hospitals, that make that all-important job so much -- so much more valuable to the people that -- that we -- we are taking care of.

So I want to -- I want to thank the sponsor for this. I do have those concerns about staffing, and obviously she is part of an increasing number of people in the business that realized that we have

to make New York State a better place to stay and to work, and I want to thank her for these efforts and with that I probably will be supporting this bill.

Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Fitzpatrick.

MR. FITZPATRICK: Thank you, Mr. Speaker.

Would the sponsor yield for a couple of questions?

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

MRS. GUNTHER: Yes.

ACTING SPEAKER AUBRY: Mrs. Gunther yields, sir.

MR. FITZPATRICK: Thank you, Aileen. I have a question about, you know, this -- this -- the larger hospital chains, the Northwells, the Columbia-Cornells, et cetera, they probably would not have any difficulty managing, you know, this -- this legislation. But what about smaller hospital chains, maybe like Catholic Health on Long Island and others, if you have a situation where they may not be able to meet the demands of -- of some of these -- of this legislation? And is there -- is there an appeal process?

MRS. GUNTHER: So, you can tailor this to the, you know, the -- the -- the -- each hospital. The needs -- and I mean, you're going to assess the needs and they tailor it to those needs. If it's an emergent situation and they can't get any help and, you know,

there's not somebody available, I mean, they do have to tailor it and try to do the very best they can to make sure that they have appropriate staffing. And, you know, we've done that in the past but right now we know that, you know, those increases are so necessary.

MR. FITZPATRICK: Okay. The -- we -- this -- this legislation has been aggressively pursued by the New York State Nurses Association, correct?

MRS. GUNTHER: Yes, it has. And 1199 and CWA. All of those folks, mostly women, involved in the nursing profession and the medical profession. So, yes. We've all been talking and negotiating. And I think that to give kudos to them when they've done a wonderful job and that, you know, they understand some of the difficulties and they certainly have worked with us.

MR. FITZPATRICK: So, do we -- do we have a number or an estimate?

MRS. GUNTHER: Oh, by the way, I forgot to say Greater New York also worked with us, too. They were great partners.

MR. FITZPATRICK: Okay. Thank you. Do we have any estimate or guesstimate of how many new employees or new members would be required or anticipated under this bill?

MRS. GUNTHER: We're -- we're developing the plans. After we pass this legislation we'll start developing the plans, and then we'll have a better understanding about the staffing on each unit and within each hospital.

MR. FITZPATRICK: Okay. And do we -- any estimate of what roughly what a member of the Nurses Association or 1199, what is the average percentage of their pay that they give to the union?

MRS. GUNTHER: You know, I never asked that question, to be honest with you. And I forget what I used to pay when I was a nurse. I don't remember. But, you know, they do a lot with their money. They do education and they make sure, you know... So I -- I would give the 1199 or the NYSNA a call and ask them because I never asked that.

MR. FITZPATRICK: Very good. Thank you, Aileen. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.
Would the sponsor yield for one question, please?

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

MRS. GUNTHER: I'm not walking with you anymore in the morning.

(Laughter)

MR. MANKTELOW: Wow. And I was really going to be nice this time. Thank you, Madam Gunther. Just one quick question. As I was reading parts of the bill, the Chief Executive Officer has the final say, is that correct, in this?

MRS. GUNTHER: Yes, they're involved in all of

these negotiations. There's a -- we like the word "consensus."

MR. MANKTELOW: Okay. So if part of the plan doesn't come to fruition or it's not doable, they can step in and work on something that works for them, correct?

MRS. GUNTHER: Correct. Absolutely.

MR. MANKTELOW: Thank you so much. That's the only question I have, and I will look forward to walking with you again.

MRS. GUNTHER: Okay. Now that -- those questions were easy, so I'll continue.

MR. MANKTELOW: Thank you.

Mr. Speaker, on the bill.

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

MR. MANKTELOW: I just wanted -- I want to thank the sponsor for working so hard on -- on this bill and doing a good job. And I will be supporting this bill and ask my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 108-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.)

First vote of the day, members.

Mrs. Gunther to explain her vote.

MRS. GUNTHER: I just want to thank everybody for supporting me in this effort. It was a 20-year -- year-old effort, but it means an awful lot to me. And during this pandemic we saw that so many people in the healthcare, whether it's respiratory therapy, nurse's aide, CNA, registered nurse, we all work together as a team. And this bill means so much to all of those people that have put their heart and soul into the healthcare of New York State's folks and citizens.

So thank you very much for supporting this bill, and I know our healthcare workers thank you, too.

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

MR. BYRNE: Thank you, Mr. Speaker. To explain my vote. I just want to thank the sponsor of the bill for her years of work on this particular proposal. I know it's been amended quite a bit. I think my first Health Committee meeting, one of my first questions to a member was about this bill to Mrs. Gunther, and I got -- boy, I got an education. Very few members know as much about this particular issue, except maybe the Chairman, than Mrs. Gunther. So I want to -- I want to thank my colleague for her work on this, her diligence. One pet peeve of mine is whenever we develop commissions or committees, I would like to see the Minority Conference get an

appointment. It's missing that one piece, but that alone is certainly not enough to have me vote against this bill and I will be voting in the affirmative.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Santabarbara to explain his vote.

MR. SANTABARBARA: Thank you, Mr. Speaker.

I wanted to take this opportunity to thank the sponsor of this bill. I'm proud to be a cosponsor on this bill. It's something that we've worked for in this House for years and years, as the sponsor noted. Many of us who are (inaudible) a family member or a friend receiving healthcare during the COVID-19 pandemic knew that we could rely on nurses to provide top-notch medical care and comfort to our loved ones when they needed it the most. Nurses are certainly at the heart of New York Health care. The level of care, dedication, skill (inaudible) they bring with them day in and day out is truly remarkable. Unfortunately, far too many nurses are still subjected to unfair and unsafe working conditions, and that undermines their ability to safely care for their patients.

So as we continue to recover from this -- from this pandemic, this bill will help establish safer working conditions in our hospitals, and I'm pleased to cast my vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Santabarbara in the affirmative.

Mr. Gottfried to explain his vote.

MR. GOTTFRIED: Thank you, Mr. Speaker. You know, I remember the first meeting I had with folks from some of the healthcare unions in 1996 about what has -- what became the legislation that we're passing today. The Health Committee, we held our first hearing on this issue in 1996. And I carried the bill for a while and then Aileen Gunther took it over with her extraordinary energy and passion on this topic. And lives are going to be saved by this legislation. Workers' lives are going to be enormously improved by this legislation. All New Yorkers owe a real thanks to Aileen and to the Speaker for bringing this bill to the floor, and to the labor movement and to the people on the -- even on the industry side, particularly, who have helped bring a lot of this legislation to a conclusion. It's just -- it's just super to see it coming together.

So I am delighted to vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Gottfried in the affirmative.

Mr. Montesano.

You have to unmute yourself, Mr. Montesano.

MR. MONTESANO: Yes, I was trying. (Inaudible) wasn't agreeing. But anyway --

(Laughter)

-- to explain my vote, Mr. Speaker.

ACTING SPEAKER AUBRY: Go ahead.

MR. MONTESANO: Thank you. I just wanted to

also add my thanks to the sponsor of this bill. I know it's been a long time in coming. And, you know, numerous meetings with the Nurses Association and related workers' associations on this matter. You know, rallies and everything. And it's really unique what goes on in a hospital. You know, my wife is a nurse and now a director at a hospital. And, you know, I hear it every day about what goes on, the volume of work, the shortage of personnel. And especially this COVID pandemic, the taxing it put on to everybody that works in the healthcare industry. So while there's a lot involved here and a lot that has to be done, I think the sponsor took all the necessary steps to make sure that everyone who's involved in the healthcare industry is included in this, all the stakeholders are included and some great thought and consideration has been given.

So I proudly cast my support for this bill and I vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Montesano in the affirmative.

Mr. Jacobson to explain his vote.

MR. JACOBSON: Thank you, Mr. Speaker. I'd like to congratulate and thank the sponsor for her hard work over the many years. It's been a long -- I know it's been a long journey. I would like to thank the advocates, the nurses' union, 1199, SEIU and others that have pushed so hard for this. And it's something we can all be proud of and I'm so happy to vote in the affirmative.

Thank you.

ACTING SPEAKER AUBRY: Mr. Jacobson in the affirmative.

Mr. Miller to explain his vote.

MR. MILLER: Thank you, Mr. Speaker. I'd just like to explain my vote. First of all, I would like to thank Mrs. Gunther for sponsoring this bill. As you all know, last year I lived a long time in the hospital with -- with great help from the RNs, the LPNs, the CNAs, the respiratory therapist. I saw firsthand for --for many months -- for --for a month -- you know, a month in ICU exactly how short-staffed and how stressed everybody was during this pandemic. And again, I want to thank Mrs. Gunther for sponsoring this bill and I am voting yes on this bill. Thank you.

ACTING SPEAKER AUBRY: Mr. Miller in the affirmative.

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. I just want to join and add to the chorus of compliments to the sponsor for bringing this forward and for her tenacity and willingness to really stick with this and make this a bill that we -- the vast majority of us will be very happy to support. As -- as she knows, my sister is a nurse, a nurse practitioner, and I've heard stories for many, many years about the comings and goings within the hospital setting. And I appreciate the flexibility that is built in to this legislation. The fact that each hospital, each unit, it -- it's a pragmatic and a very thoughtful approach to this issue, and I'm delighted to be able to support it. So,

thank you.

ACTING SPEAKER AUBRY: Ms. Walsh in the affirmative.

Mr. Lawler to explain his vote.

MR. LAWLER: Thank you, Mr. Speaker. I want to thank the sponsor for all of her hard work and tenacity in getting this bill done. And as many of my colleagues have said, I think the flexibility and the consensus, as the -- as the sponsor pointed out, that this bill allows is important. And, you know, as someone who represents a district with two hospitals in it, two great hospitals, Nyack Hospital and Good Samaritan Hospital, run very ably by Dr. Mark Geller and Dr. Mary Leahy, the nurses in these -- in these two hospitals have been nothing short of fantastic throughout this pandemic. They have worked tirelessly to ensure the health, the safety of our residents and we can't thank them enough. And this bill will help ensure their safety and help ensure that they're able to do their jobs adequately and with support and have the resources necessary.

So I thank the sponsor for putting this bill forward and for seeing it through after many years of -- of hard work, and I'm happy to both cosponsor it and vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Lawler in the affirmative.

Mr. McDonough.

MR. MCDONOUGH: Thank you, Mr. Speaker, for allowing me to explain my vote. I've said many times before that

nurses are the frontline of healthcare, and there's no doubt about that. I think also we're very fortunate to have a nurse like Mrs. Gunther in the Assembly to help guide us along some difficult choices we have to make. I personally experienced three years ago when my wife was hospitalized for 72 days before she passed at a great hospital, South Nassau Mount Sinai, and she had the best of care and the most caring people attending to her.

So I give you credit, Mrs. Gunther, for what you're doing and thank you and you have my vote.

ACTING SPEAKER AUBRY: Mr. McDonough in the affirmative.

