

**THURSDAY, JUNE 10, 2021**

**11:36 A.M.**

SPEAKER HEASTIE: 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, Speaker Heastie led visitors and members in the Pledge of Allegiance.)

A quorum being present, the Clerk will read the Journal of Wednesday, June 9th.

Mrs. Peoples-Stokes.

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

that we dispense with the further reading of the Journal of Wednesday, June the 9th and ask that the same stand approved.

SPEAKER HEASTIE: Without objection, so ordered.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker

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SPEAKER HEASTIE: Mrs. -- I was just going to call you by your title.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. Colleagues, welcome to what could potentially be our last day of Session and this month. There could be more before we finish with the 244th year. But I do want to start out with a quote that I received from our own Brian Haak, and it apparently is one of his favorites and I trust that it's probably one of his favorites on what's supposed to be the last day of Session. This one's by Robert Frost. And most of you have heard this one before because it's something that we recall from our elementary and middle school days. Stopping by the Woods on a Snowy Evening. *The woods are very lovely, dark and deep. But I have promises to keep. And miles to go before I sleep. And miles to go before I sleep.* Again, Robert Frost submitted to us by our own Brian Haak. We want to thank you for that, Mr. Haak, because there will be a few miles to go before we sleep today. Members should be reminded that we -- you do have on your desk a main Calendar, a debate list - an extensive debate list - and an

A-Calendar.

Mr. Speaker, I now ask that you would advance that A-Calendar.

SPEAKER HEASTIE: The A-Calendar is advanced.

MRS. PEOPLES-STOKES: Thank you, sir. After any housekeeping and/or introductions, we will be taking up a privileged resolution by you, Mr. Speaker, and then we will take up resolutions on page 3 of our main Calendar. Our principal work for today, however, will be off the debate list as well as continue with our -- with consent on new bills beginning exactly where we left off on yesterday with Rules Report Nos. -- exactly where we left off this morning, with Rules Report No. 696. It's on page 222 [sic] of the main Calendar. We will otherwise work off the debate list as well as consent the A-Calendar. There could potentially be additional scheduling updates that will be announced at different points of the day, but that's a general outline, Mr. Speaker. If there are any introductions or housekeeping, now would be an awesome time.

SPEAKER HEASTIE: We have none.

The Clerk will read the title of the resolution.

THE CLERK: Assembly Resolution No. 457, Mr. Heastie.

Legislative Resolution commemorating the 20th Anniversary of the 9/11 terrorist attacks on New York State and the Nation.

SPEAKER HEASTIE: My colleagues, as we open

today's Session I would like to take a moment on behalf of all of us to speak in one united voice on the 20th Anniversary of the September 11th terrorist attacks on our State, which we will observe this Fall as one Body and with one voice. It is hard to imagine it's been 20 years since the September 11 terrorist attacks. It is impossible to forget where we were when we heard that a plane had flown into the World Trade Center Towers as we watched the horrific events that morning unfold. There was so much fear and anger and grief knowing that thousands of Americans died in those cowardly attacks. But we also came together as New Yorkers and Americans that day and the days that followed, united. Today with this resolution we remember all those that were lost on September 11, 2001 in New York, at the Pentagon and Shanksville, Pennsylvania. We remember the brave first responders that ran into save as many people as they possibly could, and we remember the ones that did not make it out. We remember the first responders that died in the years that followed from illnesses due to the exposure at Ground Zero. And to the families of those that died, we will never forget your loss. Twenty years later, the effects of that day still ripple throughout our lives and throughout the world. Today we remember and pay homage to those we lost and promise to honor their memory and their sacrifice.

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

As one Body, let us rise for a moment of silence.

(Whereupon, a moment of silence was observed.)

Thank you.

The Clerk will read.

THE CLERK: Assembly Resolution No. 447, Ms. Hunter.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 12, 2021, as Women Veterans Recognition Day in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, Ms. Hunter.

MS. HUNTER: Yes, Mr. Speaker. I rise to speak on the resolution. So, as you are aware, what a difference a day and now it seems like a year makes. Normally at the end of our Session we are always filled in this Chamber with women across New York State who come from every branch of the Armed Services and we welcome them with open arms to our Chamber as we celebrate Women Veterans Recognition Day in the State of New York. So while we -- we don't have them here in our Chamber today, I wanted to make sure that we celebrate them in our traditional manner by giving them the respect and honor that they deserve. From the American Revolution, you know, through every conflict, even during our current conflicts abroad, we know that the -- there are great contributions that female veterans have contributed to our global freedoms as well as here in the United States.

So please, Mr. Speaker, in your traditional manner, if you could give a (inaudible) and warm welcome that they deserve.

And I would be remiss to say on -- on our last day of Session if I did not say Go Army, beat Navy.

Mr. Speaker, thank you.

ACTING SPEAKER AUBRY: Thank you.

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

THE CLERK: Assembly Resolution No. 448, Mr. Hevesi.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim September 2021, as Kinship Care 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. 449, Mr. Cusick.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim September 17, 2021, as POW/MIA 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. 450, Mr. Brabenec.

Legislative Resolution memorializing Governor

Andrew M. Cuomo to proclaim September 2021, as Onion Appreciation Month in the State of New York.

ACTING SPEAKER AUBRY: Mr. Manktelow on the resolution.

MR. MANKTELOW: Thank you, Mr. Speaker. I want to commend my colleague Mr. Brabenec for bringing this resolution forward. In my district as well as his district and many other districts in our State, the onions are a huge crop in the area, and I just want to say thank you for bringing that forward. A great time to do this as we swing into summer with all the festivities and picnics, and as we all know, onions will be part of those festivities.

So again, thank you so much for the time, Mr. Speaker, and thank you, Mr. Brabenec.

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. 451, Ms. Solages.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 7-13, 2021, as Infant Mental Health 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. 452, Ms.

Reyes.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 2021, as Immigrant Heritage Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 453, Mr. Gottfried.

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

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

THE CLERK: Assembly Resolution No. 454, Mr. Byrne.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim November 2021, as CRPS/RSD Awareness Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 455, Mrs. Barrett.



Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim November 2021, as Military Family Appreciation Month in the State of New York.

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

Page 22, Rules Report No. 696, the Clerk will read.

THE CLERK: Assembly No. A00465-A, Rules Report No. 696, Rozic, Bichotte Hermelyn, Jacobson. An act to amend the Election Law, in relation to the confidentiality of registration records for victims of domestic violence.

(Pause)

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, we do have a few bills we want to take up on debate right away. If we could start with Calendar No. 306, Assembly bill 3805 by Mr. Cusick. We're going to follow that one with Rules Report No. 731, Assembly bill 7769 by Ms. Weinstein. Followed by Rules Report No. 433, Assembly bill 5144. That one's by Mr. Benedetto. Then we're going to go, Mr. Speaker, to Rules Report No. 704, Assembly bill 3224. That one's by Ms. Hunter. And lastly, for the moment, we will go to Rules Report No. 660. That's Assembly bill 5633, that one is carried by Mr. Zebrowski. In that order, Mr. Speaker.

Thank you.

ACTING SPEAKER AUBRY: Thank you, Mrs.

Peoples-Stokes.

Page 48, Calendar No. 306, the Clerk will read.

THE CLERK: Senate No. S03521-A, Calendar No. 306, Senator Parker (A03805-A, Cusick, Colton, Williams, Carroll, Griffin, Stern, Gottfried, Steck, Reyes, Paulin, Perry, Fahy, Wallace, Abinanti, D. Rosenthal, Barron, Jones, Cruz, Solages, Pheffer Amato, Zebrowski, Simon, L. Rosenthal, Quart, Davila, Hevesi, M. Miller, Sayegh, Glick, Rodriguez, Magnarelli, Epstein, O'Donnell, Rozic, Santabarbara, Gunther, Woerner, Frontus, Weprin, Barnwell, Hunter, J. Rivera, Otis, Schmitt, Stirpe, Fernandez, Vanel, Galef, Cook, Dinowitz, Barrett, Seawright, Niou, Ashby, Hyndman, McDonald, Cymbrowitz, Thiele, Englebright, Dickens, Anderson, Gallagher). An act to amend the Public Service Law, in relation to the transfer of bill credits associated with the electricity produced by community-distributed generation facilities.

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

MR. CUSICK: Thank you. Thank you, Mr. Speaker. This bill would expand customer access to community-distributed generation by allowing customers to subscribe to CDG projects outside of their utility service territory. Electric corporations would be directed to file tariff applications with the Public Service Commission to facilitate the transfer of bill credits from a CDG project in a given utility service territory to the accounts of CDG facility subscribers in a different utility service territory. And 35 percent of the benefits from

any resulting solar CDG facility would go to disadvantaged communities.

ACTING SPEAKER AUBRY: Mr. Palmesano.

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

Will the sponsor yield for some questions?

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

MR. CUSICK: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. PALMESANO: Thank you, Mr. Cusick. Hasn't the PSC already allowed air zoning crediting for community-distributed generation that are in different (inaudible) zones but not within the same utility (inaudible)? But this takes it and allows transfer from one utility zone to another utility zones. For example, someone in the NYSEG territory could have people from New York City buy credits in their territory and get the credits back sent to them, correct?

MR. CUSICK: Yes. This -- this -- this is the next logical step, we believe, because this will allow it to happen outside of the utility between different utility service areas.

MR. PALMESANO: And that would be about 35 percent of the benefit would be allowed to go down to a -- an area outside the utility?

MR. CUSICK: Yes, the 35 percent number is the number that would go to disadvantaged communities.

MR. PALMESANO: Right. Now wouldn't this bill reverse the previous determination of the PSC that was made which already considered this issue in the content of an ongoing proceeding? And the -- and that the PSC declined to permit for a growing expansion which would've required customers in one utility to fund credits for customers in other utility zones, correct? This has been considered and rejected by the PSC already, correct?

MR. CUSICK: Well, no. This -- this, we believe, is the natural progression because as -- as you pointed out before, the PSC had allowed it within the utility zones. This would allow it amongst different utility zones. We think that will capture a larger customer base that will allow people to take advantage of -- of these community organizations, and this would be something that would bring more people into using solar that would not be able to do it based on where they live right now currently.

MR. PALMESANO: Mr. -- Mr. Cusick, wouldn't this -- isn't this legislation really contrary to provisions of existing Public Service Law 66(j) on net metering for residential solar which basically -- which limits its application to the customers with (inaudible) that utility under the 66(j) of the net metering provisions. Under -- it has to be within that utility. So isn't that contradictory of the current law we have in place?

MR. CUSICK: I think because we -- we are a legislative Body we -- we could change that law as -- if we needed to going down the road.

MR. PALMESANO: Okay. And isn't really, this authority, a determination that the PSC uses to establish that -- the value stack compensation or meter for the value of the (inaudible) resources which when we deal with community solar and solar, that -- that's under that same authority that we're addressing here with this as well also, right?

MR. CUSICK: I'm sorry. I'm having a little trouble hear you. I apologize.

MR. PALMESANO: I guess what I'm trying to say, isn't this the same authority or determination the PSC uses right now to establish the value stack compensation?

MR. CUSICK: Yeah. I -- I think the answer is -- is that the PSC could adjust it as we go forward. Again, you know, the goal of this is to -- to include more people into using solar and -- and getting the advantages of -- of using solar energy. And so that's -- that's what we want to do with this bill, and we believe it's the -- the next step in the progression. The PSC had okayed it within zones, we're now going to other zones.

MR. PALMESANO: Are we aware of any other states that have permitted (inaudible) utility crediting for community-distributed generation?

MR. CUSICK: We believe Massachusetts.

MR. PALMESANO: So is it really -- I guess this -- is this really tested? Shouldn't we be -- if we're going to be looking at this, shouldn't we have a proceeding that goes before the PSC to look

for its adoption first before we move forward from that perspective? Because also this bill calls for a very tight time frame (inaudible). And 90 days seems like a really bad -- given the burden and we're going to have to create new billing statements and settlement systems for the utilities, for the customers and that could be burdensome and that's going to be something that's going to have to be absorbed by the ratepayer, the cost of changes from that perspective as well, correct?

MR. CUSICK: Well, you -- you and I have had this discussion many times. I think you and I are on the same page about protecting ratepayers and making sure that ratepayers are protected in anything we do in the Energy Committee, particularly this bill. Because you and I are ratepayers, correct? So -- and -- and -- and so are all the folks that we represent so we don't want to hurt them. But this bill, we believe, we want to get people the opportunity where they would not have that opportunity to take part in -- in solar projects and solar -- and -- and use solar energy. So we believe that the time frame, we could work with the PSC, we could work with the communities involved because, again, we are working on a timeline when it comes to the CLCPA and -- and the different -- the different benchmarks that we have to hit as a state, and we believe this is one bill that will allow us to -- to go forward in that.

MR. PALMESANO: I -- I can understand that, Mr. Cusick. But also with this -- I mean, because you're saying in areas that really don't have affordable available solar for them. And I guess with community solar it's supposed to be that community and that area

that's benefitting from it. And the problem, though, too, with this is now you'll have the regions that do have the land available like the Adirondacks, Upstate New York, the Hudson Valley where you have a predominance of more solar and wind projects going out, not -- sometimes much to the -- to the dismay of those communities. So now you'll have those -- those -- you'll have more solar and wind being developed up there, which is ultimately subsidized by the ratepayers in that region, but yet those benefits of the -- the benefits of the solar is going to -- is going to be received by individuals not in that utility zone, but the other people who are paying for the subsidies are -- are now going to see those benefits be shifted away because they're paying for the -- with the subsidies in that zone, correct?

MR. CUSICK: Well, again, I think that there are ratepayers right now in zones that don't take advantage of community solar or can't take advantage of it that are paying into it and they're not getting the advantage of it. Anybody who is -- particularly where I live who are -- is a Con Ed customer, they pay into it already for the interzone that you mentioned before, but are not getting the benefits of solar. And -- and so yes, you -- you have a valid point there, but I think the -- the middle ground here is is that there are folks that are paying into something already and not receiving a benefit already and -- and we want to allow these folks to get a benefit and -- and -- and be able to go outside their zone in order to -- to get that benefit.

MR. PALMESANO: All right. Thank you, Mr. Cusick.

MR. CUSICK: Thank you.

MR. PALMESANO: A couple more questions for you real quick. Isn't there any possibility with these series of transactions for transfer of energy capacity --

MR. CUSICK: I'm sorry, Phil, I -- I can't hear you.

MR. PALMESANO: I'm sorry. Isn't it a possibility with the series of transactions to transfer of energy and capacity or renewable (inaudible) between utilities, couldn't that fall outside the jurisdiction of the State and raise some Federal law preemption concerns from that perspective?

MR. CUSICK: No.

MR. PALMESANO: No? Okay. And I guess -- does this take into account the administrative and cost issues involved in basically having to establish new billing and settlement systems between utilities and how to determine that credit between the rates that people are paying in Upstate New York between -- with the rates people are paying in Downstate New York? And -- and it seems like it's going to be a bureaucratic nightmare and time consuming, and ultimately there's -- there's going to be costs involved which is going to have to be absorbed by the cost payers. How come none of this is taken into account or are you assuming the PSC is going to handle this?

MR. CUSICK: This -- this bill doesn't -- doesn't have that, what you're talking about, in it. But -- but again, we do -- we are concerned about the ratepayer going forward with this, and we do



think that we are helping the ratepayers, particularly the ones that are paying into it already and are not getting a benefit.

MR. PALMESANO: All right. Thank you. Thank you, Mr. Cusick.

MR. CUSICK: Thank you.

MR. PALMESANO: Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill.

MR. PALMESANO: Mr. Speaker and my colleagues, I -- I appreciate the sponsor's intent, but I have some concerns regarding this. I believe the language and problems of this bill. Just -- you know, I'll refresh a few of them. Right now the PSC already allows interzonal crediting for community-distributed generation in existing utility zones and territories, but not across the county lines. And this really would already undermine a review that's already been made by the PSC where they determined that it wasn't appropriate to do those transfers from one utility zone to another utility zone. So the PSC, who's in charge of this, has already determined this is not really the applicable thing to be doing. Also, this is -- I believe this is totally contrary to the net metering section of our existing Public Service Law 66(j) for residential solar which limits its application to the customers of that particular utility. The same authority which determines the PSC, which determines the value stack and the net metering. The fact of the matter is, those customers that are -- are having this development of wind and solar all across Upstate New York that seen a -- a prolific solar and wind farm, those projects

are being subsidized by the ratepayers in that utility, but yet now up to 35 percent of those benefits would have to be shifted to people in other -- other utility zones that aren't paying for those. And I think that goes against the -- the whole point of community solar, as we discussed. I guess Massachusetts has started this, but I think there's no proof and there's no really understanding of how this is going to work and how this will process. I think it would be really better to be fully investigated through an administrative law proceeding with the Public Service Commission prior to any adoption on this. And I think this does not take into account at all the accounting, administration and cost issues involved with establishing a whole new billing settlement system between these utilities. It's bureaucratic, it's costly, it's burdensome and it's going to be borne by the ratepayers. I know we keep talking about we want to help ratepayers, but these things are going to cost the ratepayers additional money. Particularly those utility zones that are sending the transfers to other zones. And how -- how are -- how are the utilities and PSC going to determine the cost differential? The rates in New York City or Long Island are different than the rates in Upstate New York, the Southern Tier or the Adirondack area. This is bureaucratic, time consuming and very costly. Again, paid by the ratepayers in those local communities. I think this is going to be a very big issue as far as implementating [sic] this. It's going to be complicated, costly. And how are you going to determine this and maintain a fair and nondiscriminatory rate between the utilities? To be able to transfer 35 percent of the credits elsewhere

outside of the territory really seems to go against the concept of community solar which is designed to allow local communities to invest in their local communities for local solar. And again, when those solar farms and those wind farms are being built, they are subsidized by higher rates or taxes and fees in that zone, but yet the credits are going to be shifted to other territories. And the possibility of these also with the transfers and the transactions of energy capacity and the renewable attributes between utilities could really fall outside the jurisdiction of our State and raise Federal preemption law concerns, I believe, which could be challenged in court and could be problematic, I also believe. I think we -- we want to encourage the development of solar in other areas of the State for these community development grant -- generation and corresponding (inaudible). But I think what this is going to do, it's going to, again, exacerbate a concern some from Upstate continue to see. We see a proliferation of solar and wind in Upstate because we have the land. But they're subsidizing that, and then these benefits can go to other areas and it's going to impact the rates on those individuals because these subsidies are imbedded in those bills through the value stack, through net metering. So even if the customers (inaudible) investing don't want more solar, don't want more wind. They get it anyway because the law that was passed a year or two ago that basically says the State can make the determination without any regard to local input, local home rule. The State's going to decide if you have wind or solar in your -- in your backyard. Now it's going to happen, it's going to cost you

more. But now the credits that you will have are going to be transferred to other areas outside the territory. Let's try to get more development in those areas or figure out ways to do it. But when you're having these projects developed, again, without the approval, without sometimes the wanting of those local communities, I just think that's problematic. I don't know how you adjust that, again, with the rates that have to be determined. Again, with the complexity of trying to figure out these billing. Again, and this bill calls for a 90-day time frame to implement this (inaudible). It's very tight, very difficult. I think it's going to be very challenging, costly. Again, when it's costly it is borne by the ratepayer, and again, I think a lot more needs to be looked at this and maybe reviewed before we move forward and signing -- getting this to law because these new billing account statements and -- and -- and settlement systems are going to be very, very difficult, challenging, costly, burdensome. And I just feel this is not the right step that we should be taking if we want to have more community solar. I think there's better ways to do it so it's balanced and fair, and I just don't think this is the right approach.

So for that reason, Mr. Speaking -- Mr. Speaker, I'll be voting in the negative and I urge my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 3521-A. This is a Party vote. Any

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

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed. Those who would like to support it should call the Minority Leader's Office and we'll record your vote accordingly.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference will generally be in support of this item. However, we may have a few colleagues that would desire to be an exception. They should feel free to contact the Majority Leader's Office and their vote will be properly recorded.

Thank you, Mr. Speaker.

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

(The Clerk recorded the vote.)

First vote of the day, members.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. I have yet to receive a single phone call from a constituent complaining that their utility rates were too low. In fact, all the calls I get from constituents

say exactly the opposite. They say their utility rates are too high. And so while there's a general support for green energy, we need to balance that support for green energy with the impact on the ratepayers. And it's an interesting and difficult balancing act, no doubt. But as my colleague mentioned, this bill goes too far at the expense of the ratepayers. And so I don't want to answer the calls from my constituents saying, *Yeah, I voted to raise your rates, but don't worry about it, you know, we're expanding this program.* So it's a balancing act, and as my colleague noted, this isn't consistent with that balancing act and, therefore, I will be voting no.

Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleagues Ms. Miller and Mr. Tannousis in the affirmative along with those who have voted yes on the floor.

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 29, Rules Report No. 731, the Clerk will read.

THE CLERK: Assembly No. A07769, Rules Report No. 731, Weinstein, Stirpe. An act to amend the Civil Practice Law

and Rules, the Business Corporation Law, the General Associations Law, the Limited Liability Company Law, the Not-for-Profit Corporation Law and the Partnership law, in relation to consent to jurisdiction by foreign business organizations authorized to do business in New York.

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

MS. WEINSTEIN: Yes, Mr. Speaker. The bill before you simply says that if you seek and obtain authority to do business in the State of New York from the Secretary of State, you've been deemed to consent to jurisdiction in the State of New York. And this is only logical. For a business to be able to sue in New York, they must obtain this authority from the Secretary of State. And for the logic of the bill, if they can sue they should be able to be sued. And the reason for this legislation is in response to a U.S. Supreme Court in 2014 was (inaudible) and Daimler. It's often referred to as the -- the Daimler bill, which represented a major change in how jurisdiction, general jurisdiction, is obtained over a foreign -- meaning a non-New York corporation in the State of New York. And in that case the court really reversed what had been a longstanding law in New York and the Court held that a corporation could only be sued in a State if they were at home in that State. And prior to Daimler, the U.S. Supreme Court and New York State Court of Appeals holdings permitted the State to acquire jurisdiction over a corporation if they had established certain minimum contacts with the State. So thus, the Supreme Court

significantly raised the bar on whether a corporation could be called to account for its actions before the courts of this State, and we think that this legislation is needed to help businesses in New York State and to maintain our competitiveness.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. GOODELL: Thank you, Ms. Weinstein. Has the U.S. Supreme Court reversed itself on the Daimler decision?

MS. WEINSTEIN: No. No, it has -- has not.

MR. GOODELL: So in Daimler, the Supreme Court said that the defendant's mere registration to conduct business in the State is insufficient for general personal jurisdiction in the State. Isn't that exactly what this bill tries to do?

MS. WEINSTEIN: The -- the Daimler decision still stands as -- as law in -- in this country.

MR. GOODELL: And isn't that exactly what this bill is trying to do, exactly what Daimler said is a violation of the U.S. Constitution due process?

MS. WEINSTEIN: No. I think it -- it - what this just -- I mean, as I started with, it very simply (inaudible) consent if you register with the Secretary of State, consent to be sued and consent to



do business to be able to sue in our State, you consent also to be sued in our State. And actually the most recent case is -- from the Supreme Court was Ford v. Montana -- Montana's 8th Judicial District court case. But it was a Ford Company case and it basically upheld the situation that we're trying to reverse here.

MR. GOODELL: There are, however, a number of cases in our particular 2nd Circuit, right, that have held that a state does not have the constitutional authority to confer jurisdiction over an out-of-state company merely based on their registration. For example, it looks like a Connecticut statute was struck down in Brown v. CVS outside our 2nd Circuit. The Delaware provision that was almost identical was struck down. And AstraZeneca v. Mylan Pharms outside of the immediate area in Louisiana, it was struck down in the Golf Course, Golf Course Bank. And then of course it was also struck down in the 7th Circuit in Perez v. Air and Liquid Systems. In fact, repeatedly the Federal courts upheld that the mere registration to do business or maintain a registered agent is not enough for a general jurisdiction for a foreign corporation. So with all those multiple courts and multiple circuits and the Daimler decision by the U.S. Supreme Court, how can this possibly pass constitutional muster? I mean, the language in this bill is almost identical to all the ones that I've mentioned that have already been struck down.

MS. WEINSTEIN: Well, you know, to the Brown case, I agree was a 2nd Circuit case, but the issue regarding consent was really in part of the dictum. And, you know, this bill was put

together by the OCA Civil Practice Advisory Committee, made up of 38 of the outstanding CPLR practitioners and scholars in our State. And despite the cases that you read, they and I agree that this position -- this legislation, the way it is written, will pass constitutional muster, that the approach in the bill is fair, equitable and that it -- it would pass the Daimler's constitutional muster. You know, and in Brown, the Connecticut statute as found by the 2nd Court -- Circuit, rather, not to confer jurisdiction because among other reasons the statute did not say that it did. This bill, by contrast, makes it very clear. By obtaining authority to do business here you agree to be sued here. So while we may have a disagreement on whether it's -- passes the constitutional muster, as I said, these experts feel that it does and we would like to move forward to protect New York State's residents and businesses.

MR. GOODELL: Now in addition to the due process laws, the U.S. Supreme Court has long -- has a long history of striking down similar legislation based on the Commerce Clause. And, in fact, the United States Supreme Court condemned the conditioning on -- of the right to conduct business in a state to consent to general jurisdiction as the burden on interstate commerce under the Commerce Clause in Michigan v. Mix and Atchison v. Wells. How -- how is this language any different than the language that was struck down in those decisions as well?

MS. WEINSTEIN: It is different, and this does not deal with the -- interfere with -- with commerce.

MR. GOODELL: I see.

MS. WEINSTEIN: And this -- this was -- you know, I just want to restate that prior to 2014 this was the longstanding law in New York State.

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

MS. WEINSTEIN: Sure.

MR. GOODELL: On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: Just in my personal opinion, some of the dumbest legislation I've ever seen in my entire life comes out of OCA. And so when I see an OCA program bill it's an immediate red flag for me to read the language and see if they even know what the hell they're talking about. And unfortunately, I only have eight minutes left, not eight hours, to give you example after example after example after example of how the out-of-court court administrators are out of touch with legal reality. But I'll spare you that long list. The New York State Bar Association has provided us with a memo opposing this, listing literally, literally a dozen cases where the U.S. Supreme Court over and over again and the Appellate Courts, the Circuit Courts, the District Courts have held you cannot assert general jurisdiction over a foreign company merely because they registered in your state. Over and over again, with identical language. And what's this bill say? Quote, "A foreign corporation application to do authority to do business in the State constitutes consent to jurisdiction." Exactly what the Supreme Court and multiple Federal

courts have held violate the Due Process Clause and violate the Commerce Clause. Now, of course you've heard me say before that some of the language that we pass in my opinion was unconstitutional. And for those of you who are keeping track, you can rack up all the times that even New York courts have said that what we're doing is unconstitutional. And again, I only have seven minutes so I don't have time to give you all those examples. Suffice it to say that notwithstanding our constitutional oath of office we've routinely ignored that. I get it. So why, as a policy matter, is it important to follow the U.S. Supreme Court and all of the District and Circuit Courts on the issue? And the answer is really simple. We don't want New York corporations to be subject to jurisdiction in other states merely because they register in other states because ultimately, that hurts us. We don't want to go down that path of being unfair to foreign corporations because other states are then encouraged to be unfair to our home corporations and it hurts New Yorkers more than anyone else. And which is why the Business Council, the New York Bankers Association, the Lawsuit Reform Alliance, the Auto Alliance, the Energy Coalition all oppose it on policy grounds.

So, I urge my colleagues, let's break with tradition and let's honor our oath of office and turn down legislation that we know violates the U.S. Constitution and will ultimately be damaging to New York businesses.

Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 7769. This is a Party vote. Any member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Ms. Hyndman -- Ms. Hunter. I'm sorry.

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

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation. Those who support it are encouraged to call the Minority Leader's Office so we can record you as an exception to the Conference position.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 11, Rules Report No. 433, the Clerk will read.

THE CLERK: Senate No. S04394-A, Rules Report No. 433, Senator Ramos (A05144-A, Benedetto, Abinanti, Aubry, Jackson, Steck, Forrest, Jacobson, Cahill, Simon, Gallagher, Woerner). An act to amend the Labor Law, in relation to retaliatory actions by employers.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: On the bill, please.

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

MR. GOODELL: Thank you. New York State has a -- a proud history of having -- supporting whistleblowers, but we do so in a way that's balanced with businesses. So under current law if a whistleblower has an issue and thinks the employer is doing something wrong, we expect the employee to go to the business and bring it to their attention so they can correct it if there's a mistake. And if the employee doesn't think he's getting a response or is pretty sure he can't get a response based on previous action then the employee can certainly make a complaint directly to the appropriate regulatory body. And the employee is protected as long as the employee is right. And we want to make sure the employee's right when he's making formal complaints because it can be very expensive and very disruptive to the business. This legislation changes that dynamic by saying that an employee no longer would have to go to the company and ask the company to address the issue. Nor do they

actually have to be right on whether or not the employer is abiding the law. So as the Business Council notes, this bill would afford protections to employees who report what they reasonably believe is an improper business action activity rather than actual illegal business activity. And, therefore, they oppose it. The Greater New York Hospital Association points out that hospital compliance programs are mandated by New York State and Federal law, but this would allow an employee to circumvent those statutory provisions and bring a complaint directly to the government without first alerting a supervisor. And your compliance programs in the hospitals are all very clear that you need to report it immediately to the hospital so they can take immediate steps. And if you can circumvent that process, it actually slows down hospital compliance, violates Federal and State law and raises the risk to employees. The Office of the Mayor of New York City opposes the bill because it says this bill would protect activities that do not warrant protection and reward employees who make threats to their employers and who refuse to carry out their duties. And so one of the aspects of whistleblower protection is you can't have retaliation. So if you're an employee and you're in a tenuous situation, this bill would allow you to circumvent your supervisor, make a reasonable but unfounded claim and thereby gain protection.

As we struggle to reinvigorate the New York State economy, recognizing that our businesses already suffered from an overwhelming number of regulations and burdensome restrictions, we

should stay with the current whistleblower protections that balance the need and desire for employers to be notified of a potential problem and have an opportunity to address it, rather than employees circumventing that process in violation of State and Federal law as it relates to hospitals and going directly to regulators. Let's not make this is a "got you" State that hurts businesses. Let's continue the process that balances the need for whistleblower protection with the need for responsible business response.

For that reason I'll oppose this legislation that, in my opinion, has an unreasonable expansion, and I will support the position that was articulated by the Business Council, the Greater Hospital Association [sic], New York City Office of the Mayor, National Federation of Independent Business, HANYS and others that want to see our economy do well while recognizing the important role of whistleblowers. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 4394-A. This is a Party vote. Any member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Ms. Hunter.



(Pause)

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation. But those members of the Conference that wish to support it should call the Minority Leader's Office so we can record your vote correctly.

Thank you, sir.

ACTING SPEAKER AUBRY: Ms. Hunter.

MS. HUNTER: Yes, Mr. Speaker, I would like to remind my colleagues this is a Party vote. Majority members will be recorded in the affirmative. If there are any exceptions, I'd ask Majority members to contact the Majority Leader at the number previously provided and they will be announced accordingly.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Thank you.

Mr. Benedetto to explain his vote.

MR. BENEDETTO: Thank you, Mr. Speaker. To explain my vote. I just want to say that currently, whistleblowers in the State of New York are protected, but only when they are protecting a -- a -- a violation of law that will substantially add specific danger to the public health. This will expand that and make other reports or suspected reports of violations to rules and to laws and maybe the financial area and other areas where there is misdoings going on. Okay. This will expand the law also to protect independent contractors and -- and protect a -- a greater variety of our workforce.

We want the people in the State of New York to work safely. We want them to work well. But we also want them to see the dangers that are out there and to report them. And this bill does make them report any instances that they -- that they see, any infractions that they see. Except in specific cases where there's a danger to life. Where they think they might be prevented from moving ahead with this particular law. There are ways to exclude, okay, what they're going to say. It's a tremendous expansion, it is much needed. The laws we've had in the State of New York are something like 30 years old, and this expansion is much needed.

I encourage everybody to vote for it. And I want to thank people within this Chamber who are my colleagues who have helped me over the years to -- to work on this bill. Certainly, the staff and certainly, most of all, the Speaker. Thank you, Mr. Chairman.

ACTING SPEAKER AUBRY: Mr. Benedetto in the affirmative.

Ms. Simon to explain her vote.

MS. SIMON: Thank you, Mr. Speaker. As I have often stated at various meetings that we've had, New York's current whistleblower protections are so narrow as to be elusory, protecting virtually nobody. As a result, employees have been afraid to complain about illegal conduct in the workplace or conduct that is dangerous to the health and safety of others because they fear retaliatory conduct that can take many forms: Demotion, termination, loss of compensation, reputational damage. This bill will protect those people

who in good faith make reports. And as Mr. Benedetto said, yes, in fact, you are supposed to report it to your supervisor unless it is a real threat to -- to life. So the reality is, this is going to provide New Yorkers with much-needed whistleblower protection so that the person who makes a report that there's an unsafe level of radiation in the lab isn't going to lose that case because they don't happen to have the equipment to do the measuring because that measuring equipment only belongs to the employer. That is unfair and it is unsafe, and New Yorkers now will be protected against such conduct.

Thank you, and I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 24, Rules Report No. 704, the Clerk will read.

THE CLERK: Assembly No. A03224, Rules Report No. 704, Hunter, Wallace, Kelles. An act to amend the General Municipal Law and the Public Authorities Law, in relation to including providing onsite child daycare facilities by a project into a uniform tax exemption policy.

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 3224. 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. Palmesano to explain his vote.

MR. PALMESANO: Yes, thank you, Mr. Speaker. I plan to support this legislation. I just put -- I do want to just kind of bring up a couple points that I just think that need deep consideration moving forward, especially with our IDAs. And when we talk about childcare centers I think that's something that they look at, and giving them the flexibility to look at these options, and I believe that's what this does. But I do believe also they have to look at the impact this could have as far as decisions and how they might play in places like certain sites that would be difficult for a -- a childcare center to be located in. I think our IDAs can help move this process along a lot further if we looked even change to the General Municipal Law to allow childcare centers to be added to the definition of (inaudible). I think that would go a long way and aid them in providing that assistance. And also I think also if we look at the General Municipal Law to include grants or loans to childcare centers, like in Section 858. So there's -- there's more we can do. Childcare is certainly an important part of our -- of our local economies and our local communities and helping people get back to the workplace and be in the workplace. And I just think as we move forward, I think reviewing this option is a good thing, but I -- I do think it's imperative

that we empower our IDAs to have flexibility in making these decisions and take into consideration -- I think one good start would be able to add childcare centers to the definition of projects so when they look to do this and aid our businesses and our employees and our workforce that would be a good thing.

So, I -- that's my explanation and I'm voting yes.

ACTING SPEAKER AUBRY: Mr. Montesano in the affirmative -- Palmesano in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 21, Rules Report No. 660, the Clerk will read.

THE CLERK: Senate No. S06052-B, Rules Report No. 660, Senator Reichlin-Melnick (A05683-B, Zebrowski, Dickens). An act to amend Chapter 89 of the Laws of 2016 relating to supplementary funding for dedicated programs for public school students in the East Ramapo Central School District, in relation to the powers and duties of monitors in the East Ramapo Central School District.

ACTING SPEAKER AUBRY: Mr. Lawler.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. LAWLER: Thank you. For years, the East Ramapo Central School District has been a source of controversy, anger and division in Rockland County. We've had contentious

elections and budget votes, civil rights lawsuits and one failed solution after another that has resulted in continued tensions between neighbors, and worse, a substandard education for our public school students who are predominantly Black and Brown children. It's been a long and difficult journey to this point, and my fear is if we stay on the current trajectory, not much will change. In fact, it may only get worse. It has to stop, and we must all stop pitting one community against another. The simple truth is, every child in this District, regardless of whether they attend a public school or a private school, regardless of their parents' income and regardless of which community they live in, deserves a quality and fully-funded education. The challenges run deep here. First, Rockland County schools are continually short-changed by a broken State school aid formula which treats our labor costs like Upstate New York schools as opposed to Long Island and New York City, costing us millions of dollars in direct State aid every year. This year alone we were shortchanged \$11 million in State aid, including over \$3 million to East Ramapo because of a broken State school aid formula that does not treat our labor costs as they should. Second, within this particular district the wealth-to-poverty ratio has long been wrong because the formula does not count the private school students in its calculation, thereby short-changing the students and families once more. On Foundation Aid this year, we did get a great increase in Foundation Aid, and I was happy to support that in the budget. We were able to get for East Ramapo over \$40 million in State aid, in additional State aid. But the

additional funding alone is not going to solve the problem here. Five years ago this Body approved a monitor to provide oversight to the East Ramapo Central School Board. Today my colleague has put forth a bill that we are on debate, to expand the authority of that monitor to include veto power. It is, in fact, the only one of its kind. And many of my colleagues are rightly concerned about the precedent of overruling a duly-elected school board. Two weeks ago I did vote to move that bill out of the Education Committee, and today I will vote to pass it on the floor. But as anybody will acknowledge, the monitor with veto power will not solve the problems in this district. Rather, it is a short-term measure that really requires a long-term solution without which is destined to fail. That's why a few weeks ago I introduced legislation that would fundamentally change the equation in this district and address the unique problem facing East Ramapo, which is how we fund mandated services for private school students. Currently, there are over 29,000 private school students and around 9,000 public school students in the East Ramapo Central School District. And the disparity between private school students and public school students will only grow, not shrink, in the coming years. Under current law, each duly-elected school board is responsible for the decisions surrounding private school students, and New York State reimburses the school districts at roughly 72 percent of those mandated services; bussing, books, special education. The bill I introduced would take those decisions and the funding mechanisms for them out of the public school system, and rather force New York

State, which mandates those services, and the State Department of Education to be fully responsible for funding them. I introduced two versions of the bill; one that would apply Statewide and one that would apply to school districts where 65 percent or more of the students reside in that district are enrolled in private schools. As we've seen in East Ramapo, this issue is a flash point and can cause significant, unnecessary division between different communities. We have to fix it. Allowing for private schools to work directly with the State Department of Ed on these issues of funding for mandated services will do that. It will alleviate the tension that exists. Alleviate the tension that the monitor is now going to have to oversee. It also would mean that the sole focus of the public school board would be to ensure that the public school students receive the fully-funded and quality education they deserve. No child, no child should ever, ever be left in a failing school system, and unfortunately for too many children in East Ramapo, that has been the case. If we're going to solve the problem here, we have to respect every community and the desire of every parent to educate their children. We have to respect school choice. Parents have that right to send their child to a school of their choosing. If we respect that, then the solution will be a lot easier here in East Ramapo. There's a lot of work to do. And I am fully committed to working with my colleague as well as my colleagues in the Senate to come up with a long-term solution here. As I said before, this bill is not going to solve the problem. It's a short-term measure which I will support. But we need a longer-term solution that



ensures every child in this district gets the services they are entitled to, regardless of whether they attend a public school or a private school.

With that, Mr. Speaker, I yield back my time and I will vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Smith.

MR. SMITH: Thank you, Mr. Speaker. Will the sponsor yield for a couple of questions?

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

MR. ZEBROWSKI: Absolutely, Mr. Speaker. I yield.

MR. SMITH: Thank you, sir. Just a few questions on this bill, as I think this is a topic that we've really talked about across the State of New York for many years and it's something that I think all of us are rightly are concerned about. So my first question. Does the board, the elected school board, have the ability to override the veto of these monitors?

MR. ZEBROWSKI: No, the board has an ability to appeal to the Commissioner. But if the monitor -- now of course you're not -- you're not -- we're not going through the entire process, right? This bill sets up a process --

MR. SMITH: Correct.

MR. ZEBROWSKI: -- by which if they were going to overturn a board decision or submit a resolution it would have to be because of a violation of State or Federal law or a violation of the

Strategic and Academic Fiscal Improvement Plan. So assuming they went through all those procedural steps that are set up within the bill, and then assuming they overrode a board decision, the board's ability would be either to appeal to the Commissioner that could then overrule the monitor's action or access the courts.

MR. SMITH: Okay. Now as I understand it, one of the things that's taken place in the East Ramapo School District over the last several years was the establishment of a ward system. Can you explain -- has that had any kind of an impact on what's going on with respect to governance and addressing some of these long-term problems the District's been facing?

MR. ZEBROWSKI: So that just happened, and actually I'm glad you brought it up because it's certainly something that was a catalyst to what got us here today after, as you said, has been many years and a monitor structure that has been in place, a different monitor structure since about 2016. So that voting rights case that was brought by the NAACP and the New York Civil Liberties Union against the board was decided recently in the NAACP's favor. And to summarize what was an initial trial court decision and then a -- the Appellate Court affirmed that decision, is then found that there was discrimination against the Black and Brown children in this district and that the parents did not have a proper say within their district and many other things. Just to -- to read maybe a simple quote from the Appellate Court judge's decision, it said, quote, "The record is replete with evidence that the private school-run board

was chronically unresponsive to public school concerns." These two decisions essentially read as a rundown of many of the things that have been publicly debated over the past six or seven years about this school district. So in winning that voting rights case, what the Federal court did was establish wards or districts in this school district as opposed to an at-large school district system, so therefore giving minority communities of interest the ability to elect folks to the board of their own choosing. Now, what it did not do was change the majority make up of the school board. So it was -- it was a tremendous victory because communities in that district need to have the ability to elect representatives of their choosing. However, it was limited in that it didn't change the overall majority make up of the District.

MR. SMITH: Okay. Thank you. I think that's an interesting point with respect to this. Under this bill, the extension -- is the extension five years for -- rather -- yeah, the extension is five years for this?

MR. ZEBROWSKI: Four years.

MR. SMITH: Four years. Okay. Now, is there a reason four years not, you know, two or three years or one year? You know, was that -- was there a thought process there on the four years?

MR. ZEBROWSKI: Yeah, quite frankly, the thought process is what's too little and what's too much. I think there is a desire amongst myself and many folks to implement this model, which I believe the public school -- public school parents and public school

children have felt like they were entitled to, quite frankly, since an independent report was done in 2014 that suggested this type of model. So the intention of this legislation is to set that up. But of course, the intention is also to find additional solutions to this District to bring people together and try to find a long-term solution to this District in -- that can, you know, be implemented in conjunction with this oversight model. So what's the amount of time to analyze a -- a -- an oversight model like this? You know, like, a year or two goes by pretty quickly. Right? So I didn't want to get into a situation where we passed this bill and we'd snap our fingers and before we know it, instead of sitting down and trying to improve the academic outcomes and programs in this public school district we were arguing about whether or not this bill should be extended. So we felt like four years gave us a proper amount of time to institute the model and to evaluate it.

MR. SMITH: Okay. Now, this bill also reduces the number of monitors from three to two. Must the two monitors agree if a decision is going to be overridden, or is that -- I mean, I'm assuming they work together.

MR. ZEBROWSKI: Yeah, we have pretty -- we -- in general there's monitors in there right now, in general they work together. We haven't had one situation where I think one monitor has disagreed with another monitor. But we do set up a framework where the Commissioner would have the ability to -- to insert his or herself should there will be a monitor disagreement. Of course there's other

provisions in this, too, where the monitors, if they find a violation of the Strategic and Academic Improvement Plan can appeal to the Commissioner themselves. So theoretically, in a situation like that two things could happen: The Commissioner could step in and sort of adjudicate the disagreement between the monitors, or theoretically, one monitor could go to the Commissioner and the Commissioner could take that action instead of the monitors.

MR. SMITH: Okay. And now with respect to what decisions that a board would make that the monitor can weigh in on terms of vetoing, can the veto -- rather, can the monitor veto any of the mandated services for the, you know, private school students that live within the District such as, you know, anything like bussing or any other services that they may receive?

MR. ZEBROWSKI: Well, there's a provision specifically on page 4, line 11 which says the monitor or monitor shall not override and adopt a proposed resolution or motion or submit a resolution that would diminish mandated services to non-public schools in violation of State or Federal laws, rules or regulations. So they would have to follow that provision.

MR. SMITH: Okay. And in your opinion, do you think that this will address the long-term challenges the District faces? I know there were a number of recommendations that were made a few years back. I believe this was, you know, one of them. What are your thoughts on that?

MR. ZEBROWSKI: The simple answer is yes, I

think it will address the challenges of the District. If you're asking me whether this is the only solution to the issues in the District, then I would say no. But it certainly will be positive and certainly will address them and certainly will move this district forward, provide the public school students and parents a seat at the table, and hopefully improve the academic programming and outcomes of these students in this District.

MR. SMITH: Okay. Thank you, sir.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SMITH: All right. Thank you so much, and I really appreciate my colleague for his work on this and for his thought -- thoughts on this. I, along with many educators around the State and people around the State, have definitely taken a particular interest in what's going on in the East Ramapo School District. My only real concern about this bill - and it's more of a technical nature - is the fact that with the establishment of a new ward system where you have nine essentially councilmanic districts, but with respect to a school board where you have duly-elected members, a concern that I have with the way the bill is written is the fact that if a -- one of these -- if these monitors were to override a decision of the duly-elected school board, that there would not be a way to override that. And -- and for instance, as was mentioned with the make up of the majority of the board, as I understand there is factions within the district, but now with this ward system you have nine members where there's a majority

and a minority. My concern is that even if both the majority faction and the minority faction happen to in unanimity agree with something that they could not vote to override the monitor.

So for that reason I personally -- I can't support the bill because I'm concerned that there's no -- with respect to a duly-elected school board, even if all nine members, admittedly from different factions, wanted to do something for their local community they -- there would be concerns whether they'd be able to accomplish that. So I do think the intention is good, but I personally can't support it for that reason. But I thank you, Mr. Speaker, I thank you, my colleagues, for that.

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 -- Senate print 6052-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.)

We withdraw that (inaudible). This was a Party vote. Any member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican

Conference is generally opposed to this legislation, but those who support it should contact the Minority Leader's Office.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Majority Conference will generally be in favor of this legislation. However, should members decide to be an exception they should feel free to contact the Majority Leader's Office and their vote will be properly recorded.

Thank you, Mr. Speaker.

(The Clerk recorded the vote.)

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

MR. GOODELL: Thank you, sir. We have a system of multiple levels of elected officials who are all selected by the voters within their district, and that includes our school boards. And I am deeply thankful and appreciative of all the time and energy that is put in by our elected school board members who are selected by members of the community. And so when we, as a State, move forward to put in a monitor who is not elected and who has the authority to override the duly-elected members of the school board, we need to act in a very circumscribed manner. It needs to be as limited as necessary to reflect the constitutional Democratic process of a school board. And so in unusual circumstances, as we have here, I support the concept of a



monitor because it's unusual and the problems are severe. But the length of time that the monitor is in place and the authority of the monitor needs to be carefully and narrowly described, and this bill is too broad, in my opinion.

And for that reason I and many of my colleagues will not be supporting it. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. For similar reasons, I will not be able to support this -- this bill. Local school districts should have primary presumptive control over the running of their schools through their duly-elected school boards. I think exceptions should be rare and -- when the State steps in to appoint monitors (inaudible) should be few and far between. I'm concerned about the unprecedented expansion of State authority with the monitor having veto power over school board decisions and for four years. I think that potentially sets a dangerous precedent, and so for those reasons I will also not be able to support this.

Thank you.

ACTING SPEAKER AUBRY: Mr. Lavine.

MR. LAVINE: Thank you. I suppose the reason that we have to provide more power -- powers to the monitor or monitors is that their efforts have been utterly frustrated by the school board, which is less concerned -- substantially less concerned with public

education than it is with providing benefits to private education. This has been going on for a long time. And in a lot of ways, East Ramapo is like a canary in a coal mine. This is a very dangerous situation. We do not step in to meddle with the Democratic process. We step in because the Board of Education is not fulfilling its obligation to the public school students of the East Ramapo School District. Our obligation, constitutionally, is to provide for a good public education for all of our children in our public schools. And I think the concept of providing more financial assistance to the private school system in the East Ramapo area is counterproductive and, in effect, will help to -- help to undermine our efforts to provide a public education for our children.

I think this is a good bill, and I think that a message has to be sent to the East Ramapo Board of Education. I've seen this happen in my own little city of Glen Cove, but I don't want to go into that right -- right now. But this is dangerous and we have to be very, very cautious. I will be supporting this, and as I cast my vote in the affirmative I'm thinking of our former colleague Ellen Jaffee, who fought so passionately for the children in our public school system in East Ramapo and throughout the State of New York. My vote is in the affirmative.

**ACTING SPEAKER AUBRY:** Ms. Bichotte Hermelyn to explain her vote.

**MS. BICHOTTE HERMELYN:** Thank you, Mr. Speaker, for allowing me to speak on this bill. I support this bill. I

just want to say that when I started my position as an Assemblywoman in 2015 I was introduced to this whole notion of us having a monitor because there were some detrimental things that happened to the public school district out in East Ramapo. And as a result of that, I -- I, you know, I was attacked and there was even some division within the Brooklyn community. But after the fact, I think for years former Assemblywoman Ellen Jaffee and Zebrowski and many of the constituents both in the private sector -- public school sector got together to understand and talk about why it was important to have a monitor. And five years ago I said it is our fiduciary responsibility to make sure that no child is left behind. And I stand on that -- those same principles. This was a school district where students used to go to the top schools, and as a result of funding that was stripped away from them, 60 percent rate of -- the percentage of rate of -- of graduation went down to 60 percent. That was problematic.

So I am really happy for this bill. I support it. It is our fiduciary responsibility to make sure that every child is included in getting resources and the necessary things to -- to compete in our world. And -- and this is for all children. Children in the private sector as well as children in the public sector. But it is definitely our fiduciary responsibility. And having being in law school and learning the different constitutional 14th Amendment issues around education has been very enlightening.

So with this said, Mr. Speaker, I vote in the affirmative and I ask my colleagues to do so.

ACTING SPEAKER AUBRY: Ms. Bichotte

Hermelyn in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleagues Mr. Montesano and Mr. Schmitt in the affirmative in addition to the votes on the floor.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, we do have a few exceptions. Our colleagues Ms. Rozic, Mr. Daniel Rosenthal and Mr. Eichenstein are in the negative on this one.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 18, Rules Report No. 557, the Clerk will read.

THE CLERK: Assembly No. A05339, Rules Report No. 557, Paulin, Gottfried, Cahill, Cook, Galef, Gunther, Magnarelli, Lupardo, Dinowitz, Benedetto, Abinanti. An act to amend the Public Health Law, in relation to funding Early Intervention services; and to repeal certain provisions of the Public Health Law and the Insurance Law relating thereto.

ACTING SPEAKER AUBRY: On a motion by Ms.

Paulin, the Senate bill is before the House. The Senate bill is advanced. An explanation is requested.

MS. PAULIN: Yes, of course. The bill would create a Statewide pool from which counties and the State would be allocated funds to pay for Early Intervention services.

ACTING SPEAKER AUBRY: Mr. Cahill.

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

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

MS. PAULIN: I would be happy to.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. CAHILL: Thank you, Ms. Paulin. Thank you, Mr. Speaker.

Ms. Paulin, in Section 2 of the bill, page 2, line 4, you refer to Section 2807-S of the Public Health Law. Can you describe what exactly that is and what it does?

MS. PAULIN: I'm looking for it, sorry. Section 2, line 4. So it says subdivision 6 of section -- is that the -- is that the sentence you're looking at?

MR. CAHILL: Well, it refers to Section 2807-S.

MS. PAULIN: So do you -- I'm unclear what you're asking me. Are you asking me what we're adding to that section because that's what --

MR. CAHILL: No, I'm asking you what that -- I'm

asking you what that section is, what is 2807-S?

MS. PAULIN: I'm not sure what you're referring to. I'm mean, it's -- so maybe you -- clearly, you know the answer, maybe you want to address and talk about it.

MR. CAHILL: Well, I'm not sure that's the way this works, Ms. Paulin, but we'll try that. I believe it refers to the covered lives assessment. Would you agree that your legislation, which indicates Section 2807-S, refers to the covered lives assessment?

MS. PAULIN: Yes.

MR. CAHILL: Oh, okay. I just wanted to make sure. Okay. And what exactly is the covered lives assessment?

MS. PAULIN: The covered lives assessment is an assessment on the insurers or the insured by creating an assessment on the insurance companies to fund various things that we, in the Legislature and the Governor, agreed to in the budget. For example, the main original reason was to fund graduate medical education, but that fund has grown to represent other things, as well.

MR. CAHILL: And -- and how exactly do we calculate and charge that covered lives tax?

MS. PAULIN: I'm sorry, say that again, Kevin, I --

MR. CAHILL: I said, how do we calculate and charge that covered lives tax that -- that we impose?

MS. PAULIN: Well, we -- it's largely based, believe it or not, on the amount of graduate medical education in a particular community, that's why you see -- and it's done by region, which is why

you see an assessment that's different in different counties because it's run by region, and -- and related to how many graduate medical education programs are in that area.

MR. CAHILL: So who -- who pays this assessment?

MS. PAULIN: The individuals who are insured.

MR. CAHILL: So we do, the people of New York State who pay insurance pay that charge, correct?

MS. PAULIN: Yes, we -- we pay that charge. So for example, your county and mine are in the same community, or in the same region, and that assessment is \$36.80 annually.

