

**THURSDAY, MAY 5, 2022**

**10:58 A.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 Wednesday, May 4th.

Mrs. Peoples-Stokes.

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

dispense with the further reading of the Journal of Wednesday, May the 4th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so approved.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker and colleagues and guests that are in the Chamber. If I can have your attention for one moment, please. I want to share a quote for the day, this one is coming from Amanda S.C. Gorman. She's an American poet and an activist. Her focus is on issues of oppression, feminism, race and marginalization, as well as the African diaspora. Her words for us today, Mr. Speaker. *If we merge mercy with might and might with right, then love becomes our legacy and change our children's birthright.* Again, these words are from a young lady, Miss Amanda Gorman.

Colleagues have on their desk a main Calendar and we also have a debate list. After housekeeping and/or introductions we will take up resolutions on page 3. There are several of our colleagues that would like to speak on these resolutions, and then we're going to go immediately to our debate list. Headlining that debate list Mrs. Peoples -- Mr. Stokes, is myself, Mrs. Crystal Peoples-Stokes. I'm going to debate Calendar No. 113, and then we're going to go to Calendar No. 222. That's going to be debated by Ms. Joyner. Calendar No. 391 by Ms. González-Rojas, Calendar No. 433 by Mr. Jonathan Rivera, Calendar No. 453 by Mr. Dinowitz, Calendar

No. 480 by Mr. Sayegh, Calendar No. 495 by Ms. Paulin. Followed by Calendar No. 497, Ms. Fahy. Calendar No. 502 by Ms. Paulin and Calendar No. 503 by Ms. Linda Rosenthal. And lastly, at this moment Mr. Speaker, there will be Calendar No. 516 by Ms. Joyner. And there could possibly be the need to announce additional floor activity. If so we will do that at the appropriate time.

That's the general outline of where we're going. If there are introductions and housekeeping, Mr. Speaker, now would be a great time.

ACTING SPEAKER AUBRY: Certainly. We do have housekeeping.

On a motion by Mr. Gottfried, page 11, Calendar No. 83, Bill No. A.1741, the amendments are received and adopted.

On a motion by Mr. Dinowitz, page 28, Calendar No. 423, Bill A.1819, amendments are received and adopted.

An introduction by Ms. Jackson.

MS. JACKSON: Thank you, Mr. Speaker, for allowing me to introduce my guest today. Today I'm also introducing a resolution and it's so great that my guest was able to come and say hi and spend time on the floor. My guest Paulla McCarthy is here. She is the first African-American woman to own a water plant here in -- in the nation and in the State of New York. Paulla is joining us, and she has a non-profit youth savings society which manages the water bottling plant, and I would love, Mr. Speaker, that you give her the acknowledgement that she deserves to be here with us today.

Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Jackson, the Speaker and all the members, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Hope that you will enjoy your time with us and commend you on many of your accomplishments. I'm sure they're only the beginning of a great career. Continue your success. Thank you so very much for being here.

(Applause)

We will go to resolutions on page 3. The Clerk will read.

THE CLERK: Assembly Resolution No. 824, Rules at the request of Ms. Williams.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim April 27, 2022 as Children of the Holocaust Remembrance Day in the State of New York.

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

Mr. Brown, before we conclude this you want to speak? Okay. Thank you.

MR. A. BROWN: Thank you, Mr. Speaker. On the resolution. I just want to thank Ms. Williams for bringing this resolution forward. As a son of a Holocaust survivor I think it's so important to bring this to everyone's attention and I thank you for that. Thank you, Mr. Speaker. Thank you for sponsoring this, Ms.

Williams [sic].

ACTING SPEAKER AUBRY: We'll do it again.

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

THE CLERK: Assembly Resolution No. 825, Rules at the request of Ms. Solages.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 5, 2022 as Mother's Equal Pay Day in the State of New York.

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

THE CLERK: Assembly Resolution No. 826, Rules at the request of Ms. Clark.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 6, 2022 as Provider Appreciation Day in the State of New York.

ACTING SPEAKER AUBRY: Ms. Clark on the resolution.

MS. CLARK: Thank you, Mr. Speaker. Today I rise to express my heartfelt gratitude for our child care providers. As fitting, the Friday before Mother's Day is nationally claimed Provider Appreciation Day, and there's no more important moment than right now for us here in the State to add our own honor as well. New York State is blessed to have almost 25,000 different types of providers

supporting our families. They are the teachers, nurturers and supporters of our State's most valuable resource, our children. Childcare providers have been holding on by a string for years, and the COVID pandemic added even more stress. But what we saw even at some of the darkest moments were providers and their staff becoming frontline workers, showing up every day while many others were able to work from home, often at sacrifice to their own health and to their own family. We saw providers find unique and flexible solutions to support families who all of a sudden had children home all day doing virtual school. Our providers always rose to the challenge. As a New York State Assemblywoman and a mom of three, it is not lost on me on how valuable this profession is to keeping our State running. Because of amazing champions here in the State Legislature, over the last two years we have committed to historic investments into our childcare ecosystem, supporting providers, the workforce and increasing access for our families. But our work is not done. On our continued quest for universal child care, as our providers have always shown up for us, please know we will always show up for you.

Let us therefore proclaim tomorrow Provider Appreciation Day. Thank you.

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. 827, Rules

at the request of Ms. Jackson.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 1-7, 2022 as Drinking Water Week in the State of New York.

ACTING SPEAKER AUBRY: Ms. Jackson on the resolution.

MS. JACKSON: Thank you, Mr. Speaker. I'm glad to be back up here and talk to you guys about this resolution. May 1st through May 7th is Drinking Water Week here in the State of New York. And we -- we took up a challenge here in the Assembly where #drinkup. We -- we decided to consume at least two liters of water a day, and I just want to acknowledge the offices that participated in this challenge with my office. We have Member Epstein and Jean-Pierre, Lavine and Lunsford and Woerner. And I just want to give a special shout-out to Brandon -- Brendon from Jean-Pierre's office who consumed the most water within the week. He consumed 26 liters. So shout out to him for that. But we -- we don't think about our drinking water as much as we should and how we need to protect and make sure we have it. We need water to just survive. And we have places like Flint who still are dealing with water issues and not having clean drinking water. I went two days in my apartment without running water and I thought I was not going to make it. So I have no idea or no clue how people in Flint are able to survive without having clean drinking water. We used it during the pandemic to keep us safe, right? We had to wash our hands repeatedly, some of us for the first

time, most of us had been doing it. But we -- we had to -- to use our drinking water just to stay hydrated, but to also keep us safe and keep us alive during the pandemic. So water was an absolute essential necessity. And May 1st to May 7th is our Drinking Water Week, and I just wanted to say thank you to everyone who took part in the challenge and I'm encouraging everyone, while I know you want to drink something stronger, make sure you have at least some water throughout your day.

Thank you, Mr. Speaker.

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

THE CLERK: Assembly Resolution No. 828, Rules at the request of Mrs. Barrett.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 1-7, 2022 as Compost Awareness Week in the State of New York.

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

THE CLERK: Assembly Resolution No. 829, Rules at the request of Mr. Jones.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 1-7, 2022 as Correctional Officers and Employees Week in the State of New York, in conjunction with the

observance of National Correctional Officers and Employees Week.

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. 830, Rules at the request of Mr. DeStefano.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May, 2022 as Teen Self-Esteem Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 831, Rules at the request of Ms. Rosenthal.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May, 2022 as Be Kind to Animals Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 832, Rules at the request of Ms. Bichotte Hermelyn.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May, 2022 as Haitian Heritage Month in the State of New York.

ACTING SPEAKER AUBRY: Ms. Bichotte

Hermelyn on the resolution.

MS. BICHOTTE HERMELYN: Thank you, Mr. Speaker, for allowing me to speak on this resolution that establishes the month of May as Haitian Heritage Month in New York. The designation of Haitian Heritage Month commemorates the heart and soul of the people of Haiti here in New York and our home country, the island of Haiti, the first Black Republic. It commemorates leaders like Jean-Jacques Dessalines who defeated Napoleon and French colonists at the Battle of Vertières in 1803, setting the stage for freedom across the Americas. General Toussaint L'Ouverture who commanded his revolutionary army to victory. And Haitian women revolutionaries like Marie-Jeanne Lamartinière who fought as a soldier in the Indigenous Army, and Catherine Flon, a nurse who, like Betsy Ross, is credited with crafting a flag, the Independent Black Republic of Haiti flag in 1803. And Jean-Baptist-Du Sable, the first settler of Chicago known as the Father of Chicago. We commemorate Jean-Michel Basquiat, one of the defining artists of the 20th Century, and Jackson George, a painter, both Haitian. And our modern-day leaders like actor Jamie Hector and reporter Vladimir Duthiers who celebrate our food like creole, black rice, plant -- plantains, grenadier juice and rum, of course. (Inaudible) soup jomou, which we drink on Independence Day. We celebrate the nature of our people to serve as healthcare heroes, a great number who served on the front line during the worst days of the pandemic as doctors, nurses and home

healthcare aides. We also celebrate the growing number of Haitian-American legislators, public officials and electeds across the State of New York. New York is a symbol of freedom to people worldwide, and Haiti was the first free Black nation in the Western Hemisphere. We, as a people, have been fighting for our freedom for generations after generations, including for America when we fought alongside the Union in the Battle of Savannah. We seized the beacon of freedom that America promised. We helped create it. Without the revolt in Haiti, Jefferson, Monroe would never have been able to get the bargain that they did under the Louisiana Purchase.

We are thankful we are finally recognizing May as Haiti [sic] Heritage Month, the month that we also celebrate Haitian Flag Day, which is on May 18th. And also Haitian Unity Day in Albany. Although this has not been an easy time for Haitians, we remain resilient. And as the first Haitian-American woman to be elected in New York City and first from New York City to serve in Albany as a State legislator and as a proud resident of Little Haiti Brooklyn, which recently welcomed the train station rededication that is now named Little Haiti, Newkirk Avenue, and with the surrounding streets that are named after our Black revolutionaries.

I thank you all supporting this recognition of our culture and history. Thank you, Mr. Speaker.

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

THE CLERK: Assembly Resolution No. 833, Rules at the request of Mr. Salka.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 23-29, 2022 as Respiratory Care Week in the State of New York.

ACTING SPEAKER AUBRY: Mr. Salka on the resolution.

MR. SALKA: Thank you, Mr. Speaker. And I want to take this opportunity to proclaim my pride in being a member of a team of healthcare workers as a registered respiratory therapist for more than 32 years. Over the past two years we've realized the importance of our healthcare teams, and respiratory therapists have been an integral part of those teams. We usually take care of patients with chronic lung diseases, acute lung diseases, trauma, anywhere from infants to geriatrics. And we do a good job. In my career as a respiratory therapist I've been an asthma educator, worked critical care, worked neonatal intensive care, was able to help literally thousands of people through issues that they had with their breathing. And we know in the current situation with the pandemic, respiratory therapists played a very, very important role in saving many, many lives.

So I just want to proclaim this -- actually, October -- to be Respiratory Care Month [sic] in the State of New York, and I stand with my colleagues, I stand with my fellow team members to make sure that we do the best job that we can to take care of the

health needs of the people of our communities. Again, I stand as a proud respiratory therapist. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Miller on the resolution.

MR. MILLER: Thank you, Mr. Speaker. On the resolution. I would like to thank the Governor and the sponsor, Mr. Salka, for making the week of October 23rd through the 29th Respiratory Care Week in New York State. As you all know, I have my life to thank with for the respiratory care that I -- I was given two years ago when I came down with COVID. So I can't say enough. We should make it Respiratory Care Year here in New York State.

So thank you -- thank you, Governor and thank you, Mr. Salka, for the resolution.

(Applause)

ACTING SPEAKER AUBRY: Thank you, sir.

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

For the purposes of an introduction, Ms. Solages.

MS. SOLAGES: Thank you, Mr. Speaker, for allowing me to interrupt the proceedings. You know, there's a saying, If [sic] there is a need, there is a Lion. And so today we're actually joined by a fine gentleman who both myself and Assemblywoman Weinstein would love to give an introduction for. Doug Alexander, who was born in Brooklyn, was named and has been a member of the Bedford-Stuyvesant Lions Club since 1984, was actually elected to the

International President's position of a Lions Club International Association. And during the 2021 Convention he was actually appointed the International President. And so Mr. Alexander has demonstrated dedication to the Association through the various roles, including President, Zone Chair, Regional Chair, Vice District Governor, District Governor, Cabinet Secretary, Cabinet Secretary Treasurer and DGE Group Leader. So you should know that he is a dedicated individual. And in addition to his Lions activities, Doug Alexander is an active -- an active member in numerous personal organizations, community organizations. And he also served as Chairperson of an advisory board of the New York Urban League and as a Board Member of the St. Francis de Sales School of the Deaf. He is also a recipient of a Congressional Record Award. And I must note that in the 100-plus years of the Lions Club organization, Doug Alexander is actually the first African-American appointed to this position.

And so please, Mr. Speaker, can you give him the cordialities of the House. You know, this is a fine gentleman, a fine New Yorker that gives back in so many different ways in so many different capacities, and so we appreciate that Lions is a global force for good.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Solages, the Speaker and all the members, sir, we extend to you the privileges of the floor. We welcome you here to the New York State Assembly. We are in awe of the many roles that you have

played. You have more titles than anybody I've ever heard. And congratulations, sir, on those accomplishments, and we hope that you will continue to contribute to the welfare and the benefit of both your community and the State at-large. Thank you so very much for your service. Thank you, sir.

(Applause)

Page 13, Calendar No. 113, the Clerk will read.

THE CLERK: Assembly No. A03081, Calendar No. 113, Mrs. Peoples-Stokes. An act to amend the Real Property Actions and Proceedings Law, in relation to prohibiting the registration of mortgages in default prior to the filing of a notice of pendency.

ACTING SPEAKER AUBRY: An explanation is requested.

MRS. PEOPLES-STOKES: This bill prohibits municipalities from creating a registry of residential mortgages in default prior to the mortgage lender actual filing a notice of pendency in court, and it puts in place a sensible rule such as a registry -- when a registry is created to prohibit fines being put on a mortgagor until this process is going through a court proceeding. And it also limits these fees that a registry can collect to \$75.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Of course I will.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you.

MRS. PEOPLES-STOKES: You're welcome.

MR. GOODELL: There's actually two parts to this bill as I understand it. The first part prohibits a -- a bank or a lender from filing a notice that a mortgage is in default until after they've filed a lis pendens. And for those who aren't familiar, a lis pendens is a filing with the county clerk that confirms that a mortgage foreclosure action has been formally commenced.

MRS. PEOPLES-STOKES: I think it prohibits the municipality and the agency that they contracted with from pursuing default until the bank has actually gone to court.

MR. GOODELL: Correct. And -- and thank you for that clarification. Why -- why don't we want those in the municipality to know that a mortgage is in default prior to the actual commencement of a foreclosure action?

MRS. PEOPLES-STOKES: By the way, we do want them to know that because sometimes these mortgages that are in default, it's property that's owned by someone who lives in California and has no intention on maintaining it and it becomes a zombi property. But sometimes that property owner is actually Mrs. Jones who lives there but has missed a couple of payments and does not deserve to be charged a fee and/or brought into court about being in default when the bank hasn't put it there.