Ms. Miller to explain her vote.

MS. MILLER: Can you hear me?

ACTING SPEAKER AUBRY: Yes, we can.

MS. MILLER: Okay. Thank you. To explain my vote, Mr. Speaker. I want to thank the sponsor. I don't think I need to go into any detail about the amount of time Oliver has spent in hospitals with nurses in all times. You know, emergency times and non-emergency times for this State. And the tenacity and the dedication that she showed in crafting this bill and her ability to listen to all sides and to make the changes that the stakeholders wanted is what makes her such a wonderful legislator. Honestly, this is a perfect example, this bill, of people before party. What matters is the safety of the people of this State, and thank you, Mrs. Gunther, for making sure that this bill addresses that. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Miller in the affirmative.

Ms. Reyes to explain her vote.

MS. REYES: Thank you, Mr. Speaker. You know, my -- my road to this Chamber started in healthcare advocacy as a nurse, advocating for this very piece of legislation to make sure that we had the appropriate staff so we can do our job as nurses on the floor. So I have to thank the sponsor for this work and for her years of advocacy and for her ability to bring this forward. You know, the human condition has no party, as many of my colleagues have mentioned. And the work that we do on the floor as nurses is really a testament to that, how we care for all our patients regardless of race, religion, socioeconomic status. All we ask is to have the appropriate staff to provide all our patients with the appropriate level of care. And this is by far -- by no means perfect. I think it's important that we do have ratios in statute for ICU and CCU and step-down. But I think we also have to continue to work on making sure that our med-surge units have appropriate staffing. And I've had experiences where we've been flexible and negotiated with management to something that we thought was amenable and then sometimes it doesn't work that way in practice.

So I'm very happy to support this legislation but look forward to doing more in the future to make sure that we have adequate staffing for all our units and for all our patients and all our nurses. Thank you, Mr. Speaker. I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Ms. Reyes in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following colleagues in the negative: Mr. DiPietro, Mr. Fitzpatrick, Mr. Jensen and Mr. Walczyk. 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.

(Applause)

Page 28, Calendar No. 278, the Clerk will read.

THE CLERK: Assembly No. A07119, Calendar No. 278, Gunther, Gottfried, Jacobson, Zebrowski, Lunsford, L. Rosenthal, Perry, Burdick, Stirpe, Abinanti, Pretlow, Weinstein, Barron, Simon, Dinowitz, Bichotte Hermelyn, Santabarbara, Kelles, J.D. Rivera, Steck, Anderson. An act to amend the Public Health Law, in relation to establishing standard nursing home staffing levels.

ACTING SPEAKER AUBRY: Mrs. Gunther, an explanation is requested.

MRS. GUNTHER: This bill would require nursing homes to implement safe staffing standards by January 1st of 2022, and civil penalties could not be imposed until at least April 1st, 2022. Nursing homes would be required to maintain an average daily ratio of 3.5 hours of care per resident, per day provided by a certified nurse --

nurse's aide, LPN, licensed practical nurse, or a registered nurse or nurse's aides. Of that 3.5 hours, no less than 2.2 must be provided by a certified nurse aide -- aide or nurse aide, and no less than 1.1 hours must be provided by a licensed practical nurse or a registered nurse. The Department of Health may consider mitigating factors, and I'm going to read that again. The Department of Health may consider mitigating factors such as a state of emergency, labor shortage or a natural disaster. The bill would require nursing homes to publicly disclose information regarding nurse -- nurse staffing in a manner which is visible and accessible to residents, family and also staff.

ACTING SPEAKER AUBRY: Mr. Jensen.

MR. JENSEN: Thank you very much, Mr. Speaker.

Will the sponsor yield for a few questions?

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

MRS. GUNTHER: Yes, I will.

ACTING SPEAKER AUBRY: Mrs. Gunther yields, sir.

MR. JENSEN: Thank you very much. So, the original version of this bill was -- the idea was contained in the bill we just voted on, and it was a mandatory staffing -- ARI rate of 4.1.

MRS. GUNTHER: Correct.

MR. JENSEN: How come that number was reduced from 4.1 to 3.5?

MRS. GUNTHER: Because of negotiations and

listening to people in the long-term care field. So it was a negotiation and we came to the number 3.5.

MR. JENSEN: Okay. So you -- it's your belief as the sponsor that 3.5 is not any different in the level of safety of care provided to residents than 4.1. There's no difference in the safety of the residents on that care amount.

MRS. GUNTHER: So, the -- the difference -- we did change and, you know, I think we start with 3.5. There will be -- we'll evaluate. If we can see an improvement for the level of care for our long-term care folks looking at decubitus, nosocomial pneumonia, all those kinds of things. So there will be indicators that will tell us what the difference is, and those are statistics that, as you know, because I think you worked there, that you do keep. So you can really look at per unit, you can look at, you know, patients and see, you know, the -- the positive outcomes from 3.5. If not, you know, we revisit the issue.

MR. JENSEN: Uh-hum.

MS. GUNTHER: But I thought that by negotiating with our long-term care facilities and people that are in that field that, you know, we start it at -- we now -- we came to the conclusion 3.5, which I think was fair.

MR. JENSEN: Okay. So 3.5 is a starting point, to be determined in the future. So, the original bill which we just voted on was amended so hospitals now have clinical staffing committees. Why was that model not followed for nursing homes?

MRS. GUNTHER: That they have clinical staffing --

MR. JENSEN: Yes, why they have clinical -- why not have staffing -- clinical staffing committees --

MRS. GUNTHER: So -- so, honestly -- so, as a nurse and long-term care versus an acute care hospital, in a hospital we look at acuity changes every day. We have different units, we have different things, whereas a patient in a long-term care facility is there for long-term. And we -- we assess them everyday, and often the condition doesn't vary as it would in an acute care hospital. So I'm not saying that there's more of a stable kind of clientele, but there is.

MR. JENSEN: Okay. In the recently-enacted budget it included a 70/40 minimum spend ratio on direct -- direct care and direct staffing. Why not wait for the potential implementation of that requirement before adding another mandate regarding staffing to nursing homes?

MRS. GUNTHER: You know, my -- my thought is when you're asking why is, my -- my hope is that the Administration and those folks that are employed by the long-term care facility will work together. Seventy -- what we chose now is it -- you know, it's written -- we wrote it in our bill, but again, we revisit these issues often to see that we can make sure that, you know, we're doing -- the level of care is -- is better. We can look at outcomes are better and then we can revisit it. You know, we change legislation here all the time. We amend it. And, you know, certainly this probably isn't like the last time we will amend this, but I think this is a step in the right direction. And, you know, everything that we heard during this

pandemic about long-term care, the time was really now to be able to address these issues. And I think that by addressing these issues, and this is what I -- I -- I feel and, you know, I -- I just want to say that, you know, I've worked in a hospital. I've worked as a nurse's aide and I worked at this, and I can tell you that by addressing these issues that we'll see a lot less burnout.

MR. JENSEN: Okay.

MRS. GUNTHER: A lot less burnout. So I -- I think it's very important. And I'm proud of this Body for seeing what went on over the last year and coming together and deciding that, you know, the time was now to do something different.

MR. JENSEN: Okay. I -- I do have more questions but I do want to speak on the bill. So thank you to the sponsor for -- for yielding. I know some of my colleagues are going to pick up my slack in their questions.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill.

MR. JENSEN: Thank you, Mr. Speaker.

Appropriate staffing in nursing homes is essential to protecting the health and well-being of the residents and the staff who work there. I don't believe that any member of the Chamber or of the general public would disagree with that sentiment and I certainly don't. However, this legislation is seeking to address a critical aspect of the operations of our State's nursing homes in a manner that -- that many do not believe will have the intended effect. It dramatically is going to

increase the cost to our nursing homes without any guarantee that we'll improve the clinical outcomes that the sponsor references. As the sponsor mentioned, as someone who previously worked in a nursing home, I've seen firsthand the dedication of our frontline healthcare workers, the dedicated staff that make up the facilities and interacted daily with the residents and their families. I am 100 percent on board with increasing assertive care for those that call our long-term care facilities home. However, I don't believe that this act will do so. I believe that staffing levels should be based on the clinical care needs, level of acuity and the staffing levels that need to be flexible to best meet the needs of the residents nursing homes serve. Earlier -- earlier this year legislation was introduced, as we just voted on and debated, that would have required an even higher mandated staffing level. When asked at a five-star CMS-rated facility, one that's the tops in the nation and the State and may have been 1/10th below that mandated care requirement, if that facility was providing unsafe care, the answer is clear: Yes, they were unsafe. However, this legislation lowers that number, as the sponsor referenced. If that doesn't show that there's an arbitrary nature to this legislation, I don't know what does. Furthermore, this bill does not actually call for the amount of care of 3.5 hours to be provided. It merely says that on average there has to be 3.5 hours of nursing staff in the building based on the Census numbers. This legislation doesn't count -- doesn't count for the tremendous amount of administrative work that goes into managing -- managing the care process or ensuring that care being provided is

appropriate and adequate. Across my community, the State and the nation we are suffering from a nursing shortage, something my colleague referenced in an earlier debate today. RNs, LPNs, CNAs are all desperately needed. Where I live, there are nursing homes that are currently understaffed by 40 to 60 percent through no fault of their own. They want to hire those positions, but there's nobody applying for them. When this legislation goes into effect it will create a hunger games-type situation for the nursing field. Larger systems with more financial resources and diverse revenue streams are going to approach staff from smaller facilities. In turn, those facilities are going to approach the even smaller facilities. And those very small facilities that maybe have a few dozen beds, they're not prepared to compete in a cut-throat hiring process due to the ever-increasing number of unfunded mandates put on them by New York State. The result inevitably will be that these very small facilities will go out of business because they can no longer provide safe and adequate care under the mandates in this legislation. Through no fault of their own, in addition. They will close. Many of these types of facilities are in my colleagues' districts in rural parts of our State. What does it do for quality of care if a nursing home is forced to close and there is no other alternative for this type of care located within an hour, an hour-and-a-half of the communities their families live and they have called home their entire life. Will this act create a care crisis for seniors across rural Upstate New York? I guess we're about to find out. The sponsor in her memo for this legislation states that this is in

response to what happened during COVID-19, during the -- at the nursing homes. Certainly, the death of 15,000 seniors is heartbreaking on a -- on a level that is unimaginable. But it did occur despite some of the best efforts of the vast majority of nursing homes in the State. They were doing everything they could to keep their residents safe in the most difficult of circumstances. But it's no surprise that staffing suffered during a pandemic when staff members, too, were sick; 30, 40, 50 members of the care teams out at any given time as they were fighting their own personal battle with COVID-19. How many more residents were forced to die in isolation because mandated policies put in place by this State shut the door to family, friends and loved ones when their support was needed most? Volunteers, community residents who take time out of their day to spend time with residents were also turned away, told that the individuals that count on their visits and help had to be alone. Due to the nursing shortages there -- across our State, there's no backup for our overwhelmed healthcare heroes. Even today, nursing homes are scheduling an appropriate amount of staff, yet are hit by a (inaudible) amount of no-call and no-shows from their staff, especially on the weekends. And they have a limited ability to have staff stay on for additional shifts after they were supposed to go home for the day. They need to cover these unanticipated gaps, but are limited on the ability to do so. They receive pushback and protest when they try. Additionally, industry-wide staff shortages force facilities to rely on contract staff. Nursing staff will go from nursing home to nursing home on a daily