MR. CAHILL: Thirty-six dollars and 80 cents annually for each and every covered life, correct?

MS. PAULIN: Right.

MR. CAHILL: So if I have a family policy and there are four of us in the family, it would amount to about \$132-, \$133 give or take?

MS. PAULIN: Actually, I -- I misspoke, it's \$35.44 and the -- and the family for four would be \$116.96.

MR. CAHILL: Got it. Understood. So -- so the covered lives assessment is really a tax that gets paid by people who get insurance because it's built into their price of insurance and the insurance companies pass that cost onto the consumers who buy insurance. Is -- is that your understanding of how the covered lives assessment is generated?

MS. PAULIN: Yes.

MR. CAHILL: Okay. So if we increase that fee, if we increase that tax, aren't we increasing the tax on people who are paying insurance?

MS. PAULIN: Yes, we're increasing the tax by under four percent, .038 percent, and it results in \$1.36 per covered life, for example, in our -- in our counties annually.

MR. CAHILL: So -- so you are increase -- your bill would increase taxes on people who are already struggling to pay for health insurance?

MS. PAULIN: By \$1.

MR. CAHILL: By \$1. By \$1 here, \$1 there.

MS. PAULIN: A dollar annually.

MR. CAHILL: Ms. Paulin, are you aware of how many taxes consumers pay on their health insurance right now? What the impact is on health insurers for their taxes when -- when they're paying their premium and when we determine whether health insurance is affordable? I'll save you some time, it's over \$1,000 per person. It's over \$5 billion, with a B, a year. And you're today, to fix a different problem, have decided that the most appropriate way to do that is to assert a tax on people who get health insurance instead of, say, millionaires, billionaires, people who, you know, have big giant houses and pay a lot of property taxes for those big houses. People who have a lot of capital gains and make that. So -- so you want to shift the cost of this program from them to people who are paying health insurance. Am I clearly understanding the math involved here?



MS. PAULIN: What we're doing is we're shifting the burden off the property tax. Like, for example, in my county, 10 percent of the property tax is related to the expenses of -- of Early Intervention services, so we're shifting it from the senior who can't afford to stay in their home and can't afford to pay property taxes. We're shifting it from the -- the person who just suffered from the pandemic and lost their job and can't afford to pay their property taxes. That's the shift.

MR. CAHILL: Oh. So the shift is from real property taxpayers and income taxpayers, too, if I'm not mistaken, to health insurance ratepayers. So if somebody has a home but they also have health insurance, you're putting it in one pocket, but you're taking it out of the other pocket to put it there, right?

MS. PAULIN: Yes. We had collectively, I think you were part of that original group in 2002, met to decide how we were going to address this entire burden on Early Intervention and the fact that the insurance companies are not really paying their fair share and, in fact, only pay 15 percent of the claims that are sent to them by the State and the counties. So we had met and decided that this was a way to get the insurance companies to pay their fair share.

MR. CAHILL: I understand that question, and we'll get to that in a moment, I just want to really make sure we understand what you're doing math-wise here. You are taking something that is currently paid for by everyone through general revenues in the State of New York and through general revenues in the county, and that means

the wealthiest pay for it in the State, rich people, rich people pay for it even when, you know, no matter how much they're paying for health insurance, and you're putting it on working people who pay for their health insurance. As long as we understand that's what you're doing to solve a problem, I'm okay with that.

MS. PAULIN: We -- we are --

MR. CAHILL: So now -- now we can move on -- if you don't mind, we can move on to -- to the other question that you're raising. And the question that you're raising is who's paying for it now and -- and why are insurance companies only paying 12 to 15 percent of the claims that are filed. Why do insurance companies pay anything for this program?

MS. PAULIN: Because they're health-related -- they're health-related. For example, the way -- I'm sure you know this but, you know, when someone has a -- a child zero to three, they go to the county for an assessment of whether or not they would be eligible for Early Intervention services, and -- and an IFSP is developed, an Individual Family Service Plan is developed and with the Health Department, so it's health-related services, and that's agreed to. So they have a service plan. And then a provider provides those services and needs to get paid. And they go to the insurance company because that's a health-related service, and the insurance companies unlike, for example, Medicaid that pays 70 to 80 percent of those claims, only pays 15 percent. And it's been a struggle for the insurance companies to acknowledge that these are health-related concerns that they have to

pay for.

So because they have never paid their fair share after all these years, we have to come up with a scheme that requires them to do so. Now, \$40 million, which is what we have in here, does not even account for all of the claims that are submitted, it's about 76 million claims that are submitted so this will be about half --

MR. CAHILL: Ms. Paulin, if I could interrupt you for a moment, Ms. Paulin, if I can interrupt you --

MS. PAULIN: Sure.

MR. CAHILL: -- because I think that's a very critical point. You've been using the term *health-related services* interchangeably with things that are covered under insurance plans. Do you believe that all health-related services are covered by insurance? Everything that's health-related is covered by insurance, because that's really good news to me. There's a lot more I want to --

MS. PAULIN: No, obviously, we wouldn't have all the bills in your Committee that we want to mandate additional services; however, a lot of the issues or the -- the related services, just seeing the contrast between Medicaid and private, we know that Medicaid has been paying 70 to 80 percent of the claims and the privates only 15. So we know there's a disparity and Medicaid is the same -- under the same rubric as the private in terms of what they pay.

MR. CAHILL: Thank you. Thank you, Ms. Paulin. I don't want to run out of time because I certainly have more than 15 minutes of questions to ask you. So -- so I understand that Medicaid

pays more and we can come to that in a moment, but let's talk about why an insurance company pays for something. Doesn't an insurance company pay for what we call not a health services or health-related service, but a covered benefit. If it is in your contract, it's paid for, and if it's not in your contract it's not paid for. Isn't that what health insurance does?

MS. PAULIN: Yes. And if we didn't have a lot of disputes about what's in and what's not, I would acknowledge that it was absolute. But there's -- there are an incredible amount of disputes.

MR. CAHILL: I totally understand. I totally understand, Ms. Paulin, and we'll talk about disputes, too. But the fundamental issue here is that health insurance covers covered benefits. And if you submit a claim to a health insurance company that is not a covered benefit, are you suggesting they should pay that claim?

MS. PAULIN: I am suggesting that they need to be fair in their assessment of what those claims are.

MR. CAHILL: No -- no question. But are you suggesting that because something is a health-related service and that claim is submitted to a health insurance company whether or not it is a covered benefit it should be paid? That's my question because --

MS. PAULIN: A lot of the -- you know, a number of years ago I had done a bill related to Early Intervention which required insurance companies not to deny on some of the technical issues. I would argue that they are still doing that; in fact, I know for a fact that

that's what providers are claiming, that they're not timely, that it's not happening on a regular basis. So in addition to assessing whether or not it's covered, insurance companies are avoiding paying based on things that have nothing to do with that.

MR. CAHILL: Thank you, Ms. Paulin. I'm about to use up the rest of my time and I'd rather not use it with you filibustering the questions that I'm asking.

So Mr. Speaker, on the bill.

ACTING SPEAKER PICHARDO: On the bill, sir.

MR. CAHILL: Thank you, sir. Let's be clear. What Ms. Paulin's bill proposes to do is to take something that is paid for with general revenue today and now pay for it with insurance premium money. That is taking it from the 19 million people in the State, the rich, rich people in the State, many of whom live in her district that she represents, one of the wealthiest districts in the country, and taking that money from people in the poorest districts who are -- maybe just recently got health insurance as part of the covered lives assessment. Now, the fact of the matter is the covered lives assessment is adequate already to cover it and Ms. Paulin has another bill that would do that without raising that fee, but she chose instead to raise the fee. Is it necessary? No. Who does it serve? Well, it certainly serves the Association of Counties, which is looking for a way out of their cost -- their costs associated with this mandate and it is a just cost for them, and that she's looking for a way to make sure that it gets paid for in a way that relieves them.

Why are we even talking about this? Well, because providers are required today to file claims. Providers. Low-wage providers are required to file claims, and when they file claims they don't always know what they're doing. They often file claims for things that aren't covered benefits. They often file claims wrong. They often file claims late. And in those instances, they go through a claims appeals process and at the end, an external review process, not the insurance company decides who pays, and it is the external review process that has decided that insurance companies will pay only \$15 million instead of \$80 million worth of claims.

It is not the insurance companies. It is clear that some of those claims should've been paid if they were timely filed and properly filed. And that's why Ms. Paulin's other bill provides for \$20 million, a 60 percent increase over what is being paid today. A 60 percent increase that would come out of what is called the collar, the surplus in the -- the covered lives assessment, not asserting a brand-new tax of \$40 million on ratepayers in New York State.

Mr. Speaker and my colleagues, no one has worked harder to get this monkey off the back of the providers of the State of New York so that kids can get the services they need and these providers can provide the services they need than I have. I've worked on it diligently for 20 years, and this year helped Ms. Paulin craft a bill that would do so, a bill that even the insurance companies agreed that they are responsible for. And instead of bringing that bill forward, Ms. Paulin and this bill choose instead to do a money grab on behalf

of the counties and the wealthy taxpayers who were not putting a significant portion of their income aside for health insurance like you and I are and like our constituents are --

ACTING SPEAKER PICHARDO: Mr. Cahill, unfortunately your time is up, but you are most certainly welcome to come for a second round if you need to.

MR. CAHILL: Well, I don't think I am welcome to come for a second round, Mr. Speaker --

ACTING SPEAKER PICHARDO: No second rounds. My apologizes.

MR. CAHILL: I will explain my vote. Thank you very much.

ACTING SPEAKER PICHARDO: Not a problem.  
Mr. Byrne.

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

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

MS. PAULIN: Yes, thank you, I will.

ACTING SPEAKER PICHARDO: The sponsor yields.

MS. PAULIN: Happy to yield.

MR. BYRNE: Thank you. I'm sorry you got to -- you got to deal with the Kevin's this afternoon.

Thank you. I -- I don't want to be overly redundant.

Some of the questions were asked already that I -- that I wanted to ask, as well, but covered lives assessment, we -- you know, we reported this out of Committee, there wasn't a whole lot of discussion, but I think a lot of folks do need to fully understand what a covered lives assessment is, how -- how that tax is paid. Some of the previous discussion with the previous speaker addressed that. My question is, how is that assessed on the various individuals, and would you agree that compared to our State's income tax, and even property taxes, which no one likes, but it's assessed on the -- the home value, that a covered lives assessment is more regressive?

MS. PAULIN: So the -- the State has a pool of money that is \$1.45 billion used for a variety of things that we outline ourselves, right? And then it's assessed -- that then an assessment is made to raise that amount of money on the insurance companies. That -- how the insurance companies decide to apportion that to individuals, I've learned as of yesterday from the Department of Insurance and Department of Health and DOB that that's up to the insurance companies. Most of them like to have a standard amount, because sometimes, you know, there's a -- a refund. Very occasionally, actually only twice in the history of the last ten years have there been any type of collar or surplus given back to the insurance companies, but that's -- that's essentially how it's -- it's configured.

MR. BYRNE: So -- so I -- I think based on the previous discussion from my understanding, I think in actuality it does



become more regressive where it would disproportionately probably affect folks who may be struggling to pay premiums, and while I understand and respect you -- you -- you've continued to say that this be paid by health insurance companies and I think when we talk about that, we get this vision that these -- these corporate groups are going to be paying all this, but the real direct effect is on their customers who are paying increased premiums. And as was noted before, I think you just said about \$1.5 billion is collected through those companies, but that also affects their -- those health insurance premiums paid by New Yorkers.

MS. PAULIN: So the New Yorkers, I mean, we have an employer-based insurance system --

MR. BYRNE: Mm-hmm.

MS. PAULIN: -- and so most private insurance is paid through that mechanism. So individuals are getting a benefit through their employer, so you might want to -- you know, you might look at it that, you know, employers, businesses, are yes, are paying that but I would argue that individuals are paying almost -- you know, they're pay -- there -- there -- there may be -- I don't know if it's affecting their salaries or whatever, but the -- the employers are actually paying the amount of money and this bill only requires, in some regions it's less than \$1 increase over an annual year.

MR. BYRNE: Well, I -- you know, I --

MS. PAULIN: If you told those people that at the same time that their property taxes, something that they do pay

individually, is going to go down as a result, I think that many people, most people would take that trade.

MR. BYRNE: Well, I -- I this -- so actually talking about that, the property taxes, the county, what they're paying right now compared to what you're proposing, you know, you look at the -- the bill, and we're talking about Early Intervention services, a lot of folks think, *Oh great, I'm voting for expansion of the Early Intervention services*, that's not what we're really doing, we're shifting those dollars now to -- to this -- this assessment. Is that -- would you agree with that?

MS. PAULIN: We are shifting about \$28 million to an assessment. The insurance companies currently pay about \$12- currently.

MR. BYRNE: Mm-hmm. Now I'm glad you mentioned the employers as far as plans, because recently I got an opposition memo from a large list of groups cited, the Business Council of New York State, the Business Council of Westchester, the NFIB, Upstate United, I'm not even sure who that is, that expressed concerns about this legislation and that the covered lives assessment is one of several health insurance taxes. It was mentioned in your previous discussion with our colleague, all the hidden taxes, whether it's HCRA, they account for close to \$5 billion and I know we've -- I've read different reports in the past that it can be attributed to premiums being increased anywhere from 7 to 12 percent in these taxes, and people don't see them. So I feel like when we vote for these

things, it's easy to vote for a tax increase when people don't see it, you know, outlined that we voted for a tax increase. But I think in actuality for some people that is what it is going to become. I mean, can you --

MS. PAULIN: It's -- it's going to be that for an individual that pays for their own insurance but, as I said, most people do not, you know, and -- so the employers will have to, which is why some of those groups that you mentioned are -- represent the businesses and the employers. But we're talking about so little money to benefit the property taxpayers that -- and I know that that's really, you know, what we hear about as elected officials, you know, the burden of property taxes in our various counties. And that's what we also want to ensure -- one of the things we didn't talk about is what does this do for the providers. It ensures that we'll have them because currently a lot of them are put out of business because of the lag that it takes to get the answer from the insurance company. When they don't get the answer from the insurance company, which can take weeks and months, they don't get paid from -- from the State Fiscal Agent. So -- so this will take that out of the -- of the formula and we will then have more providers, especially in rural areas where we have so few to begin with, of Early Intervention providers.

MR. BYRNE: Yeah, I --

MS. PAULIN: So this bill will accomplish a lot of that.

MR. BYRNE: Thank -- thank you, Ms. Paulin. Just

to circle back a little bit again, the \$40 million, I think you kind of outlined already how you came to that number, 50 percent of those claims, but that's regardless if they were deemed medical or non-medical services. Is that correct, that's just a --

MS. PAULIN: I -- I think what we're --

MR. BYRNE: -- 50 percent of the overall claims?

MS. PAULIN: Fifty percent of the -- roughly 50 percent of the overall claims that are currently claimed, right, because claims go up every year, there's more people, more -- more populous. So -- so yes, 50 percent, recognizing that Medicaid now pays 70 to 80 percent. So if you happen to be a recipient of Medicaid as opposed to a private insurer, there -- you're -- you're getting much more bang for your buck in terms of your -- of the -- of the way that insurance is provided to you.

MR. BYRNE: Thank -- thank you, Ms Paulin.

On the bill, Mr. Speaker.

ACTING SPEAKER PICHARDO: On the bill.

MR. BYRNE: I want to thank the sponsor for answering my questions. I think, you know, her heart's definitely in the right place. It sounds like she has another proposal that it would be much easier for some of -- of our colleagues, including myself, to get behind and support without actually increasing that tax on those who are paying for health insurance benefits. Again, I noted some of the organizations that have expressed opposition to this, including from the business community and I would just say again, you know,

New York State is traditionally ranked as one the least business-friendly states in the nation. I think we went up maybe one point where we were 49th a year ago, maybe we're 48th. Either way, we're ranked really, really poorly and we need to do better.

Really in the end, I think this shifts costs to individual customers, families, people that have union benefit plans, small businesses, large employers, with a huge hidden tax on the cost of health coverage. I understand county governments are probably going to like it because somebody else is going to start footing the bill for something that they've been paying right now, and I can understand that. I think there's a better way, so I will be voting in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER PICHARDO: Thank you.

Mr. Abinanti.

MR. ABINANTI: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER PICHARDO: On the bill, sir.

MR. ABINANTI: You heard from the insurance industry point of view. You heard from the Chair of the Insurance Committee. Now let's talk about it from the point of view of the kids. Let's talk about it as the Chair of the Committee on People with Disabilities. Governor Mario Cuomo established a system in New York which was a model for the country -- for the country. He realized that babies who had disabilities could be helped in a way that would last their entire lives. He realized we needed a system of Early

Intervention. We had to intervene in these little lives as soon as possible, give them physical therapy, occupational therapy, all kinds of other therapies and if you did it soon enough and if you did it right, those kids might actually overcome their disabilities and not need services for the rest of their lives. Any delay, even of a few weeks for a baby that is six months old, is a large part of their life. He realized we needed to do this and we shouldn't haggle over how much it was going to cost because in the end, it was far cheaper to those kids and to our society.

Unfortunately, the present Governor Cuomo changed the system and he shifted the burden of paying for it and collecting the payment for it to a different system. And he put the burden of collecting insurance proceeds on providers. Providers, now we think sometimes of the providers as big entities to rival the insurance companies. I walked into a room several years ago before we changed the system. There were 45 providers in the room. Forty three of them women in women-owned businesses. They were occupational therapists, physical therapists, feeding specialists, and he told them that in addition to the minimal amount of money they got paid for their services, they were going to have to now set up an administrative bureaucracy to collect monies directly from the insurance company before they could submit their bills to the State and to the counties to get paid the rest of their bill. Now we've converted these little businesses into collection agencies. And if I were to walk into that room today, there wouldn't be 45 women. There'd be a handful

because they all found they couldn't do it, they were owed hundreds of thousands of dollars after the first year, and they fled to other fields. They could get paid providing the same services in nursing homes, in hospitals and in schools. And the end result is we have waiting lists. The City of New York, never before did we have waiting lists. Now they have a waiting list and the shadow waiting list. Because the City of New York decides that somebody gets moved off the waiting list as soon as they get the first service. So if the infant needs three or four services, once they get the first one they're now deemed to have been off the list. So we have an awful lot of little kids, babies, who are not receiving the services they're supposed to get.

Why? Because the providers have left the field. Why have the providers left the field? Because they are supposed to be collecting from insurance companies. Any of you deal with insurance companies, you get that little thing in the mailed called the DOB, you know, it's -- it's a -- it's an EOB rather, EOB, telling you in some kind of strange foreign language why they're not paying the full bill. Imagine being a provider that has to deal with thousands of these and figure out which ones they should contest and which ones they shouldn't. That's what they're facing. That's what they're facing. This bill is saying let's get rid of this nonsense. Let's just assess the insurance companies an appropriate amount. Let them take into the system. They don't need the paperwork and certainly the providers don't need the paperwork. Now -- so we see insurance companies actually forcing providers out.

Now let's take a look at this from another point of view. There's been some suggestion that these are not the appropriate services. Well, what about the parents who are paying for insurance? They see their insurance dollar and a large percentage of it going to pay for end of life services. They're not saying we shouldn't be paying for their parents or their grandparents or other people's grandparents when they have cancer, when they're in long-term care, whatever. All they're saying is give us a little piece of that for the beginning of life. Let's not spend all of it at the end of life. Let's take a little piece of that and maybe help some of these kids overcome their disability so they can lead a life like the rest of us. Forty million dollars is absolutely nothing in the big scheme of things. We could be talking a huge amount, more insurance companies make more money than ever. You know, I find it very interesting. Those people who are saying we should not have government health care, we should use the present system, we should be using insurance companies. Well, we're trying to use insurance companies now we get push back. Oh, we can't use the insurance companies because these things are not considered benefits. If it were up to the insurance companies, nothing would be considered benefits.

One of the first things this Legislature did when I got here was to change the Insurance Law to mandate that insurance companies not exclude services that they provide everybody else because the person had autism. Insurance company policy always was, yes, it's the same service we give everybody else, but you've got



autism so, therefore, you can't get it. That just gives you an example of what the providers are up against when they are trying to get services that the insurance company says, well, those are behavioral, those are not health care. Whatever happened to the concept of -- of parity that this Legislature stands for?

So what this bill is doing is telling those parents who out-of-pocket pay for insurance, they're paying for something that's going to benefit them and their kids, and it's going to impact those kids forever. You know, insurance is a way, like taxes, of spreading the burden. This is not about adding \$1 a year to the pockets -- to taking another \$1 a year out of the pockets of poor people. This is a system that we have where we all share the burden, just like in government, we share the burden by assessing taxes on those who have and giving services to those who don't. Insurance is supposed to be those who can afford it pay for it and those who need it get the services.

Finally, Mr. -- Mr. Speaker, I want to look at this from the point of view of other taxpayers. For every one of these children that we help, we are saving millions and millions of dollars. There are some assessments out there that say it costs over a \$1 million for the -- for the life of an adult with a disability. So we're talking here about \$40 million to help hundreds of thousands of kids over the years. Just think in terms of the money we're saving the taxpayers of the State of New York who must pay into Medicaid, must pay for the services of kids and adults in group homes, and all of the

other services that are needed. So if you want to be just crass about this and just balance the monies, it's far cheaper to do what's being proposed here than to leave the burden on the taxpayers.

So I want to commend the sponsor of this bill and I want urge my colleagues to pass this legislation. This is a good public policy. It's going to help kids, it's going to help kids, and it's going to help small businesses who will no longer have to fight with insurance companies to get paid, and it's going to make our community and our State a better place. I vote in the affirmative and I hope my colleagues will, too. Thank you, Mr. Speaker.

ACTING SPEAKER PICHARDO: Thank you.

Mr. Gottfried.

MR. GOTTFRIED: Thank you, Mr. Speaker. This is an enormously important bill.

ACTING SPEAKER PICHARDO: On the bill.

MR. GOTTFRIED: And I want to give you a little history. When the Early Intervention Program was created back in the early, mid-'90s, a decision was made, and I think it was a sensible decision, that these services for kids at -- essentially under three, which is what's covered by Early Intervention, are essentially health care. That's why we put Early Intervention under the jurisdiction of the Health Department, and that's why we decided that for people on Medicaid, which covers health care, Medicaid would cover Early Intervention for those families. Early Intervention is health care. But insurance companies have, from the start, refused to pay for this

particular kind of health care, and almost never do. They find all sorts of arguments for why this claim or that claim won't be -- won't be covered. *Yes, this service was covered by the child's IEP, but our insurance company didn't give prior authorization. Or, Yes, the providers are licensed and recognized by the State to provide this service but, oh my goodness, they're not in our network.* That's -- that and a bunch of other reasons are why health insurance companies have consistently been able to avoid paying for this particular brand of health care.

Now, you might say, *Well, why don't we just pass a bill that orders them to pay for Early Intervention services?* Well, the problem with that is that 60 percent of private health coverage in New York is not actually delivered by health insurance -- is not paid for by health insurance, it's paid for by something called employment sponsored self-insured plans. And without going into a whole lot of rigamarole, those plans under a Federal law called ERISA, are exempt from New York State regulation. So for the vast majority of families that have health coverage through the private sector, New York cannot make their health plan pay for Early Intervention or anything else, by the way.

That brings us to the covered lives assessment. The covered -- this bill essentially would make a trade with the insurance industry. We would tell them, *Forget about paying claims for Early Intervention, forget about wasting your -- your stockholders money fighting against these claims, we're going to take all of these claims*

*out of your scope. You will never again have to pay them.* Instead, we will take \$40 million, which is roughly what they ought to be paying for Early Intervention, we'll just take that from this fund called the covered lives assessment. Don't pay claims, we'll just take the money. Thank you very much, go live and be well. One (inaudible/mic cut out) about the covered lives assessment is that thanks to a U.S. Supreme Court decision back in the mid-'90s, we can tax those self-insured plans through the covered lives assessment. So while we can't order those self-insured plans to cover Early Intervention we can tax them, and that's what this bill does.

If we don't do this, then families are going to have to keep banging their heads against the brick wall of insurance companies because we don't let them turn to the county for reimbursement until they have banged their head against this brick wall. So they're going to have to keep banging their heads against the brick wall, their providers will have to keep not getting paid while the family bangs their head against the brick wall, and the providers who serve these children with disabilities will suffer and will drop out of the field, as has been happening. The families will suffer and above all, the children will suffer. The alternative is to say, yes, health plans should pay for health care. Early Intervention is health care. This is really the only practical mechanism we have to make sure that health plans in New York do pay for this critically important piece of health care.

This is a -- a smart piece of legislation and it solves a

serious problem that has been -- that has been torturing infants and toddlers and their families, and the professionals who try to serve them, and it's torture that has been going on primarily to serve the stockholders of insurance companies. It's time for a change and that's what this bill does, and I'm just delighted that after I think it's 16 or 17 years that Ms. Paulin has been fighting for this bill. It's now passed the Senate and I expect it will pass the Assembly and it's a great day, particularly for our most vulnerable little children. Thank you.

ACTING SPEAKER PICHARDO: Thank you.

Ms. Miller.

MS. MILLER: Yes, thank you.

On the bill.

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

MS. MILLER: You know, I'm listening back and forth to this debate and I just -- I have to stop and pause. As a parent of two children who have benefited from Early Intervention, and albeit, this was 20-plus years ago at this point, it was a gold standard program. It was the lifeline between connecting and receiving those services that are so, so critical. More and more in the past decade, EI has been steadily underfunded. What are these families supposed to do? I have taken so many calls from parents not being able to connect and get in the services. Ultimately, it means that these kids in need that don't get the services and resources become bigger burdens later in life. These kids have a chance to catch up, have a chance to be less

needy, to get some back on track even. This -- the early push that was recognized as critical if we get to these kids early in their first three years, it seems to have lost its value to the current Administration.

You know, I'm not really very technical with all of this, you know, back and forth, but I can speak for the families when I say we want to be able to give our children, our babies, any and every chance for the best potential for success. Are we shifting costs? Yeah, maybe. You don't like that? I get it. But are you okay with sacrificing these babies and the services that are so very critical for their success? I'm not. So I thank sponsor for this bill and I will certainly be voting affirmative. Thank you.

ACTING SPEAKER PICHARDO: Thank you.

Read the last section.

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

ACTING SPEAKER PICHARDO: The Clerk will record the vote --

(Pause)

The Clerk will record the vote on Senate 5568. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. To explain my

vote.

ACTING SPEAKER PICHARDO: Explain your vote.

MR. GOODELL: I absolutely agree with my colleagues who have said we need to put the kids first. And unfortunately, the current system doesn't do that because it imposes all these hurdles for the families trying to get funding for these critical services. So the solution that's being suggested today is that we cut through all the red tape and just tax the insurance companies and then redistribute it back on a pro rata basis, eliminating all the paperwork, the delays, any pre-approvals, and making it easier on the families. And in the process the counties, which put a substantial portion of the -- these costs are delighted because they're hoping that this program will reduce the county taxes. And EI, Early Intervention, is a major factor in local county taxes.

But what is missing from this debate is that these are not the only two alternatives. As one of our colleagues pointed out, what this does is increase the cost of health insurance. And already, New York taxes health insurance to the tune of over \$5.2 billion. It's the third highest source of tax revenue in the State of New York. It's a billion dollars more than we collect on the corporate franchise tax. And we all know that health insurance is very cost-elastic, meaning a 1 percent increase in health insurance results in about a 1 percent drop in the number of people who have it.

So we're arguing about the wrong thing, in my

opinion. Our argument ought to be why isn't the State of New York using its general personal income tax and its general taxes to offset the cost of this? Why aren't we using our general revenue to keep all these other costs lower? That's the right approach. This unfortunately just shifts costs from one bad program -- one bad cost to another bad cost for us and, therefore, I oppose it. Thank you, sir.

ACTING SPEAKER PICHARDO: Mr. Goodell in the negative.

Mr. Cahill to explain his vote.

MR. CAHILL: Thank you, Mr. Speaker and thank you, colleagues. I want to point out that this issue did not arise just when the Governor changed the system, it's an issue that we've been dealing with; in fact, I attended a hearing with Mr. Gottfried and the then Insurance Chair Mr. -- Mr. Grannis in 2000. We've been dealing with it for that long. A no vote today does not mean we will not take care of the children. Let's be clear, this imposes a new tax. We probably can't do that until after the Budget is passed next year and, in fact, collection is not effective until April 1st of 2022. We can instead substitute at some point, if not now then over the course of the next several months or into the beginning of next year, Assembly Bill No. 7996, which accomplishes exactly what needs to be accomplished for the providers, exactly what needs to be accomplished for the children, and does not raise taxes.

What does it do? It reduces the opportunity for the State of New York to sweep that extra money out of the covered lives



assessment and still provides for the means by which this can be paid for. It assures that it will be paid for in eternity, as opposed to having an assessment that may have to be increased. I regretfully request a no vote and -- and urge my colleagues to join me in a no vote so we can come back and fix this the right way at the right time. Thank you, Mr. Speaker. I withdraw my request and vote in the negative.

ACTING SPEAKER PICHARDO: Mr. Cahill in the negative.

Ms. Lunsford to explain her vote.

MS. LUNSFORD: Thank you. I want to commend the sponsor of this bill for finally fixing a long-standing problem that has left our most vulnerable children behind and beleaguered our counties. Right now, our children in need of Early Intervention services are waiting for months to get access to the services they need now. The earlier we can get these kids in a treatment, the more likely they are to need less treatment in the future, which doesn't just let that child live a fuller, more productive life, but it costs the health care system substantially less over time.

Right now our counties, meaning our property taxpayers, are footing the bills for these services. This bill would shift that cost on the health plans. That's why this bill is supported by Statewide child advocacy groups, parents of children with disabilities, county executives, county legislators, and county health officials, because it allows us to expand Early Intervention services to every child who needs it today. It shortens wait lists. It will incentivize

more providers to provide Early Intervention services, and it shifts the burden of an unfunded mandate away from our counties, allowing them to pass that savings onto the taxpayer. I am proud to stand in support of this bill today and I vote enthusiastically in the affirmative.

ACTING SPEAKER PICHARDO: Ms. Lunsford in the -- in the affirmative.

Ms. Paulin to explain her vote.

MS. PAULIN: Thank you, Mr. Speaker. So

I just -- you know, this bill has been around as -- as several members have said for about 20 years, and we started with the premise that Early Intervention services are, indeed, health services, as one of my colleagues on the floor has already stated. When the second proposal -- and that's what I want to address, I know it was brought up by several -- was brought to me, I recognized that that might be an alternative, that the insurance companies were telling us that there's already surplus money in covered lives and why we don't just instead of them getting it back, which is what they claim happened, we would then allocate it to Early Intervention. So I was intrigued and I decided that I would introduce that bill as a backup proposal.

In preparation for today, understanding that I would be debated, I called DOB and I said, *Exactly how much is that surplus money, how much over the last ten years*, so we would know if, indeed, that proposal that was being advocated by the insurance companies was going to happen. That was going to be the solution. And what I learned was that there has not been a surplus; in fact, in the last four years, the deficit has reached \$92 million, \$60 million, \$84 million. So -- and who pays for that? The State pays. So we have been subsidizing those things that are supposed to be spread to the insurance companies. Why? Because we have not raised the assessment, as we should have, just to cover the things that we have already agreed should be covered.

So that proposal doesn't work for this and, in fact, that -- covered lives doesn't work for those things we've already

accepted --

ACTING SPEAKER PICHARDO: Ms. Paulin, how do you vote?

MS. PAULIN: With that, I withdraw my --

ACTING SPEAKER PICHARDO: Ms. Paulin in the affirmative.

Mr. Goodell.

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

ACTING SPEAKER PICHARDO: So noted.

MR. GOODELL: Thank you, sir.

ACTING SPEAKER PICHARDO: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If you could record our colleagues Mr. Cusick and Mr. Cymbrowitz in the negative on this one.

ACTING SPEAKER PICHARDO: So noted, ma'am.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. We can continue our work on our debate list. We'll go to Rules Report No. 432, Assembly Bill No. 5108 by Mr. Abbate;

followed by Rules Report No. 458, Assembly Bill No. 6732, that one is by Mr. Abbate, as well; Rules Report No. 476, Assembly Bill No. 7434 by Ms. De La Rosa; Rules Report No. 491, Assembly Bill No. 7650 by Mr. Pichardo; Rules Report No. 513, Assembly Bill No. 7761 by Mr. Abinanti; and last but certainly not at least at this moment, Mr. Speaker, we're going to do Rules Report No. 514, Assembly Bill No. 77-- 7796, that one is by Mr. Meeks. Thank you, sir, in that order.

ACTING SPEAKER PICHARDO: Thank you.

The Clerk will read.

THE CLERK: Assembly No. A05108, Rules Report No. 432, Abbate, Colton. An act in relation to affecting the health insurance benefits and contributions of certain retired public employees.

ACTING SPEAKER PICHARDO: Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER PICHARDO: On the bill.

MR. GOODELL: This legislation prohibits a public employer from diminishing the health insurance benefits provided to retirees or their dependents, or reducing the contribution such employer makes the -- for the health insurance coverage below what they're making now. And so by statute, this would prohibit any of our public employers from implementing any cost-saving measures for retiree insurance, which creates a huge challenge.

Under current law, if an employer offers retiree

insurance as part of a current collective bargaining agreement, the employer has to honor that for the retirees because the individual who is retired continued working, in part based on the current compensation, and in part on that promise for retiree benefits. And the New York State courts have repeatedly held that if a municipality includes in its collective bargaining agreement an obligation to provide retirees health insurance, they have to honor that, they can't just simply ignore the retirees. That's the current law.

So what's this law do? This law takes it one step further and says the public employer cannot reduce its contributions to that retiree insurance. Why does that create a problem? I'll give you a simple example. The City of Jamestown back in 1980s offered retiree insurance. Back then it was 3 percent of payroll. Jump ahead 40 years, that retiree insurance and the retiree benefits now constitute 60 percent of the city's budget. And the city's tax rate a couple of years ago was at the maximum Constitutional taxing limit. And recognizing the incredible cost of retiree insurance, they went back to the retirees and said, *None of you are applying for Medicare.* And they said, *Yeah, why would we? The City of Jamestown's plan is more generous than Medicare.* So the City of Jamestown went back and said, *How about we provide you with a wraparound Medicare program so that the combination of Medicare and the wraparound program is as generous as what you are currently getting under our self-funded program.* And they went one step further and provided a cash incentive for any incidental differences that couldn't be covered with a

wraparound insurance.

Now, that was very successful for the City of Jamestown. They protected their retirees, the retirees went into the Medicare program, thank God, and the local taxpayers saved a bundle of money. That approach would be prohibited by this legislation which says that a municipality cannot reduce the contributions made. So we, if we adopt this, by law say a local government cannot save money. Now, think about that ramification. It is most assuredly not the ramification intended by the sponsor, I can assure you, but I think we need to recognize that the New York courts already protect retirees, but the New York courts do not prohibit a municipality to come up with an alternative program that still protects retirees and saves taxpayers' money. That's why I cannot support this language. Thank you very much, Mr. Speaker.

ACTING SPEAKER PICHARDO: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will record the vote on A-5108. This is a Party vote. Any member who wishes to be recorded as an exception to the Majority Conference position -- I'm sorry, to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation. Those who would

like to support it are encouraged to call the Minority Leader's Office so we can record your vote properly. Thank you, sir.

ACTING SPEAKER PICHARDO: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. To -- our Conference will generally be in the affirmative on this one; however, there could be a few of our colleagues that would like to be an exception. If so, please contact the Majority Leader's Office and we will be happy to record your vote.

ACTING SPEAKER PICHARDO: Thank you.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Please record the following colleagues in the affirmative: Mr. Brabenec, Ms. Byrnes, Mr. Schmitt and Mr. Tannousis, in addition to those who have voted on the floor. Thank you, sir.

ACTING SPEAKER PICHARDO: Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 12, Rules Report No. 458, the Clerk will read.

THE CLERK: Senate No. S04408, Rules Report No. 458, Senator Skoufis (Abbate--A06732). An act to amend the Retirement and Social Security Law, in relation to disability benefits for firefighters employed by the Division of Military and Naval



Affairs.

ACTING SPEAKER PICHARDO: Mr. Goodell.

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

ACTING SPEAKER PICHARDO: Will you yield, Mr. Abbate?

MR. ABBATE: Surely.

ACTING SPEAKER PICHARDO: The sponsor yields.

MR. GOODELL: Thank you, Mr. Abbate. As I understand it, this bill would provide a disability presumption for airport firefighters regarding diseases of the heart and lung and certain forms of cancer. But I also note that this legislation has been passed repeatedly and has been vetoed by almost every Governor since we started passing it, including Governor Pataki and Spitzer and Cuomo. And in particular, they noted that there's no evidence that the legislation was necessary for recruitment or retention, or that these particular firefighters faced the same degree of risk and stress as municipal firefighters. Do you have any data that shows a higher incidence of heart, lung or certain forms of cancer for these particular firefighters that are at airports?

MR. ABBATE: Well, first of all, when you explained, you know, it was a presumption for airport firefighters. You didn't mention that it was for the Division of Military and Naval Affairs. You know, and I think most firefighters who are working on

the airports, whether it's the Port Authority or municipal airport, are covered. And to my knowledge, and I cannot understand why we would not protect firefighters who are there working with our military, you know, it's just astonishing to me why we wouldn't want to protect them like we do other firefighters at other airports. And secondly, when you say they -- they were vetoed. You know, they -- that Governor and the other Governor might not think it's a good idea to protect the men and women of our fire department in the military. I believe it's a good bill, the sponsor in the Senate believes it's a good bill, and we're going to keep trying it until we convince them to sign the bill.

MR. GOODELL: And do we have any statistical data, by the way, on the incidence of --

MR. ABBATE: It -- it's the same data same and the same thing that happened to firefighters throughout the State. You know, it's not less because they, you know, they -- it's the same training and all, and it's the same hazards, they still work off chemicals and fuels that are at the airports. There -- it's the same status as any place else that would happen. And let's hope, let's hope that there's not a lot of accidents or things so we won't -- we won't have to use the presumption.

MR. GOODELL: I also note that the -- that this military retirement and this presumption relating to heart, lung and certain forms of cancer would give a 75 percent benefit, lifetime benefit, whereas, if I'm not mistaken, any other disability retirement

for the same people only is at 50 percent. Why is the difference?

MR. ABBATE: I am not sure it's only 50. I -- I -- you know, I don't think it's for firefighters at 50. It might be for other public employees.

MR. GOODELL: Okay. Thank you, Mr. Abbate.

MR. ABBATE: Okay.

MR. GOODELL: On the bill, sir.

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

MR. GOODELL: We've recognized for many of our public servants, and particularly firefighters and frontline responders and first responders, that certain aspects of their job put them at much higher risk, certain debilitating diseases, including lung disease or heart disease, sometimes certain cancers. And we know from municipal firefighters that they often go into burning buildings where furniture and other items in the building have flame retardants and other chemicals that can be extraordinarily toxic. This bill extends -- extends those disability presumptions to airport firefighters and training and safety officers employed by the New York Division of Military and Naval Affairs. And as others have recognized all the way back to 2004, there apparently is not any strong data to suggest that these particular firefighters face anywhere near the risks or the dangers of a typical municipal firefighter, and that's why it's been opposed and vetoed in the past. And as far as I know and as the sponsor indicated, there -- there doesn't appear to be any studies on this particular

category of employees. Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 4408. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

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

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Rules -- page 12, Rules Report No. 476, the Clerk will read.

THE CLERK: Assembly No. A07434-A, Rules Report No. 476, De La Rosa, Braunstein. An act to amend the Real Property Tax Law, in relation to wages and supplements for building service employees employed at certain properties held in the cooperative or condominium form of ownership receiving a tax

abatement.

ACTING SPEAKER AUBRY: On a motion by Ms. De La Rosa, the Senate bill is before the House. The Senate bill is advanced.

Ms. De La Rosa, an explanation has been requested.

MS. DE LA ROSA: Thank you, Mr. Speaker. Public money should not be used to subsidize low-wage jobs and to undercut workers' standards. This bill will ensure that employees performing building service work at certain properties receiving the Cooperative and Condominium Tax Abatement under Section 426-A of the New York State Real Property Tax Law are paid an applicable prevailing wage. Prevailing wage for building service employees is already required for properties receiving a tax abatement under Section 421-A of the New York State Real Property Tax Law, also known as the Affordable New York Housing Program.

In addition, New York City law also already requires prevailing wage for building service workers at certain residential projects receiving City financial assistance; however, other luxury cooperatives and condominiums in New York City currently receiving abatements from real property taxes under State law without any prevailing wage requirement attached. Under this bill, in order to receive this benefit, cooperatives and condominiums in New York City with an average unit assessed value greater than \$60,000 with more than 30 dwelling units, or greater than \$100,000 regardless of size would be required to submit an affidavit to the New York City

Commissioner of Finance certifying that all building service employees employed at the property receive applicable prevailing wage for the duration of such property's tax abatement.

ACTING SPEAKER AUBRY: Mr. Fitzpatrick.

MR. FITZPATRICK: Thank you. Would the sponsor yield for a couple of questions, please?

ACTING SPEAKER AUBRY: Ms. De La Rosa, will you yield?

MS. DE LA ROSA: Yes.

ACTING SPEAKER AUBRY: Ms. De La Rosa yields, sir.

MR. FITZPATRICK: Thank you, Ms. De La Rosa. Can you tell us, what is the difference right now between the prevailing wage and what these workers are receiving right now?

MS. DE LA ROSA: Sure. It varies per title and county where they work but, for example, for a worker who is working as a door person or someone who works in a building as a maintenance worker, right now they're making about \$18 an hour. With this prevailing wage, the benefit would be closer to \$25.65 an hour, for example, plus benefits. So that would come up to about \$38 an hour.

MR. FITZPATRICK: So that's versus \$18 plus, is that with or without benefits, the \$18?

MS. DE LA ROSA: Without benefits.

MR. FITZPATRICK: Without. So how much would

that be with benefits currently?

MS. DE LA ROSA: A little bit more, but right now they aren't making -- most of -- many of them do not have access to benefits, so they're making about \$17.50 to \$18 an hour.

MR. FITZPATRICK: All right. So if -- if -- if they're not happy with their current employment, they certainly --

ACTING SPEAKER AUBRY: Shh. Please.

MR. FITZPATRICK: -- they're free -- they're free to move somewhere else where they could be more highly compensated. So what's, you know, like you said in your -- in your opening remarks, we put this burden of additional cost on the affordable housing and I recall former Housing Chair Vito Lopez, who was certainly very pro-union, but when it came to affordable housing was very much opposed to imposing prevailing wage on affordable housing projects because it would drive up the cost. This will do the same thing for what you argue as high-end, but many of these condos and condominiums are more in the middle-income or moderate income area. And, you know, what we're going to do here is, you know, in an era where we see taxes and crime moving ever upward, we're going to continue to add additional costs to an already expensive place to live. How do you justify that?

MS. DE LA ROSA: Well, the premise of the bill is that if they are receiving this tax abatement and this benefit under, you know, using taxpayer dollars, using public money, that at the very least these workers should have access to benefits and should have

access to a livable -- living wage, right? We are in the midst of a global pandemic, as you know. We've heard the stories of many of these workers who have told us that they're afraid to get sick, that is actually an impossibility during these times, because they don't have adequate resources or adequate benefits. And so that is what we're trying to cure with this bill. There are about 2,000 workers right now that are absolutely excluded from being able to have these benefits and being paid a prevailing wage.

MR. FITZPATRICK: So if by putting this additional cost on these housing complexes, you are going to have a, I think a situation where you're going to see possibly people laid off because the additional cost will require or force them to reduce the head count at these buildings, probably maybe increasing hours for those that remain, but will possibly reduce employment as opposed to add employment because you're increasing the cost. How do you -- what do you say to those people who will lose jobs because you have added this additional cost? What do you say to them?

MS. DE LA ROSA: As I mentioned earlier, this is a minimal group. It's 2,000 workers that have actually been excluded, and actually, smaller buildings that have 30 units or less are not included, they would be carved out of having to pay the prevailing wage. And I can tell you that I've been to a few of these buildings and I've attended some rallies. The neighbors in these buildings, the shareholders in these buildings, they value the workers that are there. They are the workers that open their doors, that handle their packages,



and that help them, that upkeep and maintain these buildings. I believe that this will allow for these workers to have a quality of life that is now not afforded to them in the middle, as I said, of a global pandemic, in the middle of a financial crisis where we need to make sure that workers are able to live and provide for their families. So I have seen how folks who live in these buildings are actually -- some of them agree with the fact that these workers would be making a little bit more money in order to have livable prevailing wage.

MR. FITZPATRICK: Well, you may be correct, but there, you know, as you said, we're in a pandemic and I'm sure there are people who occupy those units who may have suffered a loss of their own income, maybe lost their job, and an additional burden that this increased cost would put on them will make it even harder for them to afford to live in New York, thereby increasing the exodus of people from the City. So -- all right. Well, thank you very much Ms. De La Rosa, I appreciate your -- your answers.

Mr. Speaker, on the bill.

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

MR. FITZPATRICK: You know, when we -- when we, you know, voted to increase or put prevailing wage on affordable housing projects, we increased the cost of affordable housing. And doing this is going to increase the cost of moderately priced housing in the City of New York. You know, the luxury condos, this might not be a problem for them, but this will have a detrimental effect on the

employment of people in these buildings due to the increased cost. There may be a reduction in these services because of the increased cost. That will not add to the quality of life. And the City of New York right now is struggling. It has a crime problem, it has a tax -- we see increases in taxes in people, and we see people leaving New York City and New York State. This is just another nail in the coffin of the City and State of New York to impose this additional cost.

You know, government should not be imposing itself into the labor market and driving up costs. It -- it does not lead to the efficient use of capital. It does lead to a loss of employment due to the increased cost. We've seen that everywhere. We see it when the minimum wage is increased, we see it when prevailing wage is imposed. This is -- government has no business sticking its nose in the labor market. If someone is unhappy in a job, they will leave that job and look for something better. The person there may have, you know, a limited skill set, and this may be the perfect job or the best job they can find. Now government is going to price that person out of that job possibly. So I would recommend or ask my colleagues to consider a no vote. Two wrongs or three wrongs don't make a right here and this -- this is no way to improve or reduce or maintain affordable housing in the State and City of New York. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 6350-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. This is a Party vote. The Republican Party is generally opposed to this legislation. Those who support it should call the Minority Leader's Office so we can record their vote. 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 support of this item; however, if there are members who would like to be an exception, they should use the number that you previously gave them, contact the Majority Leader's Office and we'll be happy to record their vote.

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

(The Clerk recorded the vote.)

Mr. Epstein to explain his vote.

MR. EPSTEIN: Thank you, Mr. Speaker. I want to applaud the sponsor for moving this bill forward. I have stood next to her, shoulder-to-shoulder, and talked to dozens of workers who aren't going to get a new job, this is their career. The people who live in the buildings, like the sponsor said, want this to happen. It is something

that we will bring people into living wages. This is a critical idea for my community, for my residents and neighbors. And this idea that we've heard from other members around people leaving the City and the City suffering, he should just come to the City and come into my district and see how lively and thriving the City is. This is only going to help for New Yorkers. It's going to make people get into the -- the live wage jobs, it's going to improve the quality of life for millions of New Yorkers and I -- sorry, thousands of New Yorkers and I want to applaud the sponsor. I encourage people to vote in favor for the bill.

ACTING SPEAKER AUBRY: Mr. Epstein in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 13, Rules Report No. 491, the Clerk will read.

THE CLERK: Assembly No. A07650, Rules Report No. 491, Pichardo. An act to amend the Banking Law, in relation to requiring a written notification of overdraft fees charged to certain account holders.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 7650. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference

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

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation for the reasons that will, I hope, be carefully articulated by my colleague in a moment.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, our colleagues will generally be in the affirmative on this one; however, there may be a few members who would like to be an exception. They should feel free to contact the Majority Leader's Office and we will record their vote. Thank you.

ACTING SPEAKER AUBRY: Thank you, both.

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker, briefly to explain my vote and I think also the Conference position. This is another one of those bills -- at the risk of sounding like a broken record, this is another one of those bills that places another burden on State-chartered banks, which we know, because I keep telling you, there aren't that many in the State, but they're generally the smaller ones, they're more the community banks. They've already got a lot of requirements on them.

This bank -- this bill, rather, requires New York-chartered financial institutions to give another required notice to include dates and amounts of overdraft fees, the total amount charged,

information on the customer's ability to negotiate fees, and a telephone number of contact information. So it's just -- it's just another regulation that's being put on these small banks. And just also to say, not for nothing, that the Federal regulations already require this type of notification. And for those reasons, the Independent Bankers Association, the New York Credit Union Association oppose it, basically saying that the existing Federal law already requires consumers to be given notice of overdraft fees. This bill would be an unnecessary burden, with which Federal financial institutions would not need to comply. Therefore, I'm voting in the negative and I would encourage my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 14, Rules Report No. 513, the Clerk will read.

THE CLERK: Assembly No. A07761-A, Rules Report No. 513, Abinanti, Galef. An act to amend the Election Law, in relation to write-in ballots.

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

(Pause)

Mr. Norris.

MR. NORRIS: Thank you, Mr. Speaker. Will the

sponsor yield for a couple questions?

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

MR. ABINANTI: Yes, Mr. Speaker, gladly.

MR. NORRIS: Mr. Abinanti, what is the purpose of this bill?

MR. ABINANTI: The purpose of this bill is to give the party the right to control its own party line.

MR. NORRIS: Thank you. Can you explain the opportunity to ballot process and what you're trying to curtail under the current law?

MR. ABINANTI: I'm sorry, could you speak into the microphone?

MR. NORRIS: Can you please explain the opportunity to ballot process as it is right now and how you're trying to curtail the current language?

MR. ABINANTI: Under the existing law, party members can circulate a petition and request that the Board of Elections conduct a primary election in a particular party with no names on the ballot.

MR. NORRIS: So they could write in. So individuals will sign an OTB petition, members of the party saying, *I would like an opportunity to write in a candidate*; would that be correct?

MR. ABINANTI: That is correct.

MR. NORRIS: Under the current law, does it have to be a member of the party who they -- they vote for?

MR. ABINANTI: Under the current law, it does not have to be. I think if you talk to one of your colleagues from Rockland County when he was running for reelection, he found that he was in the middle of a -- a primary from one of the minor lines and almost lost that line because somebody in a different party tried to -- to enter into that opportunity to ballot and take that line away from him.

MR. NORRIS: So if the members of the party within a jurisdiction gather signatures for a write-in ballot, and then they go to the polls and they would write in a candidate of another party, under your proposed legislation, that would disqualify those votes of people who were actually casting ballots for an individual?

MR. ABINANTI: That would be consistent with the present law in which we allow the party to determine which candidates can run on their line. At the present time, the -- the party chairs are allowed to authorize a candidate who is in a different political party to run on their line. This concept of allowing somebody from a totally different third party to be written in is an aberration of our Election Law.

MR. NORRIS: Two parts of that. So right now someone can receive an authorization if they're not a member of the party by the party leadership, members of that party --

MR. ABINANTI: Correct.

MR. NORRIS: Okay. Now, if party members in a



particular jurisdiction circulate an OTB petition, they go to the ballot, to the election booth, they write in somebody who is not a member of their party, exercising their freedom of political association, and that candidate wins the write-in. Under your language, those party members will not be able to select the candidate of their choosing?

MR. ABINANTI: This provision would say that for a person to win a primary without a Wilson Pakula, without the permission of the party leadership, they have to be a member of that political party.

MR. NORRIS: So -- so --

MR. ABINANTI: The concept behind this is that people who are -- who are representing a party in an election, in a general election, should be -- should have a philosophy consistent with the party they're representing. That's particularly important in a time when we've just raised the -- the burdens to become a political party. So we're giving -- what we're doing here is empowering the leadership of political parties who are doing the work to make that a political party and to keep it as a political party.

MR. NORRIS: So Tom, we're -- Mr. Abinanti --

MR. ABINANTI: Sure. Tom is fine.

MR. NORRIS: So we're in voting party leadership, but we're not in voting the people who are members of that party who live in the jurisdiction. So it's okay for a party chairman and executive committees to say, Oh, we're going to authorize the Republican or the Democrat, that's fine if it's a minor party, a primary. But if the voters

of that district who enrolled in that party, are members of that party, vote for a candidate who is not a member of their party, they're disqualified?

MR. ABINANTI: Well, we are -- it's consistent with Election Law Section 16-110. If you take a look there, the chairman of a county committee of any party can challenge the registration of a voter in that party if they are not sympathetic with the party principles. So the concept is, is to keep the party for people who are sympathetic with it. If it's -- if it's a party that -- that is -- that is pro-business and then a very popular candidate, who is, let's say, pro-labor and anti-business, let's take the extremes, okay, but very popular in that community, then gets written in, in that now you have a pro-business party being represented by an anti-business candidate and that could cost that -- let me just finish -- that could cost that party the party line in November because they don't get the one hundred and -- what is it, 150,000 votes that you need now.