MR. GOODELL: So with regard to the second component, because there are two components; one is filing a -- filing a notice with the municipality or registering that the mortgage is in default. The second one deals with the fees. Let's deal with the second issue. You -- you note that what this bill would do is prohibit a lender from charging the owner any fee, passing on any fee for the registration, and would also limit the amount of the fee charged to the bank or the lender to \$75, correct?

MRS. PEOPLES-STOKES: Correct.

MR. GOODELL: So then my question is, if a lender is required by law to register a mortgage that's in default and it's not the lender's fault that the mortgage is in default, why should the lender be charged the fee and not the person who's in default?

MRS. PEOPLES-STOKES: It actually should be the agency that the lender hired. It should not be the mortgagor who has not been actually, I would say, taken into court and have to have their property put into default.

MR. GOODELL: Right. So if a mortgagor --

MRS. PEOPLES-STOKES: So it's the agency that was hired by the municipality to collect these fees that should be prohibited from collecting them.

MR. GOODELL: Well, they're not prohibited from collecting them, they're authorized to charge a \$75 fee, correct?

MRS. PEOPLES-STOKES: That's max.

MR. GOODELL: And that fee, though, has to be

paid by the lender. The bank or the lender.

MRS. PEOPLES-STOKES: Yes. It should not be paid by the mortgagor.

MR. GOODELL: And so why -- as a matter of public policy, why should a bank who didn't do anything wrong be required to pay the \$75 fee rather than the borrower or the mortgagor who is the one that's in default?

MRS. PEOPLES-STOKES: Well, by the way, very often banks didn't do anything wrong except they have allowed properties to sit blighted in people's communities for months, years and sometimes decades, that they should be held responsible for that by the municipal government. So I do think that they should have to pay something.

MR. GOODELL: Okay. Now just so we're clear on -- in terms of the way the current process works, am I correct that if someone is in default on their mortgage, they're not paying their mortgage, of course the bank doesn't start a mortgage foreclosure action on day one.

MRS. PEOPLES-STOKES: I'm sorry, could you start over on that?

MR. GOODELL: Sure. I'm looking at how mortgage foreclosures proceed. If someone isn't paying their mortgage, let's say the mortgage is due on the first of the month and they miss that payment, a bank doesn't automatically start a mortgage foreclosure action because it's expensive. So they send out a notice

and it says -- it says, you know, *You haven't paid us. Please remit.*

Am I correct that typically banks don't even start a mortgage foreclosure process until the borrower or the homeowner has missed two or three monthly payments?

MRS. PEOPLES-STOKES: I think that you are correct about that, but perhaps some of the agencies that are contracted by municipalities may be a little over eager and move before the banks move, thereby ending up with a fee on the mortgagor that should not be there. And so the purpose of this bill is not necessarily to take away banks' authorities to move into a default or to take away municipalities' abilities to hire a registering agency if they want to keep a record of who owns what and who's paying what in their community. The purpose of this bill is to protect the homeowner or an occupant of the property. It's not a zombi property, it's not vacant. We have no idea what people just went through as a result of the pandemic and their ability. Maybe they did miss a month or two of rent -- of -- of mortgage payment, but it should not mean that they would end up needing to pay an additional fee when they're already being challenged to pay their mortgage.

MR. GOODELL: Okay. Thank you very much, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: You're very welcome.

MR. GOODELL: On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: There's two aspects of this bill, as I

mentioned. The first one says that a municipality cannot require a bank or a lender to notify the municipality and put on a registry that a bank -- or that a mortgage is in foreclosure until after the bank actually starts the lawsuit. And of course once they start the lawsuit, the lawsuit itself is public knowledge. The problem is two-fold. First, under the current process that we have in New York State, most banks don't start a legal foreclosure until the mortgage is 120 to 180 days past due. In fact, they are not allowed under New York law to file a foreclosure action until they give 90 days advance notice to the homeowner that the homeowner is in default. And that 90-day notice typically doesn't go out until the homeowner's in default by 60 to 90 days. So we're already starting out six months late. So why does it make sense to have a mortgage that's in default recorded with the local municipality before the lawsuit is started? And the answer is simple. We want to protect innocent tenants. We want to protect innocent buyers. And so when a property is facing a potential mortgage foreclosure, during that six months when they aren't paying their mortgage there's a lot of homeowners that will rent their house to a tenant. And a tenant comes in completely innocent, moves their family in, starts paying rent only to discover that the homeowner isn't paying the mortgage. And of course the homeowner is collecting the rent, not passing it on to the bank and the tenant is the one that's going to be thrown out of the house. So the first reason we want to make sure that this notice is as soon as possible is to protect innocent tenants so they don't move into a house that's on the verge of foreclosure.

The second reason why early notification is great and why a lot of local municipalities want it is because the municipality wants to know whether or not anyone is taking care of that property. And as we all know, when a property is going into mortgage foreclosure one of the first things that happens is the homeowner stops taking care of the property. And so by notifying the municipality early in the process that there's a problem with a mortgage, the municipality can keep an eye on it and make sure it doesn't become a zombie property. So it's really important to protect innocent tenants, and it's really important to protect innocent potential buyers, and it's really important to protect municipalities that this notice be filed as soon as possible.

With regard to the second component of this, what this says is that if the borrower goes in default and the bank is required to notify the municipality that the mortgage is in default, the borrower who is the one that's in default cannot be charged the fee of notifying the municipality. So, a borrower who violates their contract, who's in default, who is no longer taking care of their property, they get away scot-free. And the innocent bank whose only mistake was to trust the borrower in the first place and make a loan in the first place ends up paying one more fee.

So in order to protect innocent tenants from moving into a house that's about to be foreclosed, in order to protect municipalities who need to know as soon as possible about a potential zombie property, and to ensure that those who are the ones that are defaulting pay for the default and not an innocent third party, I

recommend against this bill. Thank you, Mr. Speaker, and again, thank you to the sponsor.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir. On the bill. A few years ago we found that zombie properties, particularly in inner-city communities and some rural communities were literally wreaking havoc. And so in an effort to try and deal with that, these registries, default registries were created to help municipalities be able to keep up with, you know, who owns the property and where they are in terms of payment. And as an unintended consequence, a lot of occupants who actually owned the property and homeowners began to receive bills that they had to pay this registry organization for reporting to the city that they had missed the payment on their mortgage. That was not the intention of the registries in the beginning. And so this piece of legislation seeks to address that and not have this homeowner paying the registry organization that was hired to send the city a notice that they missed their mortgage payment. Because not only are they paying their mortgage payment now, but they should not also have an additional fee added to that. And so this is what this legislation is designed to deal with. And it also puts an annual maximum on the registration fee that the agencies can collect. A lot of good agencies have been created out of this legislation that we created some years ago, and they do -- are providing a good service to municipalities. But there's this small place in there where people are being negatively impacted that it

wasn't intended to negatively impact. We would like to readdress that with this bill. I would also note that the New York Mortgage Bankers Association supports this agenda because banks do not desire to be an additional burden on people who they hold mortgages for. They desire to work with the municipalities to help figure out ways to deal with zombie properties.

And so again, Mr. Speaker, I would urge people to, you know, consider supporting this piece of legislation in the interest of homeowners across the State of New York who may have been negatively impacted by an anti-zombie property legislation that we passed some years ago. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 3081. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this bill. But those who support it are certainly welcome to vote yes on the floor or by calling the Minority Leader's Office if they have been COVID-impacted.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Majority colleagues are going to be in favor of this piece of legislation. However, there may be a few who would desire to be an exception. They should feel comfortable contacting the Majority Leader's Office and we'll make sure their vote is properly recorded.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. I fully support my colleague's desire to limit the fees that are charged for these mortgage delinquent registrations. Fully support the request and suggestion that we should limit those fees. And if this bill were limited to that issue it would have my full and unequivocal and enthusiastic support. Unfortunately, this bill goes further than that and provides that and makes it illegal to notify the municipality until the foreclosure action has already commenced. And as I noted, that is typically anywhere from six to nine months after the mortgage goes into default. And that long delay in even letting the municipality know that a mortgage is going into default creates a host of unintended consequences, including hurting innocent tenants, hurting potential new homebuyers

and hurting the municipality by delaying that notice. So I hope that in the future we'll see a separate bill eliminating the fee, which we'll enthusiastically support without inadvertently hurting innocent tenants or homeowners or the municipality by delaying this notice from anywhere from six to nine months.

Thank you, sir.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 27 [sic], Calendar No. 222, the Clerk will read.

THE CLERK: Assembly No. A06666, Calendar No. 222, Joyner, Mitaynes, Englebright. An act to amend the Labor Law, in relation to the recovery of overpayments of unemployment benefits; and to repeal certain provisions of such law relating thereto.

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

MS. JOYNER: Sure. This bill will establish that a claimant shall not be held liable for overpayments of State or Federal unemployment benefits if the overpayment was not due to fraud or fault on the part of the claimant, and if recovery of such overpayment would be against equity and good conscience. In December of 2020 the Federal government authorized states to forgive overpayment of pandemic unemployment assistance benefits that were received

without the fault or fraud on the part of the claimant. However, under current law New York State only adjusts overpayment of State benefits. This bill would require the Department of Labor to waive overpayments of Federal and State benefits, providing that the claimant had not obtained such benefits in a fraudulent manner.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. JOYNER: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you very much, Ms. Joyner. I had a couple of questions that maybe you could help me understand this bill. I understand that this bill would only allow a waiver of the repayment if there was no fraud and it was received without default on the part of the claimant, and the repayment would be contrary to equity and good conscience. So my question is, am I correct that no claimant would ever get unemployment benefits unless the claimant filled out an application? They don't just randomly send out checks. You have to file in order to get unemployment.

MS. JOYNER: Yes.

MR. GOODELL: And so under what circumstances would a claimant in good faith fill out a claim for unemployment benefits knowing they were still working?

MS. JOYNER: This bill doesn't address claimants that were working during the pandemic. These are for claimants who may have applied for different programs during the pandemic. So, at the time the Federal government had a lot of different unemployment assistance programs that were, you know, distributed and available for claimants to apply for. So, many applied, let's say, for PUA when they were supposed to apply for regular State UI or regular extended Federal Unemployment Insurance. So they may have applied under the wrong program, but this is not for claimants that were working at that time, no.

MR. GOODELL: But this only applies to payments that were made through the State's Unemployment Fund, correct?

MS. JOYNER: No. It's -- it's through all. It's Federal and State.

MR. GOODELL: Well, I mean, the State doesn't have any authority to waive funds that were received from the Federal government, right? That's only -- I mean, this is talking about -- specifically about the New York State Unemployment Compensation Fund, right?

MS. JOYNER: Right. It's for State and extended benefits.

MR. GOODELL: Okay. So my question, then, is under what circumstance could a claimant in good faith apply for unemployment and receive unemployment cash that they were not eligible for? I mean, if you were unemployed and eligible for New

York State unemployment you were also automatically eligible for the Federal supplement. But if you weren't eligible for New York State, you wouldn't have been eligible for the Federal either, correct?

MS. JOYNER: This would also address if there was an agency oversight and overpayment. So a person was only eligible for \$200 but, in fact, received \$250. So it could be administrative errors as well.

MR. GOODELL: So this applies to a situation where the claimant applied for \$200 and the Department of Labor screwed up and sent them \$250.

MS. JOYNER: Yes.

MR. GOODELL: In that case, why doesn't the Department of Labor make the refund and not the unemployment -- not waive the -- the repayment? In other words, you have the Unemployment Fund. The Unemployment Fund got billed 250 in your scenario, right, and it should have only been billed 200. And the reason the Unemployment Fund got billed too much is because the Department of Labor screwed up. So why doesn't this bill require the State of New York to reimburse the Unemployment Fund for any excess payment?

MS. JOYNER: Right. That's not how the current system works. That would maybe require a separate piece of legislation. But currently now, the money is distributed to the claimant and this is about the State not going back after the claimant to recoup this funding.

MR. GOODELL: Okay. Now under our current law all payments that are made on the Unemployment Fund have to be repaid by employers, correct?

MS. JOYNER: Yes.

MR. GOODELL: So if we pass this legislation and we as the State don't appropriate any money to make up for this -- for this difference, then you're basically asking all the innocent employers to pay that extra money without any compensation or any redress even though they never made any mistake at all, correct?

MS. JOYNER: I mean, as you see under best-case scenario it would be best if the Federal government forgave these payments made during this time, or if there was a separate appropriation. But it's -- it's our position that the costs to employees would be minimal because many of these benefits were through a Federal appropriation, and then if there were any State claims that were paid out through overpayments that it would be, you know, minimal compared to, you know, this \$9 billion that we still owe to the -- the Federal government, which impacts our general UI Trust Fund.

MR. GOODELL: Now, as you know, right now the Unemployment Fund is upside down by about 9 billion.

MS. JOYNER: Yes.

MR. GOODELL: And they made the payments through a loan from the Federal government which has to be repaid. Has the State of New York made any appropriation towards that 9

billion that's outstanding, owed by employers?

MS. JOYNER: No.

MR. GOODELL: Now, last year we made -- we allocated 2.1 billion for people who were not eligible for unemployment, right? Undocumented immigrants, for example. I think it was 2.1 billion. And as I recall, if you could prove that you were working illegally you got up to 15,600 and if you couldn't prove that you were working at all you got 3,600, I think. Is there a reason why we can appropriate 2.1 billion to help people who are working illegally but can't help the employers to cover these costs when they were forced to incur them by government edict that shut them down against their will?

MS. JOYNER: I -- I wouldn't agree with your characterization of the program, but I would say that it is our intent to help all workers who were impacted during this time. So, yes, we supported the Excluded Worker Fund, and this is another step to not go after claimants who received these overpayments who used all of this money for, you know, to support their livelihood during the pandemic. So it's our -- our intention to help all workers who suffered during -- during this time.

MR. GOODELL: Thank you much, Ms. Joyner. I appreciate your comments.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: I -- I appreciate the sponsor's

desire to help people who obtained Workers' Comp benefits for which they were not entitled to, to avoid having to repay any of them. I find it hard to understand how it is that a person could claim unemployment benefits, receive those unemployment benefits without being eligible for them, and still do so in good faith. Because if you accurately and correctly fill out the unemployment application, there shouldn't be any overpayment. So what this bill says is if somehow you got more money than you were entitled to and you didn't call the Labor Department and say, *Hey, wait a minute. You guys sent me too much money and I spent it.* That's okay, you don't have to repay it. The problem is, though, that when the people who weren't entitled to that money don't repay it, somebody else has to repay it. And you want to know who it is? It's the innocent employer who did nothing wrong whatsoever. It's the innocent employer who saw their business virtually destroyed by government edict when they were ordered to be shut down and lay off their employees at a time when they still had as much work as they could possibly do.

In my county, the former government -- Governor shut down my economy in my district when we didn't have a single, not one, recorded COVID case. And by government edict, in response to a problem in New York City that's 400 miles away from my county, he threw thousands of people out of work. And my companies were going absolutely crazy. The local mom-and-pop grocery store, the local retailer, all my local manufacturers. They were going crazy because there were people that wanted to buy their product and they

couldn't open their door. And they incurred massive overtime expenses.