basis with no investment in the residents they're actually being charged to serve. We are not doing enough to get more people to enter the nursing field. I'm glad to hear that OCC is -- is doing their part down in the sponsor's district, but we need to do more to create viable and reachable career paths in the nursing field. Something I've introduced in the contents of a legislative package to address. In addition to nursing staff shortages making it difficult for these new mandates to be met, this legislation will inevitably create a fiscal strain for nursing homes that are already facing budgetary restrictions imposed on them by the State that will affect the care that is being provided to residents. Some nursing homes have already said even though today they are above the 3.5 mandated hours contained in this legislation, because of the division by license type they will be forced to fire registered nurses so that they can hire the appropriate number of CNAs. The increased mandates from the State will limit the ability to hire other facility staff that are desperately needed to operate a nursing home and it will limit the potential to invest in other equipment and make critically important capital improvements that also lead to proven -- improvement outcomes in residents. Not-for-profit nursing homes in New York State are operating on negative margins. Where are these care providers supposed to find the resources to meet these mandates? I know in the budget there is \$64 million included, but I'm not sure that \$103,000 on average for each 617 nursing homes in New York State will be enough to fill the gap. This legislation will result in increased costs for every single nursing home in the State; for-profit,

not-for-profit and government-owned and operated, with some estimates that the cost will be over \$16,000 per bed. I don't know how many beds we have in New York State, but I would imagine that's a tremendous amount of money. The legislation contains no financial assistance from the State to meet these new mandates. Yet while Massachusetts and New Jersey increase support to nursing homes by 6 and 10 percent as they've evolved their nursing homes environments, our State has actually cut assistance to nursing homes by 1.5 percent. That was in 2020, in the midst of a global pandemic. The current Medicaid reimbursement rate does not actually meet the cost of care being provided by these nursing staff members, yet we are asking care providers to do more with less, simultaneously tying one hand behind their back in the process. This doesn't not take into account the crippling and unreimbursed costs, often in millions, that nursing homes have incurred throughout COVID, that they're currently struggling with, and reduced census numbers that are only potentially starting to get back to pre-pandemic levels. Rather than creating a one-size-fits-all approach for a state of 20 million people in 617 diverse nursing homes that have a variety of medical needs and an every-evolving level of acuity, why have we not chosen to work with health experts, like we did in the previous legislation, to develop flexible staffing models that account for professional skill level, resident acuity, level of nursing and medical care required, and regional labor markets variability. By creating flexible staffing models rather than fixed mandated staffing hours, we can improve

resident care, increase job satisfaction, nurses, encourage more citizens of our State to pursue a career in nursing, and most importantly, increase the level of care and quality of that care for all residents who call nursing homes their home. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Ra.

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

MRS. GUNTHER: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RA: Thank you very much. And thank you for bringing the previous bill forward and this one. And I know it is a result of many years of work on -- on these issues. And, you know, I've been proud to support the legislation for -- for many years that I've been here as well. But I just had a few questions with regard to this piece of it which relates directly to the nursing homes. You know, my colleague mentioned in the budget that new requirement for a percentage being spent on staffing, but, you know, along with that there is this fiscal piece, the \$64 million appropriation under Medicaid that my understanding could be utilized towards this and requires, I guess, the facilities to have met those new requirements, correct?

MRS. GUNTHER: Yes, that -- that \$64 million will cover one quarter of the year, and then we'll -- you know, a year of increased staffing under this legislation. So that's only for one quarter.

And there's also other monies. The Federal CARES Act, \$110 million in quality payments, so there is money coming to the long-term care facilities which is much needed.

MR. RA: Great. Thank -- thank you. Because that was going to be my -- the next thing I brought up. Some of the groups that represent these types of facilities have said that -- that they look at the full annual of cost of being somewhere around \$260 million, so I think -- I mean, what you're saying is probably in line with that if this is about a quarter-of-a-year -- you know, you spread that out, that -- that number is pretty much on point. So you think there will be additional funding going towards that in the future?

MRS. GUNTHER: I hope so.

MR. RA: Okay. Excellent. One thing, though, with regard to that, my understanding is that that requirement is going into effect right along at the same time as this. And I'm just wondering, do we know -- you know, how are we going to be able to know whether those entities are meeting that new requirement with -- with their staffing? You know, the percentage that they're spending so that they can get the funding.

MRS. GUNTHER: By -- by the time we look at that the ratios will be in place.

MR. RA: Okay, but in terms of actually making sure they're complying with those -- the 70/40 ratio.

MRS. GUNTHER: That's right. That's right.

MR. RA: Okay. Thank you. I -- I -- I think --

MRS. GUNTHER: You know, and I just want to say with the 70/40 ratio, one of the things that I learned as a nurse - and I know that we have other nurses here that can attest to it - is that when you provide the appropriate number of hours for a -- nursing hours and nursing aide hours and CNA hours to a patient, what happens are -- is your outcomes are better. They don't get decubitus, which you often cause a transfer out of the -- out of the long-term care facility.

Pneumonia, that creates more -- more expense for medication. So, you know, when I think about this bill, a lot of times where -- where I was listening to Mr. Jensen and we're thinking about the money spent and, you know, but I think in the end with better quality care is proven that, you know, it's less cost.

MR. RA: Certainly.

MRS. GUNTHER: And also less burnout by the CNAs and the nurse LPNs and the RNs. So there's a lot of positives to this.

MR. RA: Well, thank you. And -- and I think that I certainly agree to our bill. You know, I've been a cosponsor of your bill over the years and I think that there's certainly a positive for the staff and certainly a positive for the patients.

The -- the one other question I have is, you know, some of my colleagues -- and -- and maybe we don't see this as much where I am down in Long Island, but I know there are parts of the State where my colleagues spoke about, you know, being able to hire adequate staff to -- to meet these needs. Is there anything that would

allow for a facility, say, that's in a region of the State and just can't find enough staff?

MRS. GUNTHER: Yes. There is a statement within the bill that talks about the fact that if you can't recruit, they understand. And so, you know, they're depending on the -- on the region. If you can't recruit, then they -- they understand it and they don't give -- penalize you. So they do realize that it might be difficult in some areas and they won't penalize you. And, you know, as long as you have an explanation of why your staffing isn't -- isn't appropriate and it is a lack of -- of workforce then, you know, they -- they do allow for that.

MR. RA: Okay. Thank you very much.

Mr. Speaker, on the bill.

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

MR. RA: Thank you. And I thank my colleague for answering my questions. And having spent many years, you know, on the Health Committee since I've been here, you know, I've -- I've heard this issue discussed many times, and certainly, you know, appreciate her steadfastness in moving forward with this today. I do, you know, have some concerns going forward. I -- I think it's good that we're recognizing that there could be some issues with recruiting adequate staff, and I hope in addition to having an understanding of why a facility might not be able to meet this that we will -- we will pursue things. And there've many proposals over the years to -- to try to find ways to recruit people into this field. I do hope that making the

work environment a little better for many of these individuals might help with that. You know, it might help with recruiting that next generation of -- of our nursing professionals.

But -- but I do also want to say something that really is somewhat related to us, but maybe outside of what -- what we do, at least directly legislatively, and that's -- we really have to get on top of our -- you know, the rates that we're paying to so many of these facilities if we want them to be able to deal with the fiscal side of this. You know, we have these facilities all over New York State who obviously are coming through a difficult time, like everybody, but particularly in the healthcare field. And, you know, I know that many of them -- you know, it's estimated that two-thirds of public and non-profit nursing homes in New York had negative operating margins in 2019, which is the most recent year for which that financial data is available. That was prior to the COVID pandemic. And we, unfortunately, in New York State over -- over the years have not helped with the rates. We've actually cut in -- in that system with -- with some of our Medicaid rates. You know, other states -- our neighbor New Jersey provided a 10 percent Medicaid increase to nursing facility rates which resulted in about \$130 million in additional payments to its facilities when -- when they moved forward with nursing home staff requirements. So I hope that we will continue to address the fiscal side of this as we move forward so that this is a financially workable mandate on these facilities, and -- and I hope that we will, you know, keep an eye on how things go as we're

implementing this and -- and the -- the other bill we passed because I think our nursing professionals are counting on that. The long-term viability of these facilities are counting on that, and certainly New York's patients that are serviced by all of these facilities are counting on that.

So I will be supporting this piece of legislation, but -- but I think we will continue to have work to do in the months and years to come to -- to make sure this is workable and -- and to continue to support our -- our professional nursing staff within these facilities. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Ra. Mr. McDonough.

MR. MCDONOUGH: Thank you, Mr. Speaker.

Would the sponsor please yield for a few questions?

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

MRS. GUNTHER: Yes.

ACTING SPEAKER AUBRY: Mrs. Gunther yields, sir.

MR. MCDONOUGH: Thank you. Thank you, Mrs. Gunther. I have a concern here. You said the average -- what I'm reading, it says the daily average staffing hours of 3.5 hours per resident. Am I correct so far, right?

MRS. GUNTHER: Yes.

MR. MCDONOUGH: Okay. Now, how do you

calculate the average? Over a weekly basis or a monthly basis?

MRS. GUNTHER: We -- we look at it quarterly. Quarterly. Not weekly, but quarterly.

MR. MCDONOUGH: Based on the reports put in by the -- the staff, right?

MRS. GUNTHER: Right.

MR. MCDONOUGH: Okay. Now, this is going to be published, obviously, just like everything else is. Don't you anticipate, especially if we come up with another pandemic situation which is not beyond the realm of possibility, where people cannot even visit their relatives or even see them, that when the public becomes aware of this they're going to challenge that and say, How do I know that they're getting this care that's provided by if this law is passed?

MRS. GUNTHER: There's a -- there's a staffing chart that they make out in long-term care facilities so we know who's on and who's off, how many hours, everything. That's all documented.

MR. MCDONOUGH: And then --

MRS. GUNTHER: I mean, they do that now, really.

MR. MCDONOUGH: And then --

MRS. GUNTHER: And, you know, we have the Department of Health and, you know, they can do an investigation when they feel it's necessary.

MR. MCDONOUGH: So that would be available to the loved ones or the family members upon demand?

MRS. GUNTHER: Yeah, I mean -- I mean, you can look up on the DOH and see, like, how -- how different facilities are rated.

MR. MCDONOUGH: So, but somebody wants to know my patient, my father, my mother, my wife. Whoever it is --

MRS. GUNTHER: They're not going to use individual names. They won't do that. That -- that would be a breach of confidentiality.

MR. MCDONOUGH: But there will be something available to say that they are getting the care?

MRS. GUNTHER: Yes, like the joint commission, like all the different agencies that review the quality of care in facilities, what they do is they put out percentages and you can always look that up. The DOH goes in -- in an acute care, the joint commission goes in and there are other people -- sometimes there are others reviews, and the Department of Health goes in -- if there's a complaint they go in and investigate. So, I mean, that's been happening for a long time and, you know, those kinds of things are available.