MR. NORRIS: But, Mr. Abinanti, the people who are voting in that election would be members of that party. They signed a voter registration form by their freedom of their political association to be a member of that party, and then they go to the voting booth and their write-in for individual who may not be of that political party and they win, they get enough votes, a candidate wins who is not a member of their party; yet, the people who voted are members of that party and that jurisdiction, they're not going to be able to be on the line after the people in that district voted for them?

MR. ABINANTI: Well, this will also prevent the circumstances where you have uncontested elections by candidates who are seeking all of the lines and maybe popular among a small group of people who enroll in the party specifically for the purposes of that primary. We know that in many places, whether it's New York City or Upstate, the primary turnout for smaller districts is -- is -- is miniscule, and it's possible for a few people to register and then take over that party and are not really members of that party. That's why we have this --

MR. NORRIS: But they are members of that party. They checked their voter registration card and they signed it and they said, *I'm a member of* - I'll use an example, the Conservative Party, I can say the Working Families Party, whatever - *I'm a member of that party, I want to do an opportunity to ballot to write in for a Republican, for a Democrat, for someone who is a different party*, and they get enough votes, that non-party member, to receive their line, like some of us receive authorizations, I receive the authorization often for the Conservative line to be on the Conservative line. Other members of this Body receive authorizations to be on a particular line, but the voters in that jurisdiction say, *I want this candidate to be on the ballot in the general election*, they're going to be disqualified?

MR. ABINANTI: The purpose of this is to keep the party in the control of those people who have been working really hard to make it a party, and it's -- it's a valuable line these days, whichever minor party you're talking about, and the party chairs have the

responsibility to run the party and put candidates up who are consistent with the philosophy of the party. They spend a lot of time interviewing candidates. They spend a lot of time getting them on the ballot with petitions --

MR. NORRIS: Oh I know, I was a party chair.

MR. ABINANTI: -- and we're finding more and more people are changing parties for the purposes of sabotaging the other -- the other political party.

MR. NORRIS: You know, I find it very ironic though that the executive committee or a county chairman of a committee can say, *Oh, we want to bless this particular person, put you on the ballot if you're not a member of our party*, the leadership of the party can do that, but then what voters of the jurisdiction go in and do a write-in petition and exercise their freedom of political association and then exercise their First Amendment right to vote and they vote for a candidate who is not a member of that political party, and that person wins, the (inaudible) is going to say, *No, no. You can't have that line* after you win the election and the voters of that district who are members of that party by their political association say, *I want this candidate who might not be a member of my party*, we say it's not okay because the party leadership did not bless it, because there might be disputes within party leadership all around the -- the State. It could be everywhere, in both parties, in all parties. But the people of that district should have an opportunity to exercise their Constitutional right and say, *We want to select our own candidate*. And that's my

point because I don't think it's fair to people who actually sign the petition -- first of all, they register to vote in that party. They sign the form. Then they sign the petition and they say, *I want to have a write-in -- opportunity to write in the candidate of my choosing*, and then they actually vote for him, the candidate gets the most votes but because they're not a member of the party, they can't be on the line of the general election. I don't think that's fair, I don't think it's Constitutional, and I have got serious concerns about it. But if you want to address anything, I'm sure --

MR. ABINANTI: I think we have a different point of view here. I think we have a different philosophy. As -- as I said before, given the fact that we've made it very difficult to establish a political party and it now takes a lot of work by some -- by some people, whichever -- wherever they are in the political spectrum, and it takes a lot of work to maintain that party. They have to have 150,000 signatures I believe the number is now, and it's really not fair to them or the people who've worked for that party to find that someone comes along with a surprise and sabotages their efforts by putting up a candidate who cannot win on that line.

MR. NORRIS: But, Mr. Abinanti, I don't understand --

MR. ABINANTI: And so the end result is all of their work has been sabotaged --

MR. NORRIS: I don't understand the word *sabotaged*.

MR. ABINANTI: -- and there's no real contest in November because that party candidate is not real.

MR. NORRIS: I don't understand the word *sabotage*. These people have chosen to be in this party, then they circulate a petition, or someone does, at least the sign the petition saying -- or members of the party to qualify to have an opportunity to ballot, then they go vote as a member of that party, for someone who may not be of the party like we authorize all the time for people to be in other parties. And then they win, but the State Legislature says, *No, we can't -- can't let you have the ballot*.

MR. ABINANTI: But -- but -- but let me make another point on this. The party members choose the leadership and they empower that leadership to give the authorization to candidates to run. Whether they're candidates who are members of the party, or whether they're candidates who are in a different political party but whose philosophy is consistent with the political party that we're talking about. And what we're doing here is consistent with the Election Law. As I said, Section 16-110, subdivision 2, already empowers the county committee to question the enrollment of members in a political party, and this is just consistent with what appears to be an aberration. It allows the -- it's consistent with this and saying that party chairs can choose candidates other than party members.

MR. NORRIS: Yes. You know what --

MR. ABINANTI: Look, if party members are upset

with a candidate that their party leadership has chosen, they can get a party membership to -- to -- a party member to run in the primary without any question.

MR. NORRIS: I -- I understand your point about the party chairman and executive committee having the authorization ability. I was a county chairman. But I also understand the people who live in that district who has potential disagreements with their leadership. You know, you elect a --

MR. ABINANTI: Well, then they should change the leadership if there's disagreements with the leadership.

MR. NORRIS: If you -- if you -- if you elect a chairman of a county, and some of them are very big, right, and you represent a little town, a smaller town in a particular area, and you didn't even vote for that chairman and they don't authorize your slated candidates. At least the people of that party and that jurisdiction should have the opportunity to be heard and have an opportunity to select the candidate who may not be a member of their party. Just like the party chairman said, *Oh, it's okay for you if you're not a member of the party to be on there.*

So Mr. Abinanti, we're going to disagree on this. Let me just go on the bill. I know it's going to be a long day here in the Chamber.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. NORRIS: Thank you very much, Mr. Speaker. I want to thank the sponsor for a very spirited debate. I think debate is

always very good. And what I have a very serious concern about are the Constitutional ramifications for this. There is a potential violation of the Constitutional rights of political association, of individuals who choose to be in a political party and then sign a petition and then go and vote and then a candidate may not -- may win who is not a member of their party, but they're not going to be allowed to be on the ballot after the voters in that district who are enrolled in that party said, *I want candidate X to be on that petition, or to be on that ballot.* And I just think that is trampling on our Constitutional rights, our freedom of speech, our freedom of political association, and I do hope one day if this is ever challenged in court that they'll pull the legislative history and pull the discussion of this bill right now and please examine it very carefully. Because it's okay for a party chairman or a party executive committee, and as I said, I was one, to give a blessing, but it's not okay for the members who live within a particular jurisdiction to do the same. It's not fair. It's against the Equal Protection Clause in my opinion, it's also against the association of political speech. Thank you very much, and I will be in the negative and I encourage all my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Lawler.

MR. LAWLER: Thank you. Will the sponsor yield?

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



MR. ABINANTI: Yes, Mr. Speaker, I would yield.

MR. LAWLER: Thank you, sir. Are there any requirements when a voter chooses to register with a political party? Do they have to meet any standard to register with the political party? Do they have to subscribe to certain philosophies or policy positions, or can they just choose on their own to identify with a political party?

MR. ABINANTI: They can choose on their own to identify with a party, but that's why the party itself has the opportunity to challenge the enrollment of voters. I mean, there was a lawsuit in Westchester County not long ago dealing with the Independence Party -- I'm sorry, with the Reform Party, where a whole group of voters from one established political party decided to change their -- their party enrollments and go to the other party for the purposes of taking over that party.

MR. LAWLER: Mm-hmm.

MR. ABINANTI: And the court threw out a lot of those enrolled voters and said they were not consistent with the -- the philosophy of that party and were doing it solely for the purpose of raiding that party.

MR. LAWLER: So -- okay. So for instance, do you think the Democratic Party should be able to throw out Democratic Socialists of America out of the Democratic Party?

MR. ABINANTI: I'm not going to get involved in which -- which wheel of the party we like and don't like, and I believe that if people are subscribed to the general principles of the

Democratic Party, they're welcome in the Democratic Party.

MR. LAWLER: So you like -- you like a big tent approach.

MR. ABINANTI: We like a big tent approach.

MR. LAWLER: So you don't have to subscribe to a specific philosophy, correct?

MR. ABINANTI: That would be my -- my feeling, but we --

MR. LAWLER: Okay.

MR. ABINANTI: -- also want to make sure that people are Democrats and believe in the general principles of the Democratic Party.

MR. LAWLER: Okay. I'll leave that there, because that could go very -- very far off course. Do you believe that a party boss should have more say over who the candidate and, ultimately, the elected official is than the voters of that party and/or district?

MR. ABINANTI: I don't think that a -- a -- a party leader has more say because a party leader is elected by the people who are involved in that party and live locally. And so they empower the power leader --

MR. LAWLER: Mr. Abinanti.

MR. ABINANTI: -- to issue what we call a Wilson Pakula to allow candidates to --

MR. LAWLER: Mr. Abinanti, does -- do -- do the voters of a specific subset get to choose the party boss, or is it chosen

by the committee members of a specific subset?

MR. ABINANTI: Well, the committee members are elected from their own election districts, so they are representatives and then they elect the next line of -- of leaders --

MR. LAWLER: Do the rank and file voters vote for a political party boss?

MR. ABINANTI: They vote for their own representative, just like we have here. Our voters don't get to vote who is Speaker of the Assembly, they get to vote for us and then we choose who is Speaker.

MR. LAWLER: And yet the Speaker dictates the rules, right.

MR. ABINANTI: The Speaker, in connection with the rest of the Caucus.

MR. LAWLER: So your -- your belief -- your belief is that the party boss should dictate the process and the rules and who the candidate is rather than the voters and the people.

MR. ABINANTI: Well, you're assuming that the party rules allow one person to make the determination. My understanding of the way the four major political parties now work is that there are rules that are set up established by the conferences or conventions and that allows --

MR. LAWLER: Each party has their own rules.

MR. ABINANTI: Correct.

MR. LAWLER: I'm not interested in litigating their

rules.

MR. ABINANTI: But they usually allow and require a -- a determination by an executive committee.

MR. LAWLER: Great. Here's -- here's a question. On the Wilson Pakula, generally speaking, is it the county chair and/or the State chair in these minor parties who make the Wilson Pakula authorizations?

MR. ABINANTI: Well, I can only speak to the Democratic party and in the Democratic party, it's the local committee. So it would be the town committee or a village committee --

MR. LAWLER: Right.

MR. ABINANTI: -- that's -- that's quite local.

MR. LAWLER: But this is really focused on minor parties, it's not really focused on the major political parties. So do the minor parties, is it the county chair and the State chair generally who are issuing the Wilson Pakula?

MR. ABINANTI: I -- I'm not familiar enough with the -- well, first of all, which ones are you considering minor parties?

MR. LAWLER: Well, there's only -- there's only four parties left, so the Working Families and the Conservative Party.

MR. ABINANTI: I -- in my mind there's only one major party, but that's another... at any rate. The -- I'm not familiar with the rules of the other three parties other than the Democratic Party.

MR. LAWLER: And yet, you're trying to legislate on

it, so that's interesting.

MR. ABINANTI: No, we're just trying to -- we're just trying to continue what the Election Law already provides for.

MR. LAWLER: Okay. So the county chair and/or the State chair generally controls the Wilson Pakula for both the Working Families and the Conservative Party, we can agree upon that.

MR. ABINANTI: I'll take your word for it, I don't know for sure.

MR. LAWLER: The bottom line -- the bottom line is your belief under this bill is that the county chair and/or the State chair should have total say over what goes on in a district, whether it's an Assembly district or a local town district, that's -- that's your belief, that's what this bill will do.

MR. ABINANTI: Let me just go back to my own history. I remember when I ran for the State Senate many years ago against an incumbent Senator, we literally had conventions of hundreds of people to determine which one of us would get the Wilson Pakula from the Green Party, and also from the Independence Party. So in that case --

MR. LAWLER: Who -- who got it?

MR. ABINANTI: Well, since Yonkers put its votes after Greenburgh did, Nick Spano got the endorsement.

MR. LAWLER: Okay. And did you try to do an OTB?

MR. ABINANTI: We did not.

MR. LAWLER: Okay. Do we have a closed primary system in New York State?

MR. ABINANTI: I'm not sure -- familiar with the term *closed primary*.

MR. LAWLER: Closed primary meaning you have to be a registered member of that party to vote in that primary. In other words, as a Republican I can't vote in the Democratic primary, correct?

MR. ABINANTI: That is correct.

MR. LAWLER: Okay.

MR. ABINANTI: Unless you change your party and we have eliminated all of the --

MR. LAWLER: Yeah, I'm not talking about change of enrollment --

MR. ABINANTI: Now you change it to --

MR. LAWLER: -- I'm specifically talking about if you are a member of a different party, you cannot vote in another party's primary.

MR. ABINANTI: If you are enrolled in a political party by a certain date, then you can vote in the primary.

MR. LAWLER: We're not talking about changing, Tom, I'm talking specifically about if you are in a party. So if a -- if there's a primary and the voters within that political party circulate a petition to allow for an opportunity to ballot because they don't like the candidate that the party boss chose, okay, and they circulate their

petition and they write in a candidate, why is it that the party boss can pick somebody who is not a registered member of that party to run on that line, but the voters of that party cannot pick somebody who is not a registered member of that party to run on that line? Why -- why are you putting so much faith and trust in the party boss over the voters who have all chosen to be a registered member of that party, whether you like their rationale or not, whether you think they subscribe to the philosophy that you think is appropriate for that party or not, why are you putting more faith in the party boss than the voters?

MR. ABINANTI: Because the members of that party have agreed to the party rules which empower their leadership.

MR. LAWLER: No they haven't.

MR. ABINANTI: Well, allow me to finish.

MR. LAWLER: -- no they haven't.

MR. ABINANTI: Allow me to finish. There are -- there are party rules in place that have to be filed with the Board of Elections and that can be changed year after year. The party committees --

MR. LAWLER: So rank and file voters can go object to the party rules?

MR. ABINANTI: May I -- may I just -- just finish? So rank and file voters, when they select their district leaders, their county committee members are choosing one particular philosophy or one slate of candidates or another. Isn't that why we're having and we're seeing over and over again so many contesting slates in the -- in

the Independ -- in the, well, in the Conservative Party and in the Working Families Party now? You're seeing contesting slates for county committee members who are supporting different wings of their party. And when one party -- one side wins, they then get to select the leaders there and those leaders select the people above them, and they select the party rules. So all we're doing is enhancing the present system. We're not changing anything --

MR. LAWLER: Oh, it's -- it's an enhancement all right.

MR. ABINANTI: -- that's inconsistent with -- doing anything inconsistent with the Election Law.

MR. LAWLER: Tom, do we have fusion balloting in New York State?

MR. ABINANTI: No.

MR. LAWLER: We don't have fusion balloting?

MR. ABINANTI: I'm sorry. We do have fusion balloting.

MR. LAWLER: Okay. So you can run on multiple lines.

MR. ABINANTI: Correct.

MR. LAWLER: Why do we have fusion balloting if you're so worried about candidates who don't subscribe to the philosophy of one political party that -- over another that they may be seeking a line, why not eliminate fusion balloting?

MR. ABINANTI: I don't think that's the issue before



us.

MR. LAWLER: Well, sure it is because you're trying to limit the ability of a candidate to appear on another line. So why not just eliminate fusion balloting outright if you believe that that party should only nominate candidates that are within that party or who subscribe to that philosophy?

MR. ABINANTI: That's not what I said.

MR. LAWLER: It is what you said. It is what you said. Does your bill speak to judicial elections where no Wilson Pakula is required?

MR. ABINANTI: It does cover all election -- all primary elections.

MR. LAWLER: But judges don't need a Wilson Pakula to run on a line, so how does it cover -- how does it cover that?

MR. ABINANTI: It deals with the section that talks about primary uncontested and opportunity to ballot. I would read that to cover judges, as well.

MR. LAWLER: Well, how? They -- they can get on the line, they don't -- they don't need to. They don't need it. Your -- your philosophy is that they need a Wilson Pakula to run. Otherwise they should not be allowed to -- to run on that line.

(Pause)

On the bill, Mr. Speaker.

MR. ABINANTI: I'm going to have to -- we're going to have to get an answer for you on that, but I believe it covers all

primary elections.

MR. LAWLER: Okay.

On the bill.

ACTING SPEAKER AUBRY: On the bill.

MR. LAWLER: This is nothing more than incumbency protection. I find it comical, so many people in this Body have themselves run opportunity to ballots when they didn't like the decision of a party boss, because it never should be about the party boss. It should be about the people and the voters of the State of New York. Voters choose to register with a political party. They should have the opportunity to ultimately choose who their candidate is in that political party, not the party bosses. The idea that we are going to limit the ability of voters to choose who runs on their line is really a slap in the face to Democracy and it's a slap in the face to our electoral process, and we should not be limiting the rights of voters at this time.

So I strongly encourage all of my colleagues, whether you're in the Democratic Party or the Republican Party, or the Independent as we have in this Chamber, to support Democracy and to support the right of the voters to decide who their candidates are and not party bosses. I will be voting in the negative.

ACTING SPEAKER AUBRY: Mr. Ra.

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

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

MR. ABINANTI: Yes.

MR. RA: Thank you, Mr. Abinanti. So just quickly, you know, I came in the midst of your conversation with Mr. Norris, but just so I have this straight. You know, and some of us have maybe participated in an opportunity to ballot process, but we're talking about where a candidate has gone through that process, members that are enrolled in this particular party have now gone to the polls, are -- are by absentee or whatever, written in a candidate's name, correct, and then this candidate has gotten the most votes, more votes than whoever they were running the primary against, but under this language, they would not be entitled to that ballot line, is that correct?

MR. ABINANTI: That is correct.

MR. RA: So -- and I understand what you're saying about members of a party have picked a party leadership, but, you know, as we know, elections many times are about turnout and enrolled members in a party, we're saying are going to go vote - bless you - are going to have gone and voted and we're not going to consider the candidate who has gotten the most votes as the winner of that primary?

MR. ABINANTI: This sets a qualification to be nominated in a primary. Let me just correct something. Staff says that this does not cover judges or town caucuses.

MR. RA: Well, judges I believe are entitled to a primary anyway, I believe, right? Isn't that -- I know that's outside the scope of this bill, but I believe they're entitled to a primary without the

Wilson Pakula process.

MR. ABINANTI: So it is not the intent -- it is not the intent to effect that section of law.

MR. RA: Okay. Thank you, Mr. Abinanti.

Mr. Speaker, on the bill.

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

MR. RA: So you know, the reason we have -- and look, we can talk for days about some of our laws which are archaic and, you know, ballot access issues, but the bottom line is as long as we have -- unless we're going to take a really holistic look at what we have, this is a process by which -- let's not be naïve. We're all people who've had our name on the ballot this past November and -- and previous Novembers and Junes, you know, when you have a primary and all of that. And, you know, there's deals involved, maybe trading off offices and things like that, but this is a process by which somebody who -- you may be running against somebody on a ballot line who is not an enrolled member of the party whose line you're seeking. And what, to me, this bill says is that person, if they get the most votes, they get to stay on that ballot line but if you get the most votes because the party boss didn't pick you, you don't get to have that ballot line. That just does not make sense to me.

You know, we have to have -- certainly there is a process with the Wilson Pakula that you're able to select a candidate who is maybe -- who is enrolled in another party to be -- to be on your ballot line and hopefully it's because, you know, they -- you feel they

-- they have the same ideals as your party or, you know, that candidate is -- is -- you think is the best choice rather than the party running their own, but we're not talking about, you know, an enrolled member of a party versus a non-enrolled, we're -- we're talking about potentially two people that are unenrolled in the party and us basically saying we don't care what the registered members of that party did on Election Day, we're going to go with what the party leadership said.

So I think it's as simple as that. I would urge my colleagues to -- to vote against this bill which will further limit access to the ballot for -- for candidates. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7191. This is a Party vote. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

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

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Democratic Conference will be in support of this measure. Colleagues desiring to be an exception should feel free to contact the Majority Leader's Office and we will properly record their vote.

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

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleagues Mr. Brabenec and Ms. Byrnes in the affirmative. Thank you.

ACTING SPEAKER AUBRY: So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please record our colleagues Mr. Barnwell, Mr. O'Donnell, Ms. Jackson, and Mr. Sayegh in the negative on this one.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 14, Rules Report No. 514, the Clerk will read.

THE CLERK: Senate No. S06498, Rules Report No. 514, Senator Bailey (Meeks--A07796). An act to amend the Family Court Act, in relation to use of restraints on children appearing before the family court.

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

MR. MEEKS: Thank you, Mr. Speaker. This legislation prohibits the use of handcuffs, chains, shackles, irons, straightjackets and other restraints on children under the age of 21 appearing before family court.

ACTING SPEAKER AUBRY: Ms. Walsh.

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

MR. MEEKS: Yes, I will.

ACTING SPEAKER AUBRY: Mr. Meeks yields.

MS. WALSH: Thank you, Mr. Meeks. Just a few questions so that everybody understands what this bill does. You mentioned that this bill applies to any individuals in family court appearing as defendants under the age of 21, correct?

MR. MEEKS: Correct.

MS. WALSH: Okay. So first question is, doesn't the judge already have the discretion to order the removal of any restraints inside their courtroom?

MR. MEEKS: Yes.

MS. WALSH: Okay. So why do we need this bill?

MR. MEEKS: Because this would really strike toward the presumption of innocence. We need to implement this bill in a manner to assure that they remove the shackles before the individual enters the courtroom.

MS. WALSH: Okay. So you said a couple things there. So just to clarify, then, I think you just did, that let's say the individual is being transported by the sheriff's department from, say, secure detention, they're going into court for an appearance. They can be restrained through handcuffs, shackles, whatever the sheriff's department feels is appropriate, but does that apply to when they enter family court but they're just not in the courtroom yet, like a waiting area, and in transit they could still use those types of restraints as they believe is necessary, correct?

MR. MEEKS: Correct.

MS. WALSH: Okay. Until maybe we get another bill next year or something, but at least -- at least at this point they can use that, right? Okay. So I wanted to go through, there's an exception that's -- that's in the bill and my editorial is it isn't much of an exception, in my -- in my humble opinion, but let's just go through what it says, that when restraints can be used in the courtroom, starting on page 1 of the bill around line 8. So why don't you just -- maybe you could just explain what that exception says.

MR. MEEKS: (Inaudible)

MS. WALSH: Yeah. This would be when the judge -- when the restraints can be used in the courtroom for -- in family court for a (inaudible).

MR. MEEKS: Step one says physical injury to the child or another person by the child.

MS. WALSH: Yeah. And then two, physically



disruptive courtroom behavior by the child as evidenced by a recent history of behavior that presented a substantial risk of physical harm to the child through another person, so that's the second one.

MR. MEEKS: Yes.

MS. WALSH: And then third would be flight from the courtroom by the child as evidenced by a recent history of absconding from the court.

MR. MEEKS: Correct.

MS. WALSH: Those are the three exceptions, but in order to have any of those exceptions come into play, the court must determine on the record after providing the child with an opportunity to be heard why such restraint is the least restrictive alternative necessary to prevent those things we just talked about, either injury to other people, injury to himself or herself, person might run, might take off based on history, so okay. Now would you acknowledge that at times, restraints are used not only to preserve the safety of the courtroom personnel, but also in some instances to preserve the safety of the defendant, the child here, the 20-year-old that's appearing in family court.

MR. MEEKS: Yeah, this is family court, not criminal court, so --

MS. WALSH: I understand.

MR. MEEKS: -- we're not so much recognizing them as the defendant.

MS. WALSH: Right.

MR. MEEKS: But what studies find that if you take the time to actually have a conversation with the youth, it becomes one of those matters of fight or flight. If you talk to them, you find out exactly what the background story is. Some of these children have been displaced from their homes where they're in foster care and they've just come to the conclusion that *I must run*. So I think this calls for actually having that conversation with the children, having a better understanding on what they endured in order to get them the proper resources in moving forward.

MS. WALSH: Right. So I agree with you, and I misspoke by saying *defendant*. It just seems kind of odd to me to have an 18-, 19-, or 20-year-old that we're referring to as a child, but, you know, maybe we could just say *accused juvenile delinquent*.

MR. MEEKS: I think that's necessary. When you look at different children, you may have a 21-year-old that is developmentally challenged, and some of them may have extremely low IQ's. So they're still recognized as children and they still may need the assistance from a parent or the system.

MS. WALSH: Yeah, okay. Thank you very much. I appreciate your answers.

Mr. Speaker, on the bill.

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

MS. WALSH: So this bill basically takes away judicial discretion. A judge always, even under current law, has had

the discretion to run his or her courtroom in a safe manner for court personnel, for him or herself, and for anybody appearing in front of the judge in the courtroom, could order and often, I mean, in my experience in family court, often does order the removal of any kind of restraints. There was some indication in some of the memos accompanying this bill that there's a concern that if the individual appears with, say, handcuffs that there could be a stigma. The sponsor mentioned that there needs to be a presumption of innocence. This is really about courtroom safety. The sheriff's -- I'll just tell you, the Sheriff's Association is very concerned about this bill and I did kind of say that, you know, we'll see what -- what further bills in the future look like, but they're saying that sheriffs are concerned that this would create an unnecessary and unmanageable security risk for OCA staff who may not be prepared to deal with unruly defendants.

So while I understand and, certainly, as the -- as the mother of a child with -- an adult child with developmental delay, I can appreciate your statement that there could be a 20-year-old who is childlike, but the fact of the matter is that there are teenagers, 18-, 19-, 20-year-olds that could be big, imposing, unruly members of -- in a court setting. And, you know, the fact that there's an exception in this bill that requires a judge to determine on the record after giving the defendant an opportunity to be heard about whether the restraints should come off or not, and -- and the fact that they have to -- they have to make a finding that there needs to have been a recent history of behavior that presented a substantial risk of physical harm to the

child or another person. I mean, you're basically waiting for something bad to happen and then at the next appearance, maybe the judge can say, *Hey, you know what? You punched the courtroom deputy*, or, you know, *You went after the stenographer* or, you know, the court reporter.

You know, I don't think that that's a good idea to set up a -- set up a situation where you're taking away the judge's discretion to run his or her courtroom, in the first instance, and second, if he or she wants to have restraints still on because in a -- in a -- and these courtrooms, by the way, are not -- they're not as big as this Chamber, they're not even a fraction of the size of this Chamber in many instances. The family court that I appear in front of is -- is like the size of a, like a conference room. It's not big. People are sitting very close to one another. And, you know, I have felt worried in a number of appearances that I've been at because of the individuals coming in and, you know, I think that it's something that should be left in the sound discretion of the court. I think the sheriffs are concerned that this year, this bill says that once they enter the courtroom, the restraints have to be removed. They're worried that next year the bill might be, yeah, you can't even use them when you're transporting the individual, or when that individual is waiting to go into the courtroom.

I think that there needs to be an appropriate balance between public safety and, you know, certainly the rights of the accused, absolutely, need to be considered as well. I think the best individual to do that is the judge. That is the judge's job. I don't think

that a bill like this that -- that, you know, at the risk of sounding too cute, you know, we're taking handcuffs off of the accused juvenile delinquent and we're putting the handcuffs on the judge for making the decisions that are appropriate in his or her opinion.

So for those reasons, I cannot support this bill. I don't believe that this is the right way to go and I would encourage a no vote from my colleagues. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Salka.

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

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

MR. MEEKS: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. SALKA: Thank you, sir. Just a quick in line follow-up with what my colleague just -- the just concerns regarding -- have you had an opportunity to talk to any of the judges or any of the court personnel on their opinion on this and how they feel that it might affect their safety, their concerns.

MR. MEEKS: Yes. We -- it's our understanding that a number of the judges support this -- this bill.

MR. SALKA: And court personnel, officers, she mentioned stenographers; anyone really who's on the front line that would have to deal with any kind of implications of this legislation, of this bill.

MR. MEEKS: It is my understanding that the judges, some of the judges support this bill.

MR. SALKA: Some.

MR. MEEKS: And the language within.

MR. SALKA: Could we some as a majority or some as someone who was just was referred to and...

MR. MEEKS: I could not say some as being a majority, I didn't poll all judges across the State of New York family court system.

MR. SALKA: Okay. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate point 6498. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation. Those who support it should contact the Minority Leader's Office and we will record your vote accordingly. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

(Pause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, the Majority Conference will be generally in favor of this piece of legislation; however, colleagues deciding to be an exception should feel free to contact the Majority Leader's Office and express their opinion. It will be properly recorded.

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

(The Clerk recorded the vote.)

Mr. Walczyk to explain his vote.

MR. WALCZYK: Thank you, Mr. Speaker. To explain my vote. I Googled it really quickly here, the average age of a gang member is actually 17 years old. And I am not a qualified individual to judge what 17-, 18-, 19-, or 20-year-old in a courtroom is and isn't a gang member. But luckily, we have an entire branch of government. You know who's a good judge? A judge. Let them decide who needs to be restrained in the courtroom, not this legislative Body with its politics. Let the judges judge. I vote no.

ACTING SPEAKER AUBRY: Mr. Walczyk in the negative.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. As luck would have it I forgot to tell you all one more thing that I think is kind of important. The -- with the passage of Raise the Age, during what, a recent year, was it last year, the year before, family court is now going

to be responsible for hearing cases of 16- and 17-year-olds, as well. These cases will not be misdemeanors. The Raise the Age legislation creates the possibility that a 16- or 17-year-old charged with a violent felony offense who is subject to pre-trial detention could have their charges disposed of in family court.

So I think it's important to recognize, I think some of us when we think about juvenile delinquency or JD cases, you know, think about the kid with a spray can. That's -- that's not the cases that are coming into family court these days. So you know, as my colleague indicated with gang activity, but there are some very significant cases that are coming into family court and these are not, you know, there's a risk. So anyway, that's all I wanted to add and, again, I'm in the negative. Thank you.

ACTING SPEAKER AUBRY: Ms. Wallace to explain her vote.

MS. WALLACE: Thank you, Mr. Speaker, for giving me the opportunity to explain my vote. I just want to clarify, I'm looking at the language of the statute right now and it's very clear to me that the judge does have the discretion if the judge believes that the individual, the child, poses a danger to himself or to someone in the courtroom. The judge can, under those limited circumstances, order the person to be in handcuffs. But the presumption is created that that is not the case and I think that that is the appropriate presumption when we are talking about a child and we are talking about family court, not criminal court. So I want to thank the sponsor



for bringing this legislation forward and I proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Wallace in the affirmative.

Mr. Meeks to explain his vote.

MR. MEEKS: Yes, thank you, Mr. Speaker. I just wanted to speak to the fact that this strikes at the heart of presumption of innocence. We heard my colleague across the aisle state that juvenile delinquents, and nowhere in this bill do you see the term *delinquent*, and that speaks to the fact that people are automatically assumed to be a delinquent of sorts when appearing in the court system. And that is another reason why we must pass this legislation and I am voting in the affirmative. Thank you.

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

Ms. Cruz to explain her vote.

MS. CRUZ: Thank you, Mr. Speaker. I want to thank the sponsor for this fantastic piece of legislation. And I cannot believe that I just sat through an entire debate where people are arguing that even before there's a judgment of innocence -- innocence or guilt, that we should be okay with the idea of shackling children. I cannot believe that I just sat through this argument. These are children that are going to family court and the judge still has the discretion. And so I am going to proudly and shockingly vote in the affirmative and I urge my colleagues who cannot see beyond these

labels, that understand that these are children who are going into family court that need our help and should not be shackled. Thank you.

ACTING SPEAKER AUBRY: Ms. Cruz in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to explain my vote. Let me start by commending the sponsor of this legislation. You know, for at least the last 20 to 30 years, family court has been one of the fastest growing courts not just in New York State, but in this country. And most of the reasons that children end up in family court is because of their interaction or lack of interaction with an adult. And so to automatically assume if they're going to family court that they somehow must be criminalized is a little disconcerting. You know, I think that we should move in this country more towards a reformative justice kind of model, and I think the conversation that the sponsor had on communication is a way to start that restorative justice without just assuming that we need to be in shackles. And I appreciate the fact that there's going to be a judge in that room, and some of them do understand restorative justice practices -- practices because it's kind of a topic that's been going around. People are learning how to do it, use its properties to maybe get better out of children as opposed to sinking them further into the hurt that they came in there with from some adult or the other.

So I commend the sponsor for this one and I'm very pleased to be voting in the affirmative for it. It's -- it's a great bill and it's what we need to be going in the direction towards, not towards criminalizing, but reforming people in a real kind of just manner.

ACTING SPEAKER CONRAD: Mrs.

Peoples-Stokes in the affirmative.

Mr. Lavine to explain his vote.

MR. LAVINE: I want to thank the sponsor.

Listening to the debate, I have to admit I was a little distracted with something else and listening to the folks attacking this bill, I thought, my goodness gracious. What does this bill do? It opens up the courtroom to the most violent of human beings? No. I've just reread the bill and I really have to say, that sometimes I think we all get carried away with our rhetoric and our ideologies. But this bill has absolutely nothing to do with what the people who were attacking it were talking about.

Look, I respect their right to argue however they want, but I think anybody watching should know that all this bill does is say that if someone is a child and they are unruly in the courtroom, the judge must use the least restrictive measures to be able to control that particular child. I don't see what is the controversy here. Any good judge would do that, and trust me, I only spent most of my life in the courts, very often representing people who were the least popular people humanly imaginable. This is a good bill. It's a fair bill. This helps protect not only the due process rights of children in courtrooms,

but the due process rights of the people of the State of New York.  
This is a great bill. I'm going to be very, very pleased to vote for it.  
Thank you.

ACTING SPEAKER CONRAD: Mr. Lavine in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Pause)

MRS. PEOPLES-STOKES: Mr. Speaker, if we can continue on our debate list, we're getting through, we have got a ways to go, but let's keep moving. We're going to go to Rules Report No. 517, Assembly Bill No. 350-C by Mr. Braunstein; followed by Rules Report No. 531, Assembly Bill No. 1386 by Mr. Gottfried; followed by Rules Report No. 542, Assembly Bill No. 3184 by Mr. Dinowitz; we're going to go to another Dinowitz bill, which is Rules Report No. 260, Assembly Bill No. 7536; and, Mr. Speaker, then we're going to go to Rules Report No. 663, Assembly Bill No. 6232-C by Ms. Bichotte Hermelyn; followed by Assembly Bill No. 6424, again, by Ms. Bichotte Hermelyn. In that specific order, Mr. Speaker. Thank you.

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

Page 15, Rules Report No. 517, the Clerk will read.

THE CLERK: Assembly No. A00350-C, Rules

Report No. 517, Braunstein, D. Rosenthal, Weprin, Stirpe, Quart, Seawright, Carroll, Pheffer Amato, Colton, Hyndman, Dinowitz, Griffin, Thiele, Cook, Pretlow, Benedetto, Lavine, Richardson, Montesano. An act to amend the General Obligations Law, the Real Property Law, and the Real Property Actions and Proceedings Law, in relation to excluding tenant-shareholders in cooperative housing corporations from certain housing provisions.

ACTING SPEAKER CONRAD: On a motion by Mr. Braunstein, 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 CONRAD: The Clerk will record the vote on Senate 5105-C. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. I will be supporting this legislation that exempts cooperatives from all the provisions, or many of the provisions that applied in the Tenant Protection Act that we passed a few years ago. When the Tenant Protection and Stability -- Housing Stability Act was passed, it had a number of restrictions, including a restriction that prohibited a landlord from seeking anything in a summary judgment other than the

rent. And in the private sector in the normal housing market, that meant that a lot of landlords now sue the tenant twice at the same time, once in small claims for damages and other expenses that are no longer allowed to be as part of the eviction, and second, in the same court for an eviction, which is a totally ridiculous situation. Also what's happened is the -- the Tenant Protection Act limited the amount of security deposit to one month. And that is also creating huge problems and so -- because it extended the eviction time period from three weeks to three months, and so obviously a one-month security deposit was inadequate.

And so to address that, what the landlords have done is they -- they've increased the rent and so if you wanted a \$600 security deposit, for example, instead of charging three months, which would be \$1,800, you just raise the rent \$100 a month and at the end of the year, you got the extra \$1,000 or \$1,200 and you pocket it. And so the tenants get hurt in every conceivable way, and it's creating havoc throughout the industry. And those problems are specific -- are -- are particularly acute in a cooperative where all the other members have to pick up all the other costs of maintenance fees, special assessments and administrative fees when a cooperative member doesn't pay their fair share. And so this allows all those fees to be collected in one proceeding rather than in multiple proceedings, and it makes a lot of sense and I -- I will be supporting it.

ACTING SPEAKER CONRAD: Mr. Goodell in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 17, Rules Report No. 531, the Clerk will read.

THE CLERK: Senate No. S03762, Rules Report No. 531, Senator Breslin (Gottfried, Cahill, Darling, Dinowitz, Epstein, Griffin, Stern, Tague, Taylor, Thiele, Zebrowski, Weprin, L. Rosenthal, Cymbrowitz, Hunter, Gunther, Galef, McDonough, Ra, Byrnes, Seawright, Englebright, Jones, Simon, Barrett, Jean-Pierre, Norris, Otis, Lupardo, Morinello, Buttenschon, Wallace, Bronson, Steck, Montesano, Abinanti, Colton, Burdick--A01396). An act to amend the Public Health Law, in relation to pharmacy benefit managers; to amend the Insurance Law, in relation to registration and licensing of pharmacy benefit managers; and to repeal certain provisions of the Public Health Law relating thereto.

ACTING SPEAKER CONRAD: Read the last section.

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

ACTING SPEAKER CONRAD: The Clerk will record the vote on Senate Bill 3762. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. I will be voting in the affirmative. This legislation has had strong bipartisan support in the past on the floor of the Assembly, only to be vetoed by the Governor. I'm not sure that any of the changes have been addressed in this bill, and I would hope that in the future we'd try to reach a compromise so we can move forward in this subject area. I note that some in -- those in the industry are particularly concerned about certain language issues that might raise a fiduciary liability and, again, I hope if it's vetoed again that we actually sit down and try to negotiate something that addresses these concerns. Thank you, sir.

ACTING SPEAKER CONRAD: Thank you, Mr. Goodell. Mr. Goodell in the affirmative.

Mr. Gottfried to explain his vote.

MR. GOTTFRIED: Yes, Mr. Speaker. Just to quickly note that what has changed since the Governor vetoed this bill is a unanimous Supreme Court decision called Rutledge v. Arkansas [sic] which very crystal clear and emphatically establishes the right of New York and other states to enact exactly this kind of legislation. It's not often that I read a -- a brief from the Supreme Court by the Trump Administration Justice Department and say, wow, I wish I had written that, but that's -- that's what went on in Rutledge. It's such a -- it's an enormously terrific decision for the authority of states to protect their people. The only -- the only closest thing to a dissent was Justice Thomas who said the decision didn't go far enough.



So the Governor's concern had been that whether Federal ERISA legislation barred New York from doing this. The Supreme Court decision Rutledge made that crystal clear, so I think we have smooth sailing on this bill. Thank you. And I vote in the affirmative.

ACTING SPEAKER CONRAD: Mr. Gottfried in the affirmative.

Mr. Cahill to explain his vote.

MR. CAHILL: Thank you, Mr. Speaker. First, let me thank the sponsor for doing such an incredible job in putting together such an important proposal. This is indeed a landmark bill. It should be signed by the Governor. The sponsor did properly note the Rutledge decision which changes the entire discussion about ERISA, which was a primary basis upon which the veto was rendered.

But I would like to spend one moment to address what was called the fiduciary duty. Right now, not-for-profit health insurance companies, and many of us have not-for-profit health insurance companies, have such a duty to their patients, to their members. For-profit insurance companies have a fiduciary duty to their shareholders. Without a legal obligation to have a duty of some kind to their members, they must first and always serve their shareholders. This bill would make sure that the patient comes first, that the member comes first, that the consumer comes first, as it should be with all of health care. Thank you. I withdraw my request, once again compliment the sponsor, and vote in the affirmative.

ACTING SPEAKER CONRAD: Mr. Cahill in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Rules Report -- sorry. Page 17, Rules Report No. 542.

THE CLERK: Senate No. S04884, Rules Report No. 542, Senator Savino (Dinowitz, Peoples-Stokes, Paulin, Gottfried, L. Rosenthal, Zebrowski, Weprin, Galef, Cahill, Colton, Abinanti, Hevesi, Cook, Stirpe, Steck, Lupardo, Gunther, Perry, Santabarbara, Jean-Pierre, Joyner, Fahy, Otis, Hunter, Barrett, Seawright, Lavine, Taylor, Ra, Montesano, Smith, Englebright, Simon, Griffin, Benedetto--A03184). An act to amend the Public Service Law, in relation to creating the State Office of the Utility Consumer Advocate.

ACTING SPEAKER CONRAD: Mr. Palmesano.

MR. PALMESANO: Yes, Mr. Speaker, to -- on the bill.

ACTING SPEAKER CONRAD: On the bill.

MR. PALMESANO: Yes, Mr. Speaker and my colleagues, I've debated this bill in the past with the sponsor. In the interest of time, I think I'll just highlight some of my points and concerns that we raised in the past. When we had this bill debated in 2019, the Governor ultimate -- ultimately vetoed that bill and I did want to say just a little bit what he vetoed. This bill doesn't address

any of the concerns mentioned in the veto where he kind of went on and say how this is redundant to the services for residential customers that are already provided by the -- a number by the State, which I will talk about a little bit later, too. The Department of Public Services dedicated to consumer advocacy and the Department of State's utility intervention unit represents consumers before Federal, State and local administrative agencies, engaged in the regulation of energy services, including the Public Service Commission. The version of the bill remains unchanged from the bill that was previously vetoed, so he vetoed the bill.

And I will remind my colleagues that the -- we already have some of the highest utility and electric costs in the entire country. And while I appreciate the intention of the sponsor, I know he's genuine in what he's trying to do here, I just don't believe we're going to get what he is -- out of this bill what he's intending and trying to do. I believe like -- this is already pretty not just duplicated, but it's duplicative three or four times over. We already have different agencies that already do this work: Department of Public Services, Office of Consumer Policy and Consumer Services, the Utility Intervention Unit within the Department of State, the Office of the Attorney General has a consumer division within that department. There's recently appointed a -- a Statewide -- in 2020, a Statewide special counsel for ratepayer protection within the Department of Public Services -- Service and we also have the public -- Public Utility Law Project that receives State tax dollars. All these agencies receive

State tax dollars. The Utility Law Project is a non-profit. They also intervene on behalf of lower income individuals for the utility bills.

And I did -- would want to just mention, too, on the -- the special counsel, he's empowered -- was appointed -- was empowered to represent the interests of residential and commercial customers at the New York's regulated industries as a part of the PSC proceedings to safeguard the interest of ratepayers and hold accountable those utilities and telecoms who fail to meet their contractual and regulatory obligations.

So right now this is very, very duplicative. We have a number of agencies that are already doing this. This is not needed. It's just -- it's interesting, we're creating an office to advocate, but this office is going to actually cost more. I know when we debated the bill a couple of years ago, the sponsor said it's going to save ratepayers money. Unfortunately, what this bill can't do is it can't -- the position won't be able to do it, they're not going to be able to advocate against over one-plus billion dollars in taxes, fees, and assessments that we currently find on our utility bills for different fees, for environmental (inaudible) of system benefits charges that gets added to our tax bill and represents about 25 to 30 percent of the consumer's tax bill. Can't do anything to address the shock and awe that's going to come to our ratepayers and businesses across the State when the so-called Green New Deal, the CLCPA is implemented, that's going to cost a great deal of money on their tax bills -- on their utility bills.

This position, I don't -- they -- they're going to try to

mirror it after the -- the -- what California has. California currently, their department, they have 183 employees, a \$44 million budget and that was in '19-'20, so -- and this position is going to have a broad scope, so they're going to probably need a big office. So how many -- how many employees are going to be part of that, how big the office is. Like I said, California, 183 people, \$44 million budget. Who are they going to be accountable and how much is that going to cost? That's going to cost money. They're going to be advocating against themselves because this money that they're supposedly going to save, they're going to be costing on the utility because it comes off the utility bill. When we talked about this bill a couple of years ago, the sponsor said it comes out of the State Budget, but it actually comes -- paid out of assessment on our ratepayers on the utility deals.

And I think it's just really kind of hard for me to comprehend how oftentimes my colleagues and friends on the other side of the aisle say they're always looking out for the ratepayer on one hand but, on the other hand, they're passing bills that literally shift costs and whack the ratepayers of the State on the other hand with policies like such as this. I think this is more of a symbolic position that's not going to do the job that it's intended to do. Like I said, really, it could be advocating against itself because it's going to cost more money and I -- is -- I don't think it's going to get what we -- get at the heart of what we really want to do, which is to reduce our utility costs and -- consumer costs on our customer -- on our ratepayers, our small -- our residents and our businesses.

Literally if you want to do something to help the ratepayers of this State, you can begin to -- begin by being transparent and honest. Stop passing bills that shifts costs on to them. I'll just mention a couple of them. How many times have we done net metering bills in this House that I've discussed and debated? I know it's about green energy and -- and the solar panels and things of that nature. When they get -- when those excess credits get reimbursed back to the customer, they get paid at retail rate instead of the wholesale sale or the avoided cost rate. That difference is made up by the other residential customers that don't have access to that, and it's taking money that would be used to help improve the grid. That's one area.

We talked about on the other side of it, on the cable side of it, a couple of years ago this Body enthusiastically, I guess, accepted a -- a disastrous DOT right -- right-of-way fiber fee tax that has increased the costs of broadband and fiber to help give broadband to our -- pick their rural areas. It's not only a disincentive to invest for these companies, but those costs have to get passed on and it's going to get passed on to our -- our individuals who we want to expand broadband to which is really, doesn't make sense because this Administration continues to say we have 98 percent of public is covered by broadband. It's not true, we know it's not true. It was evident we had a problem before COVID. It came out fairly evident after it that we needed to do a better job in that area. Even in this year's budget, the \$15 cap for broadband. I mean, when you're only

paying \$15 -- that includes the taxes, fees, and assessments as well.

Well, when you're not re -- not getting what your costs are, if you're paying -- someone is paying \$15 if the costs are here, what happens to those costs? They get shifted to everyone else. And that's going to increase costs for other people. That's not the way -- you know, that's another example of -- of cost shifting that we continue to see happen over and over again.

If we really want to be transparent and honest, we could pass legislation that we have in our House it would be -- on our side, the Ratepayer Transparency Disclosure Act to show our ratepayers and our taxpayers what they're paying, show those taxes, fees, and assessments that come out of the utility bills every single month. Again, 25 to 30 percent of the utility bill are taxes, fees, and assessments, over one-plus billion dollars a year. And -- and also again, I'll go back to the -- the CLCPA, something I've been very critical of, I know a number of people in this House and on your side of the aisle like it, think it's a good thing. And I've advocated against it, debated on the floor in the past, my problem with it is it only affects New York State, it doesn't affect the rest of the country when New York State only contributes .5 percent of the total carbon emissions in the country and 3.3 percent in -- in the U.S. These costs, this bill does not affect the rest of the states, it doesn't affect China, Russia or Brazil, it only affects -- it doesn't affect Pennsylvania or Ohio, just New York.

And if we really want to be transparent and honest

with our consumers, we should really be doing and helping their utility bills because they're going to get sticker shock when this comes through and they start developing some of these proposals, some of them we already heard over the course of the year with the CCIA. We should be doing a full cost-benefit analysis of the CLCPA before implementing it to let the public know what this is going to cost them. Don't you believe they have the right to know in dollars and cents the true fiscal costs? I'm not talking about the societal benefits, I get that, folks who are going to advocate -- but there are still true dollars and cents what this is going to cost the ratepayers of this State with higher utility bills. I mean, there have been estimates, \$5-, \$6-, \$7 billion annually just on the utility bill side of it for residents for -- for consumers, for manufacturers and businesses.

How about -- and I know the word *natural gas* seems to be a dirty word in this Chamber, I don't think so. Carbon -- the past 15 years, our carbon emissions have decreased because of natural gas. We need to be transparent -- if we have a full cost-benefit analysis, let's be transparent with the ratepayers and the people in the State who use natural gas, and 60 percent of the public in New York State heats their homes with natural gas, and then we're going to say in the 15 years they're going to have to be totally electrified? Ninety-four percent of Western New York heat with natural gas and use natural gas. That one estimate that came out from a consumer energy corporation said it would cost the average family about \$35,000 a year to convert from natural gas to all electric. Why aren't we telling the



public about that? That's being transparent, that's being honest. That's what these policies that you're passing are going to -- are going to do to the public. They deserve to know this. I mean, you're saying this is good for them, but this is going to -- this is going to hurt them, it's going to hurt businesses. Again, when New York contributes just .5 percent of the total carbon emissions in the country -- in the world and 3.3 percent in the State -- in the country -- in the country.

So because, my colleagues on the -- my friends on the other side of the aisle continue to say they're interested in helping the ratepayers, but you see legislation that continually comes out of this House that actually shifts costs to them and makes them pay -- pay higher utility bills, whether it's our families, our farmers, our seniors, our manufacturers, and because of the history of this bill and because we already have departments that are doing this, four different departments that are already advocating on behalf of residents, on behalf of our utility customers, I'm going to be voting in the negative on this bill again, and I would urge my colleagues to do the same. Thank you, Mr. Speaker.

ACTING SPEAKER CONRAD: Read the last section.

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

ACTING SPEAKER CONRAD: The Clerk will record the vote on Senate Bill 4884. 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. Those who would like to support it are encouraged to call the Minority Leader's Office so we can record your vote. Thank you.

ACTING SPEAKER CONRAD: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Majority colleagues are going to generally be in favor of this one; however, there may be a few who would like to be an exception. They should contact the Majority Leader's Office and we'll be pleased to record their vote.

ACTING SPEAKER CONRAD: Thank you.

(The Clerk recorded the vote.)

Mr. Goodell.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. Under our current regulatory framework, the entire premise behind the Public Service Commission was to regulate utilities and protect consumers. That's their entire mission. But if we lost sight of that, I think it was last week, we required at least one member -- board member of the Public Service Commission be a consumer advocate. And just to make sure that that message is not lost, we have the Department of State Utility Intervention Unit which is focused solely on helping consumers. So

this bill adds yet one more layer, apparently under the theory that more is good and you can't have enough overlapping regulatory requirements. I think it's just better if we focus on making sure our existing facilities and organizations and agencies and advocates do the job that we've selected them for. Thank you, sir.

ACTING SPEAKER CONRAD: Mr. Goodell in the negative.

Mr. Dinowitz to explain his vote.

MR. DINOWITZ: I will be brief. This is not another layer. This is an independent office, it's not directly controlled by anybody. The person who's appointed is appointed and then confirmed by the Senate for a term, that way he or she can act independently in the interest of the utility consumers. I believe every one of us represents somewhere around 130,000 utility consumers, and I know that many of you on the other side of the aisle vote for this bill, particularly if you're from a place like Long Island, for example.

The experience in other states that have this is that the utility consumers have saved huge amounts of money, millions, sometimes tens or hundreds of millions, and I think in the case of California, billions. Lots of money has been saved by consumers because they have an independent Utility Consumer Advocate's Office and if this State has one, our utility consumers will benefit, as well. So I would urge a yes vote and I am voting yes.

ACTING SPEAKER CONRAD: Mr. Dinowitz in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following colleagues in the affirmative: Mr. Mikulin, Ms. Miller, Mr. Montesano, Mr. Schmitt, Mr. Smullen, and Mr. Tannousis. Also Joe Giglio. Thank you, sir.

ACTING SPEAKER CONRAD: Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 8, Rules Report No. 260, the Clerk will read.

THE CLERK: Assembly No. A07536-B, Rules Report No. 260, Dinowitz, Galef, Cymbrowitz, Sillitti, Englebright, Zinerman, Davila, Fahy, Morinello, Lawler, McDonough, Santabarbara. An act to amend the Penal Law, in relation to making the falsification of COVID-19 vaccination records a crime.

ACTING SPEAKER CONRAD: On a motion by Mr. Dinowitz, 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 CONRAD: The Clerk will record the vote on Senate Bill 4516-C. The vote -- I'm sorry. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the number previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. This bill is generally opposed by the Republican Conference for the reasons to be explained shortly by Assemblymember Walsh. For those who are not convinced, they can certainly call the Minority Leader's Office and we'll record their vote. I don't think that will be many, but that's certainly an option.

ACTING SPEAKER CONRAD: Understood.

Thank you, Mr. Goodell.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference will generally be in favor of this piece of legislation; however, should anyone decide to be an exception, please contact the Majority Leader's Office so we might record your vote.

ACTING SPEAKER CONRAD: Thank you.

(The Clerk recorded the vote.)

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. So this bill, it -- it starts to -- after a while, these start to kind of blend in for you, right? But we voted on a version of this bill back on June 3rd and we had 43 no votes, then the bill was amended and the amendment, basically it downgraded the falsification of a COVID-19 vaccination card to forgery in the third degree, a Class A misdemeanor, and it added intentionally altering or destroying computer material to computer tampering in the third degree, which is a Class E felony.