So what's the right solution? The right solution is for us, as the Legislature, to say, *We recognize that we, the government, shut you down against your will. So we, the government, will cover your extra unemployment expenses.* Is that what we've done in this Legislature? No, we've done the opposite. We haven't anted up one dollar to pay back that 9 billion in unemployment expenses faced by employers. So what's it mean to an employer? I'll give you a simple example. I run a small law firm. We didn't lay off anyone during the pandemic. My base unemployment rate is 9.75 percent of my payroll, 9.75 percent of my payroll and I didn't lay anyone off during the pandemic. I paid every one of them their full salary throughout the pandemic. And now I get a 9.75 percent bill, and I'm a lucky one. Because if I had laid someone off, that's just the beginning of my unemployment charge. New York State is one of the only states in the nation that lost overall population. It went down by over 300,000. It's not because people hated our weather, it's because they didn't have employment. And why didn't they have employment? Because we're driving employers out of our State. I have companies that are in my county in New York State who have a sister company right across the border in Pennsylvania and the unemployment difference justifies a move. During the pandemic I had a manufacturer who made furniture. Some of you may know him, Bush Industries. Great company, great furniture. The only reason they're alive today is

because they had a Canadian subsidiary and they could put them on three shifts around the clock to meet the demand. Now imagine this: You make furniture that's designed for home offices, and the pandemic hits and people are sent home to work out of their home, right? What do you think happened to the demand for home office furniture? It went right through the roof. Now imagine you own that company and what's the Governor do? He says, *You can't manufacture home office furnishings in New York State.* He shut down the entire company. And the only reason that company is alive today is they had a good fortune of having another manufacturing plant that was outside of New York State. And so the plant that was outside the State went into around the clock production to meet that demand.

So what's this bill do? Does it help pay off that 9 billion? No. What it says is those people who were paid too much, who weren't entitled to what they got, we are going to allow them under this bill to keep that money and we'll send the bill as an insult to injury, salting the wound to their employer who is going to have to pay the bill back to an employee who wasn't entitled to that money. It's the wrong message to send to our employers. Let's step up to the plate. Let's help our employers. Let us, as State government, recognize that we caused a \$9 billion shortfall in the Unemployment Fund and instead driving employers out by forcing them to pay that 9 billion. Let's step up to the plate and start paying it off using State resources rather than increase the amount that they ultimately have to

pay.

For that reason I will be recommending against this bill, although I do appreciate my colleague's compassion. A compassion I think we all share for these poor unfortunate employees that were thrown out of their job during a pandemic as a result of misguided governmental action. Thank you, Mr. Speaker, and thank you to my colleague.

ACTING SPEAKER AUBRY: Mr. Ra.

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

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

MS. JOYNER: Yes.

ACTING SPEAKER AUBRY: Ms. Joyner yields.

MR. RA: Just a quick question in terms of the effectiveness of this. So my understanding is this would be deemed as if it was in effect as of March 9th, 2020, correct?

MS. JOYNER: I'm sorry, can you repeat the question?

MR. RA: This policy regarding not requiring repayment under the criteria that has been set forth, if this were passed and signed by the Governor it would be as if this had been in effect throughout the pandemic as of March 9th, 2020, correct?

MS. JOYNER: Yes. I mean, we have a process now to recoup overpayments, but this would be applicable specifically for

2020 during the pandemic.

MR. RA: All right. Could you repeat the first part, what you just said.

MS. JOYNER: We have a system currently about recouping overpayments, but this would add a new standard to look back at that time during the pandemic.

MR. RA: Okay. But this -- and then this would also -- there's no repeal date or sunset or anything like that, correct? This would be this way going forward?

MS. JOYNER: Yes.

MR. RA: So if somebody, say this is -- I don't know if -- if this has passed the Senate or not, but suppose this was signed into law tomorrow and on Monday somebody were to make an application to the Department of Labor and end up getting paid for benefits it turns out they weren't entitled to, and they met this criteria, they would not be required to pay it back, correct?

MS. JOYNER: Correct.

MR. RA: Thank you.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: Just quickly. That -- that is one of my concerns. I mean, I think we all saw in our own offices, we essentially became satellite offices of the Department of Labor at the height of the pandemic because there was a demand that just couldn't be met. But -- but I want to remind everybody, you know, our prior Governor

starved basically every State agency of funding for years and years and years. They were all understaffed. And we got into a situation where we had an unprecedented need for people to apply for these benefits. I think everybody tried to do the best they could. And I think our offices obviously were deluged in trying to work with legislative liaisons within the Department of Labor and -- and trying to process these claims. So I understand what we're trying to get at here that, you know, we know there were attempts at fraudulent claims and we're, you know, we need to deal with that in recouping that money to the extent we can. And I know processes over time got put in place to hopefully stop all those types of claims. But we're looking at something that's, you know, going to be in effect -- we're not just saying if this happened during the period of the pandemic, we're saying into the future. And certainly, you don't want to penalize an individual who through no fault of their own maybe thought they were eligible and it turns out they weren't. But there are consequences on that to our businesses, like -- like my colleague said earlier. And I think there's two things that regardless of how you vote on this particular bill we need to think about. One is certainly what I said at the outset, making sure our agencies are appropriately staffed to be able to handle these types of claims. But the second one being that we have an unemployment insurance situation with the money that we owe to the Federal government that is already and will be crashing down very, very hard on New York State businesses that have struggled. So many have closed and -- and many that have survived

are still hanging out by a thread. And the fact that we did really nothing in this State budget to deal with that situation, we're flush with cash from -- from the Federal government and we had an opportunity prior to April 1st, prior to the Federal regulations changing, that we could have used some of that money to pay down that debt. We did not do that. And the implication on New York State businesses are going to be immense that we failed to do that.

So it's great that we, you know, spent \$220 billion in this budget and we did a lot of good things in the budget. And, you know, we did a lot of one-shot type things, tax cuts, tax credits, all of that. But if we don't deal with that sum of money that we owe on the unemployment to the Federal government, the consequences for New York State businesses are going to be immense.

So I hope that we continue to talk about that issue and we really find a way to put ourselves on a path that we start to pay that down and we don't simply push the cost on to the businesses of the State, which is exactly what's coming due to this outstanding balance. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Joyner.

MS. JOYNER: Thank you, Mr. Speaker. Just some closing remarks. You know, the essence of this bill was to really recognize that people during this time were navigating a very complicated, complex, outdated UI system and people were just trying to figure out how to survive, how to get money in their pockets to

support their families during this time. These people lost jobs. And this -- this was a tragic time for both workers and businesses, and there were a lot of different programs that were being rolled out during this time and many people were just scrambling to try to figure out how they could survive and, you know, provide for their families. And it's punitive now to now go after these people and ask them, *We need you to pay this money back*, especially because the Federal government is not asking us for this money back. They're allowing states to start a process, a waiver process. And, you know, from last year we were -- the -- the Department of Labor recouped \$90 million in overpayments and not one single waiver was granted to anyone in the State. That's a problem. So this bill is going to lay out a proper and a transparent system and process for people to request waivers. It's going to provide a clear mechanism on how to request a waiver. We have 24 other states who have already this -- this procedure in -- in effect and in -- and -- and they're -- they have this in place already. And many people were receiving benefits inadvertently. You know, relying on Department of Labor's own guidance and now it's, again, punitive to ask for these people to -- to return this money. These funds, you know, were very important in helping to stabilize our economy. Right now this waiver process is solely in the discretion of the Department of Labor, and now we are putting in law a clear process where people can request these waivers. There's no cost to the State because the majority of these overpayments were made during the pandemic and were through Federal appropriations, so

there is no cost to the State.

I wholeheartedly agree with my colleagues who spoke earlier about the impact that this will have on employers. We are collectively on the same page in terms of making sure that we either get forgiveness of -- of -- of, you know, these -- of the debt that we were in or getting a State appropriation. And so again, I just want to urge my colleagues to vote in the affirmative on this piece of legislation. Thank you.

ACTING SPEAKER AUBRY: Thank you, Ms. Joyner.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 6666. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed. Certainly, those who support it can vote in favor on the floor or if they're COVID-impacted can call the Minority Leader's Office and vote that way.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is generally going to be in favor of this piece of legislation. However, there may be some of our colleagues that would desire to be an exception. They should feel free to contact the Majority Leader's Office and we will properly record their vote.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, ma'am.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. First, I want to commend the sponsor for advancing a bill that would help those who received payments that were not involved in any fraud and it wasn't their fault. And I think that that approach of recognizing that during this pandemic the Labor Department was scrambling. People sometimes didn't know what they were doing. And all of us, if you're anything like my office, were just overwhelmed with claims. And so I -- I really appreciate that. At the same token, I'm really very, very sensitive to this horrific debt that our employers are facing. And unfortunately, allowing people who are not entitled to unemployment benefits to keep them at the expense of the employers' experience rating just exacerbates that shortfall. And so I hope that in the future we see a bill that addresses both issues. And what I would recommend is that we work together on a bipartisan basis so we can provide relief to innocent employees without sticking innocent

employers with the bill. And one approach, for example, might be to offer a tax credit. If an employee has to repay it and the Labor Department determines that the repayment was the result of an innocent mistake, maybe we give a tax credit to the employee so we can help the employee without hurting employers. Or perhaps we consider a grant program here in the State, have it administered by the Labor Department, appropriate direct funds so that in a situation where the Labor Department determines that there was an innocent mistake, the Labor Department can tap into that grant fund. But simply sending the bill to the employer is not the solution and, therefore, I cannot support this.

Thank you, sir.

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

(The Clerk announced the results.)

The bill is passed.

Page 27, Calendar No. 391, the Clerk will read.

THE CLERK: Assembly No. A08339-A, Calendar No. 391, González-Rojas, Simon, Griffin, Englebright, Seawright, Dickens, Gottfried, Abinanti, Kelles, Jacobson, McDonald, Dinowitz, Anderson, Cahill, Stirpe, Galef. An act to amend the Tax Law, in relation to requiring the Department of Health to publish certain reports on the Department's website detailing sales of opioids sold in the State.

ACTING SPEAKER AUBRY: On a motion by Ms.

González-Rojas, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7378-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 29, Calendar No. 433, the Clerk will read.

THE CLERK: Assembly No. A07256-A, Calendar No. 433, J.D. Rivera, Dinowitz, Hevesi, Tannousis, Mamdani, Sillitti, Jackson, Santabarbara, Galef, Gottfried, Simon, Seawright. An act to amend the Public Service Law, in relation to certain requirements regarding billing for electric services.

ACTING SPEAKER AUBRY: An explanation has been requested, Mr. Rivera.

MR. J.D. RIVERA: So, good afternoon. The bill before us more or less what it will do is it will provide improved billing transparency for customers on their electrical bills.

ACTING SPEAKER AUBRY: Mr. Palmesano.

MR. PALMESANO: Yes, Mr. Speaker. Will the

sponsor yield for some questions?

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

MR. J.D. RIVERA: I do.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. PALMESANO: Thank you, Mr. Rivera. I certainly, I think from what you said I appreciate the intent that you want to be transparent with the public. I do have some questions relative to the language of the bill, and if you could bear with me a little bit. The one specific question that I have for you is it says it shall bill at a minimum include the quantity bill, the unit of measurement and the highest measurement of a specific line item. What do you specifically mean by a specific line item? Because there's a whole host of line items on a bill. What are you referring to as being specific, because I think there some concerns about the ambiguity in the language?

MR. J.D. RIVERA: So more or less what it will mean is whatever current measurement that the bills are currently on. So in most cases it would be kilowatts in an electrical bill. Whatever the unit that's currently being used, we want with as much specificity a breakdown of what those costs are going to be on each line item, because on many bills you'll see various line items from the actual kilowatts used down to fees and charges. So we want to make it so that people can see as much as they can on their bills.

MR. PALMESANO: Sure. I can -- I can appreciate

that. Would this apply to all service classes like residential, small business and large commercial?

MR. J.D. RIVERA: So currently, residential is already included in the language that this is amending, but it adds to it demand metered, so that means it would be most likely large and (inaudible) as well.

MR. PALMESANO: So what about -- so this would apply to both the -- the volume metric charges, the kilowatt per hours and the demand charges, the kilowatts that -- that would -- we'd have that -- that would have to all be listed and show the 12-month usage across the board?

MR. J.D. RIVERA: Yes.

MR. PALMESANO: Would this also apply to supply charges and delivery charges? Because I know some bills have the supply charges on it, some they don't. So now would the utilities be required to put all the supply charges on this over a year -- the course of a year as well?

MR. J.D. RIVERA: Sure. It should apply to all charges that are normally on a bill.

MR. PALMESANO: What about taxes, fees and assessments? Because there's a whole host of taxes, fees and assessments on our utility bills, which we know make up about 25 percent of our utility costs. They're going to have to put this on the bill throughout it to show the -- the 12-year -- 12-month highest usage for those across the board as well?

MR. J.D. RIVERA: It should be every line item on the bill, so yes.

MR. PALMESANO: Okay. What about the ESCOs? These are the -- where they go to the third-party, they get their energy supply and they bill them. And now I think what it does is it usually -- the utility might report it on the bill but they're not providing the supply and it just says the amount. Now will the ESCOs be required to -- to submit some kind of paperwork as well as part of that bill or will the utility be required to report that and break that down on their behalf?

MR. J.D. RIVERA: This only speaks to anybody that's existing -- that's getting an existing bill that is from a company that's governed by the PSC or -- so it -- it should, but like I said, it's any utility company bill that we receive.

MR. PALMESANO: What about anything on here to say why maybe these bills are as high as they could be, where they're coming from? What the -- what's the precipice for why these energy prices are increasing as far as, you know, whether the green energy program and things of that nature? Is there anything identifying that? So would they have to put, like, the systems benefit charge or any other charges on the bill along with that?

MR. J.D. RIVERA: Those bills would be pretty long if we included all that.

MR. PALMESANO: Absolutely.

MR. J.D. RIVERA: What I'd say is that this really is

just going to break down things like kilowatt hour usage, you know, and gas it'll, you know, use -- any measurement that's currently being used in a -- in a utility bill. All this does is more or less itemize it so that people can know exactly what their costs are. And ideally, this is going to help businesses reassess how energy -- you know, how they're using energy in their businesses and -- and eventually lead to them saving money.

MR. PALMESANO: Right. So like on some bills, like I was -- I think I was showing you earlier on one bill, I can't remember which one it was, it showed on -- on one side of the chart what was being used in kilowatt hours, on the other side what was being used in therms. Would that be sufficient? That's a -- that was more of a residential bill, but is that -- would that be sufficient to address what the intent of this bill is trying to do?

MR. J.D. RIVERA: That would be sufficient specific to the -- the units used, but it wouldn't be sufficient to the overall breakdown of all the lines that -- that are included in the bill.

MR. PALMESANO: Right. So like on my NYSEG bill, for example, they'll -- I get per month to month what my usage is and how it increases. But they're giving you a graph over the 12 months to show how much I'm using from a graph perspective. That's being used for residential. Would that be -- would that be okay to use for this perspective or are they going to have to list out more detail on the bill in addition to that graph?

MR. J.D. RIVERA: It truthfully should be more

detailed because that's -- again, you're only looking at usage or maybe in some cases demand. But it should also be every other fee as well.

MR. PALMESANO: Okay. And on the commercial side, too, I know you get to issue with peak and off-peak hours where there -- you know, I'm looking at one sample bill where they have, you know, peak use, off-peak use, so it's like find it -- four different line items that they're providing on a monthly basis.

MR. J.D. RIVERA: Sure.