MR. MCDONOUGH: Okay. So they could -- they could question it but it won't be on an individual basis is what you're saying, right?

MRS. GUNTHER: So, the other thing I wanted to make sure is that the information regarding nurses, staffing, nurse's aides, is available to families. So that is -- that's something that they

can they -- can they -- they can see themselves.

MR. MCDONOUGH: And one of the problems that's already been discussed by my colleagues is the fact about the shortage of available staff in nursing homes. They're going to have to look for more staff.

MRS. GUNTHER: Well, that's -- that is -- that is correct. But, you know, when -- when you work in a long-term care facility as well as acute care facility, you know, one of the important things is, you know, the amount of money that you're making so you don't have to work two jobs. And also -- you know, also that the level of staffing, it makes a big difference to every person working there. And I think that the working conditions of a long-term care facility as well as acute facility, people tend to stay in those facilities if -- if the working conditions are good and, you know, they have a good relationship with -- with the CEO and the CFO and the administration. So I -- I think that we're moving towards -- we're moving in the right direction and it will attract more people to stay in the hospitals. And so right now there's also \$64 million available for staffing, which I think is phenomenal and will also increase the number of people attracted to this profession. And I think that just what we're doing today will, you know, keep people in the field longer and also attract more people into the field.

MR. MCDONOUGH: Any -- any penalties for not following this would be determined by the Commissioner?

MRS. GUNTHER: That would be determined, but

also if there's an area that, you know, they just can't get that staffing or if they're -- that they will not penalize them if they know that they've done everything they could to attract more help or more CNAs, et cetera, and they won't penalize them when they've exhausted every effort. So that -- that we also have that because we're aware that different communities have different -- different issues. So we are aware of that.

MR. MCDONOUGH: Okay. Well, thank you very much. Thank you, Mrs. Gunther.

MRS. GUNTHER: And also, I just wanted you to know, we also -- CNAs in training we also -- they -- they are part of the equation.

MR. MCDONOUGH: Well, we -- we did have the situation of losing staff members in the -- in this past pandemic, if it's not the concurrent one, when so many people were being transferred to nursing homes with COVID and infected staff members. So we lost staff members at the same time. And it concerns me that if that happens again, penalties would be taken into consideration if such a situation occurred.

MRS. GUNTHER: Honestly, that would be an emergent situation. I -- that's not -- that's not, you know, what's happening on a daily basis or a yearly basis. In an emergency situation most times all bets are off. You know, certainly if there's another round of pandemics and people, you know, in the nursing homes, God love the people that, you know lost family members and haven't seen

them. But in an emergent situation, you know, those penalties won't be there.

MR. MCDONOUGH: Okay. Thank you very much, Mrs. Gunther. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Byrne.

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

MRS. GUNTHER: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. BYRNE: Thank you, Mrs. -- Mrs. Gunther for

--

MRS. GUNTHER: I'm looking around the Chamber for you, Mr. Byrnes [sic], and then there you are on the screen.

MR. BYRNE: I know, it's -- it's crazy to think about it, but it's been almost a year since I've been up there.

MRS. GUNTHER: Come on down.

MR. BYRNE: The world that we're living in. But thank you for answering a lot of our colleagues' questions before. I don't want to be overly redundant. I just want to focus in on at least one specific issue because you mentioned it before that your hope is this particular proposal will keep people in the field longer and also recruit more nurses into the vocation. But we do have a pretty serious workforce shortage, and there's been concerns that have been raised that, you know, we still need that pipeline of nurses to help meet this

need. Can you help respond to some of those concerns?

MRS. GUNTHER: You know, I -- I explained before, I work a lot with Kris Young at Orange County Community College and -- and also our other President in Sullivan County, and I think the next step that I will take if I (inaudible), I would increase the number of spaces so that more people can go in the nursing field. And we have wait lines, as we do right now. And when you're in the nursing field, often people will work in long-term care or acute care while they're attending school. So I think there's a way to solve the issue, and I think that there are both male and females that are waiting to get into these programs. I had one young man call and he said he had a perfect score and he's got to wait another year and he wanted to start right away. So I think there's a -- there's absolutely a solution. We need more nurses, you know, to come into the field. And the only thing that we can do is expand the education for them, and I know there's many waiting.

MR. BYRNE: Thank you, Mrs. Gunther.

On the bill, Mr. Speaker.

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

MR. BYRNE: I want to thank the sponsor for taking the time to answer not only my questions, but many of the important questions from my colleagues. I do believe that ensuring an available pool of workers is a very important step when we're talking about staffing levels. We need to make sure that pipeline exists. I know

there's a lot of openings right now in various facilities seeking talented nursing staff. So I just believe that's a -- it's an outstanding need, regardless if this bill passes or not, and doing this, I believe, is -- is a good step. I'm going to vote for it, as I have in the past in committee. But that outstanding need still exists, so I don't want that being -- that need being left unmet.

Again, I thank the sponsor for taking the time to answer my questions, and I'm going to wrap this up and say I want to vote in the affirmative because I want to pass this before the Senate does. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Walsh.

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

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

MRS. GUNTHER: Yes, I will.

MS. WALSH: And I'm right here. So we can actually see each other so that's -- that's a good thing.

MRS. GUNTHER: And I can hear you. For some reason unmasked it seems muffled sometimes.

MS. WALSH: I know it. I know it. So thank you very much for agreeing to answer a few more questions. So, one of the questions I've got is that we talked a little bit in response to some earlier questioning about going from the 4.1 average hours to 3.5 --

MRS. GUNTHER: Yes.

MS. WALSH: -- and you indicated that 3.5 was basically the -- the product of negotiation.

MRS. GUNTHER: That's correct.

MS. WALSH: -- that we came up with 3.5. And, you know, this is called the Safe Staffing bill, so we've got to assume that 3.5 is considered to be safe staffing, then. Despite the fact that it's negotiated, it's -- it's considered to be safe staffing. (Inaudible)

MRS. GUNTHER: We would always like more, but I think this is what was negotiated and they felt that, you know, part of the time would be -- 1.1 would be the RN, and then the other balance would be the CNAs or the nurse's aides.

MS. WALSH: Okay. So one of my questions is why aren't we coming up with a requirement that adds time spent with a provider like a -- a doctor, a nurse practitioner or with physical, OT, speech or respiratory therapies as part of those required hours? Why are we only focusing on CNAs and nurses?

MRS. GUNTHER: Well, because I think that -- you know, you bring up a good point. But right now we're only kind of looking at the nursing aspect of it, but what you're saying I -- I do understand. Like, I do, but we didn't really address it.

MS. WALSH: Okay. All right. Thank you. I appreciate your candor on that. Is -- okay. So the 3.5 hours, let's just -- I just want to drill down into that a little bit, what -- kind of what that means. I think in response to some earlier questions you were

indicating that it's really just -- it's an average that's going to be calculated. So is it fair to say, then, that some days the average -- or the number of hours could be lower than 3.5 and other days it could be higher than 3.5, but as long as at the end of the measuring period you're coming up with an average of 3.5, that's considered to be adequate under this legislation, is that correct?

MRS. GUNTHER: So, I -- I -- so, I would explain it a little bit differently. So, we have -- sometimes, you know, you have a patient that's in long-term care that is -- they can bathe themselves, they're not -- they're continent of urine. Maybe the beginning of senility, dementia. So, with that patient, you know, what will happen is there might be a, you know, a little -- a little bit different. But on average, most of the patients need that much time. And when I think about 24 hours, and if you think about if you've ever taken care of -- like when -- when I took care of my mom or something like that, it -- that, to me, was -- I -- I think I gave a little bit more time. But this is a time that they negotiated and, you know, we can renegotiate it but this is what we have right now. And I think it's an increase from what we had, and I think having this set in stone is very, very important. You know, it makes us cognizant of what we should be doing and the devotion and -- and the care factor of each and every individual.

MS. WALSH: So, if I could just kind of restate that just so I'm clear. The -- if there is a difference in patient acuity within -- within the nursing home -- so, for example, like you pointed out, people who have dementia or Alzheimer's --

MRS. GUNTHER: So, this is a minimal, really. So, I mean, if there's a patient that their condition changes or anything, of course you're going to have to devote time. But this is kind of a minimum so that we say that, you know, at least this much. But, you know, as a condition changes or -- on the shift you're on or on the patient in general, you know, that patient, you know, might not be able to bathe themselves, you know, the whole nine yards. So, incontinent and all those things. So this is a minimum. And I -- I -- you know, regarding assessments and, you know, bathing and level of care. So I think this is a minimal. Some might require more.

MS. WALSH: So, Mrs. Gunther, out of the 617 nursing homes that we have in the State right now, do you know how many are currently meeting what you've described as a minimum of 3.5 on -- on average?

MRS. GUNTHER: So, can you repeat that? I'm sorry, I didn't hear that.

MS. WALSH: I'm sorry. It's probably the mask. Out of the 617 nursing homes that we have in the State, do you know currently how many are meeting that -- what you've described as a minimum or a floor of 3.5 hours on average?

MRS. GUNTHER: Honestly, I -- we do not have that specific number, and I think that's something that, you know, in the future we should look at. But I would say the Department of Health does -- does -- goes from one long-term care to another, and I would suspect that those -- those agencies should have, because they do those

inspections, you know, in the long-term care. I don't have that right now, so...

MS. WALSH: Okay. So I guess kind of moving to another topic since you mentioned the Department of Health, during your explanation of the bill at the beginning, you emphasized that -- that DOH has -- and they consider mitigating factors including labor shortages. You specifically mentioned that a couple of times. But isn't that a mitigating factor only as it relates to the penalties that DOH might assess? It doesn't -- it doesn't change the 3.5 mandate that's going to be assigned through, you know, through this legislation, correct? It's just the penalties that they have -- they can consider a mitigating factor, like a labor shortage, right?

MRS. GUNTHER: So, in other words you're saying that the penalty -- I -- I don't -- I think that we -- we created ratios and -- and there are penalties for, you know -- I mean, if you can prove to the Department of Health that you did everything you possibly could to get the level of care or the staffing level to an appropriate place, then they will take that certainly into consideration. And that's part of the bill. Because, you know, sometimes in certain areas where population is lower and they -- it -- it's just -- they will take that into consideration.

MS. WALSH: Yes.

MRS. GUNTHER: So we made that part of the bill.

MS. WALSH: Okay. I understand that, but I guess what I'm getting at is, so the DOH is going to potentially step in and

say, *From this period to this period you fell short, nursing home. You fell short. You were only at 3.3 on average, and that's -- we want 3.5 and you're -- you're short. We could assess a penalty, but you're making a good case to us that the reason why you didn't meet 3.5 was because there was a labor shortage. Right? And -- and maybe they wouldn't assess a penalty for that period, but the next day when the sun comes up that nursing home is still looking at 3.5 as the mandate that they're supposed to achieve for that next measuring period. So you're not saying that they're never going to get penalized, you're just -- the -- the point in the legislation is that DOH could consider a labor shortage when assessing penalties, but it doesn't change the mandate, right?*

MRS. GUNTHER: So, what I would say is this is something new and different that we're doing in New York State. Uncharted territory. So for me to say what the outcome would be if the staffing patterns weren't followed, I mean, I can't really -- I -- I can't really answer that question. And I think that what the Department of Health -- and I would hope this is true -- as they do -- when they -- at the -- at the end of a certain period of time and they look at, you know, the outcomes and also the staffing patterns and look at it all together, that we'll have information that will drive us in whatever direction is the best for those people we're caring for. So I can't really -- I don't know exactly what's going to happen with the Department of Health.