So my -- my two cents is that we had 43 no votes, like, last week. I don't think -- and I think the reason largely for the no votes was that it was felt that this bill was not necessary to have a bill that's specifically calling out forgery of vaccination records, that the forgery statute was -- you know, substantial on its own. Existing law already covers this and, you know, so I -- I don't know really what about this bill even in its amended form makes it more necessary, you know, now than it was when we voted on it last week. So I'll be in the negative again. Thank you.

ACTING SPEAKER CONRAD: Ms. Walsh in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 22, Rules Report No. 663, the Clerk will read.

THE CLERK: Assembly No. A06232-C, Rules Report No. 663, Bichotte Hermelyn, Dickens. An act to establish a construction industry advisory council on public contracting reform.

ACTING SPEAKER CONRAD: On a motion by Ms. Bichotte Hermelyn, 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 CONRAD: The Clerk will record the vote on Senate Bill 4323-C. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to

contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Ms. Bichotte Hermelyn to explain her vote.

MS. BICHOTTE HERMELYN: Thank you, Mr. Speaker, for allowing me to appear before my colleagues today in support of this legislation which establishes a construction industry advisory council comprised of 21 industry representatives, labor representatives, State Legislators and agency heads to propose a reform to the public works bidding and contracting process in New York. There is -- right now, there's currently a lack of weigh in on the public contracting process. Construction and contractors often face significant challenges when bidding and working on public work projects. So as the Chair of the Subcommittee of the MWBEs, I believe this committee will add value to that process and offer a place for stakeholders to have a productive dialogue.

Often, the inclusion of an onerous inequity -- inequitable or inconsistent agency's contract terms and conditions governing issues such as contract to payment, job delays and dispute resolutions often codified into statute or regulation place an unfair burden on contractors and subcontractors. Prior attempts to address these inequities through individuals' bills have been proven unsuccessful. A more equitable and comprehensive approach is warranted.

So current inefficiencies in the public contracting

process are responsible for driving up the costs of construction, making New York a less competitive place to engage in such work which, in turn, harms the State economy and costs jobs. The advisory council would be in charge with the studying of the current public contracting process and adopting recommendations, best practices, legislative proposals, in order to reform and improve the current situation by making it more fair, predictable, and equitable for all parties. Scope of advisory council inquiry limited to the following projects: Delay damages, substantial completion, MWBE contracting, and retainage. So in this post-pandemic economy in the State, I think we should support this. I encourage all my -- my colleagues to support this effort. Thank you, Mr. Speaker.

ACTING SPEAKER CONRAD: How do you vote?

Ms. Bichotte Hermelyn in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 22, Rules Report No. 666, the Clerk will read.

THE CLERK: Assembly No. A06424, Rules Report No. 666, Bichotte Hermelyn, Pichardo, Perry. An act to amend the Workers' Compensation Law, in relation to providing a claim-filing opportunity for the widows and dependents of workers who died as a result of cancer caused by exposure to diesel exhaust.

ACTING SPEAKER CONRAD: On a motion by Ms. Bichotte Hermelyn, 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 CONRAD: The Clerk will record the vote on Senate Bill 661. 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. For reasons I'll explain in just a minute, this will be a Party vote. The Republican Conference will be generally opposed. Those who support it even after listening to me should call the Minority Leader's Office and we'll record your vote. Thank you, sir.

ACTING SPEAKER CONRAD: Thank you.

Ms. Hunter.

MS. HUNTER: Yes, Mr. Speaker, I'd like to remind my colleagues that this is a Party vote. Majority members will be recorded in the affirmative. If there are any exceptions, I ask Majority members to contact the Majority Leader's Office at the number previously provided and we'll then announce your name accordingly.

ACTING SPEAKER CONRAD: Thank you, Ms. Hunter.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. In order to file a

Workers' Compensation claim, a claimant has to file within a certain time frame. And the reason we have a fairly short statute of limitations is so that we can be sure that the injury that they claim was the result of a work injury and not the result of something else. That presents some issues sometimes when people don't realize that exposure to certain chemicals can have a long-term impact. And so that is the case with some people who have been exposed to diesel exhaust and subsequently developed cancer.

So this bill opens up an unlimited statute of limitations for one year. So it's like a one year free-for-all, you can file a claim no matter how long ago you were exposed to diesel exhaust. And the problem is when you go back 10, 15, 20 years, there are so many intervening causes that might affect it that it makes it extraordinarily difficult and problematic to establish the nexus that should be established. And it's important for us to keep in mind that while we want to be fair to employers -- employees, for sure, we also have to be fair to the employers who are paying these bills. And all of our employers are struggling to recover from the impacts of the COVID and not -- now is not the right time, in my opinion, to open up an unlimited claim period for one year for a free-for-all on claims that relate to possible exposure to diesel smoke.

And for that reason, while I am appreciative of the fact that we're encouraging workers to file claims going forward, an unlimited statute of limitations is inappropriate. Thank you, sir.

ACTING SPEAKER CONRAD: Mr. Goodell in the

negative.

Ms. Bichotte Hermelyn to explain her vote.

MS. BICHOTTE HERMELYN: Thank you, Mr.

Speaker, for allowing me to speak on my bill and to explain my vote.

This is a bill which provides a claim filing opportunity for the widows and dependents of workers who have died because of cancer caused by exposure to diesel exhaust. This is not an unlimited window, this will take effect one year -- up to one year from the date of the effective -- from the bill effective date. So it's not an unlimited window of statute of limitation. For years, transportation workers, dedicated public servants who power our City public transportation have suffered and succumbed to illnesses and disease resulting from prolonged exposure to diesel dust emissions.

During the COVID-19 crisis, we as a society gained a new found respect for essential workers who risked their lives every day to keep our State going. Transportation workers have served in this essential role keeping our airlines, railroads, buses and subways running during the crisis and before. Unfortunately, it is not without risk. Science has at last supported what many transportation workers and their families has suspected for a long time, that diesel dust emissions are lung carcinogen. Science doesn't lie.

While we cannot completely mitigate this risk, we can provide the families of these essential workers in public service with compensation when they lose a loved one due to illness related to exposure to these carcinogens. Anthony Nigro, which this bill is

named after, a bus mechanic who passed away early in 2012 and who this bill is named after, passed away from regular exposure to the harmful diesel exhaust. But his widow was barred from making her claim for death benefits because the statute of limitation expired before scientific proof of diesel exhaust as a class one carcinogen became available. Unfortunately Anthony's widow is one of many New Yorkers who should have received appropriate compensation but did not. The science is available now and it supports what we have long suspected. We cannot wait another day. We must pass this bill --

ACTING SPEAKER CONRAD: Ms. Bichotte Hermelyn, how do you vote?

MS. BICHOTTE HERMELYN: I will vote in the affirmative to amend the Workers' Compensation Law for the -- to allow death benefits in relation to cancer caused by diesel exhaust exposure. Thank you, Mr. Speaker.

ACTING SPEAKER CONRAD: Ms. Bichotte Hermelyn in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleagues Mr. Schmitt and Mr. Tannousis in the affirmative. Thank you, sir.

ACTING SPEAKER CONRAD: 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, if we could turn our attention to the A-Calendar that you so happily put forth earlier, and we're going to Bill No. 3370, it's Rules Report No. 755, it's by Mr. McDonald and Ms. Fahy; followed by, Mr. Speaker, back to our debate list, Rules Report No. 710, 5576 by Ms. Forrest; and then Rules Report No. 740, Assembly Bill 8022 by Ms. Davila; followed by Rules Report No. 709, 5424, by Ms. [sic] Taylor; and immediately followed by Rules Report No. 737, Assembly Bill 7931 by Mr. Carroll. In that order, Mr. Speaker, and thank you.

ACTING SPEAKER AUBRY: Page 5, Rules Report No. 755, the Clerk will read.

THE CLERK: Assembly No. A03370-B, Rules Report No. 755, McDonald, Fahy. An act to amend the Public Authorities Law, in relation to facilities utilized by the Albany Parking Authority and increasing the amount of bonds of the Albany Parking Authority authorized to be outstanding.

ACTING SPEAKER AUBRY: Mr. -- read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 3370-B. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 25, Rules Report No. 710, the Clerk will read.

THE CLERK: Assembly No. A05576-A, Rules Report No. 710, Forrest, Hunter, Richardson, Niou, Septimo, Mamdani, Burdick, González-Rojas, Jackson, Gallagher, Kelles, Mitaynes, Meeks, Clark, Epstein, Simon, Hevesi, Barron, Anderson, Weprin, Taylor, O'Donnell, Quart, L. Rosenthal, Abinanti, Carroll, Gottfried, Dickens, Aubry, Dinowitz, Bichotte Hermelyn, Cruz, Seawright, Paulin, Walker, Cook, Otis, Reyes, Bronson, Perry, Burgos, Vanel, Lupardo, Cahill, Lavine, Fahy, De La Rosa, Galef, Rodriguez, Barrett, Hyndman, Solages, Frontus, McDonald, J. D. Rivera, Davila, Pretlow, Steck, Kim, Joyner, Jean-Pierre, Pichardo, J. Rivera, Darling, Fernandez. An act to amend the Executive Law and the Penal Law, in relation to revocation of community supervision.

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

Ms. Forrest, an explanation has been requested.

(Pause)

Mr. Weprin to explain.

MR. WEPRIN: Thank you, Mr. Speaker. This legislation would amend the Executive Law and the Penal Law

regarding the parole supervision process in New York State. This bill would bring courts into the review of parole violation matters, much like judges have a role in probation violation proceedings. It would help assure due process and accurate results in parole violation proceedings. For persons charged with a violation of parole that involves an allegation of criminal conduct, either a misdemeanor or felony, the same sanctions presently available would remain. This would include potentially the defendant's return to State prison for the balance of their original sentence. For an alleged violation of the rules of parole not involving alleged misdemeanor or felony conduct, time limits would be placed on the use of jail as a sanction. The Department of Corrections and Community Supervision would be encouraged to use other methods such as more frequent reporting, curfews and the like, before using a jail sanction. Thank you.

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

MR. WEPRIN: I'd be happy to.

MR. MORINELLO: Sir, there's a provision there -- well, first of all, let me start out this way. The sentence is imposed by a judge, am I not correct?

MR. WEPRIN: You're correct.

MR. MORINELLO: Okay. And the judge in New York State, depending on the nature of the crime, has certain sentencing guidelines that they must follow, am I not correct?

MR. WEPRIN: You're correct.

MR. MORINELLO: Okay. So a judge will sentence someone to -- to prison and within that, there's -- there's the discretion to grant parole after the minimum time that is put in for sentence by the judge, correct?

MR. WEPRIN: I believe that is correct.

MR. MORINELLO: Okay. So my first question is, other than the initials, does this take away any of the prerogative of the judge and reduces sentencing? So it takes away the judge's sentencing and puts it off into probation or into this law?

MR. WEPRIN: Well --

MR. MORINELLO: Would that not be correct?

MR. WEPRIN: Well, except in the cases of felony or misdemeanors where the -- the current law would -- would be in place.

MR. MORINELLO: All right. But there's more than just felonies and misdemeanor --

I'm sorry, I need to adjust my mask. May I for a second, please?

MR. WEPRIN: It's okay with me.

MR. MORINELLO: No, I know, I'm asking the Chair. Only because it's so difficult to debate with this.

But let's go back to -- so this would have some impact on the judge's sentencing, taking away the judge's discretion in his sentencing without going back to the judge, am I not correct?

MR. WEPRIN: In -- in a sense, for -- for violations which are a technical violation. You know, this bill has broad support



from many District Attorneys throughout the State, as well as other people, including former judges and commissioners involved in the system. So this particular bill has very broad support from all aspects of the criminal justice system.

MR. MORINELLO: I -- I really appreciate the commentary, but that wasn't my question, okay? My question is the judge's sentence is put on by the judge; yet, this bill seems to interfere with the sentence when it comes to what the minimum and maximum is, including what their -- once they've served the minimum and they're put on parole or eligible for parole, there's also guidelines that are not going to be followed in this, correct?

MR. WEPRIN: That could be the case, but we're talking about -- we're talking about individuals who have already been paroled, and the idea is that they should not be returned to prison for those technical violations except if there's a misdemeanor or -- an additional misdemeanor or a felony convicted -- committed.

MR. MORINELLO: Okay. But the concept is to interfere with the judge's sentence, and that's the part that disturbs me. It's not giving somebody a break. Now, there's also -- in the bill, it says *earned time credit*. So if the sentence calls for two years of parole, according to this it's my understanding if they serve 12 months and they don't get returned, the second 12 months of the two years is voided, am I correct?

MR. WEPRIN: I don't know about voided, you get merit time, you know, for --

MR. MORINELLO: Well --

MR. WEPRIN: -- good behavior.

MR. MORINELLO: All right. So merit time voids the remainder of the sentence, correct?

MR. WEPRIN: Well, it reduces it.

MR. MORINELLO: All right. Well, reduce -- it eliminates it, correct?

MR. WEPRIN: Yeah, it's only as long as you don't re-offend.

MR. MORINELLO: Correct, but if you don't re-offend, does it not reduce it, which is a way of eliminating it. You serve 12 months on a 24-month probation, at the end of the 12 months you -- you don't have to serve the other 12, is that correct?

MR. WEPRIN: The idea is this is a -- a form of parole reform for people that are not committing misdemeanors or felonies, already are out on parole, and should not be re-incarcerated for technical violations.

MR. MORINELLO: All right.

MR. WEPRIN: That's -- that's the purpose of the law, it's changing the law when it comes to those type of parole violations.

MR. MORINELLO: But it does not answer my question, but I'll move on because I won't get an answer. Now, what disturbs me is there's a technical violation definition, technical violation is in an important respect. Can you explain what an

important respect is?

MR. WEPRIN: Important -- well, it's a technical violation that's not a misdemeanor or a felony. I -- I don't know about that particular term in the law, but the -- the idea on the earned good behavior time is to encourage people, you know, not to re-offend and that's why their supervision time is reduced due to earned -- earned credit time.

MR. MORINELLO: So you cannot tell me what is meant in the -- I mean, it's put in the law and when a judge or a jury or an attorney has to look at it, *an important respect*. So am I to understand you cannot give me what is meant by *an important respect*?

MR. WEPRIN: If you give me a minute, I'll --

MR. MORINELLO: Okay.

MR. WEPRIN: -- consult counsel.

(Pause)

Apparently, it's -- it's the -- it's the language that's currently in the law. So I guess I'm not sure what the legal definition of that is, but it's already in -- in the law now.

MR. MORINELLO: Well, if you are involved in the drafting of this or you're a cosponsor, wouldn't it be a little better to put down what the actual parameters are so that if there's a violation it's not left to speculation?

MR. WEPRIN: Well, it's -- it's actually -- it's in Section 259, subdivision 3 of the Penal Law. So you could -- you

could look up, you know, that particular definition. But there is a defined definition --

MR. MORINELLO: Okay. But at this point, you can't tell me to put on the record, I -- I have to go research it.

MR. WEPRIN: Well, I do know it's been the law for 30 years in -- in the Executive Law.

MR. MORINELLO: Okay. Now, there is a section that says they cannot be re-incarcerated for drinking, correct? Even if they're restricted or told they cannot have any alcohol, am I correct?

MR. WEPRIN: Drinking, if it's not related to, you know, a DWI or, you know, any other type of potential criminal conduct would be considered a technical violation.

MR. MORINELLO: So would it be fair to say that what this actually does is tells someone on probation not to worry because there will be no consequences to his actions and he does not have to worry about being responsible, correct?

MR. WEPRIN: No, that is incorrect.

MR. MORINELLO: And why is it incorrect? I mean, basically they can do almost anything they want other than commit a murder, another felony, or get arrested for another crime and they can get almost a free walk.

MR. WEPRIN: Well, public intoxication is an offense, but here we're -- we're talking about you know, non-misdemeanors and non-felonies.

MR. MORINELLO: Okay.

MR. WEPRIN: Here we're -- you -- you can't risk -- it's not illegal or a misdemeanor or a felony to drink in your own home and get --

MR. MORINELLO: Well, but you're also on parole which means you have certain restrictions you have to follow. It's like having a child and telling them they can't do something. Do you just ignore it and not punish them?

MR. WEPRIN: The point here is that people are often re-incarcerated for non-dangerous activity, activity that is not a violation of the law either through a misdemeanor or a felony. And certainly, if someone was convicted -- if someone was charged with either DWI or D -- DUI, they could be sent back to prison, you know, for a number of years. So this...

MR. MORINELLO: So basically what it's saying is if you're on parole and you're getting a break and you're out of prison, ah, you can fool around a little, you can break some of the rules and not have to be punished, just don't break any big ones.

MR. WEPRIN: No, that's not true. It's not true, Judge. It basically deals with what we consider technical violations. In this particular case, you may think drinking is not a technical violation but as long as there's no driving involved or no -- any kind of, you know, public intoxication and, you know, causing any form of nuisance, it would be considered a technical violation and you should not be re-incarcerated for that.

MR. MORINELLO: All right. To determine that, I'd

have to go to another section of the Penal Law, correct?

MR. WEPRIN: You could -- you could do that.

MR. MORINELLO: Okay. Thank you for your answers.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MORINELLO: I'd like to make it clear on the onset that I support re-entry into the community and I support support for those that are re-entering. We do not want them to re-offend, we do not want them to get back into a criminal styled lifestyle. But what it seems to be missing in all of these reforms is at some point, we need to recognize that individuals need to be responsible for the consequences of their actions. There's good consequences, there's bad consequences, but the individuals need to understand there's no free lunch. If they're let out early, they have obligations. And remember, if they are on parole, they have not completed their obligation to society.

Now, we have aids, we have help, we have programs we can assist them with. Those that want to follow the rules deserve a break. But those that are -- want to go into that gray area because they think they can get away with it, I don't think they deserve the break and I think that they need to recognize there are consequences. Thank you very much.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect March 1st,

2022.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate 1144-A. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact that Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

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

ACTING SPEAKER AUBRY: Thank you.

Ms. Hunter.

MS. HUNTER: Yes, thank you, Mr. Speaker. I'd like to remind my colleagues that this is a Party vote. Majority members will be recorded in the affirmative. If there are any exceptions, please call the Majority Leader's Office at the number previously provided and we will announce your name accordingly.

ACTING SPEAKER AUBRY: Thank you, Ms. Hunter.

(The Clerk recorded the vote.)

Ms. Forrest to explain her vote.

MS. FORREST: Thank you, Speaker. As the lead sponsor for this bill, I want to begin by expressing my gratitude to Assemblymember Weprin for arguing the bill today. I would also like

to acknowledge the brilliant work of Katal Center, Unchained, and A Little Piece of Light, as well as many other groups who have worked so hard on Less is More. This bill means a lot to me as a sponsor. On May 16th, I gave birth to my baby boy. I named him David after the Judeo-Christian King David and, like his namesake, I dream so much for him. And as a new mother to a Black baby boy, I'm constantly reminded of the universal need to rely on the support of others in order to live and ensure my son lives beyond, beyond all that hope I hope he will be. So today I'm grateful for the support of -- of my colleagues and everyone who has joined me in the work of moving this bill forward, and the brilliant advocates who have built a movement that I know will continue to fight for the justice in the criminal justice -- in the criminal legal system. Less is More is a bill that is fundamentally about care and support. Thank you, thank you, thank you to everyone.

ACTING SPEAKER AUBRY: Ms. Forrest in the affirmative.

Mr. Weprin to explain his vote.

MR. WEPRIN: Thank you, Mr. Speaker, for allowing me to explain my vote. I want to thank Assemblymember Forrest for her tenaciousness in bringing this bill forward, and I also want to thank her predecessor, Walter Mosley, who carried this bill for a number of years as well, as well as the coalition of advocates who realize that once people are on parole, they -- they should have a chance to not be re-incarcerated for technical violations. This has been a fault in our parole system for many, many years. And I know



we've been advocating a lot of parole reform, this clearly is -- is a major one and of all coalitions, this one actually has almost everybody in the criminal justice system in support of this, including about ten District Attorneys, many former judges, many Commissioners of Parole and Probation, and even the New York City Correction Commissioner. So I withdraw my request and proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Weprin in the affirmative.

Mr. Anderson.

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

ACTING SPEAKER AUBRY: Proceed.

MR. ANDERSON: Thank you, sir. I want to start off by thanking the sponsor of this piece of legislation for bringing this very important issue to the forefront. I want to thank the advocates and activists, the Katal Center and many of our folks who fought for this moment today. You know, this is a bill we're, again, at the precipice of trying to redefine who we are as a society in the space of criminal justice. Are we a society that's overly punitive, or are we a society that's corrective and rehabilitated? And what this bill does is that it allows folks who have made possible technical violations to be able to be assisted in this space, but also to -- we want to make sure that these folks have the opportunity to reintegrate into society pending these violations. So I think it's critically important that we

vote in the affirmative on this bill, which I plan to do, and I encourage my colleagues to do the same.

ACTING SPEAKER AUBRY: Mr. Anderson in the affirmative.

Ms. Gallagher.

MS. GALLAGHER: Mr. Speaker, I rise today to commend the sponsor who can't be with us today because, as we saw, that she just had a new child in this world; her impact is felt nonetheless. Whether you are incarcerated for a month, a year or a decade, returning to society is tremendously difficult. It's hard enough to find a job, to reconnect with family and friends and neighbors, and to feel at home in the world. And on top of it, these returning citizens walk on the knife's edge of incarceration every single day. New York sends more people back to jail for minor technical parole violations than anywhere else in the nation, separating families, impoverishing workers, and fueling mass incarceration. When it comes to locking up our neighbors in cages, less is, indeed, more. I proudly vote yes on the legislation and I urge us to continue the work of building a more just and humane legal system. Thank you so much.

ACTING SPEAKER AUBRY: Ms. Gallagher in the affirmative.

Mr. Dinowitz.

MR. DINOWITZ: Thank you. I want to start by thanking our Corrections Committee Chair who debated and explained the bill. It is in our interest to pass this bill. I think we all want to do

the right thing as we see it. It does nobody any good for people to be sent back to jail for the minorist of violations after they're out and under supervision. It does no good to punish people for tiny violations. We want people, when they come out of jail, to be able to get a job, to be able to go back to their families, to be able to lead the same type of lives that we want to lead, and I think this bill helps us do that. It's important, I think, to look at the whole parole system, and I think this is one piece of that, because there is much needed reform that has to be made. So I'm very pleased that we are doing that.

And even if you don't like the idea of somebody, you know, getting out and not being sent back, just think of what's in our own interest. It costs the State of New York huge amounts of money just for the people who are sent back for the minorist of violations. It just makes no sense. It's unnecessarily punitive, it's very costly, and it does not help anybody. So this bill I think takes an important step and an important reform to help people and, frankly, it helps all of the people of New York. So I am voting yes and I urge everybody else to do the same.

ACTING SPEAKER AUBRY: Mr. Lawler.

MR. LAWLER: Thank you, Mr. Speaker. Parole is still part of the sentence; it's not the end of the sentence, it is part of it. And what this bill seeks to do is basically end the sentence as expeditiously and painlessly as possible for the person who committed an offense. Previously, I talked about an example in my district where a 16-year-old child was brutally sexually assaulted and murdered by an

assailant who drank alcohol all day at a bar. Under this bill, drinking is no longer a violation that would result in the individual being sent back to prison. The problem there is the very person who was the assailant in the case that I had mentioned was released on parole two years ago and within two weeks violated that parole by being drunk at a bar. Drugs and alcohol have an impact on people's abilities to make decisions, and sometimes those decisions cost lives. So this goes way too far in trying to void orders issued by judges and even parole boards, and so for that reason I cannot support it and I vote no.

ACTING SPEAKER AUBRY: Mr. Lawler in the negative.

Ms. González-Rojas.

MS. GONZÁLEZ-ROJAS: Thank you, Mr. Speaker. I would like to thank the sponsor of the bill for their work. You know, 35,000 people, that's how many New Yorkers are under parole supervision because of technical violations. These are 35,000 people who cannot join the work force, access resources, or even incarcerated again because of our criminal justice system does whatever it takes to criminalize Black and Brown and low-income communities. With this legislation, we are mostly correcting this and, instead, moving closer to supporting communities to re-integrate into society. And this is actually not radical. Republican-controlled states across the nation have passed parole reform just like this and the results were not more crime, but less crime. Parole case loads dropped and the economic and human costs of criminalization fell. So why can Kentucky,

Montana or Utah do this but not New York? It isn't just rhetoric like the fear mongering the other side likes to engage in, this is actually an empirical fact.

So I want to thank the advocates so much for work on this legislation. The Katal Center for Equity, Health and Justice, Unchained, A Little Piece of Light. I want to thank my colleagues who, like me, came to Albany to resist the ongoing criminalization of our people. It is time that we treat people as people and it's time to punish less and heal more. I proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. González-Rojas in the affirmative.

Ms. Mitaynes.

MS. MITAYNES: On the bill, please.

ACTING SPEAKER AUBRY: Explaining your vote.

MS. MITAYNES: Our current parole system is not set up for success. We have seen racial inequalities and incarceration for minor violations. Less is More incentivizes good behavior, centering community-based solutions, treatment, and reserving incarceration for more serious, repeated violations. We must be more forgiving and restorative in our approach to social justice. As a State, we must incorporate flexibility into the way we treat our people, knowing that nobody is perfect all the time and that sometimes the punishment does more harm than good. By passing the bill, we can save hundreds of millions of dollars in unnecessary incarceration costs

which can be invested in housing, mental health care, and treatment to help people on parole succeed. I will be voting in the affirmative as this is one step forward to restorative justice.

ACTING SPEAKER AUBRY: Ms. Mitaynes in the affirmative.

Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker. For the -- for the good of the Body, I just wanted to, you know, I'm not looking to disparage or demonize and I -- I think it's a right and laudable cause to want to reintegrate people into society, but I think we have to talk about the facts a little bit. I actually reached out to the Department of Corrections a few months ago just to get some general sense, because we were working on a lot of -- there was a lot of rhetoric in this Chamber about how everybody locked up was in there because of the Rockefeller Drug Laws, and I'm like, wow, that's really interesting. Let me actually get the numbers on that. So it turns out less than one-in-ten incarcerated individuals is actually in there for a drug charge, which I thought was interesting, right?

So what's the makeup of the -- the individuals that we're talking about here? And not to just say every single one of them is incapable of reintegrating into society, I think it's great the -- you have some hope for those individuals and hopefully they can. But I think it's also worth noting that out of our population as of last month, 24,273 of the incarcerated individuals in New York State are in for violent felony offenses. Eight thousand are in for non-violent felony

offenses. I just wanted to share that with the good of the Body -- for the good of the Body and I vote no, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Walczyk in the negative.

Mr. Epstein.

MR. EPSTEIN: Thank you, Mr. Speaker. I just -- I rise to explain my vote. I want to thank the sponsor and the Chair of Corrections, as well as all of the advocates that got us to today. And this is about what we do to people who are trying to redeem themselves. They have reintegrated themselves into society, likely got a job that's stable, have a new place to live, and that could all fall apart again by missing an appointment, by missing a meeting. And so what we're trying to do is say to them you won't go back for those de minimis mistakes that we all make in life. We all miss meetings, we all miss appointments, we all forget to make a phone call, and you can continue to do what you can to do a good job in society. We're not talking about serious offenses, we're talking about minor infractions, and that's exactly what we should allow to happen. I encourage everyone to vote in favor of this bill. This is a social justice reform bill and I'm proud to say I support it.

ACTING SPEAKER AUBRY: Mr. Epstein in the affirmative.

Ms. Kelles.

MS. KELLES: I rise to explain my vote.

ACTING SPEAKER AUBRY: Proceed.

MS. KELLES: I want to talk about the practical aspects of this bill and why I support it. As many of you know, I was a county legislator for five years prior to coming to the -- to the State Legislature, and we passed last year -- and last year a resolution in support of this bill. Not only was it supported by the County Legislature, it was supported by our DA, and it was supported by our Sheriff. And the reason why is because we were working very hard to reduce our -- to reduce crime in our county and to reduce our jail population. We were prioritizing alternatives to incarceration, we were prioritizing reentry, and in two years we were able to, focusing on alternatives to incarceration and working very closely with probation, we were able to halve our jail population and do that all without increasing any crime in the county. But one of the things that we found that was very difficult is that our population kept increasing because of people who, for example, would miss a bus and miss a day of day reporting, or their car would break down. And these things would happen and they would end up back in the jail and then eventually back in prison. And so it would artificially continue to increase our jail population and during COVID, we found that we ended up with eight to ten people who were stuck in the jail because they couldn't be brought back into the State Prison, but they couldn't leave the jail because they had, in many cases as I said, missed a bus or missed a day of day reporting.

This is so incredibly important because it is a critical part of alternatives to incarceration. It is a critical part of reentry and



it is, in fact, actually supported by many of our DAs and many of our sheriffs because it is logical and it is practical. I vote in the affirmative. Thank you.

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

Mr. Colton.

MR. COLTON: Thank you, Mr. Speaker. I have been very torn over this bill because normally this would be exactly what I think should be done. Our criminal justice system must rehabilitate people and not be punitive and try to catch them on technical violations. But I've been very concerned about the large outbreak of hate crimes in New York City in particular, and it troubles me that there are so many repeat offenders and that sometimes the hate crime is not charged as a crime and the person gets -- goes out and does it again. But after being -- going back and forth on this in my mind, I've decided that we must deal with the majority of cases and not the special cases where somebody is a bad actor and they do something wrong. And I don't want to spoil the reform of the criminal justice system by the actions of some that may be attracting highlights right now. So I have decided in the end I'm going to support this bill. I think it does make an improvement in terms of rehabilitating people, and I think that's very important. But I hope, you know, our parole officers, our judges, our District Attorneys, are going to be very diligent in terms of making sure that those who commit hate crimes should not just be released on the streets to do it again and again and

again because that sends a very bad message.

But I withdraw my request and I have decided to vote in the affirmative on this bill.

ACTING SPEAKER AUBRY: Mr. Colton in the affirmative.

Mr. Mamdani. Mondani -- I'll get it right.

MR. MAMDANI: Thank you, Mr. Speaker. I rise to explain my vote, and I rise to say three facts about this legislation. The first is that of people on parole who New York sent back to prison in 2018, 85 percent were reincarcerated for technical parole violations. The second is that in 2019, 40 percent of people admitted to State prisons were locked up not for a new felony conviction, but for a non-criminal technical violation of parole. And the third is that my dear colleague from Brooklyn who close to a month ago brought new life into this world, is with this legislation giving life back to so many New Yorkers who have had that stolen from them by our criminal justice system.

And so I thank her, I acknowledge her work and the tireless work of her entire office, of all of the advocates and all of our colleagues who have championed this legislation in years past. And I am so, so proud to vote for this bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Lavine.

MR. LAVINE: Thank you, Mr. Speaker. I think it's important for us in listening to these different arguments against the

bill - some of them very, very passionate - that this applies not to people who are in jail, it applies to people who have been released from jail on parole or supervised release. Now, if someone doesn't like the idea of parole in general or supervised release, perhaps they should come up with a -- a better system. I -- I defy them to do that. I think this provides some process rights that are additional and needed, and gives greater individual consideration to those who are on supervised release. And I -- and I really appreciated that someone spoke about King David, the Jewish King David. The biblical accounts of his reign, particularly in the Book of Chronicles, focus on his success as the King of the nation -- the ancient nation of Israel. And for his reign and the reign of his son Solomon, those were the high points of the history of that ancient nation. The Lord gave victory to David wherever he went, so David reigned over all Israel and he administered justice and equity to all his people. That's 1 Chronicles 18.

I think this bill is about justice and equity and I'm pleased to vote for it. Thank you.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you. I thought I might just for a minute explain my vote by referencing the actual language of this bill. And I hope that by referencing the language in this bill I can dispel some misperceptions. This bill defines a technical violation as

any conduct that violates a condition of community supervision in an important respect. In an important respect. That's the definition under this bill for a technical violation. So everyone who keeps talking about, *Oh, you missed a phone call* or, *You were a little bit late to an appointment*, that's not what this bill is talking about. This bill is talking about a violation in an important respect, and that's now a technical violation. So what is not a technical violation? A commission of a felony, another misdemeanor, or various sex offenses. And so under this bill there is no longer any parole because the only way you go back to jail is if you're arrested for an offense that would put you back in jail anyway. And for anything else you can just ignore the restrictions because everything else other than an offense that would put you back in jail is now defined as a technical violation. My friends, when we let someone out of prison on parole and they put in a series of terms and conditions, all those terms and conditions are designed to help the inmate lead a better life. Help the inmate avoid corrupting influences. Help that inmate in every respect and this eliminates all parole, and for that reason I'm opposed.

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

MR. BURDICK: Thank you, Mr. Speaker. I wish to thank the sponsor for bringing forward this legislation and the advocates. As a member of the Correction Committee I supported and I cosponsor this legislation. I think we need to focus on the fact that our system of corrections is not founded on the notion that we lock up

those incarcerated and throw away the key. It's founded on the concept of correction, and that's why the name corrections is in the name of the agency. It's founded on the notion that we have rehabilitation. That people can turn around their lives. As many of you know, I served as supervisor of the Town of Bedford for seven years before coming to the Assembly, and in my district are the two Bedford Hills correctional facilities. And I worked with groups that had helped those incarcerated turn around their lives. Let's not reverse the progress that we have made. We've seen that work. We've seen recidivism drop. Let's keep that going. Let's not turn it around due to technical violations as minor as missing an appointment.

I'm very much in favor of this. I vote in the affirmative and again thank the sponsor.

ACTING SPEAKER AUBRY: Mr. Burdick in the affirmative.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker. Just to explain my vote. Yesterday I had the opportunity to speak with a -- with a parole officer, and that individual told me what this bill will do. This will basically tie their hands. These parole officers, these men and women who work with these individuals each and every single day do everything they can to put these individuals on the right track. You know, you're talking about missing an appointment. So if you miss one appointment it's okay. Two appointments, three appointments, four appointments, five appointments. But where does

it stop? How are they going to get these individuals and help them stay on the right track? Again, in society we're going to tie their hands and not allow our parole officers to do their job. They have to have discretion as well. I -- I understand what the sponsor wants to do. I just think sometimes, again, we go too far and we don't bring the right players to the table to make sure we do the job right.

So I will be voting no and ask my colleagues to do the same you. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Manktelow in the negative.

Ms. Hunter.

MS. HUNTER: Yes. Mr. Speaker, if you could record the following Majority colleagues in the negative: We have Ms. McMahon, Lunsford, Wallace, Mr. Stirpe, Colton, Santabarbara, Burke and Ms. Buttenschon.

ACTING SPEAKER AUBRY: Ms. Simon to explain her vote.

MS. SIMON: Thank you, Mr. Speaker. I want to commend the sponsor of this legislation. It is legislation I have been proud to be a cosponsor of for a number of years. And I also want to clarify for the sake of some of my colleagues that, in fact, the work of the parole officer is helping to orient people on reentry (audio interference/inaudible) prisons. Further, on Rikers Island 700 people at any time who are there on technical parole violations. They're not getting any help while they're there. They're not getting any

rehabilitation while they're there. There is no help that the parole officer (audio interference/inaudible) incarcerated for minor technical violations.

This bill has been a long time coming and I'm very proud to vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 31, Rules Report No. 740, the Clerk will read.

THE CLERK: Assembly No. A08022, Rules Report No. 740, Davila, Burgos, Zinerman, González-Rojas, Dickens, Clark, Gottfried, Perry, Pichardo, Joyner, Anderson. An act to amend the Correction Law, in relation to the role of the Department of Corrections and Community Supervision in planning and facilitating the discharge or release of incarcerated persons to the community.

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

MS. DAVILA: Sorry. I got a bunch of cheerleaders here. Okay, so this is an act to amend the Correction Law in relation to the role of the Department of Corrections and Community Supervision in planning and facilitating the discharge or release of incarcerated persons to the community.

ACTING SPEAKER AUBRY: Mr. Giglio.

You need to unmute yourself, Mr. Giglio.

MR. GIGLIO: I'm trying.

ACTING SPEAKER AUBRY: You got it.

MR. GIGLIO: Thank you. Thank you, Mr. Speaker.

I would prefer to go on the bill. Thank you to the sponsor.

ACTING SPEAKER AUBRY: Mr. Giglio on the bill.

MR. GIGLIO: This -- this bill is actually not all that bad. But I would call it the "kitchen sink bill" because there is no part of what's going on here that we do not want DOCS to handle. Let's start with the fact that it has to be prepared 45 days before they leave. Secondly, the other part of it is every single part of this; housing, medical treatment, mental health, educational, vocational training, employment services, alcohol and substance disorder treatment, and there is no funding. And who is going to coordinate this with DOCS? While they're still incarcerated, DOCS' job is to keep them safe and secure. So my -- my problem with the bill is I'm not sure how we could possibly work this out. How do we coordinate all these different things, every aspect of a -- of a formerly-incarcerated inmate's release? And let's start with the word "formerly" because upon their release, they are no longer the -- the responsibility of DOCS. But we do want them to have the services they need and coordination with Social Services is important. Now, this bill did not come through the Corrections Committee, it went right to Codes, so we never had a chance to actually discuss it. That's why I'm not overly



in the negative regarding this -- this position, but I am saying that the stuff in here without any input from other stakeholders is just almost impossible to do. Plus, there's no funding for all of this. There's no money involved. We haven't heard from -- didn't get a chance to ask DOCS how they can make it work. I'm not sure what employees they have now that could do all this work. And the other part of it that really gets me after reading all of this, upon release the formerly-incarcerated inmate can say, *Never mind. I don't want to do any of this and I'm out on my own.* So, you see, there's problems with this. It could probably be worked out and be made better if only somebody would ask. If only somebody would work with us once in a while. You know, this is really incredible, especially off this last bill. These kind of things are important. I have dedicated my life to the criminal justice system. I have been in it since I graduated from college until I came to this Body. And we came to this Body to help improve things, but the only thing we keep hearing is how bad we are. How the judgment is always made somehow the Republicans on the other side of the aisle don't care. That's garbage. Just garbage. Pablum. You could -- you could pander all the voters you want, but that's not true and I resent it a great deal. I have been parts of an alternatives to incarceration program, I have helped run jails. Let me tell you, we don't want formerly-incarcerated inmates ever coming back. We've worked on recidivism. And while they're in the facilities, the State facilities, all of these things are done for them. By the time they're released, they should be ready to go back and be

reintegrated into society. And although I do like the idea of coordinating an effort, 45 days before is probably a little bit much. Secondly, at that point after all this has done, how much does DOCS keep being responsible for them once they are -- once they are released? Either they're released or they're not. And that I see as a big problem. But my biggest problem is the inability of this Body to work with the other side of the aisle and always condemn it, no matter what. The people that just condemned us don't even know us. They just got here. And they're going to tell us all these things and how bad we are. They -- they don't have a clue. And let me tell you, it's very frustrating to me. Because the reason it's frustrating is this is a wonderful Body, and I've been proud every day I've walked in those Chambers. Every single day. And I've worked with some of the smartest people on the other side of the aisle and I'm always impressed. And I'm always impressed with the fact that they just want to do good, too. But this is an impressive place. And you can only say what they agree with and then they will condemn you when you don't agree with them. They don't want to know why you don't agree with them, they just want to condemn you. And after this last thing, I -- I am really frustrated and upset and very sorry for those that don't understand that we're here to do good for the entire State, for the entire population of the State of New York. And don't generalize and decide what's right or what's wrong or how you stereotype people and decide that we're not worth it because you don't know us, you don't know me and I take it very personal.

But I'll get back to the bill, sir. This bill is in need of more work and it's probably too in-depth in what needs to be funded, and at no place in here is any of that funding in. So I thank you for your time.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Galef on the bill.

MRS. GALEF: Yes, just briefly on the bill. I -- I live in Ossining, which is the home of Sing Sing prison, and my office in Ossining actually had a lot of people from prison -- from Sing Sing working there, staff people for Sing Sing. And I would see a lineup outside the door - this is way back a number years ago - with people leaving Sing Sing and picking up -- they'd already got an outfit to wear, but picking up some money and then to go -- one day I remember going to the railroad station in Ossining and seeing a lot of the people who had just left prison at the railroad station. And I thought to myself, *Where are they going? Who are they going to be with? How is their life going to start?* And I thought to myself, *There has to be a better system than this.* And I have to tell you, at the Sing Sing Correctional Facility -- and I -- I'm sure that they're doing this now, but they had a program where people that were leaving, they would connect with them, and I don't know how many days before but it was many days before, to be sure that the people that were leaving Sing Sing had a place to live, were connected with alcohol or drug programs in the community wherever they were going, and really, you know, tried to see if they can get a job for them or into an educational

facility. And Sing Sing was doing a terrific job with this. I don't know whether it's happening in other facilities, but hopefully it is. And I think this bill really establishes a goal for us in our State that we're going to be sure that when people do leave prison that they -- they are on the path to -- to starting a new life for themselves, and I think this bill will do a lot for it.

Thank you.

ACTING SPEAKER AUBRY: Thank you, Mrs. Galef.

Ms. Davila on the bill.

MS. DAVILA: On the bill. I just want to clarify a couple of things on this bill. First of all, we talk about the money, how -- how are we going to get the money to ensure that these folks get the -- the proper release plan. I just want to address a couple of the issues that were brought up by Mr. Giglio. Did you know that DOCS spends \$3.54 billion a year? This was in 2019. We spend \$79,879 per person that's incarcerated. And this was done by a study from Columbia University. These incarcerated people are already getting treatment and plans within the walls of either DOCS or the jails that they are currently residing in. The problem is that when we allow them to walk out of these prisons without the proper services that they need, that's where the problem begins on our streets. That's where the crime begins to amp up again. And this is not to say that every parolee that walks out the door is going to commit a crime because that is false information. However, we are a state of fairness, we are -- we're

supposed to be just. Okay? And people make mistakes. We are supposed to be forgiving. We are in one of the most distinct places to be able to make a difference. And I tell you all, this is the time to make a difference. We all put on the TV, we see what's going on. You put someone on a bus after being incarcerated and put them back into the community. No schooling, no ed -- nothing. No education, no medical coverage. No -- no help. No mental health services. What do you think is going to happen? Yes, let's look at ourselves and say this is the time to get it done. We're doing a lot of criminal justice reform, and this is where it should start. So by reducing 1,200 beds a year, we are saving \$35 million a year.

So please, I tell you I am just very elated and very happy to be able to sponsor this bill because I think now is the time to get it done. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Davila.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print A.8022. This is a -- this is a Party vote. Any member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference will generally be in the negative for the reasons mentioned by my colleagues. But those who would like to support it should call the Minority Leader's Office and we will certainly record your vote.

Thank you.

ACTING SPEAKER AUBRY: Ms. Hunter.

MS. HUNTER: Yes, Mr. Speaker. I would like to remind my colleagues this is a Party vote. Majority members will be recorded in the affirmative. If there are any exceptions please call the Majority Leader's Office and we will record them and announce them.

Thank you.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Thank you both.

Ms. Wallace to explain her vote.

MS. WALLACE: Thank you, Mr. Speaker. I -- I just want to express my full-throated support for this legislation. This is how we return people to society and help them to succeed. You know, as I tell my kids, without a plan you plan to fail. It might seem like a burden on DOCS, but that's how we give people the best chance to succeed, and if they don't return to jail that makes us all safer. And to those who say that there's no funding, let me remind you that it costs \$50- to \$60,000 a year to house an inmate. Per inmate. Ninety-five percent of people in jail will -- will return to society at some point, and we owe them -- we owe it to them to give them the best chance at success. As I said, that makes all safe, and I fully support this bill.

We cannot wait any longer, and I want to thank the sponsor for bringing it forward.

ACTING SPEAKER AUBRY: Ms. Wallace in the affirmative.

Mr. Weprin to explain his vote.

MR. WEPRIN: Thank you, Mr. Speaker. This is, you know, one of the things we've been arguing for years, that people are being released without the proper discharge plans and without putting the safeguards in place. And as was pointed out, this will end up saving the system a lot of money and hopefully prevent individuals from being recidivists. And that is what we all want. When someone is released, we want to discourage any recidivism, and the proper discharge planning will go a long way to preventing that.

So I want to thank the sponsor, a member of the Corrections Committee, for bringing this bill forward and I withdraw my request and proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Weprin in the affirmative.

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. So, I've listened really carefully to the -- to the debate this afternoon on this bill. I -- I think we've passed a lot of bills where we don't yet know the funding source. I do think that -- I know the sponsor talked a little bit about some cost savings, but I also think this could be an -- an expensive program to put in place but I think it's a really important

one. I also absolutely know that some of this planning, maybe not to this extent as it's reflected in the bill, but some planning is being done already. But I -- I do value the idea of trying to give everybody the best start and the smoothest transition to a hopefully better, you know, crime-free productive life and to reintegrate in society. And so I will support this bill. I just -- you know, I hope that we can -- we can come up with enough resources to put it into place, you know, maybe in next year's budget.

So, thank you.

ACTING SPEAKER AUBRY: Ms. Walsh in the affirmative.

Ms. Hunter.

MS. HUNTER: Yes, Mr. Speaker. If you could record Mr. Santabarbara in the negative, please.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 25, Rules Report No. 709, the Clerk will read.

THE CLERK: Assembly No. A05424-A, Rules Report No. 709, Taylor. An act to amend the Election Law, in relation to enacting the "Make Voting Easy Act" to require that the Board of Elections designate a number of early voting polling places based on the number of registered voters in each county.

ACTING SPEAKER AUBRY: On a motion by Mr.



Taylor, the Senate bill is before the House. The Senate bill is advanced.

An explanation is requested, Mr. Taylor.

MR. TAYLOR: Thank you, Mr. Speaker. This bill requires the Board of Elections to designate in each county with at least 500,000 registered voters at least one early voting polling site per every four increment of 40,000 registered voters with no maximum number. In each county with less than 500,000 voters, at least one early voting polling place per every four increment of 30,000 registered voters with a maximum of ten polling places. This bill would also increase the hours -- the early voting hours sites must be open on weekends and legal holidays from five to eight hours between 9 a.m. and 8 p.m. This bill seeks to alleviate extraordinary long wait times like the ones we saw here in New York City and across the State for early voters in the 2020 Presidential Election. The lengthy wait times were -- were the result of too few polling places for the number of registered voters and the limited hours. Reducing overcrowding and long lines at the polls is especially important during the COVID-19 pandemic, though a fast -- through a fast and early voting experience should be the standard for every election.

ACTING SPEAKER AUBRY: Mr. Norris.

MR. NORRIS: Thank you, Mr. Speaker. Will the sponsor yield just for a few questions?

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

MR. TAYLOR: Absolutely. Thank you.

ACTING SPEAKER AUBRY: Mr. Taylor yields.

MR. NORRIS: Thank you, Mr. Taylor. It's currently on the ballot this coming year an opportunity for the voters of the State of New York to approve no excuse absentee voting.

MR. TAYLOR: I'm sorry, is that a question?

MR. NORRIS: It is.

MR. TAYLOR: Would you repeat it, please?

MR. NORRIS: My question is, is on the ballot this year coming up is there a constitutional amendment to allow for no excuse absentee balloting in the State of New York?

MR. TAYLOR: I believe so.

MR. NORRIS: Yes. Yes, there is.

MR. TAYLOR: Yes.

MR. NORRIS: Okay. Then why do we have to adopt this law today and just wait to see whether or not that amendment actually passes in November before we consider this?

MR. TAYLOR: Well, there are two things. This won't take effect until April of next year, so we're trying to get ahead of the curve. And I'm sure you can attest to the number of people that were on line and there's long waiting times. Actually, it -- it almost -- it's almost -- you could say it's a suppression of voters' rights when you have to stand for so long, you only have a limited time. So it's important that we do this in this space.

MR. NORRIS: Would you be open to possibly doing

additional early voting sites just in presidential elections when we know the traditional higher turnout is much greater than a local and even gubernatorial elections?

MR. TAYLOR: Well, I -- I think that's an interesting concept, but I would push back and say no, I'm not interested because the idea is to continue to galvanize voters to be a part of the process. And if I say yes to that then I'm saying we are already defeated, and I would rather work with the idea that we're going to increase participation by making it easier for people to be there.

MR. NORRIS: Do you know if early voting across the State actually increases participation in every election year?

MR. TAYLOR: Repeat that, please. I'm sorry.

MR. NORRIS: Do you know that if early voting actually increases the participation in states every year or is there reductions in early voting where we have additional sites?

MR. TAYLOR: I -- I don't have the answer to that, but again, lower voter turnout is based on the fact that most of the time it's an inconvenience and we're trying to make it as accessible as possible. I'm not sure I'm answering your question because I don't have that information in front of me -- in front of me, but certainly the idea is to ramp up people participating in the process by making it easier.

MR. NORRIS: Okay. Let me just turn my attention, then, specifically towards the bill.

MR. TAYLOR: Okay.

MR. NORRIS: In terms of the site, it says the largest city in a -- in a county gets a voting site first before any other municipality. So if there was a situation where there was a city with less population than the highest municipality, why do we just choose a city being the number one primary spot?

MR. TAYLOR: I'm not sure I understand the question. I'm going to ask if you just give it to me one more time, Mr. Norris. I apologize. I'm trying to get clarity so I can answer it.

MR. NORRIS: No, I'm happy to do that. It says a early voting site must be in the largest city in the county, or if there is no city in the county. So -- and it's a large municipality. What if there's a situation where you have a large municipality which is larger than a city, why did you choose a city to be the primary source? That's what I'm trying to figure out.

MR. TAYLOR: I would say the answer to that our boards -- local boards can add as many sites as they want. So we don't have to do anything there. This -- this addresses that.

MR. NORRIS: I see. Now, is there anything in here that provides for the local Board of Elections to have a local option to make a determination of where the best-suited place in the county is for the primary early voting site? I've had a couple of situations where I've been briefed on lately where Board of Elections commissioners - a Democrat and a Republican, bipartisan - has said, *Well, maybe it shouldn't be in this particular spot it, it should be over here.* I'm just wondering if there's anything in here that would provide local

discretion for the Board of Elections, in a unanimous bipartisan vote to make a determination, particularly in counties that have less -- you know, the smaller counties like 30 counties in the State with lower -- with lower populations, that is -- for local commissioners to make a determination where the best site is. I'm just trying to figure out if there's anything in here that gives local discretion to our Board of Elections to act in a bipartisan manner.

MR. TAYLOR: The local boards must consider the statutory factors in their decision-making.

MR. NORRIS: I see. But there's -- but there's nothing in there that says they can -- they can do it bipartisan to select a location which best, in their opinion, based upon the factors would be -- would be the best place for it regardless of populations in that particular municipal unit?

MR. TAYLOR: Population density and public transportation are factored in.

MR. NORRIS: Okay. Mr. Taylor, it's always a pleasure to debate you. Thank you for the opportunity and for answering my questions.

And I'd like to go on the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill.

MR. TAYLOR: Thank you, Mr. Norris.

MR. NORRIS: Thank you, Mr. Taylor. You know, listen, I did vote against the early voting last time that it came out. The main reason because of the cost to the Board of Elections for them

doing that. And on that same day back in January of 2019 we voted on the first constitutional amendment to have no excuse absentee voting - which by the way, I supported, I support it this year - and it just provides an opportunity for the voters to make an application. We've done some great work with the Chair of the Election Law Committee (inaudible) the portal, although I have some differences as to how it should be done. That's going to be implemented. So access to a ballot is going to be readily available. And I do suspect that no excuse absentee voting will be voted on and adopted by the voters in November. Well, we'll see but it likely will happen. So my point is, is this: Is that any citizen in New York will be able to access a ballot through the no excuse balloting system, receive it, fill it out, send it back in and have an opportunity to vote without any excuse. And what I am concerned about is that the burdensome on the Board of Elections to continue to have additional burdens placed on them, with, by the way, no additional funding from the State to actually do this. This becomes more of a local mandate, and so I'm concerned about that. But we do have an avenue which is right there for people to receive an absentee ballot without all these additional early voting sites when they also can go right on Election Day at their site to vote as well as already established early voting sites which are in the county. I do also have concerns that there is a lack of local discretion that when the Board of Elections can act in a bipartisan manner, Republican and Democrat, jointly to make decisions to determine where the best spot is for our early voting sites.

So for those -- those main reasons, I just think this is an additional mandate that's being placed on our Board of Elections. If they want to have additional voting sites -- and I will give you an example. In Erie County they already provide for a site in every municipality and they have agreed to do that in a bipartisan manner in Erie County, for example. There's nothing in the current law that said you cannot have additional sites. But the same time, I just think it's very, very important that we have discretion to our local Board of Elections and be cognizant of the fact that all of these things do cost money in terms of the taxpayers in the counties and on the staff of the Board of Elections. You know, I think it's very important as a former Elections Commissioner that everyone exercises their right to vote. I believe that very strongly and I'm sure everyone in this room does as well. But there are already avenues in place for those individuals to vote and there will be more so next year with the no excuse absentee ballot which will be likely passed.

So for those reasons I just think it's a step too far, it's too premature to do this, and I will be recommending a no vote for that. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Taylor on the bill.