MR. PALMESANO: So now from that perspective they're going to have to do a 12-month bill log to show what the costs are for each -- each one of those things and add additional lines for off-peak and peak, both for kilowatt -- kilowatt hours and therms or whatever they may be. So all of those things are going to have to be added to the bill?

MR. J.D. RIVERA: I suppose I might also say to that is yes, but remember, these are -- that's all information that's already being captured. Every utility company clearly must be capturing all that or else we wouldn't be charged for what they're charging us. So, you know, this isn't an -- you know, this isn't going to be some heavy burden on a utility company. This is information that they're already collecting, information that we're all -- you know, uses that we're all paying. So if anything, we have the right to see what it is our dollars are going to.

MR. PALMESANO: Well, I know like when you said we -- we talked about supply charges, demand charges, taxes,

fees, assessments, programs, demand, usage, kilowatt hour. That's all specific line items and now they're going to have to list them all out. I know you said it's not maybe an inconvenience for the utility, but, you know, a utility bill right now is three or four pages. It could be five or six, it could add more pages to the bill. Obviously there's a -- there's a cost associated -- there would be a cost associated with that, would there not be?

MR. J.D. RIVERA: I'd say in a day where so many people receive their bills electronically, it truthfully wouldn't that much of a burden. And truthfully, it shouldn't be any cost, like I said, to any utility company because it's already information that they're already collecting.

MR. PALMESANO: Okay. And right now just to -- just to be clear, the Public Service Commission right now has the ability to regulate this process. They have -- under the Public Service Law they can make a determination if they feel there's not enough -- because right now they have to -- they try to make the bills or direct the utilities to provide it in a user-friendly way that's more transparent. So if they believe more was necessary on this front, especially getting to the specific line item and list these all out, which seems like you want every specific line item listed out, not just usage, again, you're talking cost. Wouldn't the Public Service Commission determine this might be -- if this was the case then they -- it would be -- it would be okay and they could -- they -- they have the ability to regulate that right now if they thought there was a need. But we're saying basically

we want to add this in as part of a statute and make them now put this in place?

MR. J.D. RIVERA: So your take is that why are we bothering doing this if the Public Service Commission can do it?

MR. PALMESANO: No, no. It's just -- I'm just saying the Public Service Commission as of right now has the ability to do that. I -- I know why -- I think I understand your intent behind the bill. That's not a -- that's not a question at all. But the Public Service Commission does have the ability to do that right now if they so choose. If they -- if they deemed it was necessary for transparency and to make sure the public was informed properly.

MR. J.D. RIVERA: They could, but we're here and we believe that this is a worthwhile thing to pursue.

MR. PALMESANO: We are definitely here, Mr. Rivera.

What about -- I know we talked about some of these other green projects, like, you know, the Governor announced last week about the Champlain-Hudson Line. It's talking about, you know -- it's an estimate of about \$4.5 billion. And the offshore wind that's being developed off the coast, I think that was estimated at \$5.7 billion. Now, this -- these costs and the RECs, the renewable energy credits that are subsidized for all the green energy programs which is obviously directed to the CLCPA to meet our green energy goals. What about itemizing on the bills how much those are costing for the public so they know? I mean, it's nice to say, *Well, this is what you're*

*paying, this is how much you're using, but this is the reason for those costs and increases.* Because I believe, like, the -- for the Champlain, for the -- the Quebec to New York City is about \$4.5 billion estimate. I think the offshore wind I believe is about 5.7 billion. And the -- we talk about transparency. It's estimated that the -- the -- the Quebec to New York City is about -- has already going to account for a ten percent increase in residential rates, but also higher for -- for commercial. But -- and that's just for Upstate New York to bring that power to New York City. Shouldn't we be having more transparency and disclosure on why these bills are increasing and -- because of all these policies that are being put in place? Shouldn't that be a part of this transparency and disclosure rather than just adding more lines to the bill? Would that be helpful to our ratepayers and our customers?

MR. J.D. RIVERA: I'd say that you've got the makings of another bill.

MR. PALMESANO: I have that bill, actually. It's called the Ratepayer Transparency and Disclosure Act, which would -- would -- which would tell the public on their bill how much they're paying in these taxes, green fees. Whether it's for programs -- we know right now 25 percent of our bill is made up of taxes, fees and assessments. And these green programs are adding to that as well.

So, Mr. Rivera, I really appreciate your time and thank you for that.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, this bill.

MR. PALMESANO: I -- I certainly appreciate the sponsor's intent behind this legislation. I -- I know where his heart is trying to put this bill forward. Transparency is good, intent is good. But I'm concerned about this language. And as we went through this discussion about specific line item and our bills are made up of a whole host of items. And I -- I understand if we're talking about usage and, you know, gas, electricity and -- and gas production. But this also would be applying to, as the sponsor said, supply and demand charges, taxes and surcharges. Off-peak and on-peak for commercial. And some of these businesses -- some of these utilities aren't doing this right now, so this is going to be -- you think there won't be an added cost, I think, is a really significant concern that I have because ultimately, all these additions, all this extra work, additional paperwork -- our bills are four or five pages now. I know some of it comes electronically but some get them -- you know, our seniors get it -- get it through the mail. That's going to add additional costs through time. I am concerned about -- obviously, all these policies might have good intentions, but when you get into the language of this and this language of the highest specific -- highest measurement of specific line item when you have to add all this out and show a 52- year -- 52-week breakdown of this, this will increase costs. This will increase more challenges for the utilities to do that. But ultimately it's going to be borne by the ratepayer. I mean, we all have concerns about how this is going to impact ratepayers. (Inaudible) and we always talk about, we always go after the utilities, but it's the lack of policies in this

House that continue to drive up our energy bills. And if we want transparency to the public, I'm all for that. But why don't we start with the CLCPA. No one wants to do a full true cost-benefit analysis on that to show what it's going to cost the ratepayer and increased costs. The co-director of the CAC, Climate Action Council, said we have to kind of figure out what our policies going to be first before we say who's going to pay for it. That just kind of reminds me of the old Nancy Pelosi vote when they were talking about the healthcare bill. *We have to pass it before we find out what's in it.* That's just unfortunate. That's not the right way to go. And this -- this -- those are the concerns that I raised about the CLCPA in the past about the cost and affordability. It seems like -- this all ties in together, so that's why I'm bringing up the CLCPA. We've got the -- our electric bills each year are going up. We already know the transmission from the Quebec to New York City is going to cost ratepayers an additional ten percent on their bills in Upstate New York. That's Upstate New York. They're bringing it to New York City, but Upstate New York is going to subsidize this while (inaudible) while Upstate New York emissions -- our emissions from Upstate, 90 percent are -- are emission-free, while Downstate is I think is 77 percent fossil fuel, but yet you close down Indian Point which was good for the environment, supplying 25 percent of the power to New York City, a reliable source of energy. And then we talk about electrification again. Let's be transparent with the public about that. I don't see much going on about that when -- when -- when this full-fledged Climate Action Council plan goes

through, the plans that are going to come through and this House is going to probably ultimately have to vote on, by telling residents, homeowners now, if you current -- in 2030 -- not 2040, 2030 -- if you currently heat your home with natural gas and you have a natural gas boiler, a natural gas furnace, come 2030, if you want to replace that natural gas boiler or natural gas furnace if it goes out, you can't replace it. Or God forbid, even if it's your dry -- a natural gas dryer or stove, you can't replace that. At that point in time, ladies and gentlemen, you have to convert your home over to full electrification. This is for existing people. A number of my colleagues on the other side said, *This can't be. I've heard reports. This can't be for existing.* Yes, it is for existing. That's what's going to happen, because now when you do that, when you convert your home you have to basically get a geothermal heat pump, which can cost \$30- to \$40,000. Sure, with subsidies and credits you can get it down to \$20,000. But you just can't buy the geothermal heat pump, you have to improve your whole infrastructure, the shell of your property, with insulation, with electricity capacity to your home. And then think about the electric vehicles that are coming on line. This is going to be a tremendous increase in demand, a tremendous increase in cost. So when we talk about transparency, because I know the sponsor was talking about it and I applaud him for that, but let's be realistic. Adding a few things to the bill is -- is just the tip of the iceberg. There's a lot more we can be transparent with the public about as we have this discussion and move forward to implementing the CLCPA. Because this -- ladies

and gentlemen, this is a runaway freight train heading for the public and they have no idea. I just wonder how you're going to debate it on how this is a good thing that they're going to pay \$35,000 to convert their home over when we only contribute in New York 24 percent of the total carbon emissions, and China, yes, China is 29 percent. I don't believe they're going to help us in this -- this mission.

So based on that, Mr. Speaker, and the concerns I have with -- even with the language of the bill, I'm going to be voting no on this legislation. I know some of my colleagues might vote yes because of transparency, but I'm going to be voting no because there's too much ambiguity in this language that needs to be addressed and corrected as we move forward.

ACTING SPEAKER AUBRY: Thank you, Mr. Palmesano.

Mr. Goodell.

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

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

MR. J.D. RIVERA: Gladly.

ACTING SPEAKER AUBRY: Mr. Rivera yields.

MR. GOODELL: Thank you, Mr. Rivera. I just had a question on how this actually works. I see that this bill would require that each bill include a specific line item of the highest measurement of a specific line item over a prior 52-week period.

And that's a relatively easy threshold to me for residential billing because most residential bills are, you know, set kilowatt hour and set delivery fee and they're pretty straightforward. But this also -- in fact, the very purpose of this bill is to expand that to demand-metered customers. That would be commercial customers, correct?

MR. J.D. RIVERA: Correct.

MR. GOODELL: So commercial customers, they pay a different rate not only by day, sometimes by hour and sometimes by amount. So is it your intent that the utility would disclose to a commercial customer the highest charge that they incurred broken down by the minute or by the hour or by the day or by the week?

MR. J.D. RIVERA: It would take whatever method that they're currently being billed at and simply break that down. It will --

MR. GOODELL: Well, most commercial customers get billed monthly, but this references a 52-week period which suggests that the billing has to be broken down at least weekly. But as I note, for commercial customers the rate could be very, very different at 6:00 p.m. than it is at 6:00 a.m. What -- what was your intent? Was it your intent that they would use a weekly or monthly basis and just have a rolling 12-month or a weekly basis or hourly or by minute?

MR. J.D. RIVERA: It would be my assumption that they'd do a rolling 12-month. Fifty-two weeks would be a reflection of just 12 months (inaudible).

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

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: You know, we're all used to residential bills. Unfortunately, they keep arriving either electronically or in the mail. And our residential bills are simplistic compared to the commercial billing. And the commercial billing often involves a specific contract with the utility. I know in my district, for example, you may have a utility contract that ties in NYPA power, special allocations through NYSERDA and a number of other criteria that make a commercial bill extraordinarily complicated. At the same time, those commercial customers, they're also by and large very sophisticated and they know exactly what they're paying and when and they structure their manufacturing operations to reflect that. So while I appreciate the desire of my colleague to increase transparency in the commercial field, I think the cost-benefit ratio is very low and the complexity is quite high. And at the end of the day, it will raise rates without the corresponding benefit because of the complexity in the commercial field where we really don't need to tell the utility companies and the commercial customers who often negotiate directly what they need to know in order to understand their own operations.

So, New York has never been questioned about having too few regulations and too few laws, and I'm afraid this bill,

while very well-intended, just adds more regulations and more laws in an already complex State. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 7256-A. This is a Party vote. Any member who wishes to be recorded in the negative is reminded to contact the -- anyone who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you very much, sir.

Although we expressed a great deal of concerns on how this would actually be implemented and practiced, by and large the Republican Conference does support increasing transparency and for that reason I would ask you have this as a fast vote. Those who oppose it should notify the Minority Leader's Office or vote no on the floor.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you. Party vote in the affirmative from the Minority.

Ms. Solages.

MS. SOLAGES: Thank you, Mr. Speaker. The Majority will generally be in the affirmative. If anyone looks to vote

against this fine piece of legislation, I encourage them to call the Majority Leader's Office and we'll record you as a no.

Thank you.

ACTING SPEAKER AUBRY: The Majority will be in the affirmative. Thank you.

(The Clerk recorded the vote.)

Mr. Palmesano.

MR. PALMESANO: Yes, Mr. Speaker and my colleagues, briefly to explain my vote because I've only got two minutes, so...

ACTING SPEAKER AUBRY: I love that word, Mr. Palmesano.

MR. PALMESANO: Again, I do say I understand the intent behind the -- the sponsor's legislation. Transparency with our utility bills is an important thing. I do have specific concerns with the language of this bill, how broad it is, how ambiguous it is. And I think listing out all these things when we went through both from not just usage but costs, taxes, assessments, supply and demand, I think that can put more of an onus especially on the commercial side when you talk peak and off-peak, which I do think will lead to increased costs which will ultimately be passed on to the consumer. But I do understand my -- a number of my colleagues might vote yes for this bill, I get that. But I do believe the sponsor -- I would encourage the sponsor to have some discussion maybe with the utility companies just to kind of explain how maybe we can modify this language, look at

chapter amendments to make it better and work in a more efficient and effective way to get the desired outcome of transparency for our -- our consumers. I think that's something that could be done. I think people would be open to that. I just think we need to look at some of these details where I really believe there's some vagueness and ambiguity in the language which could lead to more costs and more bureaucracy and more confusion. And I would just encourage the sponsor to keep an open mind on that process as we move forward through this on this process.

So for that reason, Mr. Speaker, I'm going to be voting in the negative. Thank you.

ACTING SPEAKER AUBRY: Mr. Palmesano in the negative.

Mr. Rivera.

MR. J.D. RIVERA: To explain my vote.

ACTING SPEAKER AUBRY: Yes, sir.

MR. J.D. RIVERA: Thank you again for all those that are supporting the legislation. I generally feel at the end of the day this is something that's going to save people money. At the end of the day it's the -- taking a step, reassessing our usage of energy, gathering the information, gathering the data, determining how we're using energy is the first step in truly saving money. Whether you're a large industrial factory or a simple single-family home, knowing what you spend every month is, one, your right because you've spent it and that's your money, and, two, it is the first step, like I said, in truly

saving money.

So thank you again, and thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Rivera in the affirmative.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. I'm generally opposed to this legislation for the reasons I mentioned earlier in the debate that I think it just needs to be -- we really need to look at the cost benefit of this. However, I want to point out to all my colleagues, especially my Republican colleagues, that unless they vote no on the floor or call the Minority Leader's Office and vote no, they will be cast in the affirmative. So if you are opposed make sure you let us know, and now would be a good time to let us know.

Thank you, sir.

ACTING SPEAKER AUBRY: Certainly. Just ensure my colleagues on the Minority that you know which way you really want to vote.

Mr. Goodell.

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

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir. So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 31, Calendar No. 480, the Clerk will read.

THE CLERK: Assembly No. A08934-B, Calendar No. 480, Sayegh. An act to amend the Public Officers Law, in relation to correcting gendered language.

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

MR. SAYEGH: Thank you very much. Thank you. As you know, last August we had a new Governor, a female Governor, and the first female Governor of New York State. And when we looked at the Public Service -- Officers Laws, we realized that the concept or the terminology to address a Governor was referred to as his, and I guess the tradition and having had men Governors throughout our history, this was new. So this legislation corrects -- falls into the category of correcting gender language when referring to the Governor. And what this does is change the language that refers to the Governor, actions taken by the Governor from "his" to "at the Governor's," whether "discretion or the Governor shall," and it makes a lot of sense. It takes the gender of his and her and whatever else we believe in out of the equation and generalizes and clearly points to the Governor as the Governor.