MS. WALSH: Okay. So this legislation -- we passed

legislation earlier this Session and even last year to try to get at those -- those bad operators to try to make sure that we -- we improve, because we all want good quality care for our nursing home residents. But this legislation affects across the board, the 5-Star, Gold Star nursing homes just as -- just as much as the 1-Star nursing homes, correct?

MRS. GUNTHER: Here's my -- my answer to that question. You know, joint commission, Department of Health, if we're 5 stars, you know what? We -- and -- and I worked in a hospital. Come on down and come on in because we want to show off our quality of care. So the only one that would really -- I mean, if there is somebody that's not following the rules and regulations and they have an inspection, a review of their facility, those are the only -- the people that are going to be impacted, and those are the -- the people that we really want to find out about. And see, it's not punitive. It's corrective action. So I think that, you know, when you have somebody come in, it's like a child or, you know, and the joint commission comes into a hospital, they come in, it's an education for everybody there, whether you're a nurse, a CNA. Whether you work in dietary, whatever it is. And I think that it improves the quality of care. It's like it's going to school for a few days while they're there. They come out with outcomes and I think it's very good. It's good for all of us. And as you -- if you have a parent in that facility, you want to see that that oversight is there and how well they scored after an inspection like that.

MS. WALSH: You know, that's interesting that you bring that up, because as I -- as I field questions in my office from constituents who have parents or grandparents in nursing home settings, what they're usually concerned about is not so much the raw numbers, the statistics, but it's that feeling of whether their loved one they believe is receiving appropriate care. You know, are they being well taken care of? Are they seeing things, noticing things about their loved ones when they can get in to see them, which of course we know has been a problem the last year. But that -- to me, that's really more of a comment rather than a question, so you've been standing a long time and I appreciate you answering my questions. And at this point I think with the remaining time that I've got, I'd like to go on the bill, Mr. Speaker. Thank you.

ACTING SPEAKER J.D. RIVERA: On the bill.

MS. WALSH: Thank you. So I have to say that in contrast to the previous bill that I was delighted to support, this bill causes me a lot more concern. And I think that the -- the sponsor could not have been more candid. But I think that in her -- in her candor she's pointing out several things that I think are -- are a problem. One thing is that, you know, nursing homes are not children, they're businesses. And if you're a business you need to know what the playing field is. What are the rules. We don't know right now. We don't know how many out of our 617 nursing homes in the State are -- are already meeting this 3.5 floor of -- of appropriate care. We -- we believe that the 3.5 hours has been arrived at through

negotiation, not necessarily with a sense that with any kind of certainty 3.5 is a safe staffing level of care. You know, the -- the staffing mandate that's contained in this bill, unlike the bill that we handled earlier having to do with hospitals, the mandate that one-size-fits-all kind of idea, the fact that this bill, I believe, will impact the very best nursing homes all the way through because it affects everybody. It's not just pointing out or trying to go after those -- those, hopefully, few bad operators that we may have in this State. And I think that what's been pointed out as far as the -- the DOH, we don't really know how they're going to approach the penalties in this situation. We know that they can consider labor shortages, but that has to do with penalties rather than the mandate itself. We also know and it's been brought up by others but it bears repeating that, you know, we have a -- already have a huge shortage of skilled nursing staff in our State. There's an expected need of almost 20,000 nurses across New York. We have declining LPN graduation rates. We have one million nurses expected to retire nationwide by 2030. So, how we're going to fill all these positions in order to come up with this number of hours is a real concern. And while I understand that there has been some funding that has been allocated, that only equates to rough math \$103,000 per 617 nursing homes around the State. That's not a lot of money. And because there's this finite amount of money and we already have other legislation that is requiring nursing homes to make investments of a certain amount of their revenue, I'm concerned that a bill like this creates a disincentive to nursing homes to invest in other aspects of

their buildings or operations.

So, I -- I won't be able to support this bill, as I did the previous one. I think that that same sense of negotiation and changes made between the A-print and the B-print of the hospital bill is that same type of negotiation that I wish had resulted in a bill that I could support here. Because I, along with I'm sure all of my colleagues, want to see really good quality nursing home care. I just think that this, because of the mandate on staffing, is something that I cannot support at this time. Thank you, Mr. Speaker.

ACTING SPEAKER J.D. RIVERA: Mr. Salka.

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

ACTING SPEAKER J.D. RIVERA: Will the sponsor yield?

MRS. GUNTHER: Yes, sure.

ACTING SPEAKER J.D. RIVERA: The sponsor yields.

MR. SALKA: Just -- just one quick question. Will those patients -- those residents or patients that are in the -- in the facility there for rehab, will they be counting -- counted as the general population, the general number?

MRS. GUNTHER: Yes. Yes, that's a yes.

MR. SALKA: And -- and so when the occupational therapist or the physical therapist sees them usually almost on a daily basis, that won't count for the staffing numbers, these requirements.

MRS. GUNTHER: We're -- we're looking at the nursing aspect of it, not the OT/PT.

MR. SALKA: Okay. All right. That's all. Thank you.

MRS. GUNTHER: Thank you.

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

MR. GOODELL: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER J.D. RIVERA: On the bill.

MR. GOODELL: We've had a lot of discussion on this bill, and it's interesting that this bill which has a set mandate that is imposed on every nursing home regardless of size, regardless of health factors, regardless of rankings, regarding -- regardless of outcomes, it's one-size-fits-all. Of course everyone here wants high-quality nursing care. Of course. But I hope that everyone here also recognizes that our nursing homes vary substantially across the State in terms of the acuity of patients, the type of patients, the staffing needs for those patients and the health outcomes. In fact, if you look at just the broadest numbers on acuity, for-profit nursing homes typically run about 32 percent of their patients in the highest resource utilization grouping, the highest acuity, compared to 18 percent for the not-for-profits. Much lower acuity rates. In the previous bill, we had a labor management committee for each facility, and that labor management committee would have known the facility's needs for staffing more than any one of us sitting here in this Chamber. Indeed,

I doubt that most of my colleagues have ever walked in on a nursing home in my district. Yet we're being asked to impose staffing levels for every one of the nursing homes in my district, your district and across the State. The previous bill had a labor management committee with broad representation including therapists, dietitians and everyone else. And as the -- as my colleague mentioned on a previous bill, that was intentional because it takes a team to provide high-quality service. But not this bill. This bill doesn't talk about a team at all. It only talks about nursing staffing ratios. No mention about physical therapists, dietitians or any of the other frontline critical care workers. No mention of them. This bill is silent.

In the prior bill, the staffing plan was set by each facility locally. On this one it's set in Albany by the New York State Department of Health in implementing a legislative mandate set here on the floor of the Assembly where not one of us, I don't think, is a licensed home -- licensed administrator for a nursing home. So instead of looking at the local level and tapping in all the expertise that we have on the local level, we're asked, without that knowledge or expertise, to impose on every nursing home across New York State an arbitrary limit.

Now, the financial cost has been mentioned some. If you take the Department of Health's evaluation on the prior requirement of 4.1, if you go on the same ratio this when fully implemented would cost \$1.5 billion. We have some funding in the budget, as was acknowledged, but nowhere near that kind of funding.

And of course the amount of funding that's needed will vary between facilities, won't it? Because if you have a facility that already meets it, they don't need additional funding, and if you have a facility that doesn't meet it, they could need a lot a funding. Now, you've heard that if we increase nursing staff and we'll get better outcomes and that saves money. But unfortunately, under the Medicaid program there's a complete disconnect between the cost of providing care and your reimbursement rate. For those who aren't familiar, you know, 30 years ago Medicaid used to be on a cost base where you used to file out detailed cost reports and you get a reimbursement rate. Then they switched to DRGs for hospitals and something similar to nursing homes where they gave a flat rate. And then they went to regional nursing home rates. And so they divorced the cost of providing the service with the Medicaid rate, and they did that for obvious political reasons so that they could cut the Medicaid rate without anyone screaming that they're no longer being reimbursed. But that is, indeed, the reality. My nursing homes in my district - and I'm sure the same is true for your nursing homes - are just reeling from the impacts of COVID financially. We know that when our nursing homes were ordered to take potentially COVID-positive patients, in addition to killing more nursing home residents it also infected more staff. And so when the staff were infected that meant the remaining staff had to work overtime, incurring tremendous costs. And then of course, as we all know, the government overreacted and turned around and required nursing homes to test every staff member twice a week. Remember

that? The staff were being tested twice a week even though it took several days to get the results back. It was a huge, huge cost to nursing homes. In my district, almost all the nursing homes are operating upsidedown financially, and they are struggling to remain open. This is the last time, the worst time in the world for us to impose huge unknown expensive mandates. Unknown because we haven't evaluated what the impact is per facility. We're not even sure what the overall impact is Statewide. But one thing we are sure is that this bill provides no funding.

My friends, we should focus on what is most important to our nursing home residents and their families, and that is focusing on ensuring high-quality outcomes. And we, as the State, should be willing to pay the cost of ensuring proper staffing and not impose that cost on nursing homes with a threat of fining nursing homes who can't afford to hire more staff and thereby take more money away from them because they can't afford to meet our mandates.

I agree with many of my colleagues, the bill that we had on hospital staffing was a thoughtful, careful, flexible, inclusive approach. And I commended my colleague, the sponsor, for that approach. And I would love to see that type of approach implemented when it comes to nursing homes rather than an expensive, inflexible, top-down mandate that has no local input in developing the staffing, does not consider the multiple factors that were considered on hospital staffing and will only exacerbate the financial hardships facing our

nursing homes today.

For those reasons I will be voting against it and would encourage my colleagues to do the same. Thank you, Mr. Speaker.

ACTING SPEAKER J.D. RIVERA: Mrs. Gunther.

MRS. GUNTHER: Well, I just want to speak on this bill. You know, we have watched on our tele -- television day after day all about the deaths in long-term care facilities. We've had -- we have families that have called our offices. We have people that have worked in long-term care and talked about the experience of losing people that they cared for for years and loved dearly. And this bill is a result of what happened in the long-term care facilities during the past pandemic. I think that this is a start, it's not a finish. But in my opinion it's something that has to be addressed and addressed immediately. The level of care makes a difference in outcomes. The level of care means quality of life for many people that we call part of the greatest generations, and they deserve appropriate care. And we're talking about money, but I'm talking about lives and I'm talking about quality of life. So to me, this bill is a no-brainer. We need to do something. We saw it on television every day, and we need to do it today. And I'm so happy to carry this bill for all those CNAs, nurse's aides and -- and registered nurses across New York State. They deserve this and their patient deserves it. So I'm happy and proud to have carried this bill and glad that the New York State Assembly is stepping up to the plate today. Thank you.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER J.D. RIVERA: The Clerk will record the vote on A.7119. This is a Party vote. Any member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation, but those who support it should certainly contact the Minority Leader's Office so we can properly record your vote. Thank you, sir.