MR. TAYLOR: On the bill, Mr. Speaker. I want to thank my colleague again. Twenty million dollars million was allocated, capital money, that went to the Board of Elections. So you have \$20 million that went to all the counties throughout. So there is

money. That money is available for the counties to use -- for the counties to use up until 2023 to spend it. If more funding is needed, and I believe my colleague pointed out correctly, we do need more and we'll look to do that in the next coming up budget. But this year there was \$20 million that was set aside for the county Board of Elections, and they have --

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

MR. NORRIS: Mr. -- Mr. Taylor, may I just make a comment as a response to that, if you wouldn't mind?

ACTING SPEAKER AUBRY: You can ask him to yield and ask him a question --

MR. NORRIS: Of course.

ACTING SPEAKER AUBRY: Are you asking him to yield?

MR. NORRIS: Will the sponsor yield for an additional question?

ACTING SPEAKER AUBRY: Mr. Taylor, will you yield to Mr. Norris?

MR. TAYLOR: Absolutely, Mr. Norris.

MR. NORRIS: Thank you, Mr. Taylor. I just want to make sure the funding is only for this coming budget and not in perpetuity where it will go on year after year. It's only right now in this current budget, is that correct?

MR. TAYLOR: Yes, it's in this current budget but



they have the option to use it up to 2023.

MR. NORRIS: I see.

MR. TAYLOR: And we're fighting for more. Yes.

It doesn't have to be --

MR. NORRIS: But there's no guarantee in 2025 and 2027 that the funding will be in the budget. It could be an impact on our -- once we pass it, it will always likely be there unless we amend it and it could fall to local counties to actually pay for it in the long-term. That's a possibility, correct?

MR. TAYLOR: Mr. Norris, I -- I thank you for the hypothetical. And if we're doing hypotheticals, none of us are guaranteed to be here tomorrow. But we're all very hopeful that we'll get this done and we'll be here tomorrow to push this legislative work for the State of New York.

MR. NORRIS: Great. Thank you, Mr. Taylor, and I'll work with you to try to get that funding for those hard-working Board of Elections employees and for the Board of Elections. I appreciate that.

MR. TAYLOR: Well, thank you much. I look forward to working with you. And I'll be voting in the affirmative on this bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Taylor.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 4306-B. This is a Party vote. Any member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference will generally be in opposition to this legislation for the reasons mentioned by my colleague. But those who'd like to support it should call the Minority Leader's Office so we can record your vote properly.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Hunter.

MS. HUNTER: Yes, Mr. Speaker. Majority members will be recorded in the affirmative. If there are any exceptions please call the Majority Leader's Office at the number previously provided and we will record accordingly.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Thank you, Ms. Hunter.

Mr. Dinowitz to explain his vote.

MR. DINOWITZ: Thank you. So, when we first discussed early voting a few years ago I was strongly supportive of it. But one of the objections I had was that there weren't enough sites that

will provide it and the larger counties such as the Bronx were disadvantaged because it provided too few polling sites. This bill addresses that situation, and I applaud it. And I just want to point out that right now we have -- because of my legislation we have no excuse absentee balloting, in essence, this year and then hopefully if the voters approve the constitutional amendment as was raised, we will have it in the future starting next year. But the two aren't mutually exclusive. Not everybody wants to vote on an absentee ballot. I -- I will vote in person unless I can't. I'd rather know that I cast my vote and that it's counted that night and not rely on the United States Postal Service and hope that it gets there, which it probably would, and then counted at a later time. So we have absentee balloting. It's very important for people who can't get to the polls who -- for one reason or another. But most people I think prefer to vote in person. So we should be doing both of these things. It's important to do everything we can to make it easier and more convenient for people to vote. We're a democracy and that means more people should be participating. That's what makes us a real democracy. So this bill - and I'm grateful to the sponsor - I -- I think will make it more convenient for more people to vote, and so I hope you all vote yes and I vote yes.

ACTING SPEAKER AUBRY: Mr. Dinowitz in the affirmative.

Ms. Seawright to explain her vote.

MS. SEAWRIGHT: Thank you, Mr. Speaker. You

know, I remember last year 118,000 people were sent to the early voting site at Wagner Middle School on the Upper East Side. The largest number in New York State. People waited in line, some in the pouring rain, up to six hours to be able to cast their vote. We threatened a lawsuit against the Board of Elections. Marymount Manhattan College stepped up for the last weekend of early voting. It was voter suppression of the elderly, voter suppression of working men and women and voter suppression of the disabled.

So I want to personally thank the bill sponsor today and cast my vote in the memory on Medgar Evers, who on Saturday, June 12th died registering Black voters in Mississippi. This is a very important bill and I am strongly, strongly supporting it. Thank you.

ACTING SPEAKER AUBRY: Ms. Seawright in the affirmative.

Mr. Taylor to explain his vote.

MR. TAYLOR: I'm good, Mr. Speaker. I apologize. I forgot to take my hand down.

(Applause)

ACTING SPEAKER AUBRY: Mr. Taylor in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 31, Rules Report No. 737, the Clerk will read.

THE CLERK: Assembly No. A07931, Rules Report

No. 737, Carroll, Simon, Jacobson. An act to amend the Election Law, in relation to the canvassing of absentee, military and special ballots and ballots cast in affidavit envelopes; and to repeal certain provisions of such law related thereto.

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

An explanation is requested, Mr. Carroll.

MR. CARROLL: Thank you, Mr. Speaker. This bill will amend the Election Law to change the process for canvassing absentee, military and special and affidavit ballots in order to obtain election results in a more expedited manner and to assure that every ballot vote by a qualified voter is counted.

ACTING SPEAKER AUBRY: Mr. Norris.

MR. NORRIS: Thank you, Mr. Speaker. I have a few questions about the bill. Would the sponsor yield?

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

MR. CARROLL: I yield, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Carroll yields.

MR. NORRIS: Mr. Carroll, could you just explain to everyone here the process to how these ballots are going to be counted under your legislation? It's my understanding that some of the ballots will be counted prior to the first day of voting. So maybe you can just explain the process, if you wouldn't mind.

MR. CARROLL: Sure. A wonderful question, Mr. Norris. When a voter requests an absentee ballot in this instance and that ballot -- and that voter returns the absentee ballot, it will be processed within four days of the Board of Elections receiving said ballot. If the ballot is found to be valid, it will be put in a secure box face-down, and then on the -- on the day before the first day of early voting, those ballots will be scanned into a voting machine. That machine will be secure and the ballots that were scanned into said machine will not be tabulated until 8 p.m. on the last day of voting, which of course is now Election Day.

MR. NORRIS: So a ballot will come in to the Board of Elections, they'll be determined whether or not it's in proper form. If it's in proper form it will go into the box. At that point if it's not found in proper form they'll receive a cure notice to be heard?

MR. CARROLL: That's correct, yes.

MR. NORRIS: Okay.

MR. CARROLL: You would receive a cure notice if

--

MR. NORRIS: And now, will those ballots though be opened? I mean, will they be opened and will they be flipped over, or how will that actually happen? Because --

MR. CARROLL: You're asking the mechanics of it. Yeah, so I believe -- what the bill would do it -- said absentee ballot is sent to the Board of Elections, it is reviewed, it is found to be valid. That ballot will then be flipped over, face-down and put in a secure

box to be then tabulated later, which would be on the first day -- or the day before the first day of early voting.

MR. NORRIS: But the -- but the envelope will be opened, right, and then it will be flipped over -- I mean, so the -- the ballot would be out in some form.

MR. CARROLL: In some form.

MR. NORRIS: Okay. And then what is this -- okay, let me just -- now, would there be an indication to whether or not that voter cast an absentee ballot? How will that be done? You know, before early vote actually starts for voting.

MR. CARROLL: Great -- great question. So, yes. If said voter who requests an absentee ballot, requests that ballot, then in the electronic poll book it will be noted that John Doe has requested an absentee ballot. And if John Doe decides to go to an early voting site or the same -- or his Election Day polling site, it will be noted in the electronic poll book that he has requested an absentee ballot and he will -- if he wants to vote that day in person he would have to vote via affidavit ballot. And when that affidavit ballot is reviewed, if it is found that he's already -- he had previously sent in an absentee ballot, it is that absentee ballot that would be counted.

MR. NORRIS: Okay. So it will -- someone will have to, like, note it on there. Hopefully it will get into the system. And they if they showed up -- what happens if it was missed? I mean, could they -- they could show up at an early voting site, vote (inaudible) missed.

MR. CARROLL: No, that --

(Cross-talk)

MR. NORRIS: (Inaudible). I mean, I worked at the Board of Elections. You know, unfortunately they are administrative errors that occur at the Board.

MR. CARROLL: I've never heard of the Board of Elections having administrative error. That seems shocking to me. Now, presumably, hypothetically, errors could occur. I don't see that happening. I -- I believe that right now the Board of Elections, of course, has to worry about individuals voting twice in the manner that you are suggesting, and I have heard of no evidence in the State of New York where that has occurred. And so I believe that whatever systems the Board of Elections have in place in all 62 counties in New York State, it must be working because this problem has not risen to my attention.

MR. NORRIS: Okay. If they show up at the voting site -- okay, so then will there be a second round of counting of the ballots, then, once the early voting stops before Election Day?

MR. CARROLL: So, yes. On the last day of early voting, the Sunday before Election Day, whatever ballots have been received and have been processed and have been found to be valid, those, too, would be scanned into the voting machine and be left to be tabulated, of course, at 8 p.m. or the hour before polls close on the final day of voting Election Day.

MR. NORRIS: And -- and then they would have to



be noted before (inaudible) same process --

(Cross-talk)

MR. CARROLL: The same exact process. The same exact process we went before.

MR. NORRIS: Okay. Now right now, it's my understanding under current law that if you're in the county on Election Day and you did vote prior before absentee that you have to go to your -- your voting site. Does this revoke that? Do you know?

MR. CARROLL: I'm sorry --

MR. NORRIS: It's okay.

MR. CARROLL: If you can repeat that question, Mr. Norris. I apologize.

MR. NORRIS: It's my understanding right now that if you're in the county, maybe your plans change, (inaudible) absentee balloting, potentially, but you're supposed to go, like this year, still to the voting site if you're in the county. Has that been removed? So if you vote once you can't go, you know, and vote on the machine? Or --

MR. CARROLL: If you request -- if you request an absentee ballot and the Board provides you with an absentee ballot because you meet the qualifications, whatever they are, you will then be allowed to vote via absentee. If you vote by absentee and you decide to show up, be it at an early voting place or your day of election polling site, you would have to now always vote via affidavit. And let me just put a finer point on this, right? If you have somehow not sent in that absentee ballot or the absentee ballot gets lost in the mail, when

they review that and canvas that affidavit ballot they would say, *Oh, you know, John Doe has not voted via absentee. We cannot count his affidavit ballot, and of course, vice versa. If he had voted by absentee, we would not.* And the absentee ballot would trump the affidavit ballot.

MR. NORRIS: Okay. Now, after Election Day occurs, all the voting, there'll be another tabulation. How is the interface going to work with the cure period? The people have to be -- (inaudible) curing any mistakes that occurred with their ballot (inaudible) proposed bill and currently in statute and the auditing procedure which happens I believe within three -- three days of election.

MR. CARROLL: Three days.

MR. NORRIS: How does this (inaudible) work? I mean, physically with the Board of Elections to get all of this done? I understand the intent of the bill, but how are they going to do this?

MR. CARROLL: So I think the bill, because of it making it clear what is and is not a valid absentee ballot, making less -- having less things invalidate and otherwise validated, I believe we will see that there are many more of valid ballots on their face from the beginning, and thus, the Board will be able to count a large majority of the ballots received either the Friday before early voting starts or that Sunday evening of the last day of early voting. And so the final ballots that must be counted after Election Day that either have cure issues or come in on Election Day or right after will be

insignificant compared to what we've had in the past where we are counting -- I believe this year there was sometimes 40, 50 percent of the ballots were outstanding after Election Day because of the amount of people who voted via absentee ballot.

MR. NORRIS: I see. Okay, so the purpose of your bill, I believe, is to get a jump-start -- I mean, everyone wants to know the election results as soon as possible. I understand that, particularly if you're a candidate, right? So I think -- I think the purpose of your legislation is to -- just correct me if I'm wrong -- is to try to get these things tabulated, the ballots, as quickly as possible so we can report results more quickly on Election Day or there -- quickly thereafter, right?

MR. CARROLL: I think that's correct.

MR. NORRIS: Okay. All right. I guess that -- that satisfies my questions. All of the cure provisions that we've debated in the past - not necessarily you, but other members - are all being codified now within this statute, is that correct?

MR. CARROLL: They are.

MR. NORRIS: Okay. Very good.

I would like to go on the bill, Mr. Carroll -- Mr. Speaker.

ACTING SPEAKER EICHENSTEIN: On the bill.

MR. NORRIS: Very good. Very quickly, I would like to just -- just point out that I do believe that this is a good first step. I understand that we want to tabulate the results as quickly as

possible and make sure we -- we get election results out to the public and to the candidates. I understand that. But I -- I am concerned, as I mentioned, with previously some of those holes I see in there. I would've suggested more of a pilot program in one area to try this out first before we try to do this Statewide.

So in concept, I understand what you're trying to do, but I do have some concerns about it. And for those technical reasons I will be voting in the negative. Thank you very much, Mr. Speaker, and thank you to the sponsor.

ACTING SPEAKER EICHENSTEIN: Mr. Lawler.

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

ACTING SPEAKER EICHENSTEIN: Mr. Carroll, do you yield?

MR. CARROLL: I yield, Mr. Speaker.

ACTING SPEAKER EICHENSTEIN: The sponsor yields.

MR. LAWLER: Thank you. The Senate passed a previous version of this bill in January, correct?

MR. CARROLL: Yes.

MR. LAWLER: Okay. And so as I understand it, it was pulled and they have since passed an amended version and that is what we are dealing with today, correct?

MR. CARROLL: Yes.

MR. LAWLER: What was amended from the

previous version of -- of the Senate bill? Do you know?

MR. CARROLL: The bills are quite a bit different.

MR. LAWLER: Do you have any specifics that kind of were -- were done to improve --

MR. CARROLL: I don't have the bill -- the previous bill that was never before this House in front of me. They were different.

MR. LAWLER: Okay. So under the current system, I think we can all agree it's actually a good system to avoid duplicative voting. So, in other words, if somebody submits an absentee ballot currently and then they decided, *You know what? I want to go vote on the machine*, they could vote on the machine and then because we tabulate after Election Day, we really do a very good job currently of ensuring that nobody is voting twice. Would you agree with that?

MR. CARROLL: Yes.

MR. LAWLER: Okay. So I think the -- as we're moving forward I think the idea and the concept of wanting to tabulate the votes faster is a good one. I think everybody would like to see election results in a timely fashion and not a -- a delayed fashion.

MR. CARROLL: I'm glad you support the bill.

MR. LAWLER: But I'm trying to get clarity on the answers, but thank you. So as we move forward and we're starting to go through the process of tabulating votes early, I just wanted to get a little more clarity on this. If somebody votes by absentee ballot -- they request an absentee ballot and they vote and send the ballot back in,

they will no longer be able to vote on the machine, correct?

MR. CARROLL: Correct.

MR. LAWLER: Not during early voting and not on Election Day?

MR. CARROLL: Correct.

MR. LAWLER: Okay. So, once they show up -- if they show up on Election Day and try to vote it will be by affidavit ballot?

MR. CARROLL: Correct.

MR. LAWLER: Okay. If the affidavit ballot, when will those be counted or reviewed? After Election Day?

MR. CARROLL: After Election Day.

MR. LAWLER: Okay. Do you have a time frame on that? Is there -- is there a mandated time frame within the bill?

MR. CARROLL: We did not change the way affidavit ballots are canvassed and counted. It is the same time frame as it -- as it has always been.

MR. LAWLER: As it currently stands, okay. In looking at and devising this bill, did we review, or did you review, any other states and how they are dealing with the counting of absentee ballots?

MR. CARROLL: We did. We looked at a number of states, and yes.

MR. LAWLER: Can you specify any one in particular that may have helped kind of give some guidance here?

MR. CARROLL: So, there was no one state that was a -- that we modeled this bill off of. I think we had the goal of tabulating -- counting and tabulating as many votes as possible on or around Election Day, which almost every other state in the Union does right now except ourselves and Pennsylvania.

MR. LAWLER: Right.

MR. CARROLL: And so there are a number of states that do this, all slightly differently. New York will join those states in -- in doing just that.

MR. LAWLER: Part of what would delay previous counting in addition to just verifying that the individual did not, in fact, vote on the machine was that oftentimes candidates or representatives would come to the Board of Elections, issue objections, go to court, et cetera. What is -- how does your bill deal with or does it not deal with the ability of a candidate to object to an absentee ballot when it does come in?

MR. CARROLL: So, this bill streamlines what does and does not invalidate a ballot and what does and does not need a cure from a voter. Further, it does allow if there will be irreparable harm to a candidate for that person to seek redress in our Supreme or county courts.

MR. LAWLER: So how many times -- just for clarity, how many times will the ballots be re -- reviewed and opened? So, right before early voting begins?

MR. CARROLL: Yes.

MR. LAWLER: After early voting ends?

MR. CARROLL: They -- so they will review, right --  
a ballot sent in --

MR. LAWLER: As it -- so it's going to be a rolling  
basis as it's coming in?

MR. CARROLL: Well, can I answer your question,  
Mr. Lawler?

MR. LAWLER: Yep, sure.

MR. CARROLL: Great. So, the Board of Elections  
must review an absentee ballot within four days of receiving that  
ballot, except when they receive that ballot on or after Election Day  
which they must review it that same day. And of course that means  
that, yes, they will start reviewing ballots and continue to review them  
up and through the election.

MR. LAWLER: Okay. So, I'm -- I'm just -- the  
reason I was asking is -- so if it's on a rolling basis, but you said a  
candidate has redress -- are they going to have to have representatives  
there every -- every day, I guess, checking? Is that -- is that what will  
happen?

MR. CARROLL: Well --

MR. LAWLER: I mean, I'm -- I'm just trying to get  
clarity, because normally during when -- when you go through the --  
under the current system what ends up happening is you come in, you  
schedule a time with the Board of Elections, you review all of the  
absentee ballots, you go through them and you make objections, kind



of as, you know, one package. So if -- if the ballots are going to be opened, do you -- will you have to be doing this kind of on a running basis if there are objections? There may not be, but I'm just trying to understand what -- what the process will be in terms of redress for a candidate.

MR. CARROLL: Well -- well, so, yes. They -- they could, in theory, do what you were saying. Further, as you are well aware, the Board of Elections is a partisan Board of Elections that has different members from both major political parties, and I do believe with a clear set of rules that finds a ballot, be it valid or invalid, the issue that you're talking about I don't think would become a major issue. Now, if there was an issue - and I don't know what that issue could be - the courts are always open to candidates or political parties to put an injunction on the counting and canvassing -- or the canvassing and scanning of absentee ballots.

MR. LAWLER: Okay. So the -- this bill will define specifically what will validate or invalidate a ballot. It's a uniform standard by which all 62 Board of Elections shall follow.

MR. CARROLL: Yes.

MR. LAWLER: Okay.

MR. CARROLL: Remember, no absentee ballots are being requested by registered voters from their county being sent to their addresses and sent back. This is a secure system. A system that not only our State has used for, you know, decades and decades, but every state in the Union uses. And I do not know of a single instance

of widescale fraud through the mails via absentee balloting.

MR. LAWLER: Well, in New York State I would agree we have not had that issue because of the process we've had where you can verify after Election Day to make sure somebody didn't, for instance, vote on a machine and then vote by absentee ballot. So it's -- I think we've had a very good process.

MR. CARROLL: We do that just now through this bill --

MR. LAWLER: I think this process will help --

MR. CARROLL: Okay.

MR. LAWLER: -- so I'm not arguing with you.

MR. CARROLL: Good.

MR. LAWLER: So on the bill, Mr. Speaker.

ACTING SPEAKER EICHENSTEIN: On the bill, sir.

MR. LAWLER: I actually -- when this -- when the Senate version of the bill was first passed in January, a different sponsor was carrying the Assembly version and I had reached out to that sponsor specifically on the issue of not allowing someone to vote on the machine after they voted by absentee ballot. Especially if we're trying to expedite the counting process because I felt that would create a complication. And so I'm glad to see that this bill, as amended from the Senate version that was previously passed and now we are voting on the new Senate version, I'm glad to see that it did reflect that change. I think it's important. I think it will allow for a better process

in terms of counting absentee ballots expeditiously and making sure that our elections are fair.

And so I'm happy to support this bill. I do think it will go a long way in providing a good process for our elections, and so I will vote in the affirmative. Thank you.

ACTING SPEAKER EICHENSTEIN read the last section.

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

ACTING SPEAKER EICHENSTEIN: The Clerk will record the vote on Senate print 1027-A. This is a Party vote. Any member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Party is -- or Conference is generally opposed to this. But those who would like to vote in favor of it are certainly encouraged to call the Minority Leader's Office and we will properly record their vote.

Thank you, sir.

ACTING SPEAKER EICHENSTEIN: Thank you.

Ms. Hunter.

MS. HUNTER: Yes, Mr. Speaker. I'm reminding my colleagues this is a Party vote. Majority members will be recorded in the affirmative. If there are any exceptions, please feel free to call

the Majority Leader's Office. We will record and communicate.

Thank you.

(The Clerk recorded the vote.)

ACTING SPEAKER EICHENSTEIN: Thank you.

Mr. Carroll to explain his vote.

MR. CARROLL: Thank you, Mr. Speaker. This afternoon we passed a bill that will update the canvassing and counting of absentee ballots so that New York is no longer the last state in the union to certify its election results. This will be yet another law that this Body passes to modernize and liberalize our election laws. I want to thank the Chair of the Elections Committee, Assemblywoman Latrice Walker, staff, and all those who made this possible. This bill will give New Yorkers more faith in our elections because we will be able to certify and get election results much more quickly than we have in the past.

Thank you, Mr. Speaker. I vote in the affirmative.

ACTING SPEAKER EICHENSTEIN: Mr. Carroll in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleagues Mr. Ashby and Mr. Brown in the affirmative along with those who have voted so on the floor.

Thank you, sir.

ACTING SPEAKER EICHENSTEIN: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. If we could continue from our debate list, we're going to go to Rules Report No. 555. It's Assembly Bill 4982, it's carried by Mr. Hevesi. Followed by Rules Report No. 560, Assembly Bill 5465 carried by Mr. O'Donnell. Followed by Rules Report No. 563, Assembly Bill 5549. That one is carried by Ms. Richardson. We're going to follow with 565, Assembly Bill 5679. That one is carried by Ms. Darling. And for the moment, lastly, Rules Report No. 566, Assembly Bill 5705. That one is carried by Ms. Joyner. In that order, Mr. Speaker.

Thank you.

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

Page 18, Rules Report No. 555, the Clerk will read.

THE CLERK: Assembly No. A04982-A, Rules Report No. 555, Hevesi, Epstein, Simon, Abinanti, Seawright, Aubry, Gottfried, Jackson, Mitaynes, Forrest, Quart, González-Rojas, Meeks, Mamdani, Perry, Burdick, Dickens, Walker, Barron, Lunsford, Kelles. An act to amend the Family Court Act, the Social Services Law and the Executive Law, in relation to raising the lower age of juvenile delinquency jurisdiction from age seven to age 12 and to establish differential response programs for children under the age of 12.

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

An explanation is requested, Mr. Hevesi.

MR. HEVESI: Thank you, Mr. Speaker. Good evening, my colleagues. It is an honor for me to stand for this particular bill. This bill will raise the age of criminal responsibility from seven years old to 12 years old, prohibiting youth from being charged as juvenile delinquents for allegedly committing a crime or a violation. I'm going to take a moment to explain this bill. There are four main arguments. There's a fiscal argument why we can't do this anymore, there are legal arguments why we can't do this anymore. There is a racial justice component here that we have to address, and finally, scientifically, we can no longer keep doing this to our children. But the best way to explain what we're doing now and why we have to change is to go through who these kids are. So first let me start with this: The population of kids right now that we are going to -- that we have been putting in handcuffs, being transported in police cars, interrogated, put in pretrial detention with older youth, sometimes given probation and mandatory confinement. These are little kids. These are seven to 12 years old, little guys. They are kindergarten through fifth grade. And this group of kids that I would offer that we really need to focus on, 90 percent of them have been traumatized. Ninety percent of these children have experienced adverse childhood experiences. In addition, most of them have more than five of these

adverse childhood experiences, and many of them had these adverse childhood experiences happen to them before they were five years old. So I'm just going to take a second. Let's remember what the adverse childhood experience are. That means that these kids, many of them before five years old -- I'm going to keep going for a little bit, Ms. Walsh, if you can forgive me.

MS. WALSH: (Inaudible)

MR. HEVESI: Okay. We're going to get there.

That's fine.

ACTING SPEAKER EICHENSTEIN: He's got five minutes to explain the bill.

Mr. Hevesi, proceed.

MR. HEVESI: Thank you. Thank you, Ms. Walsh. And I'll go quickly for you, okay? So, these adverse childhood experiences are child sexual abuse, physical abuse, exposure to domestic violence. You lose the contact with the parent. Now, I've got to take you through the science; this is the first argument. Now, what happens to these children when they're exposed to these adverse childhood experiences, that are put through childhood trauma. And I'm going to take you through it. First, these kids have triggered their fight-or-flight mechanism, which means that their bodies surge stress hormones into their bodies. There's two stress hormones I want you to focus on; it's adrenaline and cortisol. I bring this up because the cortisol has a physical change in the prefrontal cortex of the brain, which means that the -- the development for these children is changed.

So the prefrontal cortex is responsible for the following processes: First, impulse control, and the second I will mention is emotional regulation. So you now have kids who have a physical disability due to trauma that had nothing to do with them. You've got to remember, traumatized kids never, never are responsible for their trauma, it was done to them. So now these kids have a physical deficiency, many of them, with impulse control and also with emotional regulation. And what does that lead them to do? Well, these kids are exponentially more likely to engage in risk-taking behaviors, the kinds that get you into contact with law enforcement and also the juvenile justice system. Other things that we see in these kids? They have --

ACTING SPEAKER EICHENSTEIN: Mr. Hevesi, can you please explain the bill?

MR. HEVESI: I'm explaining the bill, Mr. Speaker.

ACTING SPEAKER EICHENSTEIN: Thank you.

MR. HEVESI: These kids have difficult -- I got to tell you about the population and I'm going to tell you where these kids are going to go.

ACTING SPEAKER EICHENSTEIN: We're not on debate. We're on explaining the bill, please. Thank you. Proceed.

MR. HEVESI: Fair enough, Mr. Speaker. Ms. Walsh, I'll cut to the end. The bill requires local departments of Social Services, DSS, to create a differential response system. It will expand current training requirements for the police and the local DSS and appropriate responses to youth under 12, and to direct them towards



appropriate services. This bill excludes homicides, which is similar to legislation in other jurisdictions like California. For confidential records, this bill would ensure that records associated with the youth are confidential and cannot be disclosed. We are authorizing expenses related to alternative response to be paid through existing funding streams, and finally, we have reporting requirements from OCFS.

I will get into the rest of my arguments on debate.

Thank you.

ACTING SPEAKER EICHENSTEIN: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER EICHENSTEIN: On the bill.

MS. WALSH: Thank you. I -- I think (inaudible) probably to get through the information that I'd like to get to my colleagues doesn't require really question and answer so much. I'd like to just kind of review the bill as I see it and what's in the bill and my own experience as a practitioner in family court and working with JD cases. So this bill, as the sponsor indicated, what it does is it's sometimes called "Raise the Floor." You know, we had Raise the Age, now we've got Raise the Floor. So instead of seven being the lowest age that you could have a JD, you would have -- it would be raised up to the age of 12. So let's take a look at what other states do. It was mentioned in some of the memos of support - and there are a lot of them - to this bill that New York was -- it kind of painted a picture of New York as being an outlier. That New York has the

second-lowest floor at seven. I think only North Carolina had one that was lower. But what the -- what the memos didn't indicate but what I looked up was that 28 states have no floor at all for -- for JDs. So, this legislation would take New York from having the second-lowest floor to joining California and Massachusetts as states with the highest floor. It's -- it's interesting that it would be making such a dramatic leap from seven all the way up to 12, because during those intervening years -- and I -- and this is speaking from my own experience -- seven, eight, nine, ten and 11 year-olds might be, you know, like little guys. But those little guys and little gals, first of all they're not so little anymore as they get up closer to 12 and they're committing some really serious crimes. A recent example just from my own county was a nine-year-old who burglarized a house, stole an assault rifle and threatened two deputies. So, you know, again, this is not necessarily a child with a spray can, you know, who has defaced public property or something. There -- there are some significant crimes that are committed, even by some so young. And I know we've got -- we -- we find that shocking because we naturally -- I'm a parent, many of us are parents -- we think about our own children at those ages and we don't think about acts that are that troublesome or worrisome or criminal, but they do. They do. So it's interesting that some of the data I looked at -- out of arrest data it said that 1,000 elementary school-aged kids age 12 and younger were arrested in New York, approximately, each year. About 100 of those 1,000 were first, second or third graders ages seven to nine. But what the data doesn't indicate

is how many were placed in handcuffs, how many were placed in ankle bracelets, how many were fingerprinted. How many rode in a police car, how many were placed in non-secure detention. How many were placed in secure detention. You know, the data gives you those raw numbers but it doesn't really tell you about what that experience really was. And if you speak with members of law enforcement, as I have, or you speak with individuals who work in the court system, they will tell you that the response is very individual to that particular child. So, there were 150 petitions filed against children ages seven to 11 in 2018 in New York. Of those, the data said that 58 percent were for property offenses or assault, which adds up to 87. But it doesn't tell you what the other 63 were for. So the idea that this is just -- this is being done because these individuals are only committing extremely petty crime is just not borne out by the evidence. So I would like my colleagues to consider that.

I'd also like to point out that probation already -- and Social Services -- already provide a vast array of preventative services to the children that are from the ages of seven to 12. So it's not as though we're just taking them as these little guys and little girls and are treating them as adults with all of the types of things that I mentioned before, with handcuffs and restraints and -- and fingerprinting and all that stuff, it's not necessarily really happening that way. Have I -- have I seen a child in family court at a JD who was in handcuffs? Yeah. And -- yes, I have. And the -- the reason very often is not so much that they're a danger to other court personnel like with the

previous bill I had -- I had debated, but it's really more that they are sometimes injurious themselves. Some of them are really struggling with some mental health issues and, you know, it's felt that restraints are necessary. But that's certainly not the case. I would say that that is the exception, at least where I practice.

One of my issues with -- with this bill is that by, I would say, arbitrarily raising the age from seven to 12, it doesn't really say why 12 is the magic number or why that was chosen. But, I -- I mean, I hope it's not just because California did it. You know, I -- I hope that there's a good rational basis for it. It's not really indicated in the -- in the bill itself, but I hope that there is. But my biggest issue is that it takes away judicial discretion. And -- and that's a problem because judges are trained to work with the advocates who are in the courtroom and with probation, and many times with the families of -- of these kids and trying to figure out where the root cause is, why did this happen. What can we do, what can we put into place that will be a positive intervention that will try to set this young person, this very young person, on a better path.

So, I think that it's important for my colleagues to know that -- that JDs don't go adult jails, that they are placed, if they are placed -- many, many stay at home. But depending upon the severity of the crime, some are placed in a secure detention for the -- for the most serious offenses or if there's a significant risk of flight. Most of those who placed at all are placed in non-secure detention, at least initially. So I -- I want to reassure my colleagues that that isn't

the first thing that's done, is a placement. But this bill will result in -- and it's -- and it's actually put out as, *Hey, this is a cost savings measure*, but it will -- this legislation will result in no longer housing offenders at age 12 and under in secure facilities at all, which -- which I don't agree with. I think that it's an option that, you know, the court system hopefully goes to very rarely because I don't -- I don't -- I don't want to think that that's something that is done, you know, as -- as a first resort. I think it's more of a last resort. But this bill would take that option for judges looking at these individual cases and these individual accused. You know, just take it away from them entirely.

I also note that while the sponsor indicated that a designated felony act -- oh, that if there were certain acts committed that constitute homicide that you -- that you wouldn't benefit from this bill, that -- so in other words, it carves out exceptions for a child between the ages of 7 and 12 to still be considered a JD for certain acts that -- that constitute homicide. And -- and that's -- that's good. Thank you, that's good. Aggravated criminally negligent homicide, vehicular manslaughter in the first and second degrees, aggravated vehicular homicide, all the homicides. But it doesn't speak -- it's completely silent as far as attempted murder. So if there's an attempt -- attempted murder, that would -- and that would still -- that would fall outside of this legislation and would not be an exception. So a seven to 12-year-old, say an 8-year-old who attempts to kill somebody would not be treated as or be subjected to being perceived as a JD. So I don't know. You know, I think -- I think I understand from -- and I

did, I read every single one of the memos of support. They kind of all read the same. They kind of all made the same -- almost verbatim kind of said the same things. But I -- but I read all of them. But I think that I understand the rationale for trying to Raise the Age -- or Raise the Floor, rather. But I think that when you consider that 28 -- 28 states had no floor at all, you know, raising it up to 12 I think is really missing an opportunity for the court to be able to, you know, have an impact and hopefully have this child meet up with services that are going to move the child in a more positive, you know, direction. And I think, you know, not having that secured option of a secure placement just -- maybe it's only a handful of those 150 petitions each year. But just taking that away entirely I -- I don't think is a good idea.

So I believe that this is -- while I understand the reason for it, I don't think it's a good idea. I -- I think that the -- I -- I will say this: I think that additional training for law enforcement, which is part of the bill, is great. I support that. I think training about what an appropriate response should be, I'm sure it's already -- that training is already happening. But I think if we want to formalize that with a bill I'm okay with that. I think that's a good idea. But I think that raising the floor of this from -- is not -- not a good idea. I would prefer to keep things the way that they are. I think that children within this age group are already receiving a -- a very thorough and appropriate set of services through probation and Social Services and I don't think that there's a need to create this separate diversion

mechanism.

So for all of those reasons, Mr. Speaker, I'll be voting in the negative and I would encourage my colleagues to do the same. Thank you.

ACTING SPEAKER EICHENSTEIN: Thank you.

Mr. Hevesi.

MR. HEVESI: Thank you, Mr. Speaker. And I thank my colleague who I have great respect for and appreciate her time in the -- in the family court system. So first, legally, we cannot put these kids in front of court because they lack the capacity and the competency to stand trial. Children cannot meaningfully participate in their own defense and the judicial process. They are unable to understand the legal implications of their actions and they don't have the cognitive ability to understand the court process. Young children are more vulnerable to influence and have a diminished capacity to understand court proceedings. So children are unable to distinguish the nature of what they've done and the wrongfulness and to know right from wrong, and they lack the Supreme Court Constitutional right that you have to be competent to stand trial, which is whether the individual has sufficient, present ability to consult with a lawyer with a reasonable degree of rational understanding of whether the person -- the individual has a rational and factual understanding of the proceedings against them. These kids have neither. We're putting people who don't understand the court system into the court system.

Fiscally, treating kids under youth -- under 12 in the

juvenile justice system is incredibly more expensive than Early Intervention programs. Sixty-one percent of these cases for kids under 12 are dismissed or withdrawn with no findings. And here's the biggest piece: The current process of dealing with these kids the way we have been increases the likelihood of criminal convictions and incarceration. Let me say that again. Treating kids these way -- this way increases the chance that they become recidivist criminals.

We also have on our hands a racial justice outrage. Let me take you through that. The population of kids who we are arresting are all Black and Brown kids, all Black and Latinx kids. Not all, but let me give you the numbers. In New York City in 2019, 86 percent of the delinquency petitions were for Black or Latinx kids, while Black people constitute 22 percent of the population and Latinx kids constitute 36. For the rest of the State, 31 percent of petitions for children seven to 11 were Black youth who represent 50 percent of the kids in New York State. And we got to ask ourselves why is there an over representative of Black and Brown youth being put being into the juvenile justice system? Well, the answer is either, one, straight up racism, or there is another -- another theory that comes out of Duke and Georgetown called adultification where people look at Black and Brown youth and see them as older than their chronological age and treat them according. So I believe that it's this adultification that is causing the majority of these kids to be put into the criminal justice system to be Black and Brown. I also believe that the same developmental behavior that is landing some of these kids in the



juvenile justice system, if it was committed by my daughter, I think she would not wind up in the juvenile justice system.

Let me switch to the final argument, and I know my colleagues, many of them are worried about how we're dealing with family court. I'm giving you the abbreviated version. I'd like to read you a statement from a retired Family Court Judge who served in Bronx County for the last 20 years and retired in 2019. His name is Sidney Gribetz. Mr. Gribetz, former judge, says, "I served as a New York State Family Court Judge for 20 years from 1999 to 2019 sitting in Bronx County. During my tenure, I often served in specialized juvenile delinquency parts. I have personally observed the demeanor of children that young being hauled into my courtroom and the traumatic impact of such treatment. Rather than criminalize elementary school children, we must instead allow other more appropriate systems outside the criminal justice system to address their behavioral needs." And he finishes up with this: "The traumatic impact of criminalizing young children sears their development and, thus, imposes a lasting and negative impact. Going to juvenile detention also increases the risk for poor life outcomes in terms of educational attainment, relationships, and gainful employment. Younger children are the greatest -- are at the greatest risk of being victims while in custody. Children in secure confinement are also at risk of experiencing psychological distress, physical, and sexual abuse. These kids are untreated by the social service system on the one hand, or harshly treated by the criminal justice system on the other. These

youths will commit further criminal acts as they go over. The current situation neither reduces future crime nor public safety." I agree with that judge.

Scientifically -- and let me finish with this, I don't want to belabor it, I know it's been a long day. My friends, we are altering the development of kids who have been traumatized by re-traumatizing and increasing the likelihood that they're going to go on to either be recidivist criminals, or, because we're not addressing their needs by getting to the social services, which this bill will do, what you're actually doing is making sure that these kids are exponentially more likely to wind up on public assistance or homeless, or all of the other societal ills that we don't want these kids to wind up in. From a financial perspective, from a legal perspective, from a scientific perspective and from a racial justice perspective, this has to end and this bill will do that. Thank you, Mr. Speaker.

ACTING SPEAKER EICHENSTEIN: Thank you.

Ms. --

(Pause)

Read the last section.

THE CLERK: This act shall take effect in 365 days.

ACTING SPEAKER EICHENSTEIN: The Clerk will record the vote on Senate print 4051-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 legislation, but those who support it should call the Minority Leader's Office and we'll record your vote accordingly. Thank you, sir.

ACTING SPEAKER EICHENSTEIN: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference will be supporting this piece of legislation; however, there may be a few of our colleagues that would like to be an exception. They should contact the Majority Leader's Office and we will properly record their vote.

ACTING SPEAKER EICHENSTEIN: Thank you.

(The Clerk recorded the vote.)

Mr. Meeks to explain his vote.

MR. MEEKS: Thank you, Mr. Speaker. Imagine being seven years old, spending your days in a cell feeling discarded by society. Each time we name a child a juvenile delinquent and place them in the system, we send them a message that we have already given up on them before their lives have even begun. I think about the numerous times the word *recidivism* has been spoken on this floor. I think about the conversation around how it is caused by society's failures to take a restorative path and connect formerly incarcerated individuals with the resources conducive to a real second chance.

Well, what about juvenile recidivism? Do we think

about the children that are essentially raised by the carceral system? Do we realize that many children placed in juvenile centers -- centers are also part of child -- of the child welfare system? In Rochester, our child poverty rate sits at 48 percent; yet, we are so quick to jail seven and eight year olds before providing pathways that ensure children and families in crisis have their basic needs met. Incarceration reform cannot exclude our youth. They are our future. The support we provide now will inform how they support and uplift the generations to come. I support this legislation brought to the floor by my esteemed colleague, Assemblymember Hevesi, and I proudly vote in the affirmative. Thank you.

ACTING SPEAKER EICHENSTEIN: Thank you.

Mr. Meeks in the affirmative.

Mr. Reilly to explain his vote.

MR. REILLY: Thank you, Mr. Speaker, for allowing me to explain my vote. You know, I listened to the debate intently. I appreciate the sponsor's intent. I think the issue becomes we have a one-size-fits-all approach to this reform. You know, sometimes there are acts committed by 10, 11 and 12 year olds where they have to be treated as adults. We mentioned it during the debate, the attempts of those certain crimes that are enumerated in the bill. They are not included. You know, as someone who has made arrests of juveniles for robberies, burglaries, I will -- I will tell you that when a police officer makes an arrest, those younger individuals are not placed in a cell. They're actually placed in a designated holding room with an

officer, the least restrictive manner in a juvenile detention area. It's called The Juvenile Room in the NYPD. There's a certain room that's designated and it can't be used for anything else but juveniles. And I tell you, the officers make numerous attempts to make sure that the family is there, to make sure that they're notified and if court is open, they're brought there directly for those serious crimes.

I just think that we've got to stop making the one-size-fits-all approach because each incident deserves its own evaluation based on the circumstances, the facts, and the evidence of the case. Therefore, I will be voting in the negative. Thank you.

ACTING SPEAKER EICHENSTEIN: Mr. Reilly in the negative.

Ms. Lunsford to explain her vote.

MS. LUNSFORD: Thank you very much. I just want to take a moment to discuss what it means for someone to be considered an adult. And the reason we have that distinction is because we are saying that children of a certain age lack the capacity to understand the consequences of their actions or the severity of what they've done. And I fail to see why the severity of the action would change how we treat their capacity, because that's not the question. If someone commits a crime that is more serious than another person, why did that make you believe that one had better capacity to understand their actions than the other, particularly when we're contemplating children who have been traumatized. Children who lack the capacity, who have impulse control problems, who have

emotional regulation problems. So I think that's the wrong metric by which to determine whether this is an appropriate action. So I want to commend the sponsor and I will be voting in the affirmative. Thank you.

ACTING SPEAKER EICHENSTEIN: Ms. Walsh to explain her vote.

MS. WALSH: Thank you very much, Mr. Speaker. I just want to respond to some of the comments that have been made by others. I -- I think it's really important to recognize that under our current law and the way that we do things currently, we are not treating 7 to 12 year olds as adults, we're treating them as children in family court. And -- and they're receiving an individual evaluation and response based on not only what they have done -- when probation intakes a child that has -- that has committed an offense, they're -- they're doing a thorough workup of the home environment, how are they doing in school, who are the resources at home with parents, grandparents, who's around, how can we -- you know, have there been prior offenses, is this a pattern, what -- you know, what is the -- what is the -- the youth saying about what they have done? Do they -- do they exhibit a sense of remorse or -- or capacity and understanding for what they have done? They're taking all of that into consideration. They generate a huge report and they give it to the judge and the judge, in his or her discretion, makes an appropriate determination on a case-by-case basis of what this child needs in order to reverse, you know, we can't take back necessarily what has

happened, but to get that child on a better path.

So I think that's really important. I don't think the capacity also -- I reject the capacity argument because what that -- what does that mean, then, at 13 all of a sudden magically you have capacity? I mean, we know that it's a continuum. We know that there are some who will never exhibit any remorse for their actions and they're -- you know, they're -- they're going to be recidivists, we're going to keep seeing them. But I just think that -- I think that the way that the current law is treating the youth in family court is appropriate. I would not change it in this way. With all due respect to the sponsor, I remain in the negative. Thank you.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleagues Mr. Ashby and Mr. Giglio in the affirmative. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Please record our colleagues Mr. Sayegh and Mr. Santabarbara in the negative on this one.

ACTING SPEAKER AUBRY: So noted. Thank you both.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 18, Rules Report No. 560, the Clerk will read.

THE CLERK: Senate No. S04402-B, Rules Report No. 560, Senator Hoylman (O'Donnell, Bronson, Glick, González-Rojas, Taylor, Simon, Quart, Epstein, Seawright, Lavine, Gottfried, Lupardo, Fernandez, Dinowitz, Hyndman, Burdick, Gallagher, Otis, Hevesi, Reyes, Jackson, Davila, Lunsford, Forrest, Cruz, De La Rosa, Perry, Thiele, Sillitti, Dickens, Zinerman, Englebright, Steck, Mamdani, Fahy, Kelles, McDonald, Woerner--A05465-D). An act to amend the Civil Rights Law, the Vehicle and Traffic Law and the Public Health Law, in relation to enacting the "Gender Recognition Act"; and to repeal subdivision 1 of Section 502 of the Vehicle and Traffic Law relating to driver's licenses.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: This bill does two things. First, it allows individuals to designate how they want their sex shown on their license. They can use an M for male, F for female, or X. To be honest, I -- I don't really care and I don't think most of us care whether there's a microscopic F, M or F -- X on someone's license. We no longer do strip searches on traffic stops and it would be inappropriate and -- and who cares.

The second part of this bill, however, allows anyone



at any time to change their name without notice or publication to anyone except a spouse who's relying on spousal support and the Division of Criminal Justice Service if they've been convicted of a sex crime. Under current law, if you want to change your name you can do so, you don't have to present any reason. You can do it any time, any reason. But under current law, you're required to give notice to certain people and publish your name change in the local newspapers. And the reason why the current law requires publication of the name change is to give notice to people who want to know who you are or where you are. So it gives notice to your landlord that you now are in a different name, it gives notice to someone who you owe money to that you now have a new name. And in addition, under current law, the court can direct various other entities to receive notice so that they can properly keep track of you and that you cannot use a name change to defraud anybody or escape people who are trying to find you for legitimate reasons. And under current law, you can also get an exception.

But what this law says, and it says it very explicitly, it says under no circumstances shall the court require notice to certain entities or publication. And they expressly prohibit any notice to the to United States Immigration and Custom enforcement, or Custom and Border Protection, or a U.S. Citizen and Immigration Services, or any agencies having similar responsibilities. So you can walk in, your name is hypothetically Andy Goodell and you want to change your name to something completely different, you can do it under this

legislation without notice, without publication, without an opportunity for people -- for people to know that you changed it, and especially without notice to the Immigration Service or Border and Customs or any of those agencies.

Now, the obvious purpose is clear. This is designed to allow people to change their name to make it more difficult or impossible for Immigration Service to keep track of them. They may come in legally with a H-1 Visa or a B-1 Visa or a Temporary Visa. This allows them to go ahead and change their name and not notify them, making it extraordinarily difficult to keep track of them. And it makes it really easy if you want to avoid creditors and anyone else that's trying to find you because you can change your name as often as you want without having any pre-hearing notice or any other notice.

So the notice provisions weren't designed to embarrass anybody, they were designed to make sure that people knew who you were and where you were and they could keep track of you. That's a pretty legitimate reason. And to set up a system designed specifically to defraud Immigration and Naturalization Service, or make it harder for Border and Custom Patrol to keep track of you, or to make it extraordinarily difficult for anyone who legitimately needs to know who you are and where you are is a mistake and an inappropriate use of our legislative authority and, therefore, I'll recommend against it. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect in 180 days.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 4402-B. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation, but for those who support it, they should call the Minority Leader's Office and we'll make sure your vote is properly recorded. 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 generally in favor of this piece of legislation; however, should members desire to be an exception, they should feel free to contact the Majority Leader's Office so that their vote might be properly recorded. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

(The Clerk recorded the vote.)

Mr. O'Donnell on the resolution -- to explain your vote. I'm sorry.

MR. O'DONNELL: That's quite all right, Mr. Aubry. Most of what you've already heard is inaccurate, so let me make it

very explicitly clear: A judge in this case is permitting to condition the name change on notification to debtors, for example, with a written order. As I'm sure you may know, in court systems, prosecutorial agencies have access to all these records. All of them. So if ICE was looking for Danny O'Donnell, they have no difficulty going to the New York County thing and searching for Danny O'Donnell. And what they're able to search is different than what an ordinary person can search.

Why do we change it like that? Well, because this is a particular community which is at risk, and the previous law used to require them to prove they were under threat. We simply have them prove that under the totality of circumstances they have reason to be afraid. And the publication requirement is, I think, fairly interesting. You know, we used to have a system in this country with a town crier. They would ring a bell and make announcements. But then we got newspapers, and so they were able to print things in newspapers. And so when we started this system, every town had their own local newspaper. Well, that's not true anymore. It's not true anymore. And you're not going to find anybody through a local advertisement in a newspaper. That's just outright ridiculous in this day and age. I've done these name changes when I was a private attorney and what I can tell you is when I first arrived in Albany, my friend, Denny Farrell, had a bill to expand notification requirements that I voted against for LLCs. Why? Because it makes everything very expensive. Do you know how much it costs to publish something in a New York City

newspaper? It costs a lot of money. There are now newspapers --

ACTING SPEAKER AUBRY: Mr. O'Donnell, you're going to have to tell us how you're going to vote and --

MR. O'DONNELL: I tried to raise my hand before we were done.

ACTING SPEAKER AUBRY: Which is --

MR. O'DONNELL: So I would like to use my time to finish.

ACTING SPEAKER AUBRY: Which is why I offered you the opportunity to speak on the bill, but -- do you want the roll call withdrawn so you can continue?

MR. O'DONNELL: No, sir, I do not.

ACTING SPEAKER AUBRY: Mr. Burdick.

MR. BURDICK: Yes, Mr. Speaker. If I could respectfully ask that the roll call be withdrawn for just a few questions that if it please the sponsor, if he might yield to a couple of questions?

MR. O'DONNELL: If I'm permitted to do so, I shall.

MR. BURDICK: May I proceed, Mr. Speaker?

ACTING SPEAKER AUBRY: One minute, please.

MR. BURDICK: Thank you.

(Pause)

ACTING SPEAKER AUBRY: The roll call is withdrawn.

Mr. Burdick, on the bill.

MR. BURDICK: Thank you, Mr. Speaker, and I

apologize for this disruption. I would ask that the sponsor yield very briefly for a few questions, if I may.

ACTING SPEAKER AUBRY: Mr. O'Donnell, will you yield?

MR. O'DONNELL: Of course.

MR. BURDICK: I have a few questions which relate to a provision in this bill which the sponsor graciously agreed to include at my request, which is adapted from a bill which I had sponsored. The thrust of the questions simply are intended to establish legislative intent which may be implicit, but which I believe it is appropriate to make explicit, and they relate to Section 6 of the bill. Is the legislative intent of this bill to only help transgender people born within the State of New York, or to help all transgender people who reside in New York regardless of where they were born?

MR. O'DONNELL: All transgender people regardless of where they were born.

MR. BURDICK: Thank you, Mr. O'Donnell. If a transgender New Yorker wanted to get a court order requiring a governmental agency to change the gender designation on their birth certificate, would this bill permit the court to issue that order?

MR. O'DONNELL: Indeed it would.

MR. BURDICK: If a transgender New Yorker were born in a state outside of New York, would a New York court order be sufficient to go back to their home state and request a change to their birth certificate from their home state?

MR. O'DONNELL: That is the intention.

MR. BURDICK: Thank you very much. That concludes my questions.

ACTING SPEAKER AUBRY: Thank you.

Mr. O'Donnell, on the bill.

MR. O'DONNELL: Happy Pride Month, everybody. I don't think you -- you all clearly understand what trans people go through and what their lives are like. It's nice to hear that you don't care about their driver's license, but what you don't realize is they're getting beat up because their driver's license doesn't match their physical appearance. That happens almost daily in America. It used to happen when they used the, quote, "wrong bathroom." Hopefully in New York we fixed that already.

In the end, this bill's extraordinarily important and extraordinarily necessary, and it doesn't do anything harmful to anybody other than the people who need protection. And I would humbly request that before the month is out, you all go watch the show *Pose*, which takes place in the '80s and '90s and explains what these communities went through. The brilliant Mj Rodriguez and my friend, Billy Porter, go through this through the AIDS pandemic and living on the streets and on the piers where people spit at them every day. That is the history of New York and America around the trans community, and we need to do a hell of a lot more to make sure they're protected, and this is a very minor first step. I'd like to thank the Speaker. Thank you very much.

ACTING SPEAKER AUBRY: Thank you.

Ms. González-Rojas on the bill.

MS. GONZÁLEZ-ROJAS: Actually, it was to explain my vote, but I could speak now. I'll be short. Thank you, Mr. Speaker. I want to thank the sponsor of this bill for their ongoing leadership and work to support, represent, and defend our LGBTQIA communities. In particular, I believe this legislation will help support trans and gender non-conforming and non-binary New Yorkers in ways that the community has shared themselves would lift barriers to opportunities. This bill has legal, financial, and health benefits. It will help trans and gender non-conforming and non-binary people better access employment, rent an apartment, and even get access to health care.

According to the National Transgender Study, only 12 percent of individuals who are trans have been able to change and update all of their identification, while only about 63 percent have not been able to change any documentation at all. This is also important for trans youth who will be able to, with parental permission, to change the gender marker on their State IDs, as well. At a time when dozens of states across the country are introducing and passing legislation that harms our trans and gender non-conforming, non-binary and intersex communities, New York must take action.

I'm so grateful to the sponsor and to the advocates who have fought for this legislation. And I just spoke to a few of them this week, Charlie, Inwin, Alejandra, John, and many, many



LGBTQI advocacy organizations across the State. There remains a lot more to do, but this bill is one more way that here in New York we can proclaim and ensure that Trans Lives Matter. I proudly, proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect in 180 days.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 4402-B. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the number previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is still generally opposed to this legislation, but those who have been persuaded by those comments are welcome to call the Minority Leader's Office and we will record your vote as an exception. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, the Majority Party will be in favor of this piece of legislation; however, there may be a few of us who would like to be an exception. They should contact the Majority Leader's Office and their vote will be properly recorded.