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 8934-B. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleague Mr. DiPietro in the negative. Apparently, he's hoping that the next Governor will be a male so we'll get the statutory language back in sync. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 32, Calendar No. 495, the Clerk will read.

THE CLERK: Assembly No. A01084-A, Calendar No. 495, Paulin. An act to amend the Election Law, in relation to ballots submitted in envelopes that are sealed with tape, paste or any other binding agent or device and have no indication of tampering.

ACTING SPEAKER AUBRY: An explanation is a requested, Ms. Paulin.

MS. PAULIN: Yes, of course. The bill would require that absentee ballots should be considered valid when the inner envelope is sealed with tape, paste or other binding agent or device and there is no indication of tampering.

ACTING SPEAKER AUBRY: Mr. Norris.

MR. NORRIS: Would the sponsor yield for a couple of questions?

MS. PAULIN: Yes.

ACTING SPEAKER AUBRY: Ms. Paulin yields, sir.

MR. NORRIS: Three times this week we're debating Election Law bills, but just a couple of questions. In terms of what is the reason for this? Right now, someone can just seal up the envelope, you know, in a traditional manner. Why do we have to have this step?

MS. PAULIN: The -- believe it or not, you know, this came up with that same person, you know, and because she scotch tapes everything, you know, I think some people do. And so there was a concern that there was, again, an inconsistency about how those might be handled. So we asked the State Board what is the guidance that they give and what we did is we codified the guidance that they then are already using for the State -- the Local Boards, and they read that it's not bad to have that guidance actually in statute. So that was the -- what we did.

MR. NORRIS: And how -- how do you define and, like, no indication of tampering? How would you define it? I guess we just see it and it is that way, or do the Commissioners rule on that?

MS. PAULIN: Again, I think it would be a judgment call, you know, and it is the inner envelope. So you know, if someone

just wants to, you know, a lot of times, you know, the -- the sticky doesn't work, right, so you tape it and if it looks normally taped, then great. If it looks like it's all scrunched up and, you know, maybe they wouldn't accept that, you know. But so it's just -- it's just making clarity and -- and so we enfranchise as many people as possible, especially people who are used to taping their every envelope.

MR. NORRIS: And if this bill does become law then the Commissioners would make a ruling and if they split at that point, either a judge or the ballot would be laid aside for --

MS. PAULIN: Yes, same -- same process.

MR. NORRIS: Same procedure. Have you ever heard of a situation where potentially volunteers for a campaign or individuals would actually see open ballots and actually then insert new ballots inside?

MS. PAULIN: I -- I think that's probably been in a lawsuit at some point, but I -- I haven't myself heard -- heard about that.

MR. NORRIS: All right. There was an article that I read about this. I mean, in my neck of the woods, I'll be honest with you, I don't -- I've never seen that take place, but I know there's some concern out there about this really unlawful practice that occurs. And I'm always concerned about making sure that the sanctity of the ballot is protected for the voter, and this may just open the door for this type of activity and that's one of the concerns that I have for actually placing this specific language in the statute, so...

MS. PAULIN: I think that if -- if the -- the bill addressed both the outside and the inside, you know, in saying that if they were both taped at the same time or something, but, you know, clearly if somebody was tampering, you know, they would have to open that -- that, you know, the outer ballot which is -- and the inner ballot and perhaps then the Board would question it.

MR. NORRIS: Yeah, I guess from what this article said is that they would steam open the inner envelope and then they would photocopy the ballots, I think that would be difficult in a normal general election ballot in New York, for example, but in other types of elections, like maybe school board elections or fire district ones you could just photocopy those ballots like the clerks do because they don't buy the Scantron ones typically for that type of a ballot, but then you could insert them in and then if they, you know, it would be harder to reseal that envelope, you know, because it's been opened -- you know, steamed open. They then would use the tape or some sort of fixing on that.

MS. PAULIN: I would agree that would be troublesome. I would also, though, say that if you really wanted to impact an election, you're going to see multiple, you're not going to just see one. And this is really to address the, you know, that one elderly woman not necessarily, you know, if the Board saw that there were dozens and dozens taped in the same way, you know, that might raise some red flags to cause one of the Election Inspectors to say, *Wait, hold on.*

MR. NORRIS: And they could review at that point in time and then if they found something, they could always refer it to a, you know, a criminal -- a law enforcement agency investigation.

MS. PAULIN: And -- and they should.

MR. NORRIS: As they should, because we don't condone that in the State of New York at all. So thank you very much, Ms. Paulin --

MS. PAULIN: Thank you.

MR. NORRIS: -- for answering my questions and in debating all the bills this week on the Election Law.

MS. PAULIN: I think we're done.

(Laughter)

MR. NORRIS: I believe we are done, yes, for this week.

Mr. Speaker, on the bill very briefly.

ACTING SPEAKER CUSICK: On the bill.

MR. NORRIS: Thank you very much, Mr. Speaker. I just, again, like the bill from yesterday, I find that this specific language does cause problems potentially by putting it right in the statute. There's already a procedure in place for challenging the ballots that can be laid aside. They could be reviewed by the Board of Elections Commissioners and then a judge if needed. And though the discussion about steaming open the inner ballots and inserting other ballots are probably very rare and, of course, illegal in the State of New York. If someone were to do that, election tampering, I just have

that as a concern. And I believe that this is a step, again, just too far in codifying this within our statute and, therefore, I would encourage my colleagues to vote no on this bill. And I appreciate Ms. Paulin answering my questions and, Mr. Speaker, for you allowing me to be heard on this issue today as the Ranking member of the Election Law Committee. Thank you.

ACTING SPEAKER CUSICK: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER CUSICK: The Clerk will record the vote on A1084-A. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader's Office at the numbers previously provided.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. In general, this -- the Republican Conference will be in the negative on this bill; however, if there are members that wish to cast their vote in the affirmative they should contact the Minority Leader's Office and their vote will be recorded accordingly. Thank you.

ACTING SPEAKER CUSICK: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. This is a Party vote in the affirmative. Colleagues who would like to be an exception should feel comfortable in contacting the Majority Leader's Office, we'll make sure your vote is properly recorded. Thank you, sir.

(The Clerk recorded the vote.)

ACTING SPEAKER CUSICK: Mr. Jacobson to explain his vote.

MR. JACOBSON: Thank you, Mr. Speaker, I'd like to explain my vote. I want to commend the sponsor for this -- for this bill. Too often people, when they send it back, don't know that they can't tape it closed. They get their absentee ballot, they -- they try to seal it, it doesn't seal properly, they want to make sure that their -- nobody else sees what they're doing that -- that it -- when they mail it out, so they naturally tape things, they tape the envelope. And yet lo and behold, that will throw out the vote. So this is a long overdue reform and I'm happy and proud to vote for this bill. Thank you.

ACTING SPEAKER CUSICK: Mr. Jacobson in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 30, Calendar No. 453, the Clerk will read.

THE CLERK: Assembly No. A07678, Calendar No. 453, Dinowitz. An act to amend the Penal Law and the General Business Law, in relation to increasing monetary thresholds for the crimes of grand larceny, theft of services, and securities fraud.

ACTING SPEAKER CUSICK: An exclamation -- explanation has been requested -- I'm sorry.

Mr. Dinowitz.

MR. DINOWITZ: This bill increases the monetary thresholds for the crimes of grand larceny, theft of services, and securities fraud.

ACTING SPEAKER CUSICK: Mr. Morinello.

MR. MORINELLO: Will the sponsor yield for a couple questions?

ACTING SPEAKER CUSICK: Will the sponsor yield?

MR. DINOWITZ: But of course.

MR. MORINELLO: Thank you very much, sir.

ACTING SPEAKER CUSICK: The sponsor yields.

MR. MORINELLO: Who or what is OCA?

MR. DINOWITZ: It's a what; OCA is the Office of Court Administration.

MR. MORINELLO: And what is their function?

MR. DINOWITZ: To run the courts.

MR. MORINELLO: Okay. So they are a body that deals with the judges and the courts.

MR. DINOWITZ: Among other things, yes.

MR. MORINELLO: And what is an OCA program bill?

MR. DINOWITZ: An OCA program bill is a bill put forth by OCA, just as there are bills put forth by, you know, the Governor, the Attorney General, or various agencies.

MR. MORINELLO: Do you -- do you know what

the metrics that were used -- utilized to base the increased amounts on?

MR. DINOWITZ: Well, I think the original numbers, dollar amounts were from 1915, that's even before Dick Gottfried got here; it's a long time ago. And that's 107 years ago so those numbers need to be updated. So for example, it's my understanding that \$250 in 1915 would be something like \$6,500 today.

MR. MORINELLO: The amounts are being discussed, but does the amount change the impact on the victim?

MR. DINOWITZ: The -- the amounts, we're just trying to translate things into the 21st Century. So this doesn't hurt a victim, this -- this is just a fairer number.

MR. MORINELLO: But what I was leading to is the victim still suffers something whether it's a loss, whether it's an emotional -- someone breaks into their home. So it does -- does -- is this supposed to minimize the effect on a victim?

MR. DINOWITZ: Well, I mean the -- a person who is victimized already suffered the effects of being victimized.

MR. MORINELLO: So what this would do is maybe lessen the -- the penalty for the perpetrator even though the -- the impact on the victim may be the same. What -- what I'm getting at is a victim is going to suffer an emotional loss. A victim may suffer some -- something in a robbery, a victim may still suffer -- will still suffer the same emotional stigma. So is there any consideration for the victim in this bill?

MR. DINOWITZ: This -- a person can obviously still be prosecuted. Just so you know, this was one of a series of bills that was introduced at the request of the Chief Administrative Judge and it was based upon recommendations of his advisory committee on criminal law and procedure. So this isn't like a political thing that -- that I, you know, came up with myself. It originated from recommendations of the Criminal Court Judges Association and it updates and seeks to harmonize some of the monetary thresholds for the crimes that I mentioned, grand larceny, theft of services, and securities fraud.

MR. MORINELLO: But in listening to your list, there isn't one consideration from any victim advocacy groups; would I be correct?

MR. DINOWITZ: I --

MR. MORINELLO: Based on a list --

MR. DINOWITZ: I'm not aware that any victim -- I'm not aware that any victims advocacy groups have weighed in on this because the -- that's just not the issue here.

MR. MORINELLO: Okay.

MR. DINOWITZ: Yes, and -- and there can still be prosecutions. I mean, that doesn't change one bit.

MR. MORINELLO: Does the -- the OCA is a body dealing with courts and judges; am I correct?

MR. DINOWITZ: Well, the -- the OCA runs the court system.

MR. MORINELLO: The courts. Okay. Now, aren't judges supposed to be fair and impartial? And they're -- they're not supposed to involve themselves in the issues, they take issues and apply the law; am I correct?

MR. DINOWITZ: I don't believe judges are supposed to take positions on issues, but this is not judges, this is the bureaucracy that runs the court system.

MR. MORINELLO: But this is the bureaucracy that oversees the judges, so should they not be fair and impartial and not involve themselves in any substance on the law, that would be the legislation's job. And for them to involve themselves on a recommendation, would that make -- not be a violation of the obligations of the Judiciary?

MR. DINOWITZ: I don't think so. Whatever -- whatever disagreements I may have with OCA from time to time on specific issues, the -- the Office of Court Administration is certainly free to make recommendations on -- on statutes, especially as it relates to how the court system runs, and I'm sure you know that every year you vote on some bills that have been put forth by OCA.

MR. MORINELLO: Correct. But at this point, I've got an opportunity to inquire. So thank you, Mr. Dinowitz. I do appreciate the -- the candor and the ability to inquire.

On the bill, sir.

ACTING SPEAKER CUSICK: On the bill.

MR. MORINELLO: What I find very disturbing is

this: In my time here, which has been six years now, there seems to be a trend that we are putting out to the general public that you do not have to -- there are no consequences to your actions, that no one needs to be responsible for the consequences of their actions. What I also find very disturbing is this: It's victims who suffer; yet, it seems to be that we are protecting those that commit the crimes, those that actually impact a victim's life. So whether a victim loses 1,000 or 10,000, that victim is suffering somehow; yet, it just seems that that factor misses the point.

Now, let's goes to under \$100 it's a violation. Do you know what a violation is? A violation is when the Speaker Pro Tem just gives us a reprimand on the floor. That's what a violation is. It's a slap on the wrist. And it's up to \$100, which is absolutely absurd. There has to be some kind of accountability that this Body needs to start putting into our legislation. This country is now wrought with crime, shootings every day. And it's not the gun that's the problem, it's the shooter. We keep trying to blame the inanimate object as the gun; yet, it's the shooter. And these bills -- and this bill is just another attempt to show there is no consequences, that we can become lawlessness and that people can do whatever they please. I urge all my constituent -- all my colleagues to vote no on this bill, and I will be voting no. Thank you.

ACTING SPEAKER CUSICK: Mr. Reilly.

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

ACTING SPEAKER CUSICK: Will the sponsor yield?

MR. DINOWITZ: Yes.

ACTING SPEAKER CUSICK: The sponsor yields.

MR. REILLY: Thank you, Mr. Dinowitz. Just one question, in regards to this legislation updating the value and raising the threshold, is there anything in the legislation that could differentiate victims that are 65 years or older because we're seeing that our elderly are targeted quite often through scams and fraudulent activity. If we lower that threshold below \$1,000, we are now kind of empowering those who victimize the seniors.

MR. DINOWITZ: Well, looking at this very short bill, I don't see anything like that in here.

MR. REILLY: All right. Would -- I know it's late now, of course, because the bill is on the floor, is there any opportunity possibly to discuss that and ensuring that we could maybe amend or have a bill that would protect those seniors that are quite often victims of this fraudulent crime?

MR. DINOWITZ: Well, you know me, my door is always open, but as I said, this bill doesn't differentiate based on age.

MR. REILLY: Okay. I -- I appreciate that and I definitely look forward to discussing it with you. I actually have a bill that would -- grand larceny from the person making it a separate crime for those 65 and over, and I think, like I said, I look forward to working with you and hopefully we can fix maybe that little bit of a

loophole. Thank you so much. Thank you, Mr. Speaker.

ACTING SPEAKER CUSICK: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER CUSICK: The Clerk will record the vote on A7678. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The Republican Conference is generally opposed to this legislation for the reasons mentioned by my colleague, but those who support it can certainly vote in favor of it here on the floor or by contacting the Minority Leader's Office.

Thank you, sir.

ACTING SPEAKER CUSICK: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is going to be in favor of this piece of legislation; however, there may be some who will choose to be an exception. They should feel free to contact the Majority Leader's Office, we'll make sure their vote is properly recorded.

Thank you, sir.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

Page 32, Calendar No. 497, the Clerk will read.

THE CLERK: Assembly No. A02549, Calendar No. 497, Fahy. An act to amend the Social Services Law, in relation to home visiting services for applicants for, or recipients of, public assistance benefits who are exempt from certain work activities.

ACTING SPEAKER CUSICK: An explanation has been requested, Ms. Fahy.

MS. FAHY: Yes, thank you. This bill is a bill that would allow individuals who are receiving public assistance benefits such as under TANF, primarily TANF, to count the receipt of home visiting services as part of their work activities requirement, or partially count it toward receiving the public assistance. And it's -- home visiting is an evidenced-based program with many decades behind it to provide families with services. It helps empower and assist new parents with very critical parenting life skills, and the idea is to help prevent very costly Early Intervention services, as well as prevent child abuse. And, again, these have been very highly-evidenced based programs. Thank you.