ACTING SPEAKER J.D. RIVERA: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I want to remind our Majority colleagues that we'll generally be voting in the favor of this awesome piece of legislation. However, colleagues desiring to be an exception should feel free to contact the Majority Leader's Office and we'll be happy to record your vote.

(The Clerk recorded the vote.)

ACTING SPEAKER J.D. RIVERA: Mr. Jacobson to explain his vote.

MR. JACOBSON: Thank you, Mr. Speaker. I wish to thank the sponsor for fighting for this bill. You know, last -- we

just passed the bill to go for safe staffing in hospitals. And it's the same thing, safe staffing saves lives. And as far as I know and I think everybody would agree that nursing homes has generally been sorely understaffed before the pandemic. And it's even worse now. But that's the first thing that nursing homes cut, they cut staff. And I've practiced Workers' Comp for over 20 years and I've represented hundreds of workers who had back injuries because they were alone. They were working by themselves and they had to lift patients, and it was terrible. And so it's so important because this means that workers will be in safer conditions. It means that patients will have and nursing residents will have a better quality of life.

And so I'm so happy to speak on this to thank the sponsor and urge my colleagues to do so. And I proudly vote in the affirmative.

ACTING SPEAKER J.D. RIVERA: Mr. Jacobs [sic] in the affirmative. Jacobson. Right.

Mr. Cahill to explain his vote.

MR. CAHILL: Thank you, Mr. Speaker. I rise to explain my vote, but more importantly, to congratulate the chief sponsor of this bill. I know we are not supposed to use our time to talk about members, but I will talk about a woman I know who was married to a member and that was a -- a citizen who came to us before she was even a member of this Body to advocate for this bill, and it has been her -- her crusade, if you will, over all these years. And it has been a noble crusade, a good crusade. And I congratulate her on

her success today, withdraw my request and proudly vote in the affirmative.

ACTING SPEAKER J.D. RIVERA: Mr. Cahill in the affirmative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for an opportunity to explain my vote. Very often in these Chambers you wait for a really long time to be able to vote for things that members have put in writing some time ago. And, you know, to say the least, good things are sometimes worth waiting for. And I want to take this opportunity to not only say how excited I am about voting on an opportunity to make nursing homes safer, but to honor my colleague for her due diligence as a nurse to repetitively year after year after year talk about the value of safe staffing. She's been heard. And she said the Assembly was doing the right thing. I need her to know that we certainly do support her in doing the right thing, and it is a pleasure to be able to vote for this bill. So thank you to the colleague that introduced it.

ACTING SPEAKER J.D. RIVERA: Mrs. Peoples-Stokes in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following Republican colleagues in the affirmative on this legislation: Mr. Ashby, Mr. Brabenec, Mr. Byrne, Mr. DeStefano, Mr. Brown, Mr. Durso, Mr. Gandolfo, Ms. Giglio, Mr. Lawler, Mr. Mikulin, Mr.

Miller, Mrs. Miller, Mr. Montesano, Mr. Morinello, Mr. Norris, Mr. Ra, Mr. Reilly, Mr. Salka, Mr. Schmitt, Mr. Smith and Mr. Tannousis.

Thank you, sir.

ACTING SPEAKER J.D. RIVERA: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

Mr. Goodell for an introduction.

MR. GOODELL: Thank you, sir. It is my great pleasure to introduce Clifford Crouch. Many of you know Mr. Crouch, having served in this --

(Applause)

Mr. Crouch has served in this Chamber from 1995 to 2010 and -- 2020. 2010 was about when he was warming up --

(Laughter)

-- and did a phenomenal job and served as our Caucus Leader and -- and did a phenomenal job. Some of you may not realize that he has a college degree in animal science and owned at one time a farm that was 45 acres larger than the entire City of New York. So if any of you want to visit him, he's up in Bainbridge, which is in the Catskills, and he can fit the entire population of the City of New York on his farm, although he may to ask some of the other cattle -- I mean, not other cattle, but ask the cattle to leave to make room for you. But I'm delighted that Mr. Crouch has done a phenomenal job as a public

servant on behalf of the residents of the State of New York, looking out for the best interests of everyone, especially in agricultural issues. And it's always a pleasure to have an individual with that distinguished record visit us again on the floor of the Assembly. Mr. Crouch.

(Applause)

ACTING SPEAKER J.D. RIVERA: On behalf of Mr. Goodell, the Speaker and the members, we welcome Mr. Crouch back to the Chamber, extend the privileges of the floor and hope you enjoy the proceedings. Thank you again for joining us.

ACTING SPEAKER AUBRY: The A-Calendar, page 3, Rules Report No. 65. The Clerk will read.

THE CLERK: Assembly No. A07279, Rules Report No. 65, Lavine, Griffin, Solages. An act to amend the Public Authorities Law, in relation to establishing the North and South Shore Water Authority; and to cap the rate a waterworks corporation may increase its rates and charges.

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 7279. 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. Ra to explain his vote.

MR. RA: Thank you, Mr. Speaker. I just want to thank the sponsor for bringing this forward. This is an issue that several of us on Long Island have been dealing with for a number of years. We have service areas that are covered by private water operators who has the vast, vast majority of our residents on Long Island are -- are covered by public municipal water. And this has resulted in these ratepayers paying exorbitant rates. They have taxes that are imposed on the properties that are operated by -- by this water company where others, because they're municipal, aren't responsible for those taxes. And we even -- as this Chamber has done so much work for clean water infrastructure because they're serviced by a private entity, they aren't eligible for that funding to deal with things like emerging contaminants. So, this is hopefully a first step forward towards municipal water for those companies -- for those customers who have been under these private operators for many years, the -- the current one being New York American Water, to hopefully finally provide them some relief.

So -- so I thank my colleague for bringing this forward and I -- and I hope that we can continue to work with our colleagues down the hall, pass this and provide further relief from some of the taxes that these residents fall under. I cast my vote in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Ra in the affirmative.

Mr. Montesano to explain his vote.

MR. MONTESANO: Thank you, Mr. Speaker. I just want to echo the comments of Mr. Ra, and I wanted to also thank the sponsor of the bill. This has been long in coming. We've had many meetings and public hearings and reports prepared and stuff like that. So it's -- it's been a long haul. But it's such a necessary bill. It's very well thought-out and it's going to give relief to a lot, a lot homeowners, especially a lot of our seniors in the district that have to pay the bills that \$6-, \$7-, \$8-, \$900 a month for water when the people in the adjoining water district pay \$70 a month for water. So this will be, you know, a -- a big step to go. I'm -- I'm optimistic that the Senate will pick up this bill and follow suit and that we'll have this resolved.

So thank you again, and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Montesano in the affirmative.

Ms. Miller.

MS. MILLER: Thank you, Mr. Speaker. I also just want to thank the sponsor for bringing this legislation forward. You know, so many of us on Long Island, we have been begging and -- and reaching out to the PSC and it falls on deaf ears. Nothing was addressed. Nothing was answered. Finally, we have something that we can give some relief for the, you know, the -- the unfairness of -- of what so many of us are trapped in.

So, I want to thank the sponsor and I will be voting in

the affirmative.

ACTING SPEAKER AUBRY: Ms. Miller in the affirmative.

Mr. Lavine to explain his vote.

MR. LAVINE: Thank you, Mr. Speaker. I think that the fact that there is a unified Long Island vote in favor of this legislation sends a powerful and a persuasive message to the people of the State of New York, to the people of Nassau County and to the people of Suffolk County. And as well to our colleagues in the Senate, our friends at the Public Service Commission and our friends in the Office of the Governor who have been working on similar -- somewhat similar proposals, and those negotiations continued until the weekend and I'm hopeful they will continue in the days to come. An inordinate profit should not be made on the most basic resource, that is water.

So, I want to thank all my colleagues who are voting for this and I certainly want to thank everyone on -- in the Assembly staff who worked so hard to produce what really is a good bill that will protect our citizens from paying exorbitant rate increases approved by the Public Service Commission for the New York American Water ratepayers, and this is -- this is certainly a step in the right direction. Thanks to all involved. I'm voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

Ms. Solages.

MS. SOLAGES: I really want to thank the sponsor and urge all my colleagues in the Assembly to vote on this. Despite being a public good, water is often treated as a commodity. While some argue that privatization of water increases efficiency, I see the negative effects where it's a loss of accountability, poor performance and elevated utility costs which are well-documented. The privatization of public services are a disaster. And so, case in point, New York American Water, the largest investor-owned U.S. water and wastewater utility company. American Water, whose revenues totaled \$3.25 billion last year, and to add their revenues increased 13 percent during a pandemic is asking for -- for increased rates on -- on homeowners, ratepayers during this time. And we know that with COVID-19 all small businesses have taken an unprecedented action to soften the financial impact to families. However, New York American Water is still pushing for a 26 percent increase to our -- our ratepayers, which is just horrible. And they've increased the rate several times since 2017. This is cooperate greed at its finest. And so we want to ask American Water, please delay -- delay. We know that the New York State Public Service Commission has not helped them. They've been complicit in this. And so I look forward to a day where we have public water authority in South Nassau County. It's a day that we need to get to and I look forward to working with whomever wants to work with us. Because obviously, privatization of water does not work.

And once again, I urge all my colleagues to vote for

this and I thank the sponsor for this bill and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Solages in the affirmative.

Ms. Griffin.

MS. GRIFFIN: Thank you for allowing me to explain my vote. The 124,000 American Water --

ACTING SPEAKER AUBRY: Ms. Griffin, you have to lift your mic up so we can hear you.

MS. GRIFFIN: I'm so sorry. No problem. Forgot that.

ACTING SPEAKER AUBRY: There we go.

MS. GRIFFIN: Okay. The 124,000 American Water ratepayers in Nassau County deserve a viable solution to the exorbitant costs they have been forced to pay for years. As a private water company, American Water has been permitted to pass through the income and property tax changes -- charges to the ratepayer. As a result, 38 to 60 percent of the American Water bill has been the income and property taxes charged to a Nassau -- New York American Water, and this has been passed on to consumers. This has been a huge burden to these ratepayers, one that those served by municipal water don't have to bear. This legislation stops this practice. Retroactively, the Public Service Commission will -- will cap the rate that a private water company may increase and -- and limit the charges to 2 percent. Ninety-six percent of New Yorkers have municipal water, and a recent study shows that it would greatly benefit American

Water ratepayers if the New York American Water company were to become municipalized. This legislation authorizes the establishment of the North and South Shore Water Authority to enable municipalization. Resolving this major issue has been powering out to my colleagues and I, and this bill does just that. Unfortunately, though were well-intended negotiation process, a consensus has not been reached. So, it is my goal that we will continue the negotiation process until we have an agreement that we can all solve this -- this problem that is such -- such a burden to our American Water ratepayers. Obviously, the cost for fixing this problem shouldn't be paid by the people that didn't create it. So we want to serve the New York American Water customers and all of the Nassau County rate taxpayers.