ACTING SPEAKER AUBRY: Thank you very

much.

(The Clerk recorded the vote.)

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker. To explain my vote. I just want to congratulate and thank the sponsor for his unfailing dedication to justice on behalf of the LGBTQ community. Thank you. I proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Mr. Burdick to explain his vote.

MR. BURDICK: Thank you, Mr. Speaker. I wish to thank the sponsor and to thank the Speaker for bringing this very important legislation to the floor. And this is really common sense. It's simply to facilitate the change of sex designation or gender -- gender designation either on a driver's license or a birth marker. And as was explained in the exchange that I had with the sponsor, the benefit of having a court order is that under the Full Faith and Credit Clause of the U.S. Constitution, courts outside of New York would have to recognize and give full weight and force of law to the court order so that you will facilitate transgender New Yorkers born out of State to change their birth markers. Again, I'm very grateful to the advocates and to the sponsor and to the Speaker, and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Burdick in the affirmative.

Mr. -- Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleagues Ms. Miller and Mr. Ra in the affirmative. Thank you.

ACTING SPEAKER AUBRY: So noted, thank you.

MR. GOODELL: Also, please record Mr. Montesano and Mr. Smullen in the affirmative. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 19, Rules Report No. 563, the Clerk will read.

THE CLERK: Assembly No. A05549, Rules Report No. 563, Richardson, Hyndman, De La Rosa, Walker, Davila, Fernandez, Cruz, Dickens, Jackson, Zinerman. An act to amend the Correction Law and the Executive Law, in relation to certificates upon discharge.

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

Mr. -- Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: This law would amend the Correction Law to authorize the provision of a certificate of relief

from disabilities or a certificate of good conduct immediately upon a person being granted merit termination of a sentence. So for those who aren't familiar with that and where we are under current law, under current law a -- someone who is out on presumptive release or parole or a conditional release or release with post-release supervision, so they're out on parole or they're out of prison, and if they don't have any issues or any problems they can get what's called a merit termination of sentence, and it adds any additional parole or -- or post-release supervision or a conditional release. And so it's -- it's like a good conduct termination of any additional sentence. It's called a merit termination of sentence and it can be issued after two years if you've been out on parole for a Class A felony, which is one of the most serious felonies, or after one year for any other offense.

A certificate of relief from disabilities, an individual can apply for after they've been out of jail and after the end of their sentence for a period of three years and they can establish that for the three years since their -- their sentence was terminated, they've had no issues and they lived a law-abiding life. A certificate of relief from disabilities requires a minimum period of good conduct -- oh, I apologize. A certificate of good conduct requires a minimum period of good conduct in general for five years after the completion of your sentence. And the whole purpose of these two certificates is to give notice to the world and, in particular, employers that after you got out of prison, you've lived a law-abiding life for three to five years.

This legislation would take that three to five years

and reduce it to one to two. Well, actually, it would reduce it by three to five years because it would provide that those certificates could be released -- issued immediately upon the completion of your sentence, or your probation, without any intervening time to establish that you are living a law-abiding life. And the problem when you eliminate that time period is that you undercut the meaning of those two documents. So right now, an employer who has an applicant who has a certificate of good conduct, he knows, hey, this is a guy that's got his life straightened out and has been living a law-abiding life for five years, or a certificate of relief from disability for three years after everything else. And we have completely eliminated that three to five year period, that's the net effect of this bill and, unfortunately, it'll undercut the validity of those two documents and their effectiveness in establishing a period of good conduct after the sentence is completed. For that reason, I will recommend against it and I urge my colleagues to vote against it. Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect in 90 days.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 2630. 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. Those who support it should contact the Minority Leader's Office so we can record your vote. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, the Majority Conference will be in favor of this piece of legislation; however, should colleagues decide to be an exception, they could give the Minority -- Majority Leader's Office a call, let us know that and we will properly record their vote.

ACTING SPEAKER AUBRY: Thank you both.

(The Clerk recorded the vote.)

Ms. Richardson to explain her vote.

MS. RICHARDSON: Good afternoon to you, Mr. Speaker, as well as the leadership in this Chamber. It's always a pleasure to have the distinct honor to represent the mighty 43rd Assembly District while I'm on the Legislative floor. I just want to really state that this bill will amend Section 205 of the Correction Law and Section 259-J of the Executive Law in order to improve the process of obtaining certificates of good conduct for individuals who have been granted early or discretionary discharge from community supervision.

The purpose of this legislation is to provide individuals whose good contact and behavior earned them early discharge from community supervision, the ability to demonstrate to

employers and landlords that they are a formerly incarcerated individual, but they have been living crime free. This, I want to also underscore, is still up to the decision of the Department of Corrections, so each case will be on a case-by-case basis. You know, it is important that we are doing all that we can to help New Yorkers who are formerly incarcerated transition successfully back into society, and I know that with this legislation we open up the pathway for more individuals to live a life of productivity. And with that, I proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Richardson in the affirmative.

Mr. Goodell.

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

ACTING SPEAKER AUBRY: So noted.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: So noted. Thank you both.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 19, Rules Report No. 565, the Clerk will read.

THE CLERK: Senate No. S02987-A, Rules Report No. 565, Senator Parker (Darling, Bichotte Hermelyn, Solages--A05679-A). An act to declare racism a public health crisis and to establish a working group to promote racial equity throughout the State.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect in 30 days.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 2987-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. This -- the Republican Conference is generally opposed to this piece of legislation. Those who support it should contact the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. This is a piece of legislation that our Conference will definitely support; however, there may some that would like to be an exception. They should contact the office and we will properly record their vote. Thank you.

(The Clerk recorded the vote.)



Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 19, Rules Report No. 566, the Clerk will read.

THE CLERK: Assembly No. A05705-A, Rules Report No. 566, Joyner, Burdick, D. Rosenthal, Dinowitz, Zinerman, Reyes, Simon, De La Rosa, Perry, L. Rosenthal, Glick. An act to amend the Correction Law and the Executive Law, in relation to work related labor protests not being considered a parole violation.

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

Mr. Morinello.

MR. MORINELLO: May we have an explanation, please?

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

MS. JOYNER: Gladly. This bill would allow individuals under community supervision the ability to participate in labor strikes or protests due to work-related conditions without violating conditions of parole. It will protect an individual's right to protest work-related labor conditions regardless of being under community supervision.

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

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

MS. JOYNER: Yes.

ACTING SPEAKER AUBRY: Ms. Joyner yields.

MR. MORINELLO: First of all, I'd like to recognize the benefits of someone who is in community supervision of becoming gainfully employed which assists them in reconnecting to the community. But with this particular bill, is there any requirement that the individual actually be employed by the company or facility that is the target of the labor dispute, strike, stoppage, et cetera?

MS. JOYNER: Okay. So basically under Article 20 of the Labor Law and the National Labor Relations Act it's only -- it protects employees who engage in protests for the purposes of collective bargaining, right? So if these activities are not against their own employers, they're not protected under Article 20 and, therefore, not protected under this bill. So yes, they would have to be an employee and it would have to be against their own employer and work-related.

MR. MORINELLO: But now -- but that is not specific in the bill, am I correct on that?

MS. JOYNER: Well, I guess the assumption is that the Labor Law -- Labor Law Article 20 and the National Labor Relations Act already speaks on that issue.

MR. MORINELLO: Now, would this cover them if that strike is at an affiliate company of their employer?

MS. JOYNER: It would have to be against their own employer.

MR. MORINELLO: So they could be at a separate location if it's by the same ownership, correct?

MS. JOYNER: Yes.

MR. MORINELLO: Is there any requirement that they are a member of the union that is recognized by that employer and that is actually doing the protesting?

MS. JOYNER: So no, they do not have to be a member of the union or unionized, but it would have to be connected to their own employer.

MR. MORINELLO: Okay. So they could not just use this as an excuse to -- if they hear of a protest of a different union, they had a different employer, to then violate some of the conditions that have been put on them while they're in community supervision.

MS. JOYNER: It would be -- it would have to be against their own employer and, you know, related to a workplace, work-related issue.

MR. MORINELLO: Thank you for answering the questions.

On the bill, please.

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

MR. MORINELLO: Number one, as I stated earlier, I think it's admirable and it is the -- the intention and the focus of this

Body to reconnect those that have been incarcerated with the community. I also find it admirable that an individual would have employment with a company that is recognized by a union or that the union recognizes. I also find it helpful that this bill is there.

I would only -- I will support this bill, I will encourage my colleagues to support it, I would only ask that possibly there be a few additional caveats in it to just be more specific so that at least the parole officer would have a better idea of what a violation would be. I do not anticipate wholesale violations, but there's always going to be those that might try and get real close to the line, like my grandchildren do. So with that being said, I thank the sponsor. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 2801-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

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

Page -- Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, next on -- on the lineup, we -- we're going to go to Ms. Rosenthal, Rules Report No. 568, it's Assembly Bill No. 5823; followed by Assemblymember Niou, Rules Report No. 577, Assembly Bill No. 6215; as well as Rules Report No. 594, Assembly Bill No. 6896 both, again, by Ms. Niou; followed by Mr. Stirpe with Rules Report No. 645 and he has Assembly Bill No. 7959. Again, that's Mr. Stirpe. And then we're going to go to Rules Report No. 659, Assembly Bill No. 5418, that one is by Mr. Englebright.

Mr. Speaker, I'm sure you have recorded this, I hope our colleagues have recorded it as well so that we might be able to officially get through debate and conversations on these important pieces of legislation. Thank you.

ACTING SPEAKER AUBRY: Page 19, Rules Report No. 568, the Clerk will read.

THE CLERK: Senate No. S05023-A, Rules Report No. 568, Senator Gianaris (L. Rosenthal, Gottfried, Lavine, McDonald, Simon, Fahy--A05823-A). An act to amend the Education Law, in relation to mandating the reporting of suspected animal cruelty by veterinarians.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: This bill would require veterinarians to become mandatory reporters of suspected animal abuse. In discussing this with veterinarians that I know, they expressed great opposition because they said it's very difficult to tell when an animal comes in whether the animal is malnourished because they were sick or whether it's abuse. And obviously they don't want their license to depend on whether or not they file a mandatory report. There is another concern. Those actually who do abuse their animals are not likely to take them to the vet. And so the practical impact may be relatively small other than the fact that the vet is now placed in a very awkward situation with those thoughtful customers that bring their animal in for treatment.

Unfortunately, there's a third issue. And I think it's fairly rare but occasionally, there are professionals that will use a mandatory reporting excuse, if you will, to convince a customer to do a lot more service. And that, of course, is inappropriate. Several years ago, we started implementing mandatory reporting for suspected child abuse for children. That was a great idea. And we created a child abuse registry. Great idea. And we had a whole team of independent governmental employees that were highly trained, and those were our CPS workers. Great idea. But extending that concept to veterinarians and making them mandatory reporting may result in some customers

hesitant to bring their sick pet to the vet for fear of being reported and having to defend themselves. And it will put some vets in a very awkward situation of trying to figure out whether the pet's ailments are the result of a disease or injury that has nothing to do with abuse. And for those reasons, I'll be recommending against this expansion of obligations on vets, recognizing that under current law, vets absolutely have the right to report any abuse. This just makes it mandatory at the risk of losing their license. For those reasons, I'll be opposing it and recommend against it to my colleagues. Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote Senate print 5023-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Ms. Rosenthal to explain her vote.

MS. ROSENTHAL: To explain my vote, thank you, Mr. Speaker. This bill is an A. R. Bill, which stands for animal rights. I am proud to have the support of so many -- Veterinary Medical Association of the Humane Society, the Humane Society of New York, the Humane Society of the United States, the Humane Association of the State of New York, the New York State Animal

Protection Federation, the New York City Bar and thousands of people in requiring veterinarians to report what they believe in good faith is a case of suspected animal cruelty. Law enforcement, ASPCA, others take it from it there, but people know that the link between animal abuse and human abuse is strong. So this legislation protects animals and humans. I also think that veterinarians across the State would not be happy to be impugned by a blanket statement that -- that they may report -- would be coercive in requiring treatment. I think that's insulting to all the veterinarians in the State. This is a good piece of legislation. It will help animals. It will help stem abuse in society against animals and against humans, and I am proud to vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Rosenthal in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. In addition to the negative votes on the floor, please add my colleague, Mr. DiPietro, as a negative vote. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 20, Rules Report No. 577, the Clerk will read.

THE CLERK: Senate No. S04716-A, Rules Report No. 577, Senator Hoylman (Niou, Epstein, Otis--A06215-A). An act



to amend the State Technology Law, in relation to requiring the Office of Information Technology Services to cooperate with all State agencies in the implementation of language translation technology.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 4716-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Ms. Niou to explain her vote.

MS. NIOU: Thank you, Mr. Speaker, for allowing me to explain my vote. As we continue to move toward recovery, it is so vital that all New Yorkers have the same information and equitable access to COVID-19 updates and essential human services. This bill will require the Office of Information Technology to assist agencies in translating all websites containing details related to COVID-19 information, services, benefits, and programs into the top 12 spoken languages in New York State within 30 days of this bill's passage, and to translate all other state agency websites within 90 days.

Throughout the pandemic, we have had constituents call all of our offices requesting information on COVID-19 and the resources that everybody needed. Since many agency websites are

very difficult to access and hard to navigate, they ended up calling all of our offices instead, and because of the lack of language accessibility, we have also had folks reach out with COVID-19 misinformation that has been circulated on the Internet or through online chats. We must make sure to be able to provide safe, factual public health information if the people who need it most can't read it.

There is a tremendous gap between those who have the resources and the ability to access the resources we have available and those who do not, and that multiplies everybody suffering, especially when we're talking about time-sensitive health information or fight -- or fighting misinformation that can actually cause physical harm.

New Yorkers are going through the worst economic and health pandemic in a century. It is essential that we promote equity and provide culturally-sensitive language accessible information and services in our online resources and information, and I'm really, really, really grateful for all of my colleagues for their support and making sure that all of the New Yorkers that are in our State really be able to have the information that they need to stay safe. Thank you so much, Mr. Speaker, for allowing me to explain my vote. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Niou in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

Mr. Goodell.

MR. GOODELL: Please change that vote by at least one, Mr. Brabenec in the negative. Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Any there other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 20, Rules Report No. 594, the Clerk will read.

THE CLERK: Assembly No. A06896-A, Rules Report No. 594, Niou, Kim, De La Rosa, Rozic, L. Rosenthal, Weprin, Richardson, Fitzpatrick, Englebright, Frontus, Solages, Reyes, Fernandez, Braunstein, Gottfried, Mitaynes, González-Rojas, Epstein. An act to amend the Executive Law, in relation to requiring the collection of certain demographic information by certain State agencies, boards, departments and commissions.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir. This bill would require every New York State agency, board or commission that collects demographic on New York State residents related to ancestry or ethnic origin to use separate categories for at least 24 different Asian countries. I would note that the United States Office of Management and Budget Statistical Policy Directive recognizes that there are distinctions within -- major distinctions between different Asian groups and, as a result, it has created two distinct and separate

categories. Likewise, those two and -- distinct and separate categories are reflected in the 2000 United States Census.

The challenge is, as the sponsor notes, each of these Asian nations has its own characteristics, its own demographics, its own traditions, and all of them are great and certainly helpful. At the same time, the same could be said for the other 196 countries in the world. I am half Swedish and I will tell you even though I'm half Scandinavian, the Swedes are very different than those neighbors in Norway or Denmark, but obviously when you are doing statistical data collection, we have to generalize somewhat for practical reasons. It's just not practical to say are you Asian, African-American, Latino or Hispanic and one of the following 24 Asian groups. And, in fact, some of these Asian groups, some of these Asian countries, great countries no doubt, are actually smaller than some of our Assembly Districts in terms of population.

So while I appreciate the distinction between all these Asian groups, I appreciate their different traditions, language, culture, it's just not practical to ask every New York State agency that's collecting any demographic data to collect separate demographic data on all 24 or more Asian groups. And that's why the Governor vetoed this the last time it came to him and I suspect that's still an issue for all of us. We don't need to add an extra page to every application to list all the different countries or ethnicities for most data collection uses in New York. Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 6896-A. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference will generally be opposed to this level of data collection, but those who support it should contact the Minority Leader's Office and we'll be sure to contact -- correctly record your vote. 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, shoulder members decide to be an exception, they should contact the Majority Leader's Office and so record their vote. Thank you.

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

(The Clerk recorded the vote.)

Ms. Niou to explain her vote.

MS. NIOU: Thank you, Mr. Speaker, for allowing

me to explain my vote. I represent a district that is diverse in culture, race, and socio-economic status. We embrace and celebrate our diversity and differences, but must find a better way to ensure that our distinctions within racial and ethnic populations are represented. As our State's demographics continue to shift, we need to modify the system in place not only to better capture our population, but also to ensure that government resources are being used efficiently.

Asian-Americans are the fastest growing minority group in our State. There are also more Asian-Americans living in poverty in New York than in any other minority group. We are also the least represented in governments and the agencies that we govern. The Model Minority Myth and the aggregated data is hiding this truth. Data this aggregation can serve as a powerful tool in tracking these demographic changes, allowing us to gain valuable insight into our population. This bill allows us to gather and study information on the many Asian-American ethnic subgroups in our State, and this information is important in that it allows us to study and examine the different needs within our different communities and target appropriate services to our communities, including uncovering previously overlooked data on underrepresented populations.

Simply put, better data means more informed choices. This aggregation will allow our State agencies to more effectively assess where resources are most needed. The current system of data collection fails to account for the disparities within Asian-American populations in New York, and this includes but is not limited to the

difficult obstacles faced by our subgroups. For example, this aggregation will allow us to determine areas where critical language access services are needed, or help us to reveal inequality gaps in health or education, among other things. Without this aggregated data, the general population continues to see all Asian-Americans as a single, one monolithic group, and our most vulnerable groups will not be receiving external further support. And I urge that my colleagues join me in supporting this bill because it is critical to continue the work that we ensure that no one is left out or erased. Thank you so much, Mr. Speaker, and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Niou in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleagues Mr. Montesano, Mr. Schmitt, and Mr. Tannousis in favor of this legislation, along with those who have voted on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 21, Rules Report No. 645, the Clerk will read.

THE CLERK: Senate No. S07148, Rules Report No. 645, Senator Ramos (Stirpe--A07959). An act to amend the Labor Law, in relation to the calculation of weekly employment insurance

benefits for certain workers; to amend a chapter of the Laws of 2021 amending the Labor Law relating to the calculation of weekly employment insurance benefits for workers who are partially unemployed, as proposed in legislative bills numbers S. 1042-A and A. 2355-A, in relation to the effectiveness thereof; and to repeal certain provisions of the Labor Law relating thereto.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7148. This is a fast roll call. Any member who wishes to be recorded as in the negative is reminded to is to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. This is a Chapter Amendment that changes how we calculate benefits for those who are partially employed. The original bill provided that a worker could work up to 50 percent of their time and collect full-time unemployment, and then their benefits were reduced dollar for dollar. And so that created a kind of a perverse incentive to work exactly 50 percent of the time because you got 100 percent of unemployment and 50 percent salary. And that perverse incentive not to work anymore, because it was like a 100 percent tax on income. And so as much as we like to pay taxes to support all the great things we do in this



Legislature, most workers were not really excited about a 100 percent tax on earnings.

This changes it to provide that the first nine hours of work, you keep all the money; from ten to 16, you lose one-quarter; from 16 to 21, you lose two days of unemployment, on so on. And so it's a much more graduated approach and as a result, addresses some of those disincentives that were inadvertently included in the original bill. So for that reason, while I voted against the original, I think the Chapter Amendment is an improvement and my compliments to my colleague for making these changes.

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

MR. STIRPE: Thank you, Mr. Speaker. You know, this bill created a new method of calculating partial unemployment benefits for people accepting part-time employment. And it really was not a disincentive. We wanted to encourage people to reenter the workforce even if it was part-time, which allowed them to maintain or increase their job skills and stay attached to the labor market. So unlike what the previous speaker said, this is a good thing to get people to stay in the labor market because the chances of being hired full-time are much better if you are working.

Thank you, Mr. Speaker.

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

(The Clerk announced the results.)

The bill is passed.

Page 21, Rules Report No. 659, the Clerk will read.

THE CLERK: Senate No. S04630-B, Rules Report No. 659, Senator Kaminsky (A05418-B, Englebright, Epstein, Griffin, Simon, Gottfried, Dickens, Galef, Otis, Colton, Thiele, González-Rojas, Kelles, McMahon, Paulin, Jackson, Abinanti, Sillitti, Seawright, Perry, Burdick, Fahy, Richardson, Glick, Gallagher, Dinowitz, Fernandez, Hevesi, Forrest, Stern, Stirpe, Steck, McDonough, L. Rosenthal, Jacobson, Jones, Barron, Anderson, Cruz, Zebrowski, Cymbrowitz, Rozic, Ramos). An act to amend the Environmental Conservation Law, in relation to the regulation of chemicals in upholstered furniture, mattresses and electronic enclosures.

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

(Pause)

MR. ENGLEBRIGHT: There we are. Can you hear me now?

ACTING SPEAKER AUBRY: Yes, sir.

MR. ENGLEBRIGHT: Thank you. Thank you, Mr. Speaker. Yes, this is a bill that is intended to save lives. It has been demonstrated that fire-retardant chemicals are actually more harmful either from a fire or just from shedding of those chemicals into living spaces than the fires themselves that they are intended to counter. And for that reason and others -- I'll give you another example. It has been

determined that firefighters, both volunteer and professional firefighters, suffer from exposure to hydrogen cyanide and carbon monoxide from fires that contain halogenated fire-retardant chemicals. And because of that, their lives are shortened, they're subjected to testicular cancer, breast cancer for the women, often, and other degenerative conditions from the exposure. Because of that, the New York State Professional Firefighters Association and the Fire -- Firemen's Association of the State of New York and the Association of Fire Chiefs of the State of New York and the New York State Association of Fire Chiefs have all strongly supported this measure. And it's a very simple concept: Just don't put those chemicals into the furniture and soft furniture and hard furniture and other materials that are in living spaces under the idea that this is somehow going to help prevent the fires. They don't. All they do is increase the harm to those who place themselves in harm's way but do not deserve to be harmed by chemicals that are so insidious.

ACTING SPEAKER AUBRY: Mr. Morinello.

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

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

MR. ENGLEBRIGHT: I yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. MORINELLO: Is there any provision to allow products that may not have been developed yet that can be produced

without the negative impact of the chemicals that are currently being used?

MR. ENGLEBRIGHT: You're asking a question prospectively?

MR. MORINELLO: Yes.

MR. ENGLEBRIGHT: The bill does not address prospective possibilities specifically. It is important to know that the existing -- that the existing chemicals and those that have historically been used - in some cases the furniture's been in the home for ten or 20 years - are in certain chemical classes. Those classes are addressed by the bill. And so in that sense the bill is -- is specific. And you're asking if it's so broad that it would include almost anything that the future might invent. It doesn't address the future.

MR. MORINELLO: I noticed that there was an amended version, and it exempts electronic screens and electronics that are part of appliances. Am I correct on that?

MR. ENGLEBRIGHT: Yes. It addresses at this point only electronic displays.

MR. MORINELLO: Would the --

MR. ENGLEBRIGHT: (Inaudible)

MR. MORINELLO: I'm sorry, sir. Would the sponsor be able to explain the difference between an electronic display on a computer and an electronic display on a -- an appliance?

MR. ENGLEBRIGHT: I don't think I am qualified to -- to distinguish the differences between them. What -- what I did

indicate is that this measure really applies to the appliance displays. You know, storefront displays. And in many cases they have plastics that have these chemicals built into them next to the motors, and if they catch fire because the motors overheat they can be really deadly.

MR. MORINELLO: Okay. But my question was more to -- and I'm not -- the question has nothing to do with the furniture, upholstery and drapery. I have -- I agree wholeheartedly that the chemicals in those can flake off, they can injure. But my concern is with the move towards more electronics in the home -- computer screens, iPads, televisions that people tend to leave on when they go to sleep. Can the sponsor explain why they were not excluded from the bill similar to the electronic screens in the appliances?

MR. ENGLEBRIGHT: You know, we tried to have a bill that was as broad as possible. But as -- as with many bills, we take a big bite out of the problem and then come back for a second and perhaps even a third bite to totally address every issue. You've raised, I think, you know, a good question regarding, you know, something that the bill does not address, but I think, you know, it does point us in the direction of a follow-up piece of legislation.

MR. MORINELLO: Well, that I appreciate and I'm sure the sponsor understands that my questioning is not directed toward any furniture upholstery, et cetera. Rhode Island -- most other states -- and I've got the statistics here, but there's only about five states that excludes these products from electronics because they feel that the -- the overheating that can occur at night could be minimized

and not cause a fire. And I appreciate the sponsor indicating that there is a potential for a review on these issues. I don't want to put words in your mouth, sir, but am I understanding what you're saying is correct that there is the potential to look at electronics, computers, iPads and phones which would have a tendency to minimize the overheating on them?

MR. ENGLEBRIGHT: Absolutely. We continue to have great concern for our volunteer firefighters, our local heroes --

MR. MORINELLO: Yes.

MR. ENGLEBRIGHT: -- our professional firefighters. Anything that repeat exposure will compromise their health and well-being is unacceptable. We can't do it all in one bill. We're going to have to come back to this as we learn more, and your question is -- is very thoughtful.

MR. MORINELLO: Thank you for the answers to my questions.

On the bill, please.

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

If I could get a little quiet in the corner, please.  
Thank you.

Please.

MR. MORINELLO: Now, at one time asbestos seemed to be the best product to prevent fires and deaths, and it was learned later that of course it wasn't. And the asbestos exposure and

flaking have caused cancers and deaths. The upholstery, the sofas, drapery and any other materials are running into possibly the same situation as asbestos has, and as we go on we learned things. We absolutely are focused on protecting our first responders. However, I think in this day and age - and I appreciate the sponsor's candidness on this - that we do need to look at the appliances, the screens. Because if they can -- if there's a reason to exempt them from appliances -- and I'm assuming that what they're referring to is the new breed of televisions and stoves that have screens and computers built in them that you can utilize. Televisions. Televisions, appliances -- an appliance similar to appliances, computer screens where they have a tendency to be left on can become the new breeder of death unless they can be curtailed. They -- and fire retardants in these products would not lead to the same degree of exposure that we are protecting. And I would ask that the sponsor continue his quest to protect our first responders, but also pursue the exception for computer screens, electronics, et cetera, which are in a smaller quantity in most homes and can end up being as deadly from a fire but not as deadly as the other products would be to our first responders.

Thank you very much.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Ra.

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

ACTING SPEAKER AUBRY: Mr. Englebright, will

you yield?

MR. ENGLEBRIGHT: I yield, yes.

MR. RA: Thank you, Mr. Englebright. And obviously this is an issue, and as my colleague said, you know, particularly with regard to so many of these upholstery and furniture that we've learned more and more about these materials. And certainly anything we can do to help ensure the safety of our first responders, our firefighters when they -- when they go into a scene of a fire is certainly a laudable goal and something we should be pursuing. But I just also had some questions about the electronics side of it. And my understanding is that this may be partially or otherwise modeled maybe -- there's -- there's a European Commission regulation on eco design. Does this mirror that approach, do you know?

MR. ENGLEBRIGHT: I am not clear that it's precisely the same, but it is similar, yes.

MR. RA: Okay. So that -- that -- I mean, I -- I know that, you know, with regard to the ban on organohalogen flame retardants, do you have, you know, specific information to that class of chemical retardants in terms of, you know, the risks and harm that they do?

MR. ENGLEBRIGHT: Yes. They, with incomplete combustion -- which is usually the type of combustion that takes place in a house or a business fire -- the -- the chemicals that are released into the smoke are very toxic. And their -- the toxicity is actually increased by the -- by the combustion not just of the bedding or the



soft sofa, but by the -- the organic organohalogen flame retardants that were added.

MR. RA: Okay. And, you know, I would just, you know, when we talk about the electronics and -- and certainly we're all familiar with the fact that both really during the last year, in particular, I guess, when we spent so much time at home and we've relied on, you know, tablets and computers and all these different electronics to help keep us connected and -- and help us really, you know do jobs. But also, more globally, as you know, there's -- there's electronics and really advanced electronics in pretty much everything we use in our day-to-day basis. And one of them that, you know, you may be familiar with, and I'm wondering if this type of equipment would be included in this, are things like -- like exercise equipment like some of these, whether it's a Peloton or some of these other companies that have exercise equipment that now have, you know, screens and -- and are connected to the Internet so you can do streaming classes. Are those types of equipment included?

MR. ENGLEBRIGHT: Not specifically. The -- the electronics industry, of course, is very diverse and you touched on just now in your comments a wide variety that we all interact with from exercise equipment to things that we learn from that are all from electronics manufacturers. I would like to point out that the leading electronics manufacturers -- many of the leading entities such as Apple and Sony and HP have already independently recognized the problem of adding organohalogen flame retardants to their products, and they

have indicated through their actions compliance with the cautions that have been issued by the Consumer Product Safety Commission and numerous scientific studies, and they have independently decided to eliminate fire-retardant products of this type from their -- from their products.

MR. RA: Thank you. And then -- and then just the last thing was with regard to any ongoing efforts and how this would coordinate with them from the Federal level. I'm sure you're aware that the U.S. Consumer Product Safety Commission has begun the process of assessing flame-retardant subcategories, and -- and there are many that they're looking at. So do -- do you believe that this, I guess, coordinates with what the Federal government is looking at? And I don't know if you -- you've had any conversations or know what perhaps the timeline would be for Federal action. And really the reason I ask is, I guess, if there are categories potentially that the Federal government is going to regulate, certainly that kind of puts companies throughout -- throughout the country on -- you know, in -- in the same position when it comes to utilizing these types of materials as opposed to maybe products that currently can be, you know, offered in New York that would close the New York market.

MR. ENGLEBRIGHT: An even playing field I think is what you're speaking to. I think it's a fair question that you ask. It is my understanding that the Consumer Product Safety Commission has already recommended that these fire-retardant chemicals be prohibited. And so it does coordinate, in answer to your question.

MR. RA: Thank you, Mr. Englebright.

Mr. Speaker, on the bill.

ACTING SPEAKER ZEBROWSKI: On the bill.

MR. RA: Thank you. Thank -- thank you to the sponsor. I know he's obviously, as a -- as a fellow Long Islander, is always studying on these issues and -- and, you know, trying to hear what's going on both at the Federal and State level and obviously there's that need for coordination. So there -- there is, I think, a lot of common ground with regard to this issue. I think even within industries that will be impacted by this in terms of the furniture and things of that nature. And then there's some of these other things that I think the -- the study of is ongoing because some of them have not been used for as long. Certainly, there is a need in -- in particular in electronics for some type of systems within them because they -- you know, sometimes they're in small casing, have a tendency to overheat. And trying to find ways to ensure that we don't have a tragic situation where one of those, you know, ignites, you know, any piece of -- maybe a piece of furniture or something else and causes a fire in a house.

So I -- I thank the sponsor for answering the questions and I -- and I hope that we can continue to coordinate our efforts with Federal efforts. But certainly, I know the ultimate goal of this piece of legislation is to avoid harmful chemicals. And certainly with regard to our firefighters that come upon these scenes who have experienced exposure to these chemicals, trying to keep them safe is

paramount. So -- so I will be supporting this piece of legislation and I thank the sponsor for his answers. Thank you.

ACTING SPEAKER ZEBROWSKI: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Senate bill 4630-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 colleagues Mr. Barclay and Mr. Friend in the negative.

Thank you, sir.

ACTING SPEAKER ZEBROWSKI: Thank you. So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, our next order of business will be Rules Report No. 683. It's Assembly bill 7681 by Ms. Fernandez. Followed by Rules Report 702, 1932-B by Mr. Carroll. Rules Report No. 714, 6177 Assembly bill by Ms.

Septimo. Rules Report No. 734, Assembly bill 7874 by Ms. Hunter.  
And Rules Report No. 736, Assembly bill 7905 by Mr. Abbate. In  
that order, Mr. Speaker.

Thank you.

ACTING SPEAKER ZEBROWSKI: Thank you.

Page 22, Rules Report No. 683, the Clerk will read.

THE CLERK: Senate No. S07179, Rules Report No.  
683, Senator Persaud (A07681-A, Fernandez). An act to amend the  
Family Court Act and the Executive law, in relation to reentry of  
former foster care children into foster care.

ACTING SPEAKER ZEBROWSKI: An explanation  
is requested.

MS. FERNANDEZ: Thank you. This bill would  
clarify current law regarding which youth are eligible to return to  
foster care by codifying case law and administrative directives and  
expand such reentry provisions to include youth who have attained the  
age of 18 or were discharged from foster care after turning 16 and are  
now likely to become homeless.

ACTING SPEAKER ZEBROWSKI: Ms. Walsh.

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

ACTING SPEAKER ZEBROWSKI: Will the  
sponsor yield?

MS. FERNANDEZ: Yes, I do.

ACTING SPEAKER ZEBROWSKI: The sponsor

yields.

MS. WALSH: Thank you, Ms. Fernandez. So, last year in 2020 it wasn't your bill, it was Ms. Wright's bill, we -- we passed a bill that temporarily amended the Family Court Act allowing for reentry entry of some foster care youth back into foster care because of -- because of COVID. It was a temporary thing. The feeling was that because of the COVID crisis there could be real problems with homelessness. We wanted to allow foster care youth to come back in and, you know, I supported that bill. I know many of my colleagues did. Can you please kind of do a compare and contrast between what that bill did on a temporary basis and what your bill does today?

MS. FERNANDEZ: Well, this bill is addressing a concern, a problem that has been happening before COVID. The bill allows kids to reentry without going to court.

MS. WALSH: Okay. What about the -- the type of young adults or people that are allowed to access the entry or reentry into foster care? Has that -- has that been expanded from the bill that we passed in 2020, do you know?

MS. FERNANDEZ: This bill would still require kids to go to court to reenter, it just expands the population (inaudible).

MS. WALSH: Could you talk about how -- how it expands the population?

MS. FERNANDEZ: To young people, kids that were put in an insecure home. Kids that had left at 16 but then were found

to be in a worse position than before now are 18, it allows them to go back into the foster care system to be in a safer environment that would give them the opportunity to prepare for their life with employment and school and education and avoid risk of homelessness.

MS. WALSH: Now, for these individuals who are entering or reentering foster care because of this legislation, do -- do they need to -- when does the foster care placement end for them? Does it still end at 21 as it would normally do?

MS. FERNANDEZ: Yes.

MS. WALSH: Okay. Now, the -- the bill -- again, the bill passed last year during COVID specifically said that any requirement to enroll or attend educational or vocational programs shall be waived during this State disaster emergency. Does your bill require that any entering or reentering youth attend -- enroll and attend educational or vocational programs or is it still waived?

MS. FERNANDEZ: I believe the kids still have to go to education, but we do expand the kids that were exempt on last year's bill, too.

MS. WALSH: Oh, I'm sorry. Could you just repeat that? I didn't quite pick that up. I'm sorry.

MS. FERNANDEZ: The kids still have to do education, but we expanded -- we expand the kids that were exempt on last year's bill. So they -- yes, they still have to go through educational services.

MS. WALSH: So the -- okay. So if -- am I -- am I

understanding you right that the kids that didn't have to last year sign up for educational or vocational programs now would need to do that? I guess with the reason maybe being that because COVID has eased, you know, the educational programs and vocational programs are opening back up? Do I have that right?

MS. FERNANDEZ: The kids from last year are still exempt.

MS. WALSH: Oh, they're still exempt. Okay. Okay. All right, so it's the opposite.

MS. FERNANDEZ: (Inaudible) that was just put in place.

MS. WALSH: I'm sorry, I -- I'm getting tired, I guess. I apologize. So what else -- other than a roof over their heads, what else, if anything, does somebody who is entering or reentering foster care, what do they get? Do they get, like, an allowance? Do they get counseling services? Do they get medical services? You know, what -- what -- kind of like what's the package? What's the incentive, really, other -- other than obviously a home, a place to live for these individuals coming back into foster care?

MS. FERNANDEZ: Well, foster kids do get services and medical services, but this creates stability, and a home is the foundation of stability to then being able to properly approach your education, seek a job and eventually start, you know, your life on your own.

MS. WALSH: Now, you mentioned I believe at the



beginning that this -- this bill would say that qualifying youth would be able to reenter or enter foster care without having to apply to the family court or do they still have to do that? I'm sorry.

MS. FERNANDEZ: Yes, they still have to do that.

MS. WALSH: They still have to, okay. And can the family court set terms and conditions that would go along with that placement? Kind of like rules of behavior or rules of the road so that the -- you know, that things go smoothly or they're following certain rules?

MS. FERNANDEZ: No, that is just necessary for them to reenter.

MS. WALSH: All right. So the court just figures out if they're qualified or not and makes a determination whether they can come back in.

MS. FERNANDEZ: Yes.

MS. WALSH: Okay, great. Gotcha. I -- oh, I -- I guess I just wanted to ask you, I didn't know if there had been any projection of how many young adults were likely to be reentering through this program that this bill creates?

MS. FERNANDEZ: We haven't heard of a specific number, but in general it is a great number.

MS. WALSH: A great number. Okay. And is there a sense of the projected financial implication on the local Social Services Departments as far as, you know, what this is going to cost them?

MS. FERNANDEZ: One second. No. It would be picked up by the block grant.

MS. WALSH: Oh, it -- it's picked up by a block grant?

MS. FERNANDEZ: Yes, the Foster Care Block Grant.

MS. WALSH: Okay. And it's believed that that -- the block grant would be sufficient to cover this unknown but probably large number of individuals that will be coming into foster care through this?

MS. FERNANDEZ: Probably not, but that's the source of funding. So if the -- the kid never left and -- and didn't need to come back it would just continue as if they were still in the system until 21.

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

Mr. Speaker, on the bill.

ACTING SPEAKER ZEBROWSKI: On the bill.

MS. WALSH: I appreciate the sponsor's comments and explanation. I think, you know, the -- the concern with this particular bill -- as I said, I was -- I was supportive of the bill last year which kind of temporarily allowed for reentry into foster care because of COVID, because of the circumstances surrounding COVID and the genuine worry about homelessness. Homelessness is always a worry. And there -- and there are kids who get to be 18 and cannot wait to

check themselves out of foster care. They want to leave. And some of them leave and then they regret it and so they do want to reenter. And I -- I can appreciate that. I think that sometimes having that structure is both a blessing and a curse for a young person. They don't want the rules, they don't want to have to go to an educational program or a vocational program necessarily. Some kids. Some welcome it. So it's just a very individual thing. What -- what does concern me, though, and the reason why the Public Welfare Association opposes this bill had -- two reasons: The first is that this bill, as the sponsor indicated, greatly -- I would say greatly expands the number of young people that would be able to take advantage of this. So it would not simply be youth who left foster care and now wanted to get back in. It also includes -- and this is important -- it also is going to include adults between the ages of 18 and 20 who have been placed out of their homes on PINS -- which is an operative for Persons in Need of Supervision -- procedures, and juvenile delinquents, JDs, and those who have chosen to leave placement after they turned 18 to petition the court to reenter foster care. That's a whole -- that's a different kind of individual than -- than just simply somebody who had been in foster care before. It really does open it up. So what the Public Welfare Association says is this: *This bill would allow a reentry petition to be filed by a young adult who had been out of the home on a PINS or JD matter and not just for young adults who had been placed in foster care due to abuse or neglect. Given the recent changes in State law raising the age of criminal responsibility, this bill opens up a return to*

*either State or local foster care for many more youth without funding provisions to account for an increase in the foster care placement. Additionally, by expanding the definition of former foster care youth, this bill would allow reentry petitions to be filed by youth who were never before in foster care, but rather had been placed with OCFS under juvenile delinquency findings and placed in a non-secure level of care setting.* So, the other reason why the Public Welfare Association is opposed to the bill is really the cost, which is really unknown because we don't know how many - the sponsor indicated she thought that it would be many - youth who would take advantage of this opportunity created through this legislation. So that money, that cost is borne by the local Social Services districts in the counties where -- where the young person is. So that's -- that's just an undetermined cost that they would have to be paying for. And I'm not familiar with the block grant that the sponsor was talking about or how much that is, but while that is one source of funding it's -- it's really just unknown what that is. So again, it -- it's a bill that would be passed which would be creating an unfunded mandate, you know, allowing the court to order that local districts take former JDs and PINS back into foster care or into foster care for the first time without providing the funding or necessary services.

So for those reasons, while I did support the idea of a temporary solution last year because of COVID, I won't be supporting this bill which would make those changes permanent and which would also expand the program. So I'll be in the negative. Thank you very

much, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: Thank you.

Ms. Fernandez.

MS. FERNANDEZ: Thank you. On the bill. I want to address the -- the funding concern. For a young person, a kid, to go into the homeless shelter system it actually would cost more for the city and the State to help support them in that system. But to go back into the foster care system would again keep them on the same budget that already existed. And we did get more money this year with the -- the stimulus package that we divvied up in the budget this year. But it must be known that this was a problem before COVID. COVID, like many other issues, it just completely exasperated it and made it worse. So this is a real need for young people, kids, who need to have a stable home to be able to start their life in the healthiest way possible. So this bill is needed to make sure that kids are safe, that they're in safe and stable homes and can continue their education and then thus look for a job. But it will not -- it is cheaper than going into the homeless system, and it would continue to protect young people.

So I support this bill, obviously. I ask my -- my members in the -- the Conference here or on the floor to support it because we need to give young people a real fighting chance at a stable life, and that starts with a roof over their head.

ACTING SPEAKER ZEBROWSKI: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Senate bill 7179. This is a Party vote. Any member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The Republican Conference is generally opposed to this legislation for the reasons mentioned by my colleague. Those who support it should call the Minority Leader's Office and we will properly record your vote.

Thank you.

ACTING SPEAKER ZEBROWSKI: Ms. Hunter.

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

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 24, Rules Report No. 702, the Clerk will read.

THE CLERK: Assembly No. A01932-B, Rules Report No. 702, Carroll, Abbate, Stirpe, Reyes, Taylor, Cymbrowitz, Dickens, Englebright, D. Rosenthal, Galef, Gottfried, DeStefano,

Ramos, Mikulin, Sayegh, Smith, Williams, Cook, Abinanti, Quart, Seawright, Reilly, B. Miller, Rozic, Fernandez, Epstein, Cruz, Steck, Pheffer Amato, Pichardo, Ra, Benedetto, Byrne, Jacobson, Hyndman, Perry, Thiele, Solages, Lavine, Stern, Griffin, Jones, Buttenschon, Braunstein, Fall, Frontus, Paulin, L. Rosenthal, Wallace, Dilan, Aubry, Jean-Pierre, Darling, Walker, Anderson, Jackson. An act to amend the General Business Law and the Vehicle and Traffic Law, in relation to designating new automotive broker businesses.

ACTING SPEAKER ZEBROWSKI: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Assembly bill 1932-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. Carroll to explain his vote.

MR. CARROLL: Thank you, Mr. Speaker. The purpose of this bill is to provide consumer protections for those who have -- who -- those who look to have a broker act on their behalf in searching for a vehicle. The bill contains a sections that provides reasonable protections for online auto retailers who post offers for vehicles on their websites from individuals or dealers or who aggregate offers from multiple dealers, giving consumers a broad

range of choice from various dealers instantly. Such need generations are an important part of consumer options that this bill would not affect.

Thank you, Mr. Speaker. I vote in the affirmative and I hope my colleagues do the same.

ACTING SPEAKER ZEBROWSKI: Mr. Carroll in the affirmative.

And Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. Initially there were some concerns over whether or not this legislation would inadvertently prohibit online purchases with companies like, you know, Autotrader or Cars.com or things of that nature. There is a specific reference in the bill that excludes those types of transactions, and with that clear language I will be supporting the bill and recommend it to my colleagues.

Thank you.

ACTING SPEAKER ZEBROWSKI: Mr. Goodell in the affirmative.

Mr. Goodell.

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

Thank you.

ACTING SPEAKER ZEBROWSKI: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)



The bill is passed.

Page 30, Rules Report No. 734, the Clerk will read.

THE CLERK: Assembly No. A07874-A, Rules Report No. 734, Hunter. An act to amend the Vehicle and Traffic Law, in relation to the suspension of a license to drive a motor vehicle or motorcycle.

ACTING SPEAKER ZEBROWSKI: On a motion by Ms. Hunter, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

(Pause)

ACTING SPEAKER ZEBROWSKI: Mr. Goodell.

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

ACTING SPEAKER ZEBROWSKI: Does the sponsor yield?

MS. HUNTER: Yes.

ACTING SPEAKER ZEBROWSKI: The sponsor yields.

MR. GOODELL: Thank you, Ms. Hunter. As I understand it, this legislation would allow an individual who has a traffic fine to enter into an installment payment plan in order to pay the fine and thereby avoid a scofflaw suspension of their license or registration, correct?

MS. HUNTER: Correct. As -- as you remember, in 2019 when we first introduced the bill we had lengthy conversations relative to failure to appear and failure to pay. We negotiated until the wee hours of New Year's Eve, I believe, in order to get to a bill that many of your members actually had to live with. And since that time - and we're nearing up to the effective date of this bill - there have been some concerns from the courts relative to the interpretation for the folks who failure to appear and wanting to make sure they have the opportunity to be able to be in a payment plan to have their license reinstated. That's simply the -- the change of this piece of legislation.

MR. GOODELL: Thank you, and I appreciate that explanation.

I had a couple of questions -- questions, I hope, on the specific aspects. In general, I support the concept of a payment plan because it enables someone with limited means to continue driving while paying a fine and surcharge and all the other expenses. But what happens if the individual signs a payment plan and then doesn't make any payments?

MS. HUNTER: Well, there's two things I'd like to make mention about that. The original reason for this bill was to take away the punitive damage of having your license suspended for outstanding traffic fines and fees. So we took that away. But there is recourse for someone who if they don't pay, there's collection, there's wage garnishment. That -- there's all of those recourses that one can retrieve if someone doesn't fulfill their obligation with the payment

plan.

MR. GOODELL: And am I correct - I'm looking at page 4 - it looks like it says a court hearing officer or the Commissioner of Motor Vehicles shall not suspend a person's driver's license or privileges for failure to meet their payment obligations under an installment payment plan, correct?

MS. HUNTER: That is correct. Again, that goes to the whole premise of the original bill taking away suspension of licenses for failure to -- for fines and fees related to driving and traffic infractions.

MR. GOODELL: If the defendant wants to, am I correct, that they can ask for a different payment plan?

MS. HUNTER: Yes. A couple times per year they could go back to the court, show documentation saying that perhaps, you know, they make less money, maybe they make more money and they want to be able to pay more off. But again, this was supposed to allow people, just like you would with any other financial obligation, to reinstate their driver's license and -- and have the ability to have a payment plan.

MR. GOODELL: And am I correct, then, that if a person simply blows off the court, doesn't show up at all, is in default, the court can then suspend their license?

MS. HUNTER: Correct.

MR. GOODELL: And if they show up and plead guilty, the court has to offer them an installment payment plan?

MS. HUNTER: Correct.

MR. GOODELL: And if they don't pay on the installment payment plan, their license can't be suspended. So by signing an installment payment plan they avoid any license suspension?

MS. HUNTER: That is correct. But again, there's recourse because they could have wage garnishment collection and any other activities in order to -- to retrieve the money.

MR. GOODELL: And all those other activities, wage garnishment, judgment, they all exist for the person who also simply doesn't show up, right?

MS. HUNTER: Correct.

MR. GOODELL: Thank you. I appreciate your comments and clarification on the bill.

Mr. Speaker?

ACTING SPEAKER ZEBROWSKI: On the bill.

MR. GOODELL: Last year we had a bill that provided that you could just ignore any traffic tickets and the courts absolutely lack any power to suspend your license. And there was a great deal of concern that people would simply ignore the traffic tickets and -- and just keep driving in an erratic manner. And of course we all know that the purpose of these fines is to provide a financial incentive for people that drive the right speed during work zone, for example, or to stop at stop signs or drive in a reasonable manner. And so if you eliminate any enforcement or any practical

enforcement you also eliminate all that deterrent effect. And then there was a chapter amendment, and the chapter amendment restored the right to suspend the license but made it clear that you could have an installment agreement. And I supported that chapter amendment because I thought it was a good balance. Provide an installment payment plan for someone who is lacking money but maintaining your enforcement. Well, this bill goes back, if you will, back to the future. Back to the original concept of -- and a person who shows up, pleads guilty to say speeding in a work zone, after pleading guilty promises in writing to pay the installment payment and then walks and never makes a single payment. That person, under this bill, will always have their driver's license so that they can continue to drive as they wish. And I think having that suspension is an important component of ensuring that people who are speeding through work zones or speeding through school zones or endangering the lives of others or driving drunk actually pay the fine and face the incentive not to engage in that dangerous behavior in the future.

For that reason I cannot support this and I recommend my colleagues also vote against it. Thank you, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Senate bill 7053. This is a Party vote. Any

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

Mr. Goodell.

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

Thank you, sir.

ACTING SPEAKER ZEBROWSKI: 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 a few of us that would like to be an exception. They should feel free to contact the Majority Leader's Office and their vote will be properly recorded.

(The Clerk recorded the vote.)

ACTING SPEAKER ZEBROWSKI: Ms. Hunter to explain her vote.

MS. HUNTER: Yes, thank you, Mr. Speaker. I just want to be on the record that we have changed nothing that was agreed upon from the chapter amendment. All of what was negotiated to the very end still stands. The only change is allowing those folks who have a failure to appear to completely show to the courts that they are able to be -- to get a payment plan, installment payment plan, and have

their license reinstated. There is no parts of what was negotiated from the chapter amendment. We scrubbed through that to make sure we weren't slipping something in, but the only change was to make sure the courts knew that those folks who had a failure to appear were able to actually get into an installment payment plan. And again, this goes back to the foundation of the bill, which is not to penalize people with outstanding fines and fees for traffic violations. And this does not and did not and still continues not to have anything to do with folks who are drunk drivers.

Thank you, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: Ms. Hunter in the affirmative.

Mr. Morinello.

MR. MORINELLO: On the bill.

ACTING SPEAKER ZEBROWSKI: To explain your vote, Mr. Morinello.

MR. MORINELLO: I'm sorry, explain -- explain my vote. This, I believe, is the third amendment to this bill, and I think with all the amendments think we've covered most things. The only thing on this one particular bill, it does provide if there's a payment plan that the license can be restored. My concern is if they make two payments, get their license and they renege on the balance but they have the financial wherewithal to make -- continue the payments, there -- I don't see any penalty in it. I do support it because my colleague has been very good in working towards a finalization on some of the

open ends on it. And on that I would ask that maybe that one issue again. I'm sorry that we have to keep amending, but if they can afford it they should not have the privilege. Thank you.

And with that I do vote in the affirmative.

ACTING SPEAKER ZEBROWSKI: Mr. Morinello in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please list our colleague Ms. Buttenschon as a negative on 7874 [sic].

ACTING SPEAKER ZEBROWSKI: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 26, Rules Report No. 714, the Clerk will read.

THE CLERK: Assembly No. A06177-A, Rules Report No. 714, Septimo, Forrest, Simon. An act to amend the Environmental Conservation Law, in relation to reducing emissions of air pollutants from petroleum bulk storage facilities.

ACTING SPEAKER ZEBROWSKI: On a motion by Ms. Septimo, the Senate bill is before the House. The Senate bill is advanced.

Mr. Morinello.

MR. MORINELLO: Can we have an explanation, please?

ACTING SPEAKER ZEBROWSKI: An explanation



is requested, Ms. Septimo.

MS. SEPTIMO: So, this bill would require all aboveground bulk petroleum storage tanks to be painted white or beige to minimize sunlight absorption and help reduce emissions of hazardous air pollutants. This is a cost-practical way to help improve the health and safety of communities near these facilities by addressing a significant contributor to hazardous air pollutants.

MR. MORINELLO: Is the sponsor aware of the make up --

ACTING SPEAKER ZEBROWSKI: Mr. Morinello --

MR. MORINELLO: I'm sorry.

ACTING SPEAKER ZEBROWSKI: Ms. Septimo, will you yield?

MR. MORINELLO: Yeah, I'm sorry.

ACTING SPEAKER ZEBROWSKI: The sponsor will yield.

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

MS. SEPTIMO: Yes.

MR. MORINELLO: It's getting late and --

ACTING SPEAKER ZEBROWSKI: The sponsor yields.

MR. MORINELLO: Is the -- is the sponsor aware or has done any studies into the construction of these tanks?

MS. SEPTIMO: So, this is actually -- this bill is actually related to the coloring of the tanks, not the construction of them. And the EPA has done modeling around this to study the fact that emissions vary based on the paint color of the tanks, not the construction.

MR. MORINELLO: But the reason for the paint color is to try and avoid internally -- internal temperatures rising, am I correct?

MS. SEPTIMO: Sort of. Hot temperatures can cause the product to burn off the petroleum tanks, resulting in higher emissions. And so darker colored tanks absorb more heat and so this in an effort to make sure the tanks are colored a light color so as to absorb less heat and thereby allow less pollutants and less emissions.