ACTING SPEAKER CUSICK: Mr. Simpson.

MR. SIMPSON: Thank you, Mr. Speaker. Would the sponsor yield for a few questions?

ACTING SPEAKER CUSICK: Will the sponsor yield?

MS. FAHY: Surely, thank you.

ACTING SPEAKER CUSICK: The sponsor yields.

MR. SIMPSON: Thank you. Now, I think I heard you say that it would -- a person that was in this program receiving these services that it would qualify as part of their work requirement. Would -- would it also exempt them from the work requirement --

MS. FAHY: It's the --

MR. SIMPSON: -- or at least partial?

MS. FAHY: It's the work search requirement and it is only partially. It -- it counts towards the certain number of hours in that work search requirement.

MR. SIMPSON: Is there a time frame? Like, how long can someone be in this?

MS. FAHY: The first six weeks are -- there's a certain level, up to 20 hours, and then after six weeks it's significantly less. Again, as authorized under -- under Federal law for a number of these programs. It's I think ten hours then after that as they build those family life skills.

MR. SIMPSON: So is this an expansion of the services that we're offering, or -- and also expanding eligibility for others to be part of this program?

MS. FAHY: It's incentivizing. It's trying to incentivize a service that is now available, there are five different Federally-funded types of parent programs, parent intervention or home visiting type programs. So it's -- it's really trying to incentivize

the uptick of those. Most of these programs are very small, very narrow, and we are trying to encourage it especially given the, I think it's hundreds of millions that we spend in Early Intervention services when there are disabilities that we often don't see until a child is three, four and well into -- into elementary school. So it's that -- and again, given the evidence of this we know that the earliest the intervention with some of this, the better.

MR. SIMPSON: Right. So you mentioned it's Federally-funded, is it 100 percent?

MS. FAHY: Well, no; no, it's not 100 percent. We also fund -- not, I don't think it's all five, but there are about five, let's see, there are five that -- that are part of that Federal funding stream. Some of them, you know, one that you may be familiar with is the Nurse-Family Partnership. There's the Parents as Teachers Program, there's the Healthy Families New York, all of those are Federal and State. Oh, and the State, yeah, the State funds three or four in addition.

MR. SIMPSON: So that leads into another question, because in the memo it actually says that there wasn't an anticipated financial fiscal impact; is there?

MS. FAHY: No, these are existing programs. It doesn't expand funding, it just hopefully expands and encourages the use of the services, but there's no funding tied to this.

MR. SIMPSON: Okay. All right. Well, thank you.

MS. FAHY: Thank you.

MR. SIMPSON: No further questions.

On the bill, Mr. Speaker.

ACTING SPEAKER CUSICK: On the bill.

MR. SIMPSON: Mr. Speaker, I think it's really important that, you know, as we've seen over the last two years, you know, how families have been impacted by, you know, things that are not within their control, employment, we already had an existing problem. Our issue with, you know, people that are -- that are in a situation where they need assistance and I think, you know, any kind of bill that moves forward support for early -- Early Intervention and also tying in potentially, you know, improving their work, workability or their ability to get out of this program and hopefully avoid the fiscal cliff, which we use that term all the time, I -- that's something that I can support. So I want to thank the sponsor and I would encourage my colleagues to also support this. Thank you.

ACTING SPEAKER CUSICK: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER CUSICK: The Clerk will record the vote on A2549. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Ms. Fahy to explain her vote.

MS. FAHY: Thank you, Mr. Speaker. I just want to rise again to commend all for the support on this bill and as well as the

Speaker and the staff on this. Home visiting is a program I became familiar with many decades ago while working as congressional staff in -- in Washington, D.C., and when I was first introduced to it, at that time it was considered quite exemplary, one of the programs, the Parents as Teachers Program originated in Missouri. And so since then, it's had many decades of evidence, research based, solid research based that this truly helps families with Early Intervention to help teach those critical family and parenting skills. I remember I was a much older parent when I became a new parent and -- and still felt quite lost, and motherhood can be quite isolating especially early on when -- when you are rather overwhelmed.

So since then, we know that these types of early -- Early Intervention services, and this is really targeted at newborns and mothers of newborns. It can prevent very serious and costly family as well as societal problems. So we -- we know this type of work, these -- this type of home visiting program works, and this is an ability to really expand that outreach for those who may already be on public assistance and already, even with newborns, who are mandated to continue to do their work search activity. So including this just helps incentivize the use of the uptick of this program, and I really appreciate the bipartisan support. I think it's a very, very small investment, but it helps publicize and expand the reach of the program that I think we'd like to think would save what we know from research, saves -- saves money down the road. Thank you again, Mr. Speaker, and with that I vote in the affirmative.

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

(The Clerk announced the results.)

The bill is passed.

Page 33, Calendar No. 502, the Clerk will read.

THE CLERK: Assembly No. A08420, Calendar No. 502, Paulin. An act to amend the Vehicle and Traffic Law, in relation to tire safety.

ACTING SPEAKER AUBRY: Explanation is requested, Ms. Paulin.

MS. PAULIN: Yes, thank you. The bill would prohibit repairs from being made to a tire that would not meet DMV tire use standards.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Ms. Paulin. I had a question -- a couple of questions just to define the scope of this bill and then maybe we can talk about the public policy. And it starts out by saying no motor vehicle repair shop shall make repairs. Are we referring to just registered motor vehicle repair shops then?

MS. PAULIN: I think the -- the -- the issue is that there's standards for tires that are outlined in the regs by DOT and that those standards are -- are set to -- to make sure that, you know, and again, it's specified in the regs that no -- no tire or no car with those -- with a faulty tire, you know, unless they meet these standards can drive on a public highway, any public road. So I would argue that it

would be anybody making a repair to a tire because the -- the person driving has to meet certain standards to actually be driving the car.

MR. GOODELL: I appreciate that. But the actual statutory language on line 3 says, *No motor vehicle repair shop*, and in New York State, motor vehicle repair shops are registered, correct?

MS. PAULIN: Um...

MR. GOODELL: You have to be a registered motor vehicle repair shop under New York State.

MS. PAULIN: You know what, I -- I believe you're right.

MR. GOODELL: And so if you're not a -- okay. Then the second says, *Shall repair a tire enough to meet DMV standards*. Would this apply then to repairing a tire that's used on an off-road vehicle, a farm vehicle, trailers that are used off-road?

MS. PAULIN: The -- the statute, the Vehicle and Traffic Law, you know, that we're using to base this bill on, says, *No person shall operate a motor vehicle or a trailer on a public highway if such vehicle is equipped with tires that not do meet the standards established by the Commissioner pursuant to paragraph A of the subdivision*. So that's, you know, that's the basis of the -- of the bill, so that there's no one actually violating the law when they're driving their car.

MR. GOODELL: Thank you. I appreciate those clarifications.

On the bill, sir.

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

MR. GOODELL: So on its surface this bill seems reasonable, because it says no motor vehicle repair shop shall repair a tire that wouldn't meet DMV standards or operation on our roads. For those who aren't familiar, our DMV standard requires that the tread depth be  $\frac{2}{32}$ nds of an inch,  $\frac{2}{32}$ nds,  $\frac{1}{16}$ th, which means that if your tread depth on your tire is, say,  $\frac{3}{64}$ ths, it's by a  $\frac{1}{64}$ th of an inch, in theory, you couldn't get the tire fixed even though you're just off by a hair. I mean, literally a hair.

So think about the practical ramifications. And I am so thankful I am an Assemblymember and my paycheck, with the exception of right after the budget, but normally my paycheck comes in on a regular basis and it clears. But you know, not all of our friends and neighbors are that way, and for a lot of our friends and neighbors, having to repair or replace a tire unexpectedly is a major expense. And all of us know that if you have an all-wheel vehicle you don't just put on one new tire, you have to replace all four because otherwise it's going to screw up your transmission, isn't it? And if you have a two-wheel vehicle, you have to replace two at a time, at least two. Not all of us can write a check for \$250 or \$400 or \$500. We're not all in that ballpark. So imagine you're on a family vacation and you get a flat tire, and you have  $\frac{3}{64}$ ths of an inch. This bill says the repair shop can't fix your tire, cannot lawfully fix your tire until you buy at least two and maybe four new tires. So much for your

household budget. So much for your vacation.

So this is not really pro-consumer, it's actually, in some respects, anti-consumer because there are a lot of drivers out there that are fair weather drivers and for them, driving on 3/64ths of an inch is perfectly safe because they don't need the extra tread because they're not driving in a rainstorm.

Now, think about it in from the view of a tire repair shop. Let's say a car comes in and the tires are exactly 2/32nds. And so in compliance with this bill, you replace or you fix the tire. Now, let's say two weeks later, two months later, that car has an accident. Guess who's going to get sued when they find out that in the intervening time, a 64th of an inch has rolled off that tire, they're going to sue the repair shop. And so we're forcing a lot of our friends and neighbors who don't have the ability just to pull out a credit card, an American Express card, who don't have the ability to just buy two or four tires at any given time unexpectedly, we're not only imposing that obligation on them, but we're also imposing a real potential liability on repair shops.

So how will repair shops respond? Well, the answer is even if your tire passes, they'll recommend you get new tires. Why? Not because you need them, it's because it protects their pocketbook and their liability, and they'll make a profit on those new tires. And the poor consumer who is in front of the repair shop because they have a flat tire has the least ability to actually shop for the best deal because they may be in a desperate situation.

Now, since I drive, you know, about 750 miles just to and from Albany, I can tell you I've experienced that. I've gotten a flat tire in the Catskills, love the Catskills, beautiful area, one tire repair shop in a little village which told me, when I showed up at five of five that they had already shut down their compressor and there was one hotel I could stay at. Oh, my goodness.

Now, is there a solution? There is indeed. Other states have looked at this issue, and I'll tell you what the other states have said. They said if the tire is inherently dangerous after being repaired because it's bald or treads that -- a cord is showing, or it's kind of bald, if it's inherently unsafe, can't repair. That's not what this bill says. This bill says if it's 3/64ths you can't fix it, even though there's nothing else wrong with it.

So we always balance safety and convenience, and cost and reasonableness, and the right balance is to follow the lead of other states and say if the tire is inherently dangerous when it's repaired, it shouldn't be repaired and in the meantime, let's not impose a huge unexpected cost on the less financially secure residents of this State during a crisis or on a vacation and impose more liability on all of our repair shops at the same time.

For those reasons, since it appears to me to be anti-consumer, anti-business, increasing liabilities and just doesn't reflect any sensitivity to our friends and neighbors who have to plan ahead for a several hundred dollar repair bill. For those reasons I'll recommend against it, but I do appreciate my colleague's desire to

ensure the safety of our cars. I think we can get there with a bill that's a little bit fine-tuned, not this one, though. Thank you, sir --

ACTING SPEAKER AUBRY: Thank you.

MR. GOODELL: -- and thank you to my colleague.

ACTING SPEAKER AUBRY: Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

Would the sponsor yield for a question, please?

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

MS. PAULIN: Yes, of course.

MR. MANKTELOW: Thank you, Ms. Paulin. I just wanted a little bit of clarification. Back to farm vehicles, farm trailers, farm wagons, a lot of our farmers use used tires on implement wagons, on hay wagons, and some of these tires will not pass the, what is it, 2/64th -- 2/32nds, I knew that, 2/32nds. And in some applications, they do not want any tread, they'd rather have no tread. So if a tire comes off a car and it's less than 2/32nds, would that farmer still be able to use that tire on a -- on a hay wagon, on an implement trailer, a mower? Would that still be acceptable?

MS. PAULIN: I guess what I would ask is are they using that tire or the vehicle that has that tire on a public highway?

MR. MANKTELOW: Yeah. I mean, every hay wagon goes down -- you mean a public State highway, or just any road?

MS. PAULIN: No, just any road, any public

highway.

MR. MANKTELOW: Yes.

MS. PAULIN: Yeah --

MR. MANKTELOW: Because most farms in New York State are not contiguous because of our cut up fields and our many different roads in many different directions. So is it --

MS. PAULIN: Right. Go ahead.

MR. MANKTELOW: So in a situation like that, are you saying that these farm trailers would not be able to use these used tires?

MS. PAULIN: Well, they can't now.

MR. MANKTELOW: I'm sorry?

MS. PAULIN: They aren't allowed now.

MR. MANKTELOW: I'm sorry, I still did not hear you.

MS. PAULIN: They aren't allowed now to use those tires.

MR. MANKTELOW: On hay wagons, implement trailers?

MS. PAULIN: On -- on trailers. I don't know -- I don't have a definition here, you know, specifically of what trailer is in the VL -- VTL, but the current law says no person shall operate a motor vehicle or trailer on a public highway if such vehicle is equipped with tires that do not meet the standards established by the Commissioner. And those are -- that's the standards, the current

standards by the Commissioner on the tires that you talk about are not -- are not up to code.

MR. MANKTELOW: I don't want to assume anything here, but I'm --

MS. PAULIN: So I don't know, I think it's in the definition of trailer, you know, that we're...

MR. MANKTELOW: Do you -- do you have that definition right there?

MS. PAULIN: I -- I don't. I can certainly find out in one minute. Let's see.

(Pause)

MR. MANKTELOW: Is this like -- is this like the (inaudible) whatever you call it? You get one call.

MS. PAULIN: I'm just find trying to find the definition of trailer as quick as I can.

MR. MANKTELOW: You're good. No -- no worries.

MS. PAULIN: If I could extend your clock, I would.

(Pause)

I'm looking and actually --

(Pause)

ACTING SPEAKER AUBRY: Mr. Tague, why do you rise?

MR. TAGUE: I want to rise to clarify this so we don't end up being here all day. There's a difference between the

Vehicle and Traffic Law and farm equipment --

ACTING SPEAKER AUBRY: Mr. Tague, I appreciate your help; however, and you are on the list so you'll be able to --

MR. TAGUE: Okay. All right I just --

ACTING SPEAKER AUBRY: I understand.

MR. TAGUE: Would one of these two yield quick and I can explain it?

ACTING SPEAKER AUBRY: Sir -- I -- I certainly understand and I appreciate your help; however, we do have procedure, we have to follow those rules.

MR. MANKTELOW: Sorry, Mr. Tague. Yeah, I'll yield to Mr. Tague. Mr. Tague, I'll yield to you, sir.

MR. TAGUE: (Inaudible)

ACTING SPEAKER AUBRY: Mr. -- you've got to speak into the mic.

MS. PAULIN: Yeah, I'm sorry -- sorry about that. So it's -- it's really in the definition of trailer, right, so because you're saying perhaps there's some farm equipment that's not in that definition of trailer. But if the -- if that vehicle can go on a public highway then it likely would be included.

MR. MANKTELOW: Okay. So Ms. Paulin, the trailer could go on the -- on the highway. It's not a -- it's not -- I can go -- go ahead.

So I guess my question is not -- not so much what the

trailer is because we have hay wagons, hay trailers, we have implement trailers, the question is if that tire comes in and it's below 2/32nds even though it's on a farm trailer or a farm wagon, would the -- would the motor vehicle place or the tire repair place have the ability to patch that tire so we can continue to use it?