Thank you very much for allowing me to explain my vote. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Griffin in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07280, Rules Report No. 66, Paulin, Abinanti, Zebrowski, Barrett, Englebright, Fahy, Galef, Griffin, Hunter, Jacobson, Lupardo, Magnarelli, McDonald, McMahon, Thiele, Wallace, Woerner, Conrad, Buttenschon, Jones, Lunsford, Stirpe, Clark, Sillitti. An act to clarify qualifications for

certain supplemental costs associated with an emergency rental assistance program.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Paulin. There's Ms. Paulin. One minute, take your time. It's all right. Mr. Goodell has a lot of patience.

MS. PAULIN: Thank you, Mr. Speaker. Sure. The bill would do a few things. Essentially clarifying the budget language to -- for the Supplemental Emergency Rental Assistance Fund that was created in the budget. And when it was created there wasn't a lot of explanation. It basically said OTDA was going to create a program, and what this bill does is it outlines some of the parameters under which that program would be created.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

MS. PAULIN: I sure would.

ACTING SPEAKER AUBRY: Ms. Paulin yields.

MR. GOODELL: Thank you, Ms. Paulin. As you know, under normal circumstances our Department of Social Services, operating under the jurisdiction of OTDA, has a special program with emergency rental assistance for those who are on Social Services that need the help. But to trigger that emergency rental assistance, the Department of Social Services typically requires an eviction notice. And on the eviction notice itself, by law we're required to put a notice that says, *You may be eligible for help paying your rent. Contact*

Social Services. Do you envision that the same type of procedure will be followed in this?

MS. PAULIN: This is really meant -- this could be used I -- I -- I would say OTDA has a lot of leeway to establish some of their ideas that were some of the parameters under which you're talking about. The program was really meant to establish a separate fund from the \$2.4 billion for landlords that had tenants that either would not -- refused to cooperate, and so -- or did not want to -- I had a landlord who called me today and the situation was such that this tenant thought he was going to be taking money on the public dole and didn't want to do that. So he refused to cooperate because of that. So it's a refusal to cooperate. So it enables a landlord to get some of the monies that he might be owed under that circumstance, but it also allows a landlord to get money if a tenant vacates under that circumstance. So this is really meant to supplement with -- with looser priorities than the Federal government allowed.

MR. GOODELL: I appreciate the objectives of this bill and I hope it will work. Have you heard anything from OTDA about how many days --

MS. PAULIN: From where?

MR. GOODELL: Have you heard anything from OTDA -- O-T-D-A --

MS. PAULIN: No.

MR. GOODELL: -- about how many days, weeks or months it'll take for them to implement this?

MS. PAULIN: I have not. I know that the other program is taking time. I also know that some of the groups that are working with OTDA were some of the groups that helped craft some of this language. So, I know they're working closely so I would hope that that would have been taken into consideration in -- in their assistance in -- in some of this language.

MR. GOODELL: Thank you very much. I appreciate your comments, Ms. Paulin. 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 70 --

Mr. Abinanti.

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

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

MS. PAULIN: I'd be happy to.

MR. ABINANTI: Ms. Paulin, I just want to understand the intention of this legislation. Let's assume four facts: One, tenant is in arrears. Two, tenant has given the property owner a declaration of hardship. Three, property owner does not commence an eviction proceeding honoring the declaration of hardship. Four, the tenant does not apply for assistance and refuses to cooperate or the tenant has vacated the property. Under this legislation, the property

owner may assume that the tenant presented the declaration of hardship in good faith and may use the declaration of hardship as prima facie and conclusive evidence to satisfy the qualification requirements that the legislation puts on the tenant to qualify for assistance, is that correct?

MS. PAULIN: Yes, we believe it is. In fact, we put language in the bill that specifically allows the Commissioner of the -- of OTDA to establish procedures that are appropriate and necessary to assure that information necessary to determine eligibility provided by the landlords applying for or receiving assistance under the above subdivision is complete and accurate. And we allow the Commissioner to establish procedures to ensure flexibility. So all of the items that you specify would -- would be allowed, and we give the landlord -- we give OTDA the direction that they should be flexible in -- in those documents.

MR. ABINANTI: Thank you. No further questions.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on A.7280. 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, if we could now turn our attention to Calendar -- the Calendar -- main Calendar on page 19. We will begin consent beginning with Calendar No. 233 and we're going to go straight through to Calendar No. 244. In that order, Mr. Speaker.

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

The Clerk will read.

THE CLERK: Assembly No. A00333, Calendar No. 233, L. Rosenthal, Perry. An act to amend the Public Authorities Law, in relation to establishing a Lymphedema and Lymphatic Diseases Research Grants program; and to amend the State Finance Law, in relation to creating the Lymphedema and Lymphatic Diseases Research and Education Fund.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on A.333. 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. A00443, Calendar No. 234, Paulin, Galef, Magnarelli, Lupardo, Englebright, Otis, Gottfried, Thiele, Jacobson, Stern. An act to amend the Town Law and Village Law, in relation to requiring local building and planning regulations to accommodate the use of certain renewable and alternative energy sources.

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

THE CLERK: Assembly No. A00476, Calendar No. 235, Rozic, Benedetto, Cook, Galef, L. Rosenthal, Montesano. An act to amend the Public Service Law, in relation to the appointment of members of the Public Service Commission.

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 A.476. 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 --

MR. GOODELL: Sir -- Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Goodell. I'm

sorry.

MR. GOODELL: Please record Mr. Friend in the negative. Thank you, sir.

ACTING SPEAKER AUBRY: Noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00967, Calendar No. 236, Cusick. An act to amend the State Finance Law and the General Municipal Law, in relation to payment in construction contracts.

ACTING SPEAKER AUBRY: On a motion by Mr. Cusick, 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 S.880. 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. A00971, Calendar No. 237, Abinanti. An act to amend a chapter of the Laws of 2020 relating

to establishing the Real Property Tax Exemption Task Force, and providing for its powers and duties, as proposed in legislative bills numbers S.3679-A and A.3330-A, in relation to the establishment thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Abinanti, 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 -- the Clerk will record the vote on Senate print 905. 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 my colleague Mr. Walczyk in the negative on this bill. 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.

THE CLERK: Assembly No. A00985, Calendar No. 238, Gottfried, Barron, Bichotte Hermelyn. An act to amend the Social Services Law and the Public Health Law, in relation to adverse

determination notices to Medicaid recipients.

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

Read the last section.

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

ACTING SPEAKER AUBRY: 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. A01021, Calendar No. 239, Bronson, Clark, Meeks, Lunsford. An act to amend the Public Authorities Law, in relation to authorizing the Dormitory Authority to provide financing to Mary Cariola Children's Center, Inc.

ACTING SPEAKER AUBRY: On a motion by Mr. Bronson, 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 5950. 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. A01108-A, Calendar No. 240, Paulin, Gallagher, Seawright, Galef, Otis. An act to amend the Public Officers Law, in relation to requiring that minutes of meetings of a public body be posted on its website.

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.1108-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.)

Is there a problem in the corner that -- that we can't solve? Is there a game of chance going on in there? What? Somebody behind the curtain? What's going on over there?

(Laughter)

We ask members to please take their seats or remove

themselves from the Chamber if they --

(Laughter)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01177, Calendar No. 241, Buttenschon, Lunsford, Griffin, Lupardo. An act to amend the New York State Urban Development Corporation Act, in relation to marketing and expanding export trade.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01228-A, Calendar No. 242, Paulin, Gallagher, Seawright, Jackson, Galef, Otis. An act to amend the Public Officer's Law, in relation to making certain documents available for open meetings.

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 1228-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. A01237, Calendar No. 243, Paulin. An act to amend the Business Corporation Law, the Not-for-Profit Corporation Law, and the Religious Corporations Law, in relation to providing for the remote conduct of certain practices and procedures relating to board meetings; and to amend Chapter 122 of the Laws of 2020, amending the Business Corporation Law, the Not-for-Profit Corporation Law, and the Religious Corporations Law relating to providing for the remote conduct of certain practices and procedures relating to board meetings, 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 1237. 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. A01367, Calendar No. 244, Magnarelli. An act to amend the Real Property Tax Law, in relation to the certification of certain property complying with the Residential-Commercial Urban Exemption program and the revocation

of benefits of such program in certain circumstances; and to amend a chapter of the Laws of 2020 amending the Real Property Tax Law relating to the Residential-Commercial Urban Exemption program, as proposed in legislative bills numbers S.5254-B and A.8091-A, in relation to the effectiveness thereof.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 1309. 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?

MR. GOODELL: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleague Mr. Walczyk in the negative. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01741, Calendar No. 245, Gottfried, Englebright, Colton, Fahy, Simon, Thiele, Dinowitz, McMahon, Otis, Seawright, Weprin, Dickens, Stern, Griffin, Galef, Abinanti, Magnarelli, Darling, Anderson, Woerner, J.D. Rivera, Jacobson. An act to amend the Insurance Law, in relation to calculating an insured individual's overall contribution to any out-of-pocket maximum or any cost-sharing requirement.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01957, Calendar No. 246, Cruz, Kelles. An act to amend the Correction Law, in relation to failure to complete a program for time allowances due to circumstances beyond an individual's control.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02039, Calendar No. 247, Dilan, Hevesi, D. Rosenthal, Sayegh, Cook, Abinanti, Pichardo, Reyes, Hyndman, McDonough, Williams, Glick, Fernandez, Colton, Hunter, Dickens, Taylor, Braunstein, Seawright. An act to amend the Labor Law, in relation to modular construction work.

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

THE CLERK: Assembly No. A02065, Calendar No. 248, Cruz, Dickens, Glick, Gottfried, Niou, Simon, Pichardo, L. Rosenthal, Seawright, Dinowitz, Burdick. An act to amend the

Real Property Law, in relation to eliminating unreasonable fees levied on tenants for reproductions of keys.

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 3666. 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. A02337, Calendar No. 249, L. Rosenthal, De La Rosa, Reyes, Barron. An act to amend the Private Housing Finance Law, in relation to the supervision of certain limited profit housing companies.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02575, Calendar No. 250, Woerner. An act to amend the Public Officers Law, in relation to expanding the waiver of the residency requirement for the City Attorney in the City of Mechanicville, Saratoga 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 Assembly print 2575. 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. A03201-A, Calendar No. 251, McDonald was previously amended on Third Reading.

Assembly No. A03861, Calendar No. 252, O'Donnell. An act to amend Chapter 704 of the Laws of 1991, amending the Arts and Cultural Affairs Law and Chapter 912 of the Laws of 1920 relating to regulation of boxing and wrestling matches relating to tickets to places of entertainment, and Chapter 151 of the Laws of 2010, amending the Arts and Cultural Affairs Law relating to resale of tickets of places of entertainment, in relation to extending the effectiveness thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 3861. 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. A04186-A, Calendar No. 253, Dinowitz, Simon, Thiele, Galef, Jacobson, Otis, Barnwell. An act to amend the Election Law, in relation to providing an online absentee ballot tracking system.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A04594-A, Calendar No. 254, Gottfried, Gunther, Thiele, Brabenec, Jacobson, Barron. An act to amend the Public Health Law, in relation to hospice residence inpatient beds.