MR. MORINELLO: All right. Is the sponsor aware that these tanks are insulated either internally or externally for that particular reason so that they do not raise in temperature?

MS. SEPTIMO: Well, again, according to EPA's modeling, the temperature of these tanks does rise and there is a difference if they are colored a light color or dark one.

MR. MORINELLO: Well, if you're the sponsor and you're proposing and a bill and I'm asking questions because I need to know whether or not the bill is -- that the -- the bill really affects what the goal is. And if the goal is to keep the temperature down, when they're constructed, they're constructed and insulated for that reason.

MS. SEPTIMO: Sure. I am the sponsor of the bill

and I'm answering your question to let you know that despite this insulation, the EPA has modeled and studied the fact that these tanks do still heat up and thereby release more pollutants because of that. So this paint -- this paint -- this effort to make sure they're painted a light color is to mitigate that problem.

MR. MORINELLO: All right. So we know that a dark tank or black in color absorbs heat, correct?

MS. SEPTIMO: I'm sorry, repeat that.

MR. MORINELLO: Well, if it's a dark color, okay, it absorbs heat.

MS. SEPTIMO: More heat.

MR. MORINELLO: If it's a light color it doesn't absorb, but it doesn't reflect, correct?

MS. SEPTIMO: It doesn't absorb as much heat.

MR. MORINELLO: I'm sorry, I'm having trouble understanding with the mask. I apologize. I know it's not your fault.

MS. SEPTIMO: Sure. Sure. It -- it absorbs less heat painted a lighter color. I'll try to speak up.

MR. MORINELLO: Yeah, but the light color does not reflect but it doesn't absorb, am I correct? I mean, that's basic science. I learned that in kindergarten.

MS. SEPTIMO: Sure. If --

MR. MORINELLO: You know, (inaudible).  
Orange, yellow, green, blue, indigo, violet.

MS. SEPTIMO: It's a paint, sure.

MR. MORINELLO: All right. So now most of these tanks are silver, which reflects the sunlight and reflects the heat. So I find it -- I'm trying to understand why they want them all white or beige when they want to reduce the amount of temperature for two reasons: One, they're already insulated. Number two, most of them are silver because silver reflects the heat. So I'm still trying to understand why in this Body they put a bill together that doesn't seem to follow the science of heat, the science of the sun and the science of insulation, and that's what I'm trying to get at. I just don't understand it.

MS. SEPTIMO: Sure, Mr. Morinello. But I think you might have to take that up, again, with the EPA's modeling.

MR. MORINELLO: Yeah, but the EPA is not here. You're sponsoring the bill and it's your obligation to let me know why you're sponsoring it and why you want to put this economic burden on the citizens of the State.

MS. SEPTIMO: Okay. And so, as the sponsor once again I'm going to just reiterate that I'm sorry that you don't have confidence in the EPA's modeling, but I do. And this is, once again, in an effort to make sure that these tanks reduce -- would reduce the amount of air pollutants --

MR. MORINELLO: And could you --

MS. SEPTIMO: -- and known human carcinogens, by the way. And so this is actually to protect the residents in these communities. Not to burden anyone, but to protect them from air that

quite literally might kill them.

MR. MORINELLO: Well, okay. So what you're -- the point is that they may not be doing this right now, so you feel. Now, what do we -- why -- why would you want -- why would this be obligated and why would a company be obligated to expend monies on tanks that are not in use and they are empty?

MS. SEPTIMO: Do they have -- so, tanks that are not in use would still have content within them that would be emitting air pollutants.

MR. MORINELLO: Well, usually empty means there's nothing in them, so...

MS. SEPTIMO: But these are storage units.

MR. MORINELLO: Right. But if it's not in use and it's empty, okay, but they still have to be painted. Now how does this fit in with regulations and code of various towns and cities that determine what the color should be to blend in with the environment?

MS. SEPTIMO: This is governed by the DEC and not the local governments, so --

MR. MORINELLO: All right. Then maybe we should have somebody from the EPA here so he can answer the questions. Thank you.

On the bill.

ACTING SPEAKER ZEBROWSKI: On the bill.

MR. MORINELLO: Now, it's getting late, we're at the last evening, but at this point I think it would be important if the

sponsors could answer the questions and not refer us to other agencies that aren't here that can't answer the questions. My job as a legislator is to look at the bills, to look at what the purposes are and make the determination whether they're necessary or not. Whether it's like putting suspenders and a belt on and I'm not getting that. I don't think it's fair to the businesses in this State to keep putting financial burdens on them without logical, reasonable answers from the sponsors of the bills in this Legislature. And for that reason -- well, I'm just speaking on the bill, so I will vote later.

Thank you very much.

ACTING SPEAKER ZEBROWSKI: Mr.

Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

Would the sponsor yield for a couple of questions, please?

ACTING SPEAKER ZEBROWSKI: Will the sponsor yield?

MS. SEPTIMO: Yes.

ACTING SPEAKER ZEBROWSKI: The sponsor yields.

MR. MANKTELOW: Good evening. So again, explain the two colors that would have to go on the tanks.

MS. SEPTIMO: The colors would be white, beige or cream.

MR. MANKTELOW: Okay. So, I don't know if you know this but a lot of the new tanks that are coming through, as my --

as my colleague said, that they are insulated. They are diked, they're inside of a dike so you don't get any spillage. And a lot of them are painted a light gray. So these new tanks that are coming in that are that color, well, what happens in this situation?

MS. SEPTIMO: Under this bill, this bill would prohibit the ownership or operation of a bulk petroleum facility containing a petroleum tank --

MR. MANKTELOW: I'm sorry. I'm sorry, I can't hear you.

MS. SEPTIMO: So this bill would -- this bill would prohibit the ownership or operation of a bulk petroleum facility containing a petroleum tank that is not painted either white, beige or cream.

MR. MANKTELOW: So all of these tanks that are out there in New York State that are a light gray or a gray --

MS. SEPTIMO: They need to be white, beige or cream. Those are the three colors.

MR. MANKTELOW: Have -- have you reached out to any of the manufacturers of these tanks?

MS. SEPTIMO: I haven't personally spoken with them.

MR. MANKTELOW: Because I'd hate to put this burden -- I'd really hate to put this burden on a business that goes out and buys a brand-new tank that is insulated, that is diked for safety so there's no spillage. And they're thousands and thousands and

thousands of dollars. They're going to bring that into my business and now I've got to turn around and paint it the color -- who chose the colors?

MS. SEPTIMO: The -- so just to your point, this will actually limit evaporation loss, which will actually help these business owners in the long term in terms of maintaining their product. And once again, you mentioned a burden. This is actually to limit the burden on people who live in surrounding communities who because of pollutants that are released in the air through these storage facilities are dealing with non-human carcinogens, like benzene, among others.

MR. MANKTELOW: I heard about half of that, but it's just hard to hear. I'm sorry. So -- so back to my question. Well, maybe you answered it, maybe I didn't hear you. If I didn't, I apologize. Who chose the colors that the tanks have to be painted?

MS. SEPTIMO: This, again, is based off of EPA modeling.

MR. MANKTELOW: So -- so if the EPA is so involved in this, I'm sure they're overseeing the manufacturing of new tanks that are being brought to farms, to businesses, to gas stations, to -- to wherever, to diesel generators on many of the facilities.

MS. SEPTIMO: Farms are exempt, but --

MR. MANKTELOW: Pardon me?

MS. SEPTIMO: I said farms are exempt under this bill, but yes.

MR. MANKTELOW: No, I'm all set. I'm just



kidding. But farms are exempt?

MS. SEPTIMO: Yes.

MR. MANKTELOW: Okay. But back to my question. If -- if the EPA is allowing the manufacturing of these tanks and being painted gray, why would you put -- why would we put that cost on a business?

MS. SEPTIMO: Well, once again, this is an effort to promote better air quality. And so this is just a step forward in the direction towards cleaner air, once again, to protect the surrounding communities that are exposed to harmful air pollutants because of tanks that overheat.

MR. MANKTELOW: Have you -- have you ever been around one of these new tanks?

MS. SEPTIMO: Yes. I've -- yes.

MR. MANKTELOW: You have? Do you smell stuff coming out of those tanks?

MS. SEPTIMO: I do not smell things, there are many known carcinogens that are odorless.

MR. MANKTELOW: I'm sorry, say that one more time. There are many things that are odorless?

MS. SEPTIMO: There are many known carcinogens and other air pollutants that are odorless.

MR. MANKTELOW: And diesel fuel.

MS. SEPTIMO: Sure. I'm -- so I don't know understand the question. I'm sorry.

MR. MANKTELOW: Those things you just said, are they in diesel fuel?

MS. SEPTIMO: Yes.

MR. MANKTELOW: Okay. All right.

One last question on this. Who chose the amount of the fine?

MS. SEPTIMO: Who chose the what? I'm sorry.

MR. MANKTELOW: Who chose the amount of the fine?

MS. SEPTIMO: These penalties are the same that they would be, actually, for any other emission violation.

MR. MANKTELOW: So just one last time, we are in New York State. We have to grow New York State. We're just coming out of COVID and we want to grow our business. So a business owner goes and gets a brand-new tank that is completely sealed, insulated so you don't get the heat exposure from the sun, and if they don't paint this brand-new tank white or the colors you're saying, they're going to be fined \$3,750 a day?

MS. SEPTIMO: Well, that is up to -- it would be to the discretion of the DEC how much they were actually fined.

MR. MANKTELOW: So DEC would be the ones inspecting this?

MS. SEPTIMO: I'm sorry, could you repeat the question?

MR. MANKTELOW: DEC would be the ones going

around to inspect these tanks?

MS. SEPTIMO: Yes.

MR. MANKTELOW: Okay. I -- I appreciate your answers.

And Mr. Speaker, on the bill.

ACTING SPEAKER ZEBROWSKI: On the bill.

MR. MANKTELOW: Thank you, Mr. Speaker.

Again in New York State, businesses, companies, farms, you name it, the boating -- the boating industry, we are doing everything we possibly can to be environmentally friendly. We're buying tanks that have dikes around them so none of the spillage or overflow goes into the soil. We're getting them insulated so we don't have the -- the movement of the product inside the tank, the expanding of the product. And here again we're going to punish a business that just went out and bought a tank that they think is fine and make them paint it another color. I just do not fathom this. I don't understand this. I just think, again, we want to make New York State succeed, but we really need to be able to come together. We have to cut this fine line of this is what you say it's going to be. You have a person here that's -- that's bought these tanks, used these tanks. I'm telling you what works and what doesn't work and what's not coming out of those tanks. And I want you to be with me and I want you and I to work together. We have got to stop this divide because it comes from the Majority side that this is the way it's got to be, and you have a member on the Minority side. I'm just Brian and you're just -- first name?

(Inaudible). We're just two people here trying to do a job. And I'm trying to get you to understand that even though it's a good bill and I -- and I like the bill for the most part. But this bill could put people out of business, especially in this huge bulk on oil tanks and asphalt tanks. I just think that sometime before the bill gets here, we should work together and work these issues out beforehand.

So I thank you for your time. Mr. Speaker, thank you for the -- allowing me to speak on the bill. Thank you, sir.

ACTING SPEAKER ZEBROWSKI: Thank you.

Mr. Gallahan.

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

ACTING SPEAKER ZEBROWSKI: Will the sponsor yield?

MS. SEPTIMO: Yes.

ACTING SPEAKER ZEBROWSKI: The sponsor yields.

MR. GALLAHAN: Thank you. You stated that there's been an EPA study done several times, and you stated that there could be actually a cost factor in the -- in the business' favor by performing these -- these paintings on the tanks. My question would be, the EPA study that you're referring to, what were the percentages of advantage of painting these tanks white and gray versus a dark color?

MS. SEPTIMO: So, this is ongoing modeling that

the EPA is doing that continuously finds that emissions vary depending on the paint colors, but we don't have exact percentages.

MR. GALLAHAN: So I can completely understand if you told me that if you painted that tank brown versus white, there would be a 70 percent difference in -- in the emissions from that tank, then I could -- I could understand that and I could maybe agree a little bit with this bill. But if there's a 3 to 5 percent difference that -- that's being projected, I'd have a hard time with that. So to get my head around, you know, the -- the advantages of this, it just doesn't make any sense to me because we don't know what the percentages are. We don't have any idea where -- where this is gonna -- gonna lead. And -- and -- and the expense to the -- to the business, is it going to be -- is it going to be profitable for them? I don't think so.

MS. SEPTIMO: Well, I --

MR. GALLAHAN: And without the statistics, how can you prove it?

MS. SEPTIMO: Is there a question? I'm sorry, what was the question?

MR. GALLAHAN: The question is what -- what is the advantage of painting them the white or gray color in percentage over a dark color?

MS. SEPTIMO: So once again, this is ongoing EPA modeling. I am happy to hear that you agree with the premise of the bill, which is to make sure that we are limiting emissions and that we are improving air quality.

MR. GALLAHAN: Thank you, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: Mr. Walczyk.

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

ACTING SPEAKER ZEBROWSKI: Will the sponsor yield?

MS. SEPTIMO: Yes.

ACTING SPEAKER ZEBROWSKI: The sponsor yields.

MR. WALCZYK: Thanks. I appreciate it. I'm just looking for some clarification. I was reading through the definition of tank in 17-1003, and I just -- this includes both aboveground and underground tanks, is that correct?

MS. SEPTIMO: So, yes, technically.

MR. WALCZYK: So what would be the environmental advantage of painting a tank that's going to be underground?

MS. SEPTIMO: Because -- so, only a portion of them are underground, so...

MR. WALCZYK: I'm sorry, so at the same time I pulled up DEC's website here and it has a picture of a petroleum bulk storage tank and it shows what one looks like underground. It is jet black. And it looks like aside from a couple of hatches we completely buried under the ground. What would be the advantage of having the company repaint that thing white or being before they buried it under

the earth?

MS. SEPTIMO: So to your point, there are parts of the -- of the structure that are still exposed to the air and sunlight and, therefore, the advantage is once again connected to the premise of the bill to ensure that we are improving air quality and limiting the amount of emissions, toxic emissions that are going into the air and subsequently hurting neighbors.

MR. WALCZYK: Thank you for your time. Thanks, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: Mr. Salka.

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

ACTING SPEAKER ZEBROWSKI: Will the sponsor yield?

MS. SEPTIMO: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. SALKA: Thank you. Thank you very much. We're all concerned about reducing pollutants, no doubt about it. We have been referred to the EPA, and the EPA does a lot of very elaborate and sophisticated studies, and I'm sure they've studied this. Now, will the DEC standards of emissions be higher than would have been set for the EPA for these particular tanks? Is that -- is that why we're looking at this now is we want to actually increase -- or actually, decrease the amount of pollutants coming from these tanks? Are we -- are -- are our standards going to be even more stringent than the EPA's

on this?

MS. SEPTIMO: So, this -- this bill is actually only connected to the paint color of the storage tanks. And so this is not directly connected to standards as it relates to different pollutants.

MR. SALKA: So when we do paint these tanks, and let's say -- I don't know, I'm not a chemist so I'm going to have a tough time coming up -- but there's 5,000 parts per million of air coming out of these tanks at this point right now, okay? And if the -- if it's accepted by the EPA, will it be something that the DEC says that 5,000 parts is not sufficient, we want 2,000 parts per -- per million or something. So I'm just trying to see what the impetus is behind this whole effort. It's obviously going to cost the storage companies a bunch of money. No doubt about it. And I don't see much sense in painting something underground. As a matter of fact, I can't imagine why you would pull a tank up out of the ground unless it's maybe for just new construction. But I was just kind of wondering what standards we're looking to meet here as far as emissions when, in fact, emissions is what we're trying to control.

MS. SEPTIMO: So once again, I just want to clarify that most of these storage facilities --

MR. SALKA: Sure. Sure.

MS. SEPTIMO: -- are aboveground. But once again, this bill is not at all connected to setting emission standards. This is simply -- the only thing that DEC would be charged with regulating compliance around is whether the storage tanks are painted the



appropriate white, beige or cream color.

MR. SALKA: Okay. So I'm a bulk storage company and I get this order from the DEC and it says that due to whatever we want you to spend \$100,000 on painting this tank. So the first thing I would ask for is if I was the manager or the supervisor is, *Well, why? Okay, we want you -- because I guess it will reduce air pollutants.* And so the next question I would ask is, *Okay, so from what to what? Are -- have you tested my tank and is it emitting X amount of pollutants? And what threshold are you looking for?* So, you know, I think what the company would want and we would want, obviously, if we're going to pass any kind of legislation like this are some standards. If we're going to legislate and require large amounts of monies to be spent to bring these tanks up to snuff - and there's a lot of these tanks out there - and I can imagine because we know how big they are, how much paint it's going to take. I imagine it would be a specialized paint and have to be applied in a specialized manner and whatnot. But I think if we're going to ask companies to do this, we should at least set a goal for them to be able to reduce the standard, you know, the emissions.

MS. SEPTIMO: Okay. So -- so DEC will know the difference, right?

MR. SALKA: DEC will. And they will set the standard?

MS. SEPTIMO: So again, the -- the use of the word "standard" is problematic because standard implies that the penalty is

connected to the difference in emissions. It is not. The penalty is connected with -- to compliance on the paint color of the storage tank facility. And to your point, actually, if we were to go the further step and set the standard, then it actually would be more punitive to these businesses. And so we are not going that far. What we do know now is that a darker color means that you're letting off more emissions, you're letting off known carcinogens. You're hurting people who live in the area. And so we're wanting to make that an issue that's improved without being punitive to businesses. And so we're not setting standards, but we are saying you do need to paint it a lighter color because we know we will move in the direction towards cleaner air.

MR. SALKA: So I'm assuming that the EPA has done tests that say a black tank emits X amount of pollutants as opposed to a white tank that emits X amount of pollutants. So, I mean, there must be some study or -- somewhere studies that were done that will prove that what you're asking us to do is really got a legitimate purpose to it.

MS. SEPTIMO: Yes.

MR. SALKA: And I would hope in a way that would be in the bill so there would be something substantial enough in the bill so that when the company reads this and they're told this is what they have to do, they know why. Maybe they'll have to refer back over to the EPA or the DEC. But -- and my colleague was a little frustrated with that because he wasn't getting answers that I think I'm

kind of looking for, too, is why are you doing this? When you set safety standards, we set safety standards according to thresholds and studies that were done and so forth and data available. But I don't see anything here. All right? So it's -- it's kind of a -- kind of an arbitrary thing at this point when we're ordering a company to do something and we're not giving them sound scientific evidence of why. But I thank you.

MS. SEPTIMO: But I just want to reiterate that this is ongoing EPA modeling, and so the scientific sort of specifics that you're mentioning do exist. They're simply not delineated in the bill. And so it's not arbitrary, it is based on science. It is based on ongoing modeling from the EPA which is a very trusted and reputable source in this case.

MR. SALKA: Okay, thank you. Thank you for your

--

MS. SEPTIMO: Sure.

MR. SALKA: -- answers.

Mr. Speaker, on the bill.

ACTING SPEAKER ZEBROWSKI: On the bill.

MR. SALKA: Again, I -- I -- I -- we all want to decrease pollutants, we all want a cleaner environment. We know a lot of these big tank farms are concentrated in urban areas where obviously they have an effect on (inaudible) if the emissions are having an effect people's health. It's just -- if we're going to have a bill that we institute as law, if it's ever signed into law, that's going to

require companies to have pretty sizeable expenditures, pretty sizable capital resources spent on a change in the complexion, if you will, of these tanks, I think that there should be some particulars in the bill that would at least give some guidance as to why the companies have to do this, or at least something in the bill that refers a rule or a law that the EPA and/or the DEC has established for a reason behind this.

So for -- because of the ambiguity of the bill, I -- I can't vote in favor of this. I will be voting in the negative and I urge my colleagues -- and again, thank you very much for your -- for your answers.

ACTING SPEAKER ZEBROWSKI: Mr. Schmitt.

(Pause)

We're going to go to Mr. Tague and come back to Mr. Schmitt.

Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker. Would the sponsor yield for a couple of questions, please?

ACTING SPEAKER ZEBROWSKI: Will the sponsor yield?

MS. SEPTIMO: Yes.

ACTING SPEAKER ZEBROWSKI: The sponsor yields.

MR. TAGUE: Good evening, ma'am. Just a couple of questions. Do you know, is -- is this regulation towards people that only have a petroleum bulk storage or is this petroleum bulk storage

permit or anybody that has -- has a petroleum tank?

MS. SEPTIMO: This is for bulk storage.

MR. TAGUE: Okay. And do you know how many gallons someone has to have to be required to have a petroleum bulk storage permit?

MS. SEPTIMO: Yes. It's 1,100.

MR. TAGUE: Eleven hundred gallons?

MS. SEPTIMO: Yes.

MR. TAGUE: And is that 1,100 gallons of any type of petroleum or a certain type of petroleum? Number 2 fuel oil, you know, any type of viscosity of oil?

MS. SEPTIMO: So, it's petroleum and petroleum products.

MR. TAGUE: Okay. Have you ever seen a petroleum bulk tank before, ma'am?

MS. SEPTIMO: I believe that I have.

MR. TAGUE: You believe that you have, okay. And you're basing this -- these regulations are all based on what they call science.

MS. SEPTIMO: I -- I believe so, though I'm not sure that you and I have the same definition of science at that point.

MR. TAGUE: And do you know how many petroleum bulk permits are in the State of New York?

MS. SEPTIMO: Offhand, I do not know.

MR. TAGUE: Okay. Do you know how much it

costs for these businesses to maintain a petroleum bulk permit?

MS. SEPTIMO: So, the cost varies, but this bill is actually focused on the cost that comes to human health.

MR. TAGUE: What's that? I'm sorry. I -- I apologize. I didn't hear that.

MS. SEPTIMO: Sure. So the cost varies, but this bill is actually focused on the cost to human health that comes with these bulk storage facilities.

MR. TAGUE: And do you that -- do you have a figure on the cost of the health with regards to tanks that haven't been painted compared to tanks that have been painted?

MS. SEPTIMO: Well, no, Mr. Tague, I don't. But I imagine that you know what a carcinogen is, and one byproduct of that is cancer.

MR. TAGUE: Okay. Well, I worked for 30 -- over 30 years in the heavy-highway construction industry and I was actually the person responsible for the petroleum bulk storage permits in my company. It is very heavily regulated. You get inspected usually once a year, sometimes several times a year. As -- as much as even a little drop of rust on one of these tanks, the DEC will come in and violate you and those tanks have to be painted several times. So now we're going to ask every business owner that has a petroleum bulk storage -- and if I remember correctly, you could not tell me how many petroleum bulk storage permits are in the State of New York. But now we're asking every one of these businesses that they're going to have to

go and paint all their tanks a certain color because science says that there's a carcinogen coming off the tank. Is that -- is that what you're telling me?

MS. SEPTIMO: So, yes, we are asking them to make sure that neighbors are able to breathe cleaner air and that we are able to improve air quality and take a small nominal and practical step to limit the amount of air pollutants -- hazardous air pollutants coming off of these storage facilities.

MR. TAGUE: Have we monitored -- ma'am, have we monitored these petroleum bulk storage facilities? Have we monitored them to see how much carcinogens are actually coming off the tanks in New York State? And if so, I would like to know the results of those tests.

MS. SEPTIMO: Right.

MR. TAGUE: And how many of those facilities are actually in neighborhoods where people are actually, you know, within range to receive -- to -- to have these carcinogens affect them?

MS. SEPTIMO: Right. So I'm going to once again note that the EPA has done consistent ongoing modeling to -- which shows that the level of emissions vary depending on the color of the tanks. And I think your question is whether people live everywhere, and I think the answer is yes.

MR. TAGUE: No, my question was how many of these bulk storage facilities are in residential areas or where people would live, I guess is the question. You said there was -- you said

there was modeling, and if you were doing this testing then you would be testing in residential areas, am I correct? I mean, you -- you answered to me earlier you haven't even seen a bulk storage --

MS. SEPTIMO: So these facilities need to -- these facilities need to model -- need to monitor their air as a condition of their permits.

MR. TAGUE: I'm sorry. Can you repeat that again, please?

MS. SEPTIMO: These facilities need to -- need to monitor their air as a condition of their permits. So to your -- I think your question was have they been studied with regard to their impact on the air.

MR. TAGUE: Exactly. But I'm -- I'm a little baffled with as far as air -- air modeling with regards to petroleum bulk storage tanks because some regulations do not require air modeling. I believe it depends on what type of -- type of product is in the tank and how big the tank is.

MS. SEPTIMO: So I don't know if there's a question there.

MR. TAGUE: Well, I'm asking you, you just told me there's air modeling. I'm asking you what tanks require air modeling.

MS. SEPTIMO: So most of these tanks are having some kind of monitoring, but it varies, as you noted, according to size and product. This bill deals specifically with tanks that contain petroleum and petroleum products.



MR. TAGUE: Okay. I -- I -- I appreciate your time, ma'am, and your answers. I -- I understand you probably do not know as much as I do with regards to this, but appreciate and have a lot of respect for you bringing the bill forward.

On the bill, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: On the bill.

MR. TAGUE: Just again, this is just more ridiculousness in New York State. I can't believe that we're spending 9:30 at night in Session when we have people still reeling from the COVID-19 crisis, worrying about whether people paint their petroleum bulk storage tanks.

I vote in the negative and I hope anybody in their right mind does the same. Thank you, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: Mr. Schmitt.

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

ACTING SPEAKER ZEBROWSKI: Will the sponsor yield?

MS. SEPTIMO: Yes.

ACTING SPEAKER ZEBROWSKI: The sponsor yields.

MR. SCHMITT: Thank you. And I apologize if I ask something you may have answered. I was having some technical difficulties during debate. Could you just reiterate what you consider for this bill as the definition of a tank? What are all the items that

would be included or what -- what kind of tank would be included?

MS. SEPTIMO: Okay. So this is defined in the Environmental Conservation Law, bulk -- bulk storage is defined by being 1,100 gallons -- uh, 1,100 gallons.

MR. SCHMITT: And it's just stationary, or is it something that -- is anything transportation-based?

MS. SEPTIMO: They are stationary.

MR. SCHMITT: Okay. Is there an estimated cost that you have to repaint a tank?

MS. SEPTIMO: No. The cost will vary, though it will likely -- to the -- to the members who have mentioned that this would be a -- a problem for the businesses, it would likely be considered a business expense and a tax write-off ultimately.

MR. SCHMITT: Do you anticipate any State or Federal incentives or assistance to repaint?

MS. SEPTIMO: At this point, no.

MR. SCHMITT: Okay. Are there environmental impacts to the paint that would be need to be used?

MS. SEPTIMO: No.

MR. SCHMITT: So, the -- is there a different type of paint that's used for these type of tanks than normal? I know that there are volatile organic compounds that usually go in the drying process of paint. Is that being taken into consideration in this process?

MS. SEPTIMO: So, this doesn't change the type of paint that's needed to paint these storage facilities, it only changes the

color.

MR. SCHMITT: Okay. Do we have any scientific data on the VOCs that will be produced from a mass repainting Statewide of these tanks?

MS. SEPTIMO: No.

MR. SCHMITT: All right. Thank you, Mr. -- thank you to the sponsor. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 841-A. This is a Party vote. Any member who wants to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The Republican Conference is generally opposed to this legislation. Those who support it should contact the Minority Leader and we will record your vote accordingly.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is in support of this piece of

legislation. However, should we have any colleagues that would desire to be an exception should contact the Majority Leader's Office and we'll make sure their vote is properly recorded.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Thank you, ma'am.

Mr. Anderson, you are seeking to explain your vote?

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

ACTING SPEAKER AUBRY: Which is why I called on you.

MR. ANDERSON: Okay. Excellent. So, Mr. Speaker, you know, I'm going to vote yes on this piece of legislation but I have to express frustration with my colleagues across the aisle for taking up this tremendous amount of time on a bill that's quite simple, that seeks to align us with EPA guidelines on the State level and asking questions in a repeated fashion to delay this process. I think it's more important that --

ACTING SPEAKER AUBRY: Mr. Anderson --

MR. ANDERSON: -- we focus on the quality of air for people who live across the State of New York and we set an ambitious agenda in the Majority to --

ACTING SPEAKER AUBRY: Mr. Anderson, you're here to explain your vote.

MR. ANDERSON: Yes, to explain --

ACTING SPEAKER AUBRY: You do not -- you're

not in the place where you need to criticize anybody for what they do, which is in within their rights. You speak, they speak.

MR. ANDERSON: Thank you, Mr. Speaker. So my -- my point that I was trying to make across, Mr. Speaker, is that we have set an ambitious agenda to address environmental racism that impacts us all across the State of New York, and I believe that this bill does that and I proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Anderson in the affirmative.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker. To explain my vote. As we went ahead and talked about this debate and understanding that bulk tanks that are underground that are completely underground, we have no idea what color those tanks are. If this bill passes into law, we're telling everyone that they're going to have to pull those tanks out of that ground and paint them either white or beige. So I want every -- every member of this floor to listen to this. Are you going to go back to your constituents back home at filling stations, gas stations, on the Thruway, on the main roads, you're telling them they're going to pull every single one of those tanks out of the ground to find out what color they are. And if they are black, we're going -- we're going to have to paint them white or this beige color. You are talking in the billions and trillions of dollars to do this in New York State. Ripping up asphalt, ripping up every single one of our Thruway exit -- or terminals. This is a huge thing. I -- I applaud the

sponsor for what she's trying to do, but at this point in time listen to us. This is what's gonna happen. That's what this bill is going to require these people to do to prove that they're painted white. And if they're not, they're going to have to yank every single one.

So I am asking you, please, colleagues on the floor, think about your people that you represent. You're going to ask them to spend tens of thousands and thousands of dollars to find out if their underground tank is white. So I will be asking my colleagues and all of you to please vote no or pull this bill and make some amendments.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Manktelow in the negative.

Mr. Englebright to explain his vote.

MR. ENGLEBRIGHT: Thank you, Mr. Speaker. I just wanted to explain why I am strongly supporting this measure. The idea of simple physics is at work in this, and it's because darker colors become better radiators of heat. Light reflects all colors, black not even a color itself, it reflects none. You see this with cars parked in a parking lot. Black cars overheat. White cars don't. We're not talking about tanks that are buried deep in the ground. And, in fact, new tanks that are constructed in Texas or India or the Mideast are almost all painted either white or beige. We should take a lesson from that. This measure takes a lesson from that. It will help protect people's health and well-being. I strongly support it and vote aye.

ACTING SPEAKER AUBRY: Thank you, Mr.

Englebright.

Mr. Walczyk.

MR. WALCZYK: Thank Mr. Speaker. To explain my vote. The last -- the last speaker outlined it. I mean, most -- most of the time the aboveground storage tanks -- and we drive by them, we see them around -- most of the time they are white or beige. Sometimes there's company logos on them. Most of the time it's not a bad idea to have them that way. And I think the sponsor pointed out -- I mean, the thing that really gets me and the reason that it's earned my no vote today -- I mean, I try to be a very environmentally-friendly guy, but I just can't get over the logic that we're going to force companies to paint a storage tank that is literally going to be buried in the ground. Just the -- I mean, the commonsense logic of this piece of legislation drives me real hard to a no vote.

So I'll be voting no and I urge -- urge my colleagues to also exercise commonsense.

ACTING SPEAKER AUBRY: Mr. Walczyk in the negative.

Ms. Septimo to explain her vote.

MS. SEPTIMO: Thank you, Mr. Speaker. I will be voting in the affirmative for this vote -- for this bill because I am proud to know that New York State is making an effort to use its power to ensure that we are beginning to prioritize people over business, and that we are taking seriously the environmental justice issues that exist in our communities. That we are serious about

climate change and that we are serious about making sure that industry does not exist at the cost of human life at every turn. This is a small, practical measure that will make a big difference for people living near bulk storage facilities. Businesses will not go out of business. They will see their paint cost written off as a tax write-off, and we -- and the result for people living in the area will be an improved quality of life and they will live healthier lives because they are able to breathe cleaner air.

As a South Bronx resident I'm extremely proud to be prioritizing environmental justice air quality issues in this Chamber and I will be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Septimo in the affirmative.

Mr. Lemondes.

Oh, I'm sorry, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, colleagues, it's quarter-to-ten. We still have a lot of fairly important work to do here today. And so what I'm going to ask us to do on both sides of the aisle, let's stay on the issues and lose the opportunities to point fingers at each other and go like this. This is not the way we get our work done. We get our work done like this, together. And so please, there's no need to stand up and be defensive about everything. There isn't. And if there's a need to have a defensive conversation, then walk to that person and have it in their personal face instead of making all of us endure your animosity about an issue. It's almost 10:00. Let's stay



on task here.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: And how do you vote, Mrs. Peoples-Stokes?

MRS. PEOPLES-STOKES: I support this piece of legislation. I support anything that is in the effort to protect our environment. And I think that we all should be interested in supporting our environment. So I absolutely vote yes.

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

Mr. Lemondes.

MR. LEMONDES: Mr. -- Mr. Speaker, I will yield to Mrs. Peoples-Stokes' request.

ACTING SPEAKER AUBRY: Thank you, sir. The gentleman is a scholar.

(Applause)

Are there any other votes? Announce the results.

MRS. PEOPLES-STOKES: My apologies, Mr. Speaker. I have two exceptions.

ACTING SPEAKER AUBRY: Two exceptions.

MRS. PEOPLES-STOKES: Our colleagues Ms. Lupardo and Ms. Buttenschon will be in the negative.

ACTING SPEAKER AUBRY: So noted.

And Mr. Goodell to explain his vote.

MR. GOODELL: Thank you. I appreciate my

colleagues' comments on both sides of the aisle. There's no doubt, of course, that an aboveground tank that's a light color or silver is going to absorb less heat and therefore develop less internal pressure from evaporation. That's not really the argument, and we agree with my colleague. And at the same time what the real issue is from my perspective is cost benefit, because we all wrestle with that. And paint is real cheap unless you're the one buying it. I had -- I had a boat last year repainted white. It cost me about \$4 a square foot for just the paint. And so if -- if you imagine a huge tank farm, the cost of repainting those tanks with a specialized paint that you have to use for those types of materials is really high. And so the question we all ask is, is that the right place to put our money or can we do better by focusing elsewhere? And so I had the good fortune of reading all these EPA analyses and it had so much mathematics it almost made my head swim. And then I came across a fairly simple explanation. It said the majority of emissions can be categorized as bulk tank fitting losses. Rim seal losses. Working losses. (Inaudible) losses. Degassing releases. Let's focus on where the real issues are. Let's focus our money and attention on those and let's be sensitive to the costs that we impose and the benefits that we hope to achieve.

For that reason I'll be voting no. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Schmitt to explain his vote.

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

explain my vote. I will be voting in the negative. I think that it is always laudable to be looking to improve our environmental standards in New York. I believe this bill has overlooked several concerns, particularly the environmental impact of a mass repainting across the State, particularly with paint known to put off volatile organic compounds, VOCs. I do not believe that that environmental concern has been taken into account. And particularly, the process, if anything, on the ground or under the ground would be repainted with the environmental impact of that paint and the specific type of paint that is necessary.

So I will be voting no and urge others to do the same.

Thank you. I withdraw my request and --

ACTING SPEAKER AUBRY: Mr. Schmitt in the negative.

Mr. Tague.

MR. TAGUE: To explain my vote, Mr. Speaker, please.

ACTING SPEAKER AUBRY: Proceed.

MR. TAGUE: For the reasons that I mentioned during the debate -- and I would say that if this bill had mentioned that you replace your tanks with these type of color tanks as the lifeless -- the lifelessness of your tank would come up, which if you knew about the petroleum bulk storage, at a certain period of time tanks -- the life of the tank, you have to replace it. If you were to put -- if you were to amend this bill and the law would say that as you replace these tanks

to use it with these colors, I would be happy to support it. But to just go across the State of New York and have everyone that has a petroleum bulk storage permit and make them repaint their tanks, for the reasons that were discussed by many of my other colleagues and myself, unfortunately I will be voting in the negative on this bill, but do again appreciate the thoughts that the sponsor put forward.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Tague in the negative.

Ms. Zinerman to explain her vote.

MS. ZINERMAN: My hand was not raised.

ACTING SPEAKER AUBRY: Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 30, Rules Report No. 736, the Clerk will read.

THE CLERK: Assembly No. A07905, Rules Report No. 736, Abbate. An act to amend the Retirement and Social Security Law, in relation to death benefits for correction officers employed by Suffolk County.

ACTING SPEAKER AUBRY: On a motion by Mr. Abbate, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will

record the vote on Senate print 4441. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. If you could call the House into recess, there is a need for a Rules Committee meeting. If there are any Rules Committee members who are in the Chambers should -- could use the Speaker's Conference Room. Those who are remote if you are on Rules, our able technical staff here will make sure that you're in that meeting at the proper time and then we'll be in recess for a few minutes. Then immediately back after recess, Mr. Speaker, we're going to go right back to our debate list, and there are significant Calendars that have a lot of consent work on it that needs to get done tonight. And so I think we need to, again, stay focused to get the hard work done in these last few minutes that we have. So Mr. Speaker, would you please put us in recess.

ACTING SPEAKER AUBRY: The House will stand at ease [sic].

(Whereupon, at 9:53 p.m., the Assembly stood in recess.)

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## AFTER THE RECESS

10:22 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

MRS. PEOPLES-STOKES: Thank you. Colleagues, we do have a few more debates that we're going to need to get through, and we have an awful lot of bills that we're going to need to consent so I appreciate everybody for their cooperation thus far. I ask for it a little bit longer. And, Mr. Speaker, if we could start with Rules Report No. 160, Mr. Gottfried, and then go to Rules Report No. 203 by Ms. Glick -- Calendars, or Rules Reports - Calendars, Mr. Speaker - Calendar No. 160, my apologies; Calendar No. 203 by Ms. Glick; Calendar No. 252 by Mr. O'Donnell; Calendar No. 284 by Mr. Zebrowski; Calendar No. 307 by Mr. Colton; and Calendar No. 328 by Ms. Weinstein. We'll go in that order, Mr. Speaker. We'll have a few more after that, and then we can move on to consent.

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

Page 40, Calendar No. 160, the Clerk will read.

THE CLERK: Assembly No. A00868, Calendar No. 160, Gottfried, L. Rosenthal, De La Rosa, Walker, Weprin, Dinowitz, Bronson, Abinanti, Joyner, Steck, Simon, Glick, Aubry, Fernandez, Cruz, Epstein, Reyes. An act to amend the Penal Law, in relation to criminal possession of a controlled substance in the seventh degree; to

amend the General Business Law, in relation to drug-related paraphernalia; to amend the Public Health Law, in relation to the sale and possession of hypodermic syringes and needles; and to repeal Section 220.45 of the Penal Law relating to criminally possessing a hypodermic instrument.

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

Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: This bill would basically authorize anyone to buy hypodermic needles or syringes, permit pharmacies to advertise the availability of hypodermic syringes and needles for retail sale without a prescription, and otherwise say that it's perfectly legal and appropriate to have hypodermic needles in your possession, including hypodermic needles that have trace amounts of heroin, cocaine, fentanyl or any other controlled substance. And there's two -- two trains of thought, I think, on this. One is that if you allow pharmacies to openly advertise for the sale of hypodermic needles, you're making it a lot easier for people to inject drugs. And we know what a scourge that heroin and opioids and fentanyl and methamphetamine and all those other drugs have had on our society and the horrific destruction it's had on the family units and individuals.

So one train of thought says what the heck are you thinking about allowing pharmacies to advertise syringes over-the-counter? And then there's a second train of thought. And the second train of thought is that, hey, addicts are going to get needles anyway, it's better they buy needles in bulk from pharmacies that are clean rather than share them because when they share them, they transmit diseases including AIDS and everything else, and so the lesser of two evils is to give addicts as many needles as they want.

So those are the two arguments and I suppose you can come out on either side. Just speaking for myself, I don't think it's -- I don't think it's a good public health policy to openly advertise the ready availability of syringes and decriminalize the possession of syringes that contain trace amounts of very, very dangerous drugs. Instead, I think a better policy is to arrest those individuals that have hypodermic needles with trace amounts of drugs and put them in a drug diversion program and treatment program, which has proven to be very effective, so that we're not -- not using lifesaving measures and watching our young adults die in the street from overdoses. Much better approach in my opinion, use the criminal justice, put them in a diversionary program, get them treatment, hopefully help them solve that addiction problem before it kills them.

As you would expect, those in support are the Gay Men's Health, NYCON, Drug Policy Alliance, and those who are against it are The Health Care Association of New York, Conservative Party, as you might expect, is opposed because it says, *Continuing to*



*relax laws that are designed to combat drug use only serves to prolong and worsen the drug epidemic in the State.*

So there you are, those are the two issues. I will be voting in the negative and encourage my colleagues to because I think we should try to make it more difficult to shoot up, and when we catch somebody who has a syringe that still has a very dangerous drug, I think we ought to get them into a treatment program including using the legal system to do that if necessary. 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 Senate print 2523. This is a Party vote. Any member who wishes to be recorded in an -- the opposition to the party's position, please contact the Minority -- Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Party is generally opposed to this legislation, but those who support it should contact the Minority Leader's Office so we can properly record your vote. 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 harm reduction legislation; however, should colleagues be desirous of being an exception, they could always contact the Majority Leader's Office and we'll be happy to record your vote.

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 43, Calendar No. 203, the Clerk will read.

THE CLERK: Assembly No. A04075, Rules -- Calendar No. 203, Glick, O'Donnell, Colton, Englebright, L. Rosenthal, Perry, Zebrowski, Byrne, Jacobson, Epstein, Weprin, Gottfried, Lavine, Bronson. An act to amend the Insurance Law, in relation to prohibiting insurers from canceling, refusing to issue or renew, or charging higher premiums for homeowners' insurance based on the breed of dog owned.

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

Mr. Hawley.

(Pause)

Mr. Hawley needs to be unmuted.

MR. HAWLEY: I think I'm unmuted, Mr. Speaker.

ACTING SPEAKER AUBRY: I think you are, too,

Mr. Hawley. Proceed.

MR. HAWLEY: Briefly on the bill, if I might.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. HAWLEY: This is a -- a bill that's been around a number of years. It would, in essence, not allow insurance companies to use underwriting guidelines, statistics, claims experience when it comes to underwriting a homeowner's policy or a renter's policy based upon different types of breeds of dogs that you may have. For instance, right here in my house I have my year-and-a-half-old Lab. Labrador Retrievers statistically and experience-wise don't allow -- don't have a lot of claims in terms of dog bites or aggressiveness. But there are certain breeds of dogs that are more protective of their owners. Some of those dogs are Rottweilers and Pit Bulls, Chows. I did have an American Eskimo at one point, they're on the list, as well as Boxers, Dobermans, German Shepherds, et cetera.

To not allow insurance companies to utilize underwriting guidelines and claims experience when writing homeowners' insurance policies -- for instance, if you have a 30-year-old roof, the chances are quite likely that you're going to have a leaking roof and a claim may result. If you have fuses as opposed to circuit breakers, the chances are you're going to have more claims than those that have circuit breakers. If you have plumbing that's galvanized as opposed to copper or PVC, the chances of having claims statistically and experience-wise are far greater. The same is true with dogs. I've been in the business 40 years and I've seen -- seen a lot of

claims, unfortunately, over the years. I -- I've only had one dog bite myself. As I left somebody's home after writing a homeowner's policy as I was walking down the driveway, their Dachshund bit me in the right calf. And those are little sharp teeth I can tell you, but Dachshunds are not on that list. But the point is that insurance companies know, and veterinarians and others and insurance agents know which dogs are more apt to be more protective.

I can tell you a little sad story that happened with my granddaughter about three weeks ago. They have a Boxer, a puppy, not quite a year old, and she was lying down next to him on the floor while the Boxer was eating dinner. My granddaughter, for whatever reason, this Boxer turned on her and on her left cheek, she's eight years old, she has a six inch scar, 16 inches on the back of her head, and four inches below her right eye. Fortunately, she's eight years old. The dog, for whatever reason, just turned on her and it was instantaneous. She hopefully is going to be all right and not scarred. I can relate many other stories, it's late in the evening, but one I do remember was an eleven-year-old Girl Scout went to a door selling her Girl Scout Cookies, knocked on the door and the German Shepherd came through the screen and caused a large, large gash across her chest and stomach requiring over 100 stitches.

These are the kinds of stories and oh so many more that insurance companies utilize. I love animals. I love dogs. But after 40 years in the business, I can tell you that there are reasons that insurance companies use statistics not to do certain things, like I

mentioned before with roofs and siding and plumbing and fuses versus circuit breakers. So I would urge everyone to think very carefully about it. We love our animals, we love our pets, we love our dogs, and it's not every company, by the way. One other quick story, whenever I go out -- some companies allow the agent to go to someone's house to meet their pet, one of the *hot dogs*. And so I have many, many times gone out to meet the dog of the house and my staff says to me, *Did you bring remember to bring the raw hamburger in your pocket?* You go out, you meet the dog, you make an assessment. Oftentimes I've laid down next to a German Shepherd that I don't know, they take a picture of me lying next to it and the company will write that insurance. So it's not all insurance companies that have these hot dogs list -- hot dog lists, but we need to make sure that we allow insurance companies to use -- to use underwriting guidelines and statistics when they're underwriting insurance.

So for this reason I don't -- I never have supported this bill, I applaud the sponsor for continuing to bring it up but at this point, nothing has changed my mind and 40 years experience tells me this is not a good bill and I -- and I urge others to oppose it, as well. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker, briefly on the bill, on the bill which is what's before us, not a walk down memory lane.

The purpose of the bill is to prevent insurance companies from discriminating against homeowners based on the breed of dog that they own; however, when there is a dangerous dog finding based on Ag and Market Law, the refusal to either issue a new policy, renew a policy, or impose a higher premium would still be permitted under this. But you can't do it just based on the breed of the dog. And most insurance companies -- there's a very large number of insurance companies headquartered in Connecticut, Aetna, Cigna Travelers, a few others. This is just a little snippet from The Connecticut Insurance Law Journal: *The science behind dog bites is inclusive at best. Most scientists authoring studies on dog bites have acknowledged that their data are incomplete and should not be used to enact breed-specific legislation or to deny insurance to families with certain dogs.* There are -- there are some studies that indicate that visually observing a dog, in 30 to 40 percent of the instances, a trained veterinarian will not get it right, let alone an insurance adjuster or underwriter.

So I would suggest to you that this protects insurance companies by saying if there is a finding of a dangerous dog based on Ag and Market Law, which indicates that -- Section 13 -- 123 of the Ag and Market Law provides that if a person witnesses an attack or threatened attack by a dog, a judge can declare the dog to be dangerous and force the owner to take corrective action, whether it's restraining a dog, muzzling the dog or in serious circumstances, a dog can be ordered to be put down. So I would simply suggest that

insurance companies are protected, families are protected. They can have their family pet and it's based on training, not on the breed specific. There are many people who have Rottweilers that are the sweetest animals, have never turned on anyone, and then you could have a Dachshund not considered a dangerous dog that bit Mr. Hawley for some unknown reason.

So I would simply suggest that the bill is a good one and it balances both families and their pets versus the need of the insurance companies to be able to underwrite based on the actual experience, which is how they treat all of us. You get an experience rating if you're a bad driver, you get an experience rating if you have a lot of accidents, kids breaking your windows, or what have you. That's experience, not judging on the fact that there's some kid next door who owns a baseball and bat. Thank you, Mr. Speaker. I urge a yes vote on this very worthy measure.

ACTING SPEAKER AUBRY: Thank you, Ms. Glick.

Mr. Blankenbush.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BLANKENBUSH: Insurance underwriters only look at experience, only look at statistics. They have years and years of statistics, that's what they're looking at. And just to be really quick about it is that memories and going down memory lane is real life stories, not scientific. If we were following scientific, we wouldn't be

sitting in the Assembly wearing a mask. So your scientific results on whatever you're talking about is not real life. Give me the memories and give me the real life stories. That's what I would feel and that's why I'm not going to be voting for this legislation. Thank you.

ACTING SPEAKER AUBRY: Mr. Lemondes at 20 to 11:00.

MR. LEMONDES: Thank you, Mr. Speaker. I just feel compelled to speak on this as an owner of several working dogs and a lifelong dog owner. To my previous colleagues' points, there are breed specific traits associated with dogs, that's why there are generally 12 breeds recognized on a dangerous breed list for most states, including most states that I have ever lived in which is several. Those breed specific traits, to the data my colleague mentioned, over time lends -- lends themselves to trends which can be analyzed with data, to his point and to the -- the point that he was trying to make. So based on the data, based on the fact that breeds do have probability of occurrences of different -- of different traits, I can only say that I concur with my colleagues and will also vote in the negative. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 4254. 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 Party is generally opposed to this, but those who support it should certainly call the Minority Leader's Office and we'll make sure their vote is properly recorded. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Democratic Conference will be in favor of this piece of legislation; however, there may be a few of our colleagues that would like to be an exception. If so, they should call the Majority Leader's Office and we will be pleased to record your vote.

ACTING SPEAKER AUBRY: Thank you, ma'am.

(The Clerk recorded the vote.)

Mr. Hawley to explain to his vote.

MR. HAWLEY: Briefly to explain my vote. Part of memory lane that I have is what has been paid out in terms of dog bite claims, liability claims. These are real life figures and I didn't follow through with that, but the young Girl Scout who had the 70-some-odd stitches received over a half a million dollars in a lawsuit, \$300,000 from the underlying homeowner's policy and \$200,000 from the million dollar umbrella. A young boy, five years old, another German

Shepherd, had known him for five years, the limit of the homeowner's policy, \$300,000. And if my son's daughter, my granddaughter, had been bitten at someone else's home by another -- another homeowner's -- at another homeowner's house, they would have exhausted the limit of the policy.

So real life figures are paid out by insurance companies based on statistics and the breed of dogs. If they have a hot dog list, there's a reason for that. And what happens, of course, is those folks that are remaining end up paying more for their homeowner's insurance premiums, so it hurts all of us. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Hawley in the negative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleagues Ms. Giglio, Ms. Miller, Mr. Ra, Mr. Schmitt, and Mr. Smith in the affirmative. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could please record our colleagues Ms. Wallace, Ms. Fahy, and Mr. Carroll in the negative on this one.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 45, Calendar No. 252, the Clerk will read.

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

ACTING SPEAKER AUBRY: On a motion by Mr. O'Donnell, 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 7197. 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.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 47, Calendar No. 284, the Clerk will read.

THE CLERK: Assembly No. A00394-A, Calendar No. 284, Zebrowski, Jacobson. An act to amend the Vehicle and Traffic Law, in relation to prohibiting retail dealers of second hand motor vehicles from selling motor vehicles required to contain an inflatable restraint system by the Federal motor vehicle safety standard applicable to that vehicle unless such vehicle is equipped with an inflatable restraint system which conforms to the Federal motor vehicle safety standard applicable to that vehicle.

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

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 1834-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Zebrowski to explain his vote.

MR. ZEBROWSKI: Thank you, Mr. Speaker. This bill prohibits auto dealers from selling used vehicles that are supposed to have airbags unless the vehicle is equipped with an airbag and an airbag ready -- readiness light indicating is functioning, and it requires dealers to certify that the vehicle meets these requirements, similar to

the way that dealers can't sell a vehicle right now unless it has lamps, a horn, mirrors, safety belts, brakes and tires, and they also have to give disclosures based upon things like if the car was used as a taxi or a police vehicle. It's named after Anthony Amoros. He was an 18-year-old Rockland resident who tragically died in a -- in a car accident. His vehicle didn't have a functioning airbag. His family has, through their grief, turned to advocacy and hopefully with the passage of this bill through both Houses in his memory will make New York a safer place. Thank you Mr. Speaker. I encourage my colleagues to vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Zebrowski in the affirmative.

Are there -- Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleague, Ms. Byrnes, in the negative.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 48, Calendar No. 307, the Clerk will read.

THE CLERK: Assembly No. A04046, Calendar No. 307, Colton, J. Rivera, Abbate, Cruz, Aubry, Ashby, Montesano, DeStefano, Dickens, Hyndman, Williams, Taylor. An act to amend the Vehicle and Traffic Law, in relation to parking infractions.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 4046. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you. This bill provides that if a parking ticket comes before a court and the parking ticket is defective on its face because it's illegible or is missing required information, the judge is directed to dismiss the parking ticket whether or not the person shows up. And while it imposes a small additional burden on the judge just to go through the parking tickets to make sure they're all legible and all contain the right information, he'll probably assign that to a low level clerk, like the bailiff who is otherwise waiting for violence to occur. And as a result, everyone will be treated equally and a few people will probably get away from not having to pay their parking tickets. I support the general concept. Thank you, sir.

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

(The Clerk announced the results.)

The bill is passed.

Page 49, Calendar No. 328, the Clerk will read.

THE CLERK: Assembly No. A06474-A, Calendar No. 328, Weinstein, Hevesi, McDonald, Fahy. An act to amend the Civil Practice Law and Rules, in relation to the rate of interest applicable to money judgments arising out of consumer debt.

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

MR. GOODELL: On the bill, sir.

ACTING SPEAKER AUBRY: Mr. Goodell on the bill.