(Pause)

MS. PAULIN: Yeah, the -- the real -- the question is, you know, obviously some of them are going to be considered trailers and some of them might be exempted for the reasons that you're suggesting --

MR. MANKTELOW: Okay.

MS. PAULIN: -- with different standards, but the -- what we don't know is for the farm vehicles that are under a different standard, is the tire requirement still the same, that's what we don't know. You know, so if the tire definition is the same, then they would be obligated now. If it's not, then they wouldn't be obligated later on either because they would be exempted under this provision. So I don't know that it's a problem.

MR. MANKTELOW: Because in some situations on the farms, some of the tires that we're using, we do not want the tread, we want them as bald as possible.

MS. PAULIN: So what -- we're not altering that section of the law, so --

MR. MANKTELOW: Okay.

MS. PAULIN: -- if they would be exempted now,

they would be exempted in the future. We're only changing those vehicles that go on public highways that -- that would be repaired under those -- under that same standard of -- of tread, you know, or what...

MR. MANKTELOW: But what the bill says, it says the shop would not be able to repair a tire that's under two different --

MS. PAULIN: But it's under the same -- it's -- it's the same standard. So in other words, it's -- it's operated in the State as established by the Commissioner pursuant to paragraph A of subdivision 35. So in other words, so we're not changing whether or not if there are farm equipment that's separated out in the current law to be -- and they can use tires because of the -- the tread that's necessary on their farmland and it's already in the law that they're allowed to do that, that wouldn't change. What we're basically saying is any of the vehicles that are on public highways and they're -- not farm, because farm may have an exemption, but any vehicles that currently are required to have that tread when they're -- when they're driving now would then have to have that same tread if that tire was repaired.

MR. MANKTELOW: But doesn't the bill say no motor vehicle repair shop shall repair a tire, that's the question. Are they still going to be able to repair a tire even though it's not going on a car, we're going to use it on something else, are they still going to be able to re --

MS. PAULIN: So that's really a different section of

law.

MR. MANKTELOW: Okay.

MS. PAULIN: So the section of the law that would apply is the ability for someone to drive with a certain tire, or use it on a farm with a certain tire which are standards set by the Commissioner, and we're not changing that.

MR. MANKTELOW: Okay. So to the best of your ability and knowledge at this point in time today on this floor, a repair shop, a motor vehicle repair shop who is going to fix a farm tire would still be able to fix a farm tire if it's under 2/32nds tread depth.

MS. PAULIN: I don't know about the tread depth used for a farm tire, but it wouldn't change. This bill does not talk about the -- the tread, it merely talks about the ability or the requirement that a repair shop would have to meet the standards that are currently under the Commissioner's regs.

MR. MANKTELOW: Okay. Thank you. Thank you, Ms. Paulin.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MANKTELOW: Just -- just to clarify, I understand what the sponsor is trying to do here. I think there's several other questions that could be asked, but as my colleague had said, because it's already going on 2:00 here, I'll follow up maybe with the sponsor down the road, no pun intended; down the road, that's pretty good. Actually, I'll -- I'll follow up with her, but my concern

here is until we get really clarification if that motor vehicle repair shop can repair that tire that a farmer is using that does not have the tread, I can't support the bill. I really want clarification. So thank you, Mr. Speaker, and I'm going to encourage my colleagues to vote no today until we get clarification on that, or there can be an amendment down the road. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you sir.

Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: You're quite welcome.

MR. TAGUE: I could have saved you about 15 minutes, but that's okay, I know there's rules here.

Ms. Paulin -- would Ms. Paulin please yield.

ACTING SPEAKER AUBRY: Ms. Paulin yields.

MS. PAULIN: For the farm expert.

MR. TAGUE: Well, I'm not an expert, but I -- I play one on TV. But anyways, here's the problem that I see with this bill. It's just in the wording. It says it provides that no motor vehicle repair shop shall repair a tire that would not pass New York State inspection. Here's the problem.

MS. PAULIN: Actually that's not what the bill says. That's what the little blurb -- that's what the little thing says, but --

MR. TAGUE: Okay.

MS. PAULIN: You know, so maybe -- maybe you

should just, if you would, look. I can give you my copy, but the bill actually says, very short, no motor vehicle repair shop shall repair a tire unless such tire upon completion of such repair would meet the standards for the use of tires on vehicles operated in this State as established by the Commissioner pursuant to paragraph A of subdivision 35 of Section 375 of the title. So in other words, they can't -- they have to repair a tire to the standards of the Commissioner, whatever that is. Whether it's a farm tire or a regular tire, it's just whatever the Commissioner has established as the proper --

MR. TAGUE: Well, that -- well, that's where the problem lies.

MS. PAULIN: Okay.

MR. TAGUE: Because if you bring in a tire off a piece of farm equipment, okay, whatever it may be, farm equipment is not under the same preview [sic] as a pickup truck that's registered and certified to drive down the road; however, they do drive down the road. But what our point is, is the wording in this says if you bring a tire off a wagon, you take it in to be repaired, and farmers take these to motor vehicle repair shops because of the safety protocol. A lot of people will not change their own tires anymore because it's a safety issue. So they'll take it to a certified service station that does tire repair. But what this says to me, the way I read this bill it says that if this tire will not pass inspection, we're not going to change it.

MS. PAULIN: Right. So the -- the current law though doesn't allow the person, the farmer, to operate a motor

vehicle. I mean, this is current law. They would be in violation of the law if they operated with -- with a tire that didn't meet the inspection.

MR. TAGUE: But that -- that you -- that's incorrect because farm equipment has a whole different way of travel on the road, they have a special license plate, they're not under the same --

MS. PAULIN: So then that -- then they would be allowed, because the Commissioner's regs would be different, they would be allowed to fix them to the standard that you're saying that they're currently allowed to do.

MR. TAGUE: But there is no actual standard. But the wording in your bill says that the actual repair shop cannot repair a tire, and that's my whole point.

MS. PAULIN: No, but --

MR. TAGUE: I don't want -- I don't completely disagree with your bill, don't get me wrong here.

MS. PAULIN: Yeah, I understand.

MR. TAGUE: My -- all I'm saying is maybe we should amend this bill to make sure that our small farmers, our family farms, even our big farms that may travel 500 feet down the road from one field to the other, when they go to get a tire repaired they don't have to go through all this and there's -- and they're covered. Because here's the other problem: The changing of tires, especially if you have hired help that's not family or -- it's a liability issue. It's not like the old days where --

MS. PAULIN: So -- so your problem is the traveling

to the repair shop?

MR. TAGUE: No, my problem is is taking farm equipment tires to a repair shop and -- and not being able to get the tire repaired because it's out of compliance with what the law says.

MS. PAULIN: Well --

MR. TAGUE: Because the wording says, again, provides that no motor vehicle repair shop shall repair a tire that would not pass New York State inspection --

MS. PAULIN: No, that's not what the bill says --

MR. TAGUE: I'm willing to --

MS. PAULIN: That's not what the bill says.

MR. TAGUE: But that does say that in here, too.

But what I'm trying to say to you is I don't know if there's a tire on a farm that would pass like a tire that's on your car. They're used completely different -- differently.

MS. PAULIN: So I mean, but we're not changing the -- the -- we're not changing the part of the law that doesn't allow the person to do it. They're not -- they're currently not allowed to drive on a public highway if the tire doesn't meet the Commissioner's standards. They're currently not allowed.

MR. TAGUE: Listen, you and I come from completely two different places, Ms. Paulin, and I -- and I respect that, but I'm telling you right now that we've got to move farm equipment in Upstate New York or none of us are going to eat. And I could tell you right now, our farmers are already struggling, okay? And if they

go to the repair shop that they've went to for the last 30 years, which they probably are doing right now because it's getting to be hay season and they go and they change the tires on their hay wagons, and when they go to one of these repair shops and says, *Oh, the New York State Assembly just changed the law, I'm sorry, this tire is out of compliance, you need to go buy brand new tires for that*, we're going to have problem.

MS. PAULIN: I understand, but --

MR. TAGUE: So --

MS. PAULIN: -- they would be --if they're caught with that tire, forget the repair shop part of it, if they're caught driving with an impaired tire, they could get a ticket or they would get a ticket.

MR. TAGUE: They won't get them on the hay wagon if they have the agriculture tag on the back of the -- on the back of wagon. They won't -- they won't -- they're not going to get a ticket for that.

MS. PAULIN: But they're still in violation of the law by driving, so you're --

MR. TAGUE: No, they're not because those -- those vehicles aren't inspected vehicles, that's my point.

MS. PAULIN: If they didn't pass inspection then they're going to --

MR. TAGUE: They don't have to pass inspection.

MS. PAULIN: I see.

MR. TAGUE: And that's my point here and that's what I'm trying to say to you is --

MS. PAULIN: So it's okay for them to drive on a tire that --

MR. TAGUE: Because they have a special exemption, because they have -- have an ag -- we have an ag exemption. But what you're saying to them is that they still -- they still need to maintain their equipment and their tires. But what you're saying to them through this law is that the tires on the motor vehicle --

MS. PAULIN: I think -- I think it's --

ACTING SPEAKER AUBRY: Excuse me, members. So why don't we go back to what we do. We ask a question, we answer a question. If you want to go on the bill, then you go on the bill as opposed to going back and forth.

MR. TAGUE: I have one -- Mr. Speaker, I have one final small little question and then I'll go -- and then I'll briefly go on the bill, if I have any time left.

MS. PAULIN: Okay.

MR. TAGUE: All I'm asking, Ms. Paulin, is if you -- if maybe after this we could look into this with your folks and make sure that our agriculture people, you know, don't have to go through the trouble of going and then being told that the tire is no good and they can't reuse it on their equipment, I'd be happy if you would -- if you would accommodate that for me.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. TAGUE: I -- I don't disagree with the sponsor's premise with this bill, the only issue I have is what it does to those in agriculture. As the bill is right now until we get the other answers, or until the sponsor decides to amend the bill, I'm going to have to be a no vote, but thank you for your time, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.  
Appreciate the way to logically close that discussion.

And now, Mr. Angelino, you want to take your shot at this?

(Laughter)

MR. ANGELINO: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Question, answer; question, answer. Go on the bill. We know the process. Go.

MR. ANGELINO: My first question is will the lady from the 88th District please yield?

MS. PAULIN: Yes.

ACTING SPEAKER AUBRY: The lady yields.

MR. ANGELINO: I'm not a farmer. First question, this doesn't -- there's nothing in this provision that's going to prevent an illegal tire from being used as a spare tire prior to repair? So --

MS. PAULIN: An illegal tire --

MR. ANGELINO: -- carrying a bald tire in your trunk as a spare is still legal, it just won't be able to get repaired?

MS. PAULIN: So you're not allowed to use it on a

public highway if it doesn't meet the standards --

MR. ANGELINO: Right.

MS. PAULIN: -- even if -- so a spare tire has to be -- to meet the standards as well, under current law.

MR. ANGELINO: Pre-repair, if somebody has an emergency, the gentleman from the 150th District has a spare tire he put on was bald to get him home, he just wouldn't be able to get -- take that tire to a repair shop?

MS. PAULIN: He would -- he would be in violation of that law now --

MR. ANGELINO: Yes, but not in violation.

MS. PAULIN: -- that doesn't change.

MR. ANGELINO: But he's not in violation of this law.

MS. PAULIN: No, he's not in violation of this law.

MR. ANGELINO: Okay. I -- yes, I understand.

MS. PAULIN: Yeah.

MR. ANGELINO: Yeah, spare tires, emergency situation.

MS. PAULIN: Right.

MR. ANGELINO: So the next one, if it becomes winter into summer and somebody has a tire they're going to put on as a spare or needs it to repair to get going and it has studs on it, that won't pass inspection at certain points in the year; is that going to be able to get repaired to get them home?

MS. PAULIN: Again, the -- anything can be repaired, but it has to be repaired to meet the standard that a person is currently under law required to drive on.

MR. ANGELINO: Okay. All right. I think this is a finite thing that's going to happen and any decent law enforcement officer encounters the situation is not going to enforce if they --

MS. PAULIN: I agree.

MR. ANGELINO: So -- well, I understand the -- while you were talking on the phone, I talked on the phone to a tire shop, they're in favor of this and I'm likely going to vote yes, but, last question. Can you give me an example of an automobile or motor vehicle tire being used not on the highway, but still needs to be repaired, and we are going to not even talk about a farm --

MS. PAULIN: That's a puzzle, wait.

MR. ANGELINO: Yeah -- but, I'm not trying to mansplain to you, so Mr. Speaker, on the bill.

MS. PAULIN: Okay, thank you.

ACTING SPEAKER AUBRY: Mr. Angelino on the bill, sir. Thank you.

MR. ANGELINO: So there are the situations that automobile tires are used in industry to reverse directions of certain machines and belts, and I think everybody here has seen automobile tires used as pitching machines and football throwing machines, and those tires will need to be repaired. This is the situation where a high school athletic team wants to repair their tire for their pitching

machine and they prefer those bald and they're not going to be able to get it repaired. So that -- without talking about any farm or hay wagon, I gave an example of a reason that a repair shop may need to be able to repair a tire that won't pass inspection. I guess it's not time to explain my vote, and I haven't decided, so...

ACTING SPEAKER AUBRY: Not yet.

MR. ANGELINO: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir. You followed the rules perfectly.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 8420. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. The Republican Conference will generally be in the negative on this bill, but if you -- if there are any members who wish to vote in the affirmative, they can do so in the Chamber or by contacting the Minority Leader's Office if they are on the COVID impact list. Thank you.

ACTING SPEAKER AUBRY: Thank you, Ms.

Walsh.

Mr. Cahill.

MR. CAHILL: I'd like to remind our colleagues that this is a Party vote and Majority members will be recorded in the affirmative. If there are any exceptions, I ask that the Majority members contact Mrs. Peoples-Stokes' office at the number previously provided and then we will announce your name accordingly.

ACTING SPEAKER AUBRY: Thank you, Mr. Cahill.

(The Clerk recorded the vote.)

Mr. Lemondes to explain his vote.

MR. LEMONDES: Thank you, Mr. Speaker, I'll be brief, I promise. Because of the myriad of circumstances agriculturally that tires -- that tire repair is necessary, I can't vote for this in its current form. I would not want to restrict the commerce that comes from agriculture to our small repair shops on tires that will largely, for all intents and purposes, never drive on a road in their -- in the remainder of their lifetime. They will be on roads briefly sometimes from field to field, but for the -- for the economic benefit of the farms, it's important for these tires, although they may not have the tread to be on roads full time that they still have that economic benefit to be used agriculturally in their fields for the remainder of their life, to be determined by -- by their owners with respect to serviceability. So in the future if that agricultural exclusion was included so that it was clear, I could be in favor of this, but right now

it its current form because of the agricultural limitations and the business limitations to our small shops, I cannot. Thank you very much, sir.

ACTING SPEAKER AUBRY: Thank you, sir. Mr. Lemondes in the negative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleague Mr. Montesano in the affirmative.

ACTING SPEAKER AUBRY: Mr. Montesano in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 33, Calendar No. 503, the Clerk will read.

THE CLERK: Assembly No. A09118-A, Calendar No. 503, L. Rosenthal. An act to amend the Social Services Law, in relation to authorizing and directing county public welfare districts to accept paperwork electronically.

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

MS. ROSENTHAL: This bill would allow social service districts to accept the submission of public assistance paperwork electronically.