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 4594-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority Leader 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. A04672, Calendar No. 255, Cahill, Jacobson. An act to amend the Insurance Law, in relation to allowing credit cards to offer an ancillary benefit for wireless communications equipment.

ACTING SPEAKER AUBRY: On a motion by Mr. Cahill, 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 4483. 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. A05542, Calendar No. 256, Englebright, L. Rosenthal, Glick, Colton, Gottfried, Schmitt, Hevesi, Epstein, Lavine, Paulin, Quart, Burdick, Kelles. An act to amend the Environmental Conservation Law, in relation to prohibiting the issuance of permits authorizing the use of wild animals in circuses or traveling animal acts.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05605, Calendar No. 257, Epstein, Reyes, Otis, Gallagher, Steck, Jackson, Colton, Burdick, Kelles, Fernandez. An act to amend the Environmental Conservation Law, in relation to local solid waste management plans.

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 5605. This a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Epstein to explain his vote.

MR. EPSTEIN: Thank you, Mr. Speaker. I -- I rise to explain my vote. As we continue to move forward on our CLCPA goals, it's really critical that municipalities focus on their plan to ensure that recycling and composting is a critical piece of whatever they're doing around their waste stream. This bill just allows us to ensure that composting and recycling is part of those plans that we get, and to ensure that as we move forward that we -- that composting is a critical part of our future and to get to our CLCPA goals.

Thank you for putting this forward, Mr. Speaker, and I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Epstein in the

affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record Mr. DiPietro, Mr. Friend and Mr. Walczyk in the negative. Thank you, sir.

ACTING SPEAKER AUBRY: So noted, sir.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: We have both housekeepings and resolutions, Madam Majority Leader.

On a motion by Mr. McDonald, page 23, Calendar No. 251, Bill No. 3201-A, amendments are received and adopted.

On a motion by Ms. Jackson, page 28, Calendar No. 279, Bill No. 7120, amendments are received and adopted.

We have Resolution No. 238. The Clerk will read.

THE CLERK: Assembly Resolution No. 238, Ms. Woerner.

Legislative Resolution mourning the tragic and ultimate untimely death of United States Army Specialist Abigail Jenks, meritorious veteran, distinguished citizen and devoted member of her community.

ACTING SPEAKER AUBRY: Ms. Woerner on the

resolution.

MS. WOERNER: Thank you, Mr. Speaker, for allowing me to share this moment with all of you as we recognize the life and service of Abigail Jenks, United States Army Specialist with the 82nd Airborne who sadly lost her life in a parachute training accident in Fort Bragg just a couple of weeks ago. Specialist Abigail Jenks graduated from Saratoga Springs High School in 2018. Her mother Mary said she was an adventurer. And she left and joined the Army right after graduation. She went to artillery training school and then to paratrooper training school, assigned at Fort Bragg. She was a forward observer with the headquarters battalion, and that sounds like a pretty benign job, but in fact, it's one of the most dangerous jobs you can have. The forward observer is direct cannon fire away from our artillery and infantry. Very few women take on this role. In fact, it wasn't until 2016 that women were even allowed to take on this role in the military. But the adventurer, Specialist Abigail Jenks, embraced it. And her commander referred to her as a compassionate leader, one whose impact on those around her would be felt for many years. She grew into her role. She provided tremendous service and leadership, this adventurer from Saratoga County who put on the cloth of our nation to defend our freedoms. It's -- it's the month of May and soon we will all celebrate and commemorate Memorial Day. We'll go to veterans monuments, we'll walk in parades, we'll talk to crowds. And we'll remember the fallen. The service members throughout the centuries who have put down their lives to protect our freedoms are a

reminder that freedom isn't really free, it's purchased with the lives of the brave. And this young woman, United States Army Specialist Abigail Jenks, is one of the fallen.

And so today I ask you to rise and join me in saluting her service and honoring her contributions to our nation and in recognizing the life and the service of this remarkable young woman whose mother, Mary Jenks, and her family are listening to us on the livestream. So please, if you'll rise and join me in saying thank you to Abigail for her service, for her bravery, for her courage. For giving her life for our country, and to her family for sharing her with us. May God bless Abigail Jenks. May God bless her family. May God bless each and every soldier, sailor, airman and Marine who today stand watch in the four corners of the globe to keep us safe. And may God bless America.

Thank you very much.

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

Resolution No. 243, the Clerk will read.

THE CLERK: Assembly Resolution No. 243, Mr. Giglio.

Legislative Resolution mourning the death of Dr. Dennis R. DePerro, 21st President of the St. Bonaventure University, beloved family man and distinguished educator.

ACTING SPEAKER AUBRY: Mr. Giglio on the

resolution.

MR. GIGLIO: Thank you, Mr. Speaker. It's nice to be back home in the Chambers. I would prefer to be here under different circumstances, but it's nice to see all of you. Let me start out with Dennis R. DePerro, the 21st President of St. Bonaventure University. And what I wanted to talk about is everybody already would know that to get to those heights you had to be a distinguished and accomplished educator, which he was. But I want to tell you about a kid from Buffalo, New York who grew up on the streets of South Buffalo. Very humble beginning from a great family. And if you were from Western New York, the names I'm about to mention, you would understand. He went to Timon High School in South Buffalo. Then he went to Canisius College and got his bachelor's and master's from there and then he continued on his PhD. He was just an average kid who did -- made the best of all the things that God gave him and his talents (inaudible). And he kept moving forward. But he wanted one thing more than other -- ever. He wanted to be a president of a college. So he spent many years getting there, and about three or four years ago he was named the President of the St. Bonaventure University. But let me tell you a little bit about St. Bonaventure. St. Bonaventure is a small school with -- with about 3,500 to 4,000 students in the foothills of the Allegheny Mountains in Allegheny, New York. It is a major part of what -- who and what we are in my district. Dennis took that job and he ran with it like nobody else ever had. And in the three years or plus that he was president, the College

continued to grow. And he made such an impression on the people that he worked with on a regular basis. And I'm so proud of the fact that again, he came from the streets of our neighborhoods, moved up and became a distinguished educator. And he never forgot where he was from. And he never stopped working real hard to prove that he was capable of doing what he did. And we lost him on March 1st to COVID. He was 62 years old at the time, two weeks after his birthday in February. And it is with great sadness -- and the school itself, those people that work there will tell you will how important he was and how they were brokenhearted about what had happened to him and that we lost him so quickly. And I would tell them that although the captain of our ship has left, he set us on the right course and we will continue to do that and follow his legacy. So with all the broken hearts and tears that you have at St. Bonaventure among the faculty, the staff and the kids - and the students, I shouldn't call them kids - that we will move forward and we will respect his legacy. I want to say thank you to his wife and his two children for sharing -- sharing him with us, and wish them the peace that I know Dennis would wish they would get from this, that only time will help. And finally, from those of us that count him as a friend, a life well lived by the amount of people that are so sorry that he's gone. And I say to him, *Goodbye, Dennis, and we will miss you.* God bless. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Hunter on the resolution.

MS. HUNTER: Yes, thank you, Mr. Speaker, for

allowing me to speak on this resolution. And you never know by highway and byways how people meet. And he was a wonderful gentleman. I had an opportunity, actually, to be on the Board of Directors with him at Catholic Charities. He had the best smile, the best laugh. And he also spent several years at Le Moyne College, of which I represent. I would see him at Le Moyne College and was just truly devastated when I heard of his loss. He was a gem in the community. I reached out to the President of Le Moyne College upon his passing and was just in shock. A man so young and so vibrant. And he always had wanted to be in the position at St. Bonaventure. So blessings to -- to his family. I'm very glad to see this resolution here today and know that the angels above have welcomed him with open arms.

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.

Resolution No. 231, the Clerk will read.

THE CLERK: Assembly Resolution No. 231, Ms. Cruz.

Legislative Resolution celebrating the life and accomplishments of Lorena Borjas, Mexican-American transgender woman, immigrant rights activist and devoted member of her community.

ACTING SPEAKER AUBRY: Ms. Cruz on the

resolution.

MS. CRUZ: Thank you, Mr. Speaker, for allowing me to speak on the resolution to celebrate the life of Lorena. Lorena was a friend and a constituent whose life work changed the lives of so many people in our community, and frankly, around our country. She was known as the mother of the transgender Latina community in Queens. Lorena lived in my community. She died last year on March 30th at the age of 59 due to complications from the coronavirus. I still remember getting the call from our mutual friend, Cecilia Gentili to tell me that Lorena was gone. She was born on May 29th, 1960 in Veracruz, Mexico. She studied public -- public accounting in Mexico City. She immigrated to the United States in 1981 when she was 20 years old, with the intention of making the transition to live as a woman. She was one of the most powerful grassroots activists I've ever had the honor of knowing. She drew on her own experiences as a Mexicana immigrant and transgender woman to fight for her chickas, as she called them. She never took no for an answer, and she always put her community first. The needs of others were more important than hers. She became a guardian angel for the transgender community in Queens and around New York, helping many survive sex trafficking, police harassment and substance abuse. Lorena was a true humanitarian. She opened the doors of her own home and provided a safe place for her chickas to live, especially Minnie, who became HIV positive. Lorena knew the personal and emotional difficulties of living as a transgender immigrant. She turned to her

own tragedy in trying to (inaudible). She invested time and care into the transgender in our community -- in our neighborhood, frankly, the way no one had ever done before. She became the fairy godmother to the abused and downtrodden, providing love, warmth, a safe space for many who needed it. For decades Lorena worked as an educator in HIV testing and (inaudible) change and other programs in the LGBTQI community, including the Trans Latina Network, the Latino Commission on AIDS and a Community Healthcare Network. In 2011 she launched the Lorena Borjas Legal Fund to provide bail and advocate for the LGBTQI community and immigrants. Most recently, she learned -- she served as the Executive Director of the Colectivo Intercultural TRANSgrediendo. She helped bring resources to Jackson Heights and fought against politicians and became friends with many of us, including Councilmember Danny Dromm, who helped her get one of the first pardons from Governor Cuomo so that she could eventually become a citizen. And as this strange universe would have it, years later I found out that while I was in the Governor's office, I got to help her get that pardon. Lorena built a family in Jackson Heights of extended daughters and friends who also has a savior. This resolution will be delivered to her children family at the Colectivo that continue her mission every day of protecting and fighting for the rights of our Trans Latina sisters. And while Lorena may not be with us, her light and legacy continue to shine.

(Speaking Spanish)

Thank you, Mr. Speaker.

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

We have numerous other fine resolutions, Mrs. Peoples-Stokes. We will take them up on one vote.

On these resolutions, all those in favor signify by saying aye; opposed, no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 239-242 were unanimously adopted.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I now move that Assembly stand adjourned until 10:00 a.m., Wednesday, May the 5th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 4:57 p.m., the Assembly stood adjourned until Wednesday, May 5th at 10:00 a.m., that being a Session day.)