MR. GOODELL: Thank you. This bill establishes a different and variable interest rate for consumer debt. Under current law, all judgments incur interest at the rate of 9 percent per year, straight interest. Many of us have recommended that that rate be adjusted from time to time to reflect different changes in finances. This bill would provide that all judgments be 9 percent except consumer debt, which would be the lesser of 3 percent or the one-year T bill. Well, that would create situation where you'd have to figure out not only whether it's consumer debt or any other debt, which is not always obvious by any means on the face of the judgment, but then you would have to recalculate it on an annual basis to figure out how much is owed. It's not fair to create two different tiers, one for consumer debt, whatever that might mean, and one for everything else that could be ten times higher. A better approach is to have one fair

and reasonable interest rate, not multiple interest rates that are changing every year. And for that reason, I'll oppose this bill as being unfair and unworkable, and recommend to my colleagues oppose it as well. Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 45th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 572--24-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 to -- Mr. Goodell.

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

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference will be in favor of this piece of legislation; however, should colleagues desire to be an exception, they should contact the Majority Leader's Office and we will properly record their vote.

ACTING SPEAKER AUBRY: Thank you, ma'am.



(The Clerk recorded the vote.)

Ms. Weinstein to explain her vote.

MS. WEINSTEIN: Thank you, Mr. Speaker. Many consumers are -- are sued for small debts, often only thousands of dollars only to find the judgments being entered against them are for a much greater amount because of this nature of the 9 percent interest. And this legislation particularly in this time of -- of coming out of this time of the pandemic, will be a lifeline for consumers trying to reasonably get out from crushing consumer debt. Consumer debt, as defined in our -- our bill, and it follows the Federal Fair Debt Collection Practices Act, are transactions that are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to a judgment that's a fair, but we use that -- those same house, personal, family, or household purposes. We set the rate at 2 percent post-judgment. We do ask that this be applied to unpaid amounts on current judgments so we can get consumers out of the crushing debt that they are -- are in and back into spending in our economy. It's a very important bill that has lots of support, and I want to just take a moment to thank the law students from the Lincoln Square Project, Fordham University, Fordham Law School that have been instrumental in working with me on this proposal and have put in a lot of effort. Thank you, Mr. Speaker. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Weinstein in the affirmative.

ACTING SPEAKER ZEBROWSKI: 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, moving right along, we're going to continue our work with Calendar No. 373 by Ms. Rozic; Calendar No. 376 by Ms. Joyner; followed by Rules Report No. 195 by Ms. Zinerman; and Rules Report No. 275 by Ms. Davila; and Rules Report No. 344 by Mr. Vanel. In that order, Mr. Speaker.

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

Page 51, Calendar No. 373, the Clerk will read.

THE CLERK: Assembly No. A06466-A, Calendar No. 373, Rozic, Mitaynes. An act to amend the Workers' Compensation Law, in relation to providing language access services.

ACTING SPEAKER ZEBROWSKI: On a motion by Ms. Rozic, the Senate bill is before the House. The Senate bill is advanced.

Mr. Goodell.

MR. GOODELL: On the bill, sir.

ACTING SPEAKER ZEBROWSKI: On the bill.

MR. GOODELL: This bill requires the Workers' Compensation Board to translate all documents and forms used by or issued to injured employees into the ten most common non-English

languages. It's -- it just presents a host of practical issues. It's one thing to say that all their notices have to be in multiple languages, because you do the translation once, you put up the notices and regardless of your language, you can read the notice and get the information. But this bill takes it a step further and says that all the documents and forms used by or issued to have to be in ten different languages.

So let me ask you the practical question: You have an English employer, hires different people who may be bilingual, they get the forms in their native language and fill them out in their language -- native language. Who translates those forms for the employer so that the employer can understand what the claim is? And when the employer answers, is the Workers' Comp Board then going to translate it back into whatever? I mean, it might be Mandarin, French, who knows. Are they then going to translate it? Are we going to translate every piece of correspondence that goes back and forth on a Workers' Comp case?

A much practical -- more practical approach that reflects our language diversity is to say English is the language in which we translate documents and so if anyone wants to send them the foreign language document, we'll translate it to English, but we'll rely on English translations and look to the applicant to find someone who's bilingual or who can help them translate the documents into English. No problem at all with all the notices, instructions, anything else in a foreign language, but we really shouldn't have the Workers'

Comp Board involved in providing unlimited translation services. It makes more sense to have the individuals translate their own documents into English so that the employer and the Workers' Comp Judge, Administrative Law Judge, the staff, can all read the same documents with the same understanding.

For that reason, I'll be opposing any translation requirement while supporting the desire by the sponsor to have forms available and notices available in different languages. Thank you, sir.

ACTING SPEAKER ZEBROWSKI: Read the last section.

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

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Senate Bill 1022-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 Minority or Majority Leader at the numbers previously provided.

Mr. Goodell.

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

ACTING SPEAKER ZEBROWSKI: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Majority Conference is going to be in support of this item; however, there may be some colleagues who would like to an exception. They should feel free to contact the Majority Leader's Office and we will properly record their vote.

(The Clerk recorded the vote.)

ACTING SPEAKER ZEBROWSKI: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Please record my colleague Ms. Miller and Mr. Ra in the affirmative. Thank you.

ACTING SPEAKER ZEBROWSKI: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 6, Rules Report No. 195, the Clerk will read.

THE CLERK: Senate No. S01579-A, Rules Report No. 195, Senator Parker (Zinerman, Sillitti, Nolan, Dickens, Taylor, Jackson--A05293-A). An act to amend the Real Property Actions and Proceedings Law, in relation to requiring a plaintiff in a mortgage foreclosure action to maintain the subject property.

ACTING SPEAKER ZEBROWSKI: Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER ZEBROWSKI: On the bill.

MR. GOODELL: This bill requires a plaintiff who commences a mortgage foreclosure action on real property that is

vacant or becomes vacant after the commencement of the action to maintain the property until ownership has transferred. The problem with this legislation from a practical perspective is that a lot of people don't realize that when a bank has a mortgage on your house, the bank doesn't own your house. The mortgage only gives them the right to sell the house to pay the debt. They don't have to, it's the bank's option. And so I've dealt with banks where the house was in such disrepair the bank walked from the mortgage because it was just a security interest, and sued on the note.

Now what this bill is aimed at correcting is the fact that New York's mortgage foreclosure process is now the longest in the nation. Bravo. Pat ourselves on the back, it takes over three years. And we made it three years, it used to be six months. And when we made it three years, what happened? We ended up with zombie properties. That was the first problem. And so then everyone screams and say, *How come you have these zombie properties?* Well, because we didn't close within six months like we used to do and sell them while they were still nice properties. That was the first problem with stretching out the mortgage foreclosure process, which this Legislature did starting in 2008.

The second problem is as that property deteriorated, so did its value. And under the Mortgage Foreclosure Law, at the end of that process the bank has an auction, and if the auction price exceeds what's owed to the bank the owner gets the money back. But because these properties are vacant for so long, by the time there's an

auction, the bank fees, the late charges, the unpaid taxes and the deterioration in the property means that the owners lose all of their equity. What a horrific situation. So now we come in and say after we screwed up the mortgage foreclosure process in the beginning, instead of shortening it and making it efficient and helping banks foreclose and helping owners recover their equity, we now try to impose a new burden on banks. We said to banks just this year, for a year-and-a-half, you can't even commence a mortgage foreclosure, just watch the property deteriorate in front of your eyes and then when we finally let you commence the action, we want you to come in there, clean it up, mow the lawn, repaint it, fix the windows, secure it against vermin and do everything else.

So what happens when we do this? What happens is the banks lose their shirt every time they go through a mortgage foreclosure process, and they're not in the business of losing money, in case you weren't aware of that. So when they lose money on a mortgage foreclosure, they redouble their efforts to make sure they don't lend to people who are likely to go into foreclosure. And what's that mean? They raise the credit score. They raise the down payment. They raise the debt-to-equity ratios. All of that. And who gets hurt? The working poor who no longer can meet the underwriting standards. So that's what we're doing here, we're destroying the American Dream by making it impossible for the working poor to get a mortgage because the risks to the bank are so high they can't afford it and if they do get a mortgage, it's a high interest rate. Let's not keep piling on the

banks. Yeah, sure they've got a vault. That doesn't mean they have money they want to give away. We pile expenses onto the bank, the bank turns around and passes them on to us. They pass them on in higher interest rate to those who are at higher risk, they pass them on to us in higher underwriting standards. They pass them on to us in every conceivable way.

Raising the costs on banks, encourage them to drop the property completely and sue on the note, forcing banks to raise underwriting standards and forcing banks to raise the deposit, forcing banks to get out of the mortgage market for working poor is not a solution, it is a disaster and this legislation makes it worse. For that reason, I'll be opposing it.

ACTING SPEAKER ZEBROWSKI: Mr. Rodriguez.

(Pause)

Mr. Rodriguez.

Not seeing Mr. Rodriguez, read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote Senate Bill 1579-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 Party is generally opposed to this legislation, but those who support it



are encouraged to call the Minority Leader's Office and we'll record your vote accordingly. Thank you, sir.

ACTING SPEAKER ZEBROWSKI: Ms. Hunter.

MS. HUNTER: Yes, thank you, Mr. Speaker. I'd like to remind my colleagues that this is a Party vote. Majority members will be recorded in the affirmative. If there are any exceptions, I ask Majority members to contact the Majority Leader's Office and you will be recorded accordingly. Thank you.

(The Clerk recorded the vote.)

ACTING SPEAKER ZEBROWSKI: Ms. Zinerman to explain her vote.

MS. ZINERMAN: Mr. Speaker, thank you for permission to explain my vote. This is a very simple bill asking the mortgage foreclosure -- the plaintiffs in a mortgage foreclosure action to act in good faith at the commencement of a foreclosure action and throughout the foreclosure process. We are trying to protect homeowners and the -- and ensure that property rates in neighborhoods do not -- aren't devalued because there are properties that aren't maintained in the country -- in the community. We know that nationally people only -- only -- less than 30 percent of the people nationally actually own their homes free and clear. And so earlier when it was mentioned that banks don't own the bank -- own these homes, is not exactly true. The banks do have responsibilities for those properties because they're holding the mortgages for them. We're simply asking with this bill for them to maintain the property so

that nobody gets hurt, that nobody steals it, so that the next homeowner gets actually what they paid for once that property has changed hands. And so for that reason, I am asking my colleagues to ensure the stability of neighborhoods throughout our State and support this bill. I vote in the affirmative.

ACTING SPEAKER ZEBROWSKI: Ms. Zinerman in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 8, Rules Report No. 275, the Clerk will read.

THE CLERK: Assembly No. A07706, Rules Report No. 275, Davila. An act to amend the Family Court Act and the Criminal Procedure Law, in relation to juvenile delinquency charges of violations in the family court.

ACTING SPEAKER ZEBROWSKI: On a motion by Ms. Davila, the Senate bill is before the House. The Senate bill is advanced.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER ZEBROWSKI: On the bill.

MS. WALSH: So this bill says that because of Raise the Age under current law, 16- and 17-year-old offenders convicted of violations are now subject only to conditional or unconditional

discharge, jail up to 15 days and/or a fine up to \$250. What this bill does is it amends that and says that a 16- or 17-year-old could not be securely detained, or placed on probation, or placed out of their house where the only finding made after a trial or admission is a violation.

So let me break it down quickly. You don't come into a juvenile delinquency proceeding with only a violation. What's going to happen is something happens, there's a misdemeanor, there might be a felony, there might be a couple of misdemeanors, a couple of felonies and then there's a violation that comes along with it. They're all coming out of the same occurrence, okay? So you've got a bundle of these different things that are being alleged. So if -- if what you're doing at the end of the day, all you've got left is a violation then probably what happened is that there was some kind of a deal worked out. We would call it a plea bargain, right, in criminal court. Same idea. So there's a plea bargain where the -- the youthful offender is going to admit to a violation.

So this bill says that if that's the case despite the fact that there, you know, there were other things involved, misdemeanors and felonies involved, that you couldn't even order probation or secure detention or placement out of their home under that situation. So what's going to happen in that situation I think is that it's going to provide a disincentive for the family court judge to accept a plea to only a violation because it's going to really tie the hands of the judge. It's going to take away a lot of sentencing dispositional options that the judge is going to have. So that would be an unintended consequence

that I don't think would be good because what's going to happen then is if the -- if the judge is going to require more than a violation, you're going to have a JD allocuting to something that is higher, that's going to be, you know, a misdemeanor or else.

So I understand the reason for the rule. You know, the rationale is that a 16- or 17-year-old shouldn't be treated worse in family court than would if they went through a local criminal court as an adult, but my response to that is well, you know, you can't have it both ways. You know, in -- even if -- if you were in local criminal court on a violation, you could still serve up to 15 days. So it, you know, it's -- it's still out there. I think that, you know, having options available for disposition in family court is a good thing, taking them away is a bad thing. Eliminating or reducing a judge's discretion to craft an appropriate disposition is a bad thing and I think that may potentially create a situation where you've got a youthful offender pleading to something higher than a violation is not a good thing either.

So for those -- all of those reasons, I'll be voting against this bill and I would encourage my colleagues to do the same. Thank you.

ACTING SPEAKER ZEBROWSKI: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate Bill 7171. This is a Party vote. Any

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

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation. Those who support it should contact the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER ZEBROWSKI: Thank you.

Ms. Hunter.

MS. HUNTER: Yes, Mr. Speaker. This is a Party vote. Majority members will be recorded in the affirmative. If there are any members that would like to vote in the negative, if they could call the Majority Leader's Office at the number previously provided, I will then announce your name accordingly.

(The Clerk recorded the vote.)

ACTING SPEAKER ZEBROWSKI: Ms. Hunter.

MS. HUNTER: Yes. If we could mark Mr. Stern in the negative, please.

ACTING SPEAKER ZEBROWSKI: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 10, Rules Report No. 344, the Clerk will read.

THE CLERK: Assembly No. A06283, Rules Report No. 344, Vanel. An act to amend the Executive Law and the Criminal

Procedure Law, in relation to directing the Superintendent of State Police to develop and institute child-sensitive arrest policies and procedures for instances where police are arresting an individual who is a parent, guardian or other person legally charged with the care or custody of a child.

ACTING SPEAKER ZEBROWSKI: Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER ZEBROWSKI: On the bill.

MR. GOODELL: One of the most tragic human situations that we see over and over and over is when a parent commits a serious felony or a serious crime, is arrested and is in prison. And when that happens, of course, they're no longer raising their child. And as one of my colleagues mentioned in some detail, it can provide long-term child trauma. So this bill tries to address part of that issue by saying that when the police come and arrest a parent, they need to do so in a manner that is child sensitive. If the child is less than 18 years old, that means they are a senior in high school or maybe just a little bit older, or younger than that, then they need to identify and ensure the safety of the child. They need to make -- they need to inquire and document whether the person who is being arrested is a parent, guardian or person legally charged with the care and custody of a child. They then have to make arrangements for the temporary care of the child. And presumably, that doesn't mean putting the child in the same jail cell or an adjoining jail cell, but presumably making

other appropriate arrangements. And then they need to allow the parent or guardian multiple phone calls, not just one but multiple, to hope -- hopefully help them arrange for child care. And we impose all these child sensitive requirements on our police even as we're defunding them and expecting them to do more and more, and even as they're facing extraordinarily violent criminals.

So right after they subdue the criminal, making sure the criminal is not hurt, disarm them, arrest them, then presumably a second unit, the child custody care sensitivity social -- social assistance unit moves in and makes sure the child is properly taken care of. It is without a doubt a very difficult and serious issue. I'm not sure that it's appropriate to impose new duties and new liabilities on not just the State Police, but on every local police officer in the State of New York. In my county, I have very small police departments. They may only have one or two men on a shift, or women, at any given time.

So we need to balance this, and my recommendation is before we impose a new unfunded mandate on every police officer in the State of New York, we should try it in a demonstration program using the State Police and see if we can work out the kinks. And it's certainly a serious issue, it's a serious problem, it's a horrific tragedy when parents are sent to prison. I wish parents were law-abiding and it wouldn't happen, but it does.

This is opposed by the Conservative Party because of their concern on the impact on law enforcement. There's concerns

raised by others about the liability to local governments in an additional unfunded mandate. So my recommendation is that we vote against this bill, but look to implement a pilot demonstration program using our own State Police to work out the bugs so we can have a system that works smoothly. Thank you, sir.

ACTING SPEAKER ZEBROWSKI: Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER ZEBROWSKI: On the bill.

MR. WALCZYK: Mr. Speaker, this -- this piece of legislation sort of suggests that State Police aren't already trained, don't already consider the sensitivity that's involved. There's protocols and there's memos and police chiefs and State Police advisors have already come out and -- and given a lot of different protocols that address this issue. But it's difficult in a political Body like this that wants to continually demonize our police officers, and that's -- that's essentially what we're doing here is saying, you know, they don't know how do their job on the ground so we need to make them do it better, we have to make them follow these new protocols. Look, do a ride-along before you introduce a bill like this and do a ride-along before you vote on a bill like this. That's what I would suggest. Thank you, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: Read the last section.

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



day.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Assembly Bill 6283. 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: Sir, this is a Party vote. The Republican Conference is generally opposed. Those who wish to support it should contact the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER ZEBROWSKI: Ms. Hunter.

MS. HUNTER: Yes, Mr. Speaker, this is a Party vote. Majority members will be recorded in the affirmative. If there are any exceptions, please contact the Majority Leader's Office at the number previously provided and we will announce your name accordingly.

(The Clerk recorded the vote.)

ACTING SPEAKER ZEBROWSKI: Ms. Hunter.

MS. HUNTER: Yes, if you could record the following members as a no vote: Stern, Cusick, Colton.

ACTING SPEAKER ZEBROWSKI: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Ms. Hunter.

MS. HUNTER: Yes, Mr. Speaker. I'm going to provide the next order of business here. We're going to take up the next four bills on debate, all by Mr. Bronson. We're going in order here: Rules Report Nos. 525, 526, 528, and 529. Thank you.

ACTING SPEAKER ZEBROWSKI: Thank you, Ms. Hunter.

Page 15, Rules Report No. 525, the Clerk will read.

THE CLERK: Senate No. S00946-B, Rules Report No. 525, Senator Gaughran (Bronson, Jacobson--A01034-B). An act to amend the Workers' Compensation Law, in relation to attorney's fees.

ACTING SPEAKER ZEBROWSKI: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Senate Bill 946-B. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. This is one of a continuing effort to make sure that our attorneys are well paid in New York State, and what it does is change the Workers' Compensation Law --

ACTING SPEAKER ZEBROWSKI: Mr. Goodell,

sorry to interrupt, but you have to first give the party position.

MR. GOODELL: I was just leading up to that.

I was just warming up to that. The Republican Conference will be generally opposed for the reasons I was just about to explain. Thank you, sir.

ACTING SPEAKER ZEBROWSKI: Thank you.

Ms. Hunter.

MS. HUNTER: Yes, this is a Party vote. Majority members will be recorded in the affirmative. If there are any exceptions, please contact the Majority Leader's Office and we will then announce your name accordingly.

ACTING SPEAKER ZEBROWSKI: Thank you.

(The Clerk recorded the vote.)

Mr. Goodell to continue explaining your vote.

MR. GOODELL: Thank you. I was so anxious to get right to the meat of the matter.

Under the current Workers' Comp Law, an attorney who is successful in a claim can apply for attorney's fees. The Workers' Comp Board reviews the hourly rate, the results, the nature and extent of the work, how difficult it was, and they can award reasonable attorney's fees. This changes the law to give attorneys a direct contingency fee, so if the award is made directing the continuation of weekly compensation for total or partial disability, the attorney's fees shall be one-third of one week's compensation, and then it goes down from there.

And while I appreciate the desire to ensure that our attorney colleagues are well paid in Worker's Comp case, I think the current program, which is individualized based on the hours that are worked and the time that is devoted and the difficulty of the case is a better approach, especially when our Worker's Comp costs in New York State are currently amongst the highest in the nation.

So while I appreciate all my colleagues in this field and I'm thankful for all the great work they do, I am recommending that the Republican Conference vote against it; however, those who want to vote for it can call the Minority Leader's Office as usual and we'll count their vote. Thank you, sir.

ACTING SPEAKER ZEBROWSKI: Mr. Walczyk to explain his vote.

MR. WALCZYK: Thanks, Mr. Speaker. I get a lot of phone calls and e-mails in this job. I have been waiting by the phone and checking my e-mail and so far I haven't had a single business that said, *Gosh, those Workers' Comp costs are way too low in this State*. And I still have been waiting for a constituent to call and say, *I wish you paid attorneys a lot more in New York; boy, it would be great*. So I will be voting no on this bill.

ACTING SPEAKER ZEBROWSKI: Mr. Walczyk in the negative.

Mr. Goodell.

MR. GOODELL: Thank you. Notwithstanding my impassioned plea, please record Mr. Schmitt in the affirmative. Thank

you, sir.

ACTING SPEAKER ZEBROWSKI: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 15, Rules Report No. 526, the Clerk will read.

THE CLERK: Senate No. S00255-B, Rules Report No. 526, Senator Mayer (Bronson, Otis, Burdick, Sayegh--A01106-B). An act to amend the Labor Law, in relation to the payment of prevailing wage for work involving the delivery to and hauling of aggregate supply construction materials.

ACTING SPEAKER ZEBROWSKI: Mr. Goodell.

MR. GOODELL: Sir, this will be a Party vote and the Republican Conference we be generally opposed for the reasons I hope to explain in a moment.

ACTING SPEAKER ZEBROWSKI: Thank you, Mr. Goodell.

First, read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Senate Bill 255-B. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Ms. Hunter.

MS. HUNTER: Yes. Majority members will be recorded in the affirmative and if there are any exceptions, please contact the Majority Leader's Office at the number previously provided and we will announce your -- (mic cut out).

(The Clerk recorded the vote.)

ACTING SPEAKER ZEBROWSKI: Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. This bill would amend the Labor Law to require prevailing wages to be paid for work performed in delivering materials to a construction project, a municipal construction project. These would be aggregate supply construction materials, as well as the return trip even though the truck may be empty. And it's an extension of prevailing wages in an area that we have not seen in the past. So under current law, prevailing wages are paid on a construction project and under current law, that involves everyone who's working there.

What it doesn't cover right now are the long haul truckers who may be bringing in the materials from California, for example, or short haul that are bringing in from a local supplyhouse. This would extend prevailing wages to all those truckers both to and from, including the back haul even if it's empty. I suppose if you take -- the logic that anything involving a construction project should be paid prevailing wages, the next step will take it to the manufacturer and then the mine and all the way back. And it's just an inappropriate expansion of prevailing wage in to an industry that operates

independently of construction projects, involves long and short haul truckers. For that reason, I'll oppose it and recommend my colleagues do the same. Thank you.

ACTING SPEAKER ZEBROWSKI: Mr. Goodell in the negative.

Mr. Manktelow to explain his vote.

MR. MANKTELOW: Thank you, Mr. Speaker. I appreciate my colleague what he just said, it was one of my questions. On the back haul, many truckers not only go back empty, but they also take a product back from where they are to another state or where they originated from. And I just wanted to know if we could possibly look at how we're going to make that work, that's all. So thank you, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: Mr. Manktelow in the negative.

Mr. Tague to explain his vote.

MR. TAGUE: Thank you, Mr. Speaker. Just to emulate what my colleague, Mr. Goodell, said. One other item, this will increase construction costs and costs to the taxpayers of the State of New York in an un-Godly amount of money. Just another -- anyways, I'll leave it at that. I'm in the negative, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: Mr. Tague in the negative.

Ms. Giglio to explain her vote.

MS. GIGLIO: Thank you, Mr. Speaker. As a

representative of Local 138 Operating Engineers on Long Island, it's important - haulers and laborers were excluded from the prevailing wage law on public works projects, and they should not have been. Business owners are smart. If they have to stop at the New Jersey line and the Connecticut line in order to transfer material and it's less expensive than paying prevailing wage, then they will do that. But if New York State -- we have offered so many benefits on public works projects and on State -- we're rich, we're giving out the money on public works projects in New York State. And those -- those contractors should not be excluded and for that reason I will be voting in the affirmative.

ACTING SPEAKER ZEBROWSKI: Ms. Giglio in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Please record Mr. Brabenec and Mr. Schmitt in the affirmative. Thank you, sir.

ACTING SPEAKER ZEBROWSKI: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 16, Rules Report No. 528, the Clerk will read.

THE CLERK: Senate No. S02755-C, Rules Report No. 528, Senator Ramos (Bronson, Barron, Clark, Cook, Cruz, Cusick, Englebright, Epstein, Fahy, Perry, Seawright, Simon,



Woerner, Meeks, Jensen, Jackson, Mitaynes, Lunsford, Ramos, Richardson, Aubry, González-Rojas, Gottfried, Anderson, Wallace, Frontus, Reyes, Braunstein, Dinowitz, McDonald, Hunter, Weprin, Jean-Pierre, Darling, Gunther, Smith, Davila, Hevesi, Colton, Ra--A01160-C.) An act to amend the Social Services Law, in relation to establishing an advisory council to effectuate a reduction in child poverty in the State; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER ZEBROWSKI: Mr. Goodell.

MR. GOODELL: Thank you, sir. This will be a Party vote. The Republican Conference will likely be in the affirmative, although we have some concerns as I'll express in a moment.

ACTING SPEAKER ZEBROWSKI: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Senate Bill 2755-C. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Ms. Hunter.

MS. HUNTER: Yes, Mr. Speaker. This is a Party vote. Majority members will be recorded in the affirmative. If there are any exceptions, please contact the Majority Leader's Office at the

number previously provided and it will be announced accordingly.

ACTING SPEAKER ZEBROWSKI: Mr. Goodell.

MR. GOODELL: Thank you, sir. As I mentioned, I will be supporting legislative initiative that establishes a child poverty reduction advisory council. Unfortunately, this council does not have a single Minority appointment from either the Minority Leader in the Assembly or the Minority Leader in the Senate, and that's very unfortunate. Now, poverty -- child poverty is not limited to Democrat areas, although certainly there is --

(The Clerk recorded the vote.)

-- a lot of poverty in a lot of Democrat areas, and we all acknowledge it and we all are very concerned about it, but it's unfortunately an issue that also affects roughly 30 percent of the State that's represented by Republicans. And sometimes, the poverty issues affecting Republican or Conservative areas can have a different nuance. And so a one-size-fit-all program designed to deal with urban poverty may actually be a disaster in a -- a rural setting.

And so I support this and this should be a fast vote in favor, if you would make those adjustments, but if any of my colleagues oppose the child poverty reduction advisory council, then they should so notify the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER ZEBROWSKI: Withdraw the Party vote. The Clerk will record the vote on Senate Bill 2755-C. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the

numbers previously provided.

(The Clerk recorded the vote.)

MR. GOODELL: Thank you, Mr. Speaker. I know it's almost midnight and so once in a while, we have confusing signals. This is the everyone is up unless you call and express your opposition to the child poverty task force. Thank you, sir.

ACTING SPEAKER ZEBROWSKI: Thank you, Mr. Goodell.

Mr. Bronson to explain his vote.

MR. BRONSON: Yes, Mr. Speaker. I'm very pleased to carry this Child Poverty Reduction Act. It was brought to me by a number of organizations across the State which tried to provide services and programs for children. And, indeed, in this State, we entered the pandemic with slightly over 700,000 children in poverty and as a result of the pandemic, we have an additional 325,000 people in poverty.

My esteemed colleague from the other side of the aisle, however, brought up a very important point. Poverty is different in rural areas; in fact, I know about poverty in rural area. Growing up in a household without running water or indoor plumbing until I was older as a child, and we heated with a wood burning stove. So with that, we thought we addressed it with geographical representation and public hearings across the State, but I think that my esteemed colleague's point is well-taken and I will work with him and my colleagues in the Minority to address the concern regarding the

advisory council, either through a Chapter Amendment or a piece of legislation next year.

With that, I'm so happy for a unanimous vote. We need to address child poverty today, and we will do that together. Thank you.

ACTING SPEAKER ZEBROWSKI: Mr. Bronson in the affirmative.

Mr. Jensen.

MR. JENSEN: Thank you very much, Mr. Speaker. To explain my vote.

ACTING SPEAKER ZEBROWSKI: Go ahead.

MR. JENSEN: Thank you. With over a million children currently living in poverty in New York State, it's so important that this advisory council be established because like the members who spoke before me, poverty just isn't exclusive to urban, rural or suburban areas of our State. And through no fault of their own these children find themselves in this situation. The goal of reducing poverty for children by 50 percent is laudable, and if we can figure out the ways and means to accomplish this, we can limit the vast and long-lasting health, social issues, and financial insecurity that these children will otherwise face for the rest of their lives.

Once more, addressing our State's child poverty crisis is an investment in the future of our State. If we can find a sustainable and systematic system of hands up to children, we can establish a road map for ways to ensure that no child in our State needs to live in

poverty. I'm proud to be a cosponsor of this legislation and I will be voting in the affirmative.

ACTING SPEAKER ZEBROWSKI: Mr. Jensen in the affirmative.

Mr. Goodell.

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

ACTING SPEAKER ZEBROWSKI: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 16, Rules Report No. 529, the Clerk will read.

THE CLERK: Assembly No. A01171-A, Rules Report No. 529, Bronson, Clark, Lunsford, Meeks, Wallace, Buttenschon, Rozic, Santabarbara, Lupardo, Hunter, Gunther, Steck, Stirpe, Jones, Magnarelli, Fahy, McMahon, Barrett, Woerner, Weprin, Gottfried, Cruz, Carroll. An act to amend the Insurance Law, in relation to health insurance coverage of outpatient care provided by a mental health practitioner and a clinical social worker; and to repeal certain provisions of such law relating thereto.

ACTING SPEAKER ZEBROWSKI: Mr. Goodell.

MR. GOODELL: This will be a Party vote with the Republican Conference generally in the negative for the reasons I'll explain shortly.

ACTING SPEAKER ZEBROWSKI: Read the last

section.

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

ACTING SPEAKER ZEBROWSKI: Ms. Hunter.

MS. HUNTER: Yes, Mr. Speaker. This is a Party vote. Majority members will be recorded in the affirmative. If there are any exceptions, please contact the Majority Leader's Office to contact her at the number previously provided and we will announce your name accordingly.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly Bill 1171-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.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you. This bill amends the Insurance Law to require that every major medical policy in New York State also include benefits for outpatient care provided by a mental health counselor, marriage and family therapist, creative art therapist or licensed psychoanalyst. And well no doubt that these professionals can provide valuable services, every time we mandate additional coverage we increase the cost of insurance in New York State. You cannot buy a basic insurance policy in New York State, it's illegal. You can't buy one that's tailored to your needs. You can buy a car that's tailored to your needs, you can buy a house that fits your

needs, you can buy any other product but you can't buy an insurance policy without having to pay for over 60 mandated coverages. There's no -- no -- there's no doubt that this drives up the cost.

For a while for about ten years when I was younger and healthier and self-employed, I didn't carry insurance. And one day I tried flying without the benefit of skis and it was a few glorious seconds before I hit the ground and it occurred to me maybe I ought to have insurance. But you know, you can't buy a cheap policy in New York that just covers basic medical, you can't do it. And this bill says you can't even buy a policy without buying and paying for mental health counselors, marriage counselors, family therapists, creative art therapists or psychoanalysts.

Unfortunately, the cost elasticity of insurance is very high. Every time we increase the cost of insurance by mandating more coverages, more families can't afford it. For that reason, I'm opposed to additional mandates on our insurance carriers.

ACTING SPEAKER ZEBROWSKI: Mr. Goodell in the negative.

Mr. Byrne to explain his vote.

MR. BYRNE: Thank you, Mr. Speaker. I thank my colleague who just -- the previous speaker for expressing some of his concerns. I have some similar concerns. Timothy's Law is referenced in this sponsor's memo notes that insurers are already mandated to provide benefits for the diagnosis and treatment of behavioral disorders by a psychiatrist, psychologist, or a licensed clinical social

worker. The bill-in-chief expands those who are mandated to be covered by insurance to provide these services. I'll note the Governor did veto similar legislation in 2019. I thank the sponsor for amending this to try to address some of those changes; however, the increase in cost is still an outstanding concern. The expanded mandatory coverage would be specifically for blanket health insurance policies, not self-insured plans that are subject to State -- that are not subject to State mandated benefits due to ERISA by expanding who is covered to provide these services. Concerns have been raised about increasing cost of insurance coverage at a time when we want to do all we can to control and reduce the cost of health insurances for New Yorkers across the State.

I do appreciate the sponsor's goal of expanding access, particularly to our rural areas in the State that may not have as many providers. Still, there's a very legitimate concern that by expanding this mandated coverage, it will increase costs to the many small to medium-sized employers who have private insurance and want to provide more coverage, more options, more choices for consumers when it comes to respecting a person's right to choose how they want to plan and pay for their own health care needs. At the same time, I believe we also must be mindful that those options should be affordable for more people to benefit from them.

Again, there is a concern this would increase the cost on those who benefit from the coverage of these plans and for that reason, Mr. Speaker, I will be voting no. Thank you.



ACTING SPEAKER ZEBROWSKI: Mr. Byrne in the negative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. We have no exceptions.

ACTING SPEAKER ZEBROWSKI: Thank you, Mr. Goodell.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Ms. Hunter.

MS. HUNTER: Yes, the moment we have all been waiting for where we move off of the debate list on to the Calendar. So we are going to go in this order, Mr. Speaker: Calendar No. 150, Richardson; No. 102, Niou; No. 3, Carroll; No. 170, Paulin; then we're going to Rules Report No. 692, Mr. Cymbrowitz, Mr. Speaker, in that order.

ACTING SPEAKER ZEBROWSKI: Page 39, Calendar No. 150, the Clerk will read.

THE CLERK: Assembly No. A05511-A, Calendar No. 150, Richardson, L. Rosenthal, Hyndman, Epstein, Sayegh, Simon, Barron, Gottfried, Weprin, Cruz, Jackson, Septimo, Forrest, Fernandez, González-Rojas. An act to amend the Criminal Procedure Law, in relation to a judicial diversion program for certain felony offenders.

ACTING SPEAKER ZEBROWSKI: On a motion by Ms. Richardson, the Senate bill is before the House. The Senate bill is advanced.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference will be generally opposed to this for the reasons I hope to explain.

ACTING SPEAKER ZEBROWSKI: Ms. Hunter.

MS. HUNTER: Yes, this will be a Party vote. Majority members will be recorded in the affirmative. If there are any exceptions, I ask Majority members to contact the Majority Leader's Office at the number previously provided and we will then announce their name accordingly.

ACTING SPEAKER ZEBROWSKI: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Senate Bill 7228. 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.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir. This legislation is a continuing effort to help keep criminal defendants from having to go

to jail, and what it does is it expands the Judicial Diversion Program to provide that you can go into a judicial diversion program and avoid jail, enjoy your freedom, if the underlying charge was for auto stripping, identity theft, or conspiracy as long as you are also a substance abuse person. And while I appreciate that our drug courts have been very effective in addressing substance abuse, I'm not sure that we should say that you can commit any other crime in addition to the substance abuse and be eligible to avoid any jail or eligible for a reduced sentence by participating in the drug court.

We have a number of drug treatment programs in regular jails and in prison, and when the underlying charge is serious, you ought to be looking at jail time and getting your drug treatment while in prison rather than while you're still out there and, therefore, I don't think the Judicial Diversion Program should be expanded to include underlying charges for conspiracy, auto stripping or identity theft. Thank you, sir.

ACTING SPEAKER ZEBROWSKI: Mr. Goodell in the negative.

Ms. Richardson to explain her vote.

MS. RICHARDSON: Thank you, Mr. Speaker. This bill updates terminology concerning drug and alcohol abuse and treatment in the drug courts. Currently a person without a violent conviction history who was charged with one or more certain drug-related crimes may be evaluated and diverted for treatment if the person has a substance abuse disorder. The new language in the bill

says that an eligible defendant may be evaluated in order to treatment if the person has a substance use disorder, the new language in alignment with the DSM-V. This bill also adds certain additional crimes that defense practitioners have recognized that people who have substance use disorders commit.

And as a State, Mr. Speaker, we need to be doing everything we can to help individuals who have a substance use disorder recover and -- and seek the assistance that they need to be successful citizens in society and not be punitive, keeping them in prison where we know that doesn't help them to get better. With that, I vote in the affirmative.

ACTING SPEAKER ZEBROWSKI: Ms.

Richardson in the affirmative.

Ms. Hunter.

MS. HUNTER: Mr. Speaker, could you please put Mr. Colton and Mr. Cusick in the negative, please.

ACTING SPEAKER ZEBROWSKI: So noted.

Mr. Goodell.

MR. GOODELL: Thank you, sir. In addition to the votes in the affirmative on the floor, please add Mr. Morinello in the affirmative. Thank you, sir.

ACTING SPEAKER ZEBROWSKI: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 37 -- page 37, Calendar No. 102, the Clerk will read.

THE CLERK: Assembly No. A02260-A, Calendar No. 102, Niou, Barron, Kim, Dinowitz, Epstein, Simon, Frontus, Richardson, Fall, Sayegh, Weprin, D. Rosenthal, Reyes, Solages, Abinanti, Cruz, Otis, González-Rojas, Kelles, Zinerman. An act to amend the General Business Law, in relation to requiring debt collectors to inform debtors that written communications are available in large print format.

ACTING SPEAKER ZEBROWSKI: On a motion by Ms. Niou, the Senate bill is before the House. The Senate bill is advanced.

Mr. Goodell.

MR. GOODELL: Thank you. Would Ms. Niou yield?

ACTING SPEAKER ZEBROWSKI: Will the sponsor yield?

MS. NIOU: Yes.

ACTING SPEAKER ZEBROWSKI: The sponsor yields.

MR. GOODELL: Thank you, Ms. Niou. This bill, in general, requires debt collectors to provide large print or braille or some other alternative means upon request to anyone they are seeking to collect a debt from, correct?

MS. NIOU: Correct.

MR. GOODELL: And I see that the debt collector is defined as an individual who is part of his or her job regularly collects or attempts to collect debts.

MS. NIOU: Correct.

MR. GOODELL: So this would then apply to all the utility companies that send out monthly bills?

MS. NIOU: Correct.

MR. GOODELL: And it would apply to all banks and retail customers and anyone else that extends credit.

MS. NIOU: Correct.

MR. GOODELL: It provides then that in the initial communication, there has to be clearly and conspicuously disclosed to the debtor that they can request that future communications be in large print or braille or some other manner, right?

MS. NIOU: Yes.

MR. GOODELL: When you say *in the initial communications*, so if you're getting a monthly bill from the utility company, is this the first bill you get that would require this and then thereafter for the rest of your life you don't need any contact information?

MS. NIOU: Yes.

MR. GOODELL: And if in the first bill you say, *Yeah, I want large print*, does that mean that every utility company, every phone bill, utility bill, water bill, electric bill, would then thereafter have to be in large print?

MS. NIOU: Yes.

MR. GOODELL: And I see you can also ask for something else, right? You could ask for braille, audio compact disk or other means?

MS. NIOU: Yes.

MR. GOODELL: And -- but it's up to the creditor to decide how to meet that, is that correct?

MS. NIOU: No.

MR. GOODELL: And I appreciate that, by the way. You know, you said that if the creditor complies with Americans with Disabilities Act that's the defense?

MS. NIOU: Yes.

MR. GOODELL: And what does the American Disability Act allow you to do in terms of reasonable accommodations as it relates to communications?

MS. NIOU: I think it depends on the disability, sir.

MR. GOODELL: I'm sorry?

MS. NIOU: I think it depends on the disability, sir.

MR. GOODELL: I see. Can you give me some examples?

MS. NIOU: For example, if you are blind then you can ask for braille. For example, if you're hard of seeing, you can ask for big font.

MR. GOODELL: I see. So you're saying the Americans with Disabilities Act reasonable accommodation might

relate to your disability.

MS. NIOU: Yes.

MR. GOODELL: I see. And then this provides a civil fine, first violation up to \$250 and every subsequent violation \$500, is that correct?

MS. NIOU: Yes.

MR. GOODELL: And if a -- a debt collector is fined, can they deduct the amount of fine against the amount that's owed to them? In other words, let's say they're collecting \$1,000 utility bill that's in arrears and they didn't provide the proper notice so they're fined \$250. Can they just take it off and say, *You now owe me \$750*?

MS. NIOU: No.

MR. GOODELL: Why not?

MS. NIOU: Because the fine goes to somebody different than the person who is paying the bill. You're talking about the bill, right?

MR. GOODELL: What's that?

MS. NIOU: You were asking about the bill, correct?

MR. GOODELL: I see, okay. So the fine is not going back to the customer.

MS. NIOU: No.

MR. GOODELL: I see. Okay. Thank you very much. And do you have any cost estimate on what it would cost our utility companies to send out large print notices for every bill?

MS. NIOU: Very -- none basically; yeah, very little



to none.

MR. GOODELL: I see. What about braille?

MS. NIOU: Braille is a little bit different obviously because people need to have the mechanism, but I think that it will also be very little to none.

MR. GOODELL: Now you also had audio compact disk, that would be cool, wouldn't it, you could hear somebody, hopefully in a pleasant voice tell you how much you owe for your water bill?

MS. NIOU: Yes. Many people already have TTY. I think that it's available to most people within the utility companies, and I think that if you ask for it, that's all that you need to do.

MR. GOODELL: And if your bank sends you an audio disk telling you how much you owe on your line of credit, for example, can they charge you for the cost of the audio disk or the braille or any of the additional costs incurred?

MS. NIOU: No.

MR. GOODELL: Okay. Thank you very much, Ms. Niou.

MS. NIOU: Thank you, sir.

MR. GOODELL: On the bill.

ACTING SPEAKER ZEBROWSKI: On the bill.

MR. GOODELL: I appreciate the sponsor's desire to ensure that those who maybe have sight issues have different options, including large print, braille, audio cassette, and -- but the scope of the

bill is really broad. As we mentioned, it applies to all the monthly bills that you normally get and see, right? It applies to your mortgage statement that you get every month, your bank statement, presumably, if you have a line of credit, your credit card statement, your utilities, water, electric, gas, whatever that might be, as well as any other debt efforts. And it applies, quote, "To the person, the individual who part of his job is employed in the collection department." So it implies that there may be actually personal liability if they don't comply. And then the fines, of course, are fairly significant if you're a larger company and, presumably, that would be passed on to the customers in some way or another.

So while I greatly appreciate the sponsor's desire to help those who are visually impaired and, indeed, my wife spent a substantial portion of her career as the Executive Director of the Chautauqua Blind Association and what she told me is that they make every effort to help those who are visually impaired live an independent life by helping them with magnifying glasses, readers - it's an amazing thing, it's like a pen, you just -- it goes right along the bill and it reads it out loud to you, and all of the other technology that's available, and this shifts all that cost on to those who are engaged in everyday business transactions. Which is why, not surprisingly, those who deal with receivable management, creditors associations and collection agencies are all opposed.

So I appreciate the desire, certainly a laudable and noble one, but under current law and current practices, there's much

more effective ways that those who are visually impaired can live an independent life without receiving all their notices in braille. Thank you, sir.

ACTING SPEAKER ZEBROWSKI: Read the last section.

THE CLERK: This act shall take effect in 30 days.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Senate Bill 737-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. While the Republican Conference is certainly sensitive to the needs of the visually impaired, we think there's a better approach to their addressing that and accordingly, will generally be in the negative. Those who support this, however, should certainly contact the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER ZEBROWSKI: Ms. Hunter.

MS. HUNTER: Yes, Mr. Speaker. This is a Party vote. Majority members will be recorded in the affirmative. If there are any exceptions, please contact the Majority Leader's Office at the number previously provided and we will then announce your name accordingly.

(The Clerk recorded the vote.)

ACTING SPEAKER ZEBROWSKI: Ms. Niou to explain her vote.

MS. NIOU: Thank you, Mr. Speaker, for allowing me for the opportunity to speak on the bill -- to explain my vote. This bill would offer protections and assistance to debtors who experience vision impairment, such as many of our seniors. This service would ensure those who are intended to read understand and comply with these communications are better prepared to do so. We all may need assistance provided by this bill one day, some of us may already. As we legislate, we should all consider how if we are lucky enough to be able-bodied now, we are all only temporarily able-bodied. Thank you, Mr. Speaker, for allowing me to explain my vote and I encourage all of my colleagues to vote in the affirmative. Thank you.

ACTING SPEAKER ZEBROWSKI: Ms. Niou in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Please record my colleagues Mr. Montesano and Mr. Morinello in favor of this legislation. Thank you, sir.

ACTING SPEAKER ZEBROWSKI: So noted.

Ms. Hunter.

MS. HUNTER: Yes, Mr. Speaker, if you could record Ms. Fahy in the negative, please.

ACTING SPEAKER ZEBROWSKI: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

Page 33, Calendar No. 3, the Clerk will read.

THE CLERK: Assembly No. A00935-A, Calendar No. 3, Carroll, Colton, Seawright, Otis, Gottfried, Vanel, Sayegh, Zinerman, Barron. An act to amend the Public Authorities Law, in relation to requiring the New York City Transit Authority Advisory Council to investigate, report and make recommendations on instructing the public on how to react when an individual falls onto authority facility tracks.

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

Mr. Goodell.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Senate Bill 3160-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 41, Calendar No. 170, the Clerk will read.

THE CLERK: Assembly No. A03360-A, Calendar No. 170, Paulin, Otis, Galef, Vanel, Barron, Jacobson, Santabarbara. An act to amend the Public Service Law, in relation to storm hardening and system resiliency plans (Part A); and to amend the Public Service Law, in relation to providing rate payers with reimbursement following prolonged power outages (Part B).

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

Mr. Goodell.

MR. GOODELL: Thank you, sir. This will be a Party vote. The Republicans will generally be opposed for the reasons I'll explain in a moment. Thank you, sir.

ACTING SPEAKER ZEBROWSKI: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference will generally be in favor of this legislation; however, there may be some exceptions. Colleagues, feel free to contact the Majority Leader's Office and your vote will be recorded. Thank you, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: Read the last section.

THE CLERK: This act shall take effect in 90 days.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate Bill 4824-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.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. It would hardly seem like the last day of Session if we didn't have something at least resembling a Big Ugly. Well, we don't this year, but this is a little ugly, and so -- or -- or not as ugly or maybe some of you may think it's a little good or great, but I don't know. But anyway, so what we've done is this legislation takes two previous bills that we voted on, one that required utilities to pay customers unspecified damages of up to \$250 if their power's out by 24 hours or more. And the second one that required utility companies, at their own expense, to harden their system to cover storm damage.

And then based on lots of negotiation behind the scene that was all above my pay grade and did not involve me, we merged them into one bill and for the utilities, we said, *You don't have to start reimbursing people for lost food or medicine until 72 hours*, so we took it from 24 to 72. And then we said, *But if you do reimburse them, you've got to reimburse them for up to 500-some dollars if it's itemized*, so we doubled the amount of reimbursement. And then on the flip side, we said to the utility companies, *Yeah, you should go through with the hardening and, yeah, we recognize that it's going to cost you money so we'll let you bill it back to the ratepayers*.

So it's a little bit of a compromise and if you like the concept of utility companies hardening their utilities, which is certainly a popular idea in Long Island and Downstate, and you like the possibility that your utility company may or may not send you money after three days, they're hoping they'll get it fixed before then, but then you should vote for this and do a little happy dance. Maybe not as good as you liked in the first place, maybe -- maybe better than you thought you could ever get through. On the other hand, if you want to keep your utility rates as low as possible and if you're like me you're lucky to have two days worth of food, much less three, then you'd prefer to keep the rates lower and take your chances.

So I -- I suggest that the Republicans who were in the negative based on the number of votes that were cast against the individual bills, but certainly I anticipate that some of my colleagues will be voting in favor of this for the reasons I described. Thank you, sir.

ACTING SPEAKER ZEBROWSKI: Mr. Goodell in the negative.

Ms. Paulin to explain her vote.

MS. PAULIN: Yes, thank you, Mr. Speaker. You know, we have seen an increasing number of storms that have put our -- that have turned our lights out and we needed to -- we had a 13-hour hearing, I think it was a record of any hearing that we've ever had in this House. We did it jointly with the Senate where we uncovered a lot of problems and we tried as a Committee to come up with a



solution. And we learned at those hearings that there was an inconsistency in how utility companies were reimbursing ratepayers during these outages. So one of the things that this bill does is create uniformity among all ratepayers in the State.

The other thing that we learned was that there was a problem and that utilities were not doing all that they needed to do to make sure that the poles were in place, to make sure that there was undergrounding when necessary to avoid these hazards long-term. So we modeled this after something that was successfully being done in Florida which did not raise rates. What it did is it allowed us to distinguish between rates that were meant to go to storm hardening versus rates that were designed to deal with the infrastructure of the utility. And that's what this will do.

So this will not raise rates. This will just allow us to have separate hearings for and -- and increase our ability to -- to avoid problems in the future. So with that, I withdraw my request and I vote in the positive. Thank you.

ACTING SPEAKER ZEBROWSKI: Ms. Paulin in the affirmative.

Mr. Palmesano to explain his vote.

MR. PALMESANO: Yes, thank you, Mr. Speaker. To explain my vote. I'd like, as my colleague said, this combines two bills that were passed, the first one that I think is the most important and critical for long-term is that utility corporations will work with the PSC to develop long-term storm hardening and resiliency plans to help

enhance and hopefully ensure the reliability of our utility infrastructure for the future. To help improve our poles, our wires, our transmission, our transformers, address danger trees, vegetation and other actions in a hope of being able to better handle future storms and be better prepared for potential outages and subsequent response that's critically important. This is long overdue and from my perspective, I think this is the most important part of this bill long-term.

The second part of the bill I have concerns with. This passed previously. It had 26 no votes, the other bill passed unanimously, which does create this credit reimbursement for utilities to residents and small businesses who receive, like, a bill credit of \$25 a day for each 24 hour period after the first consecutive 48 hours after that emergency event to get reimbursed for food and meds. There were some modifications made to that in this bill; instead of 40 hours, it's now 72 hours which I think is a better thing for the overall perspective, and it also requires some itemized loss and proof of loss. And this will also be a positive thing for those residents who do have long-term outages and affected by the storms.

I know collectively a number of us on our side of the aisle will probably oppose this. Me, myself, I am going to support this legislation. Number one, I believe this storm hardening resiliency plan to improve the reliability of our infrastructure is critically -- critical to our response to our future storms and it's long, long overdue. And although I know there are concerns with this credit reimbursement aspect of it, there have been some positive changes that have been

made on to this aspect and we have -- can't forget that will be a benefit to the residents who do have impact and hurt from outages. So for that reason, I'm going to be supporting this legislation, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: Mr. Palmesano in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following colleagues in the affirmative: Mr. Brown, Mr. Giglio, Mr. Mikulin, Mr. Montesano, Mr. Schmitt, Mr. Smith, and Mr. Tannousis. Thank you, sir.

ACTING SPEAKER ZEBROWSKI: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 22, Rules Report No. 692, the Clerk will read.

THE CLERK: Senate No. S06916-A, Rules Report No. 692, Senator Kavanagh (Cymbrowitz--A07918). An act to amend the Local Emergency Housing Rent Control Act, in relation to the date in Calendar Year 2022 when the local legislative Body of a city having a population of one million or more may determine the continuation of the emergency; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER ZEBROWSKI: Mr. Goodell.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Senate Bill 6916-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. I think it's only appropriate that we finish the debate calendar hopefully for this year with a bill acknowledging, recognizing, and documenting 80 years of failed housing policy in the City of New York. In 1946 after the war, we implemented temporary emergency rent control. Okay, so I exaggerated, it really wasn't 80 years, it was only 70-whatever, 76. And then in 1962, not to be outdone, we implemented the Local Emergency Rent Control Act and under that act, we decided we had to survey how bad things were every three years. Well, that survey is due next year and I suspect just like the last 80 years, it's going to say things are pretty bad in New York City. And some people might think that eventually we might figure out that our housing strategy in New York City is not working. It's one of the only cities in the nation that still has rent control, and it's one of the only cities in the nation that still has emergency -- emergency situation.

So I hope once we get this data next year, albeit several months late because you can't rush a report about an emergency situation, and this bill extends that report for three months,

but hopefully, eventually, we'll figure out how bad our housing policy is after 80 years. Thank you, sir.

ACTING SPEAKER ZEBROWSKI: Mr. Goodell in the affirmative.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Would you please record Mr. DiPietro in the negative on this bill, please.

ACTING SPEAKER ZEBROWSKI: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, colleagues, good evening -- good morning, I should say. We've arrived at our opportunity to begin consenting. We have three Calendars that offer us opportunities to consent. We're going to start with the main Calendar and we're going to go to Rules Report No. 696 straight through to No. 747. Before we do that, Mr. Speaker, if we could offer a congratulations and happy birthday to Mr. Anderson, our colleague, who has just become 25.

(Applause)

ACTING SPEAKER ZEBROWSKI: Happy birthday, Mr. Anderson.

Page No. 22, Rules Report No. 696, the Clerk will read.

THE CLERK: Assembly No. A00465-A, Rules Report No. 696, Rozic, Bichotte Hermelyn, Jacobson. An act to amend the Election Law, in relation to the confidentiality of registration records