ACTING SPEAKER AUBRY: Mr. Simpson.

MR. SIMPSON: Thank you, Mr. Speaker. Would

the sponsor yield?

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

MS. ROSENTHAL: Yes.

ACTING SPEAKER AUBRY: Ms. Rosenthal yields, sir.

MR. SIMPSON: Thank you, Ms. Rosenthal. So with this legislation, will this require social service districts to accept applications by electronic means; it's going to require it so or is it an option?

MS. ROSENTHAL: It would allow them to. If somebody wants to go in person, they can do that as well.

MR. SIMPSON: Is there already established an online platform or some kind of program to accept these applications?

MS. ROSENTHAL: Well, it's not a hotline, it's electronically so it would be online.

MR. SIMPSON: Okay, but still, is there a program that the State -- will New York State develop a program or have they approved a program, or is there already an existing program to allow these applications to be submitted?

MS. ROSENTHAL: No. But this program was first a pilot, then some more counties went -- joined it, and then during COVID, it spread to many counties. So it's been that way for -- during COVID and...

MR. SIMPSON: So I just wanted to, you know, so

you mentioned a pilot. Were there instances where they learned from, you know, their experience with it, that there were any kind of security issues with it or possible, you know, fraud, unable to identify the person that's on the other side?

MS. ROSENTHAL: No. As far as I understand, it was successful which is why some more counties instituted that policy and then, of course, during COVID a lot more joined.

MR. SIMPSON: But we don't know, did they mention -- I mean, is there anything -- any document or any, you know, printed results of that pilot?

MS. ROSENTHAL: I don't believe there have been those kinds of issues. I have not heard about any of those kinds of issues.

MR. SIMPSON: Okay. And you and I, we have talked about the difference in our regions in New York State how, you know, it's a different -- whole different entity in New York City as opposed to Upstate rural communities like where I represent where, you know, we don't have broadband, there's a lot of areas that still are lacking in the ability to access broadband, a lot of people that receive benefits live in those areas. There's, you know, probably as a percentage our area, there's a lot of needs there to be met.

MS. ROSENTHAL: Yes, agree with you; agree with you.

MR. SIMPSON: How is this bill going to impact their ability if a district decides to say, *Okay, we're going to accept all*

*of our applications electronically.*

MS. ROSENTHAL: I agree with you, the need for broadband across the State is -- is very important, but this doesn't say you can't go in. If you want to go in, that's your option. Just if you want to make it easier, for some it's easier just to do it from a computer, not in the office.

MR. SIMPSON: Right. So a few bills ago we just passed some legislation that, you know, in-House, you know, home visitation to allow people to receive more services. It seems like this kind of bill, encouraging more video, more distance from people that really truly need services, we're almost encouraging a distance between the people that we're trying to serve and the agency, which really I think to their point, they probably want to get to know the people, their applicants, maybe in a series of interactions and maybe then choose which people would be eligible for video. But this doesn't seem to have that kind of -- is that your intention, or...

MS. ROSENTHAL: No, no. As the world goes more electronic, we wanted to make sure that, you know, for some people it's a real burden to go in, and that was certainly the case during COVID. And this protected a lot of people's health and well-being because they didn't have to go in, and in some cases the offices weren't even open. But this is an option to do it electronically or if you don't choose to do that, you can just go in.

MR. SIMPSON: All right. But wouldn't you agree that those, you know, initial one-on-one initial meetings, you know,

get to know who their, you know, who these people are and who the people providing the services are, you know, really sets off a good relationship and also prevents maybe some of the negative side of public assistance where people are looking to game it, you know, and you can kind of weed out.

MS. ROSENTHAL: Well, I mean from the area that you mentioned some concern about in the rural areas, they would necessarily have to go in if they don't have the access to broadband. And so others, you know, this program has worked very well in many counties across the State and...

MR. SIMPSON: Which counties are doing it?

MS. ROSENTHAL: There are many counties, 54 counties are doing it.

MR. SIMPSON: Fifty-four out of the 62 are doing it now?

MS. ROSENTHAL: Out of the 58, yes. Plus New York City.

MR. SIMPSON: Okay. Okay, thank you.

MS. ROSENTHAL: Sure.

MR. SIMPSON: On the bill, Mr. Speaker.

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

MR. SIMPSON: I think from, you know, this really conflicts with a lot of other legislation that we have passed where I really think that we need to build a relationship one-on-one with

people that are receiving public assistance. We need to -- you know, a lot of times people are coming in for one issue and there's really something else that's going on that you're not going to pick up on through a video interaction. So I think there, in certain circumstances, video can work against this and not identify those issues that maybe not be apparent. And I have concerns over being able to verify, you know, the person on the other end is who they are, what kind of, you know, qualifications are going to be required to show and I'm just, you know, we see all kinds of issues with everything based on an Internet or going over, you know, transferring things over video.

I'm opposed to this bill and I'm going to recommend that my colleagues also consider opposing this bill. Until there's some way to verify some kind of affirmation that there's a way to verify the identity on the other end. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Walczyk.

MR. WALCZYK: I appreciate the opportunity, Mr. Speaker. Would the sponsor yield for some questions?

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

MS. ROSENTHAL: Yes.

MR. WALCZYK: Thanks. So this bill authorizes social services districts to do electronic paperwork finally; is that correct?

MS. ROSENTHAL: Correct.

MR. WALCZYK: It also directs all social service districts in the State of New York to accept electronic paperwork filing; is that correct?

MS. ROSENTHAL: Yes.

MR. WALCZYK: Are there -- I noticed, and it's a pretty short bill, but it starts out with, *Notwithstanding any other law, rule, or regulation to the contrary*. Are there other laws, rules, or regulations to the contrary that we should be considering?

MS. ROSENTHAL: Not that I know of, but just in case there were we wanted to make sure to take precautions.

MR. WALCZYK: So there will be no exemptions whatsoever, at least as far as you know of.

MS. ROSENTHAL: Well, as the bill says, notwithstanding any law, rule, or regulation to the contrary.

MR. WALCZYK: And through you, Mr. Speaker, what if a social service district wants to continue to require that for some paperwork people should actually have to come into the office because they want to see them in person. Will the social service district have a way that they can still require that?

MS. ROSENTHAL: Well, they can't require it, but they can certainly engage the applicant and go over something that they feel they need to.

MR. WALCZYK: So in other way, through you, Mr. Speaker, another way of putting that would be that it's the applicant's choice as to whether they want to come into their social service

district to apply for new benefits or file any paperwork with the social service district might need from them?

MS. ROSENTHAL: I mean, the basic method here is do they qualify, and so that will be determined through the paperwork.

MR. WALCZYK: Are social service districts run by New York State employees?

MS. ROSENTHAL: I'm sorry, say it again.

MR. WALCZYK: Are the social --

MS. ROSENTHAL: I would say they're -- they're local employees.

MR. WALCZYK: Yeah, generally county employees, that's my understanding, as well, or in the case of the New York City they'd be New York City employees. Why -- why would we bring forward policy here to tell our counties social service districts that we know best how they should accept paperwork in their local social service districts?

MS. ROSENTHAL: In this case, 54 out of the 58 social service districts, plus New York City, have done this voluntarily and we just want to make sure to make it the law. So we're not forcing anything on them that they haven't done already themselves.

MR. WALCZYK: Right, and I understand, through you, Mr. Speaker, that 54 of the 58 social service districts that have opted for electronic filing during pandemic times, it may sound great to say that today, but many of them may also revert back for certain applications to require and many probably already have, if not all of

they have, reverted back to former policies where they actually required applicants to show up in person for -- for many of these filings. But I appreciate you answering my questions.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. WALCZYK: Yeah so, I mean, we bring a lot of policies forward in the -- in the State of New York that tell municipalities how to do their business. I think some social service districts are rife with problems. Some have great examples of how to best work and if we're going to set policy forward, we really should look at all of the social service districts across the State of New York and take on some of their policies instead of deciding right on from the top what we decide is best for everyone because of some extenuating circumstances over the last couple of years so we just turn that into a blanket policy and codify it in law and say now, *Congratulations you counties, you may have liked your modus operandi, but now you will do it this way because Albany says so.* I think we've seen enough of that and I will be voting no on this bill and encourage my colleagues to do the same.

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 9118-A. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference

position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this mandate. Those who support it are certainly welcome to vote in favor of it or notify the Minority Leader accordingly. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is going to be in favor of this piece of legislation; however, there may be some of our colleagues that would desire to be an exception. They should feel free to contact the Majority Leader's Office, we will make sure their vote is properly recorded. Thank you, sir.

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

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 33, Calendar No. 516, the Clerk will read.

THE CLERK: Assembly No. A09598, Calendar No. 516, Joyner, Colton, Cahill, Davila. An act to amend the Labor Law, in relation to redefining the term "covered renewable energy system."

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: An explanation, please.

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

MS. JOYNER: This bill would redefine the term "covered renewable energy system" to require prevailing wage on projects of one megawatt or greater. The current law applies to projects greater than five megawatts. This legislation will give DOL the ability to enforce wage standards associated with such work.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

MS. JOYNER: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Ms. Joyner. So just to make sure I understand the scope of this, what this would do is require smaller generating projects, renewable energy systems to be now subject to prevailing wage, and before this amendment they would not be, correct?

MS. JOYNER: Anything over one megawatt, yes.

MR. GOODELL: Okay. So you know, going back just a little bit, when we started with prevailing wage it only applied to municipal projects and we said if you're using municipal funds you have to pay prevailing wages. This would apply though to projects that don't have any municipal employees or municipal funds involved,

correct?

MS. JOYNER: Yes.

MR. GOODELL: So why are we requiring prevailing wage on privately funded, privately designed, and privately implemented projects?

MS. JOYNER: Some of them do receive public funding, so -- not all of them, but most do.

MR. GOODELL: But this legislation is not limited to those that receive public funding, correct?

MS. JOYNER: That's correct.

MR. GOODELL: I know sometimes with IDA legislation, we'll provide that if they receive IDA funding they have to comply with various requirements, but this would apply even to those projects that are completely privately funded and designed, and implemented and owned by a private entity, correct?

MS. JOYNER: Yes. NYSERDA is also requiring this requirement for prevailing wage, so this is just codifying it in statute at this point.

MR. GOODELL: Thank you very much, I appreciate your insights on that. Thank you.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: The challenge that we have when we require entirely private projects to pay prevailing wages is that in many of our communities, the normal private sector wage rate can be

significantly lower than prevailing wage, and that reflects in part the way prevailing wages are calculated. When the prevailing wage statute was first implemented, it was envisioned that the Department of Labor would review what the average wages were in each region, and as a matter of administrative simplicity, what the Labor Department actually did is calculate the average wage in a large municipal entity within a region. So as a result, what's called the prevailing wage in Chautauqua County is typically 25 to 35 percent higher than what anyone else in the county is paying for the same exact work, and it's because it's based on what the average wages are in Buffalo. But those wages are not the same, they aren't anywhere close to what we pay in my county which is, by the way, an hour-and-a-half to two hour drive from Buffalo.

So what happens then when we extend prevailing wage to privately-funded projects, we increase the labor costs of those projects by anywhere from 20 to 30 to 35 percent. And as we increase the cost of labor, we make these projects more expensive and there are some projects that no longer will be financially viable. And we see, of course, that concept in play everywhere we go, right? You increase the price and fewer projects go forward. We increase the price on renewable energy projects, fewer of them will be built, fewer renewable projects will go on line. Fewer employees will be hired to construct them. It's almost like can you imagine in a normal routine scenario, we all see sales, right, a retail sales, it says 25 to 30 percent off this weekend only, come in and buy more product. What this bill

says is the exact opposite, we'll raise the price 25 and 35 percent and the net effect is we will have less of them. Imagine all the retail companies saying come in, this weekend only, 25 to 35 percent more expensive. Well, no one in their right mind who wants to have more product sold would ever advertise that on the weekend the price is going up by 25 to 35 percent, but this is what this bill does.

So for those of us who want to encourage more renewable energy, the last thing we want to do is raise the cost well above what the average cost is in the community. For that reason, I will be voting no and recommend my colleagues do the same. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 9598. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The Republican Conference is generally opposed to this bill. Those who support it certainly can vote in favor of it here on the floor of the Assembly or by calling the Minority Leader. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Majority Conference is generally in favor of this piece of legislation; however, there may be colleagues who would desire to be an exception. They should feel free to contact the Majority Leader's Office. Their vote will be properly recorded. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, ma'am.

(The Clerk recorded the vote.)

Ms. Joyner to explain her vote.

MS. JOYNER: Thank you, Mr. Speaker. I would encourage my colleagues to vote in the affirmative for this piece of legislation. I just wanted to clarify some things. This would be applicable to private projects who are receiving renewable energy credits, or any third-party that is acting on behalf of a public entity. So it's not -- it's not applicable to anyone who is not receiving any public benefit. We believe that we need to pay our workers what they're deserving of and prevailing wage is the best standard. We know that this is going -- that prevailing wage is proven to uplift local economies and we know that when we pay people more, that money is invested right back into local communities. So I want to urge my colleagues to vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Thank you. Ms. Joyner in the affirmative. Thank you, ma'am.

Mr. Palmesano to explain his vote.

MR. PALMESANO: Yes, Mr. Speaker, just to kind

of parlay on what my colleague was saying. When we increase the cost for private business, when we increase the cost of these renewable projects, we're going to increase electricity prices and costs for our ratepayers. And it's nice to see that this bill is dealing with prevailing wage, I'm sure this does not provide prevailing wage for the children in the Congo that are hand mining for cobalt to provide for these renewable electric vehicles; in fact, they get paid a dollar a day. I vote no.

ACTING SPEAKER AUBRY: Mr. Palmesano in the negative. Thank you, sir.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following colleagues in support of this legislation: Mr. Brabenec, Mr. Durso, Mr. Gandolfo, Mr. Michael Lawler, Mr. Ra, and Mr. Smith. Thank you, sir.

ACTING SPEAKER AUBRY: So noted, thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: We have housekeeping.

On behalf of Mr. Abinanti, Bill No. A07443-B,

Assembly bill recalled from the Senate. The Clerk will read the title of the bill.

THE CLERK: An act to amend the Social Services Law.

ACTING SPEAKER AUBRY: Motion to reconsider the vote by which the bill passed the House.

The Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

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

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

(Whereupon, Assembly Resolution Nos. 834-836 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I want to recognize the presence of Mr. Zebrowski's babies that are in the Chambers with us today, two of the older members of the baby caucus, and I also wanted to say Happy Mother's Day to all the mothers as we head home for the weekend. And I want to acknowledge my colleagues who saw it fit to not only send me a beautiful card with very touching words in it, but some beautiful

flowers, as well. I won't say their names, they know who they are, but thank you very much. And for everyone, please have a Happy Mother's Day.

ACTING SPEAKER AUBRY: Happy Mother's Day to all.

(Applause)

MRS. PEOPLES-STOKES: I now move that the Assembly stand adjourned until Friday, May the 6th, tomorrow being a legislative day, and that we reconvene at 2:00 p.m. on May the 9th, Monday being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned, and we wish the Zebrowski family a Happy Mother's Day.

(Applause)

(Whereupon, at 2:28 p.m., the Assembly stood adjourned until Friday, May 6th, Friday being a legislative day, and to reconvene on Monday, May 9th at 2:00 p.m., Monday being a Session day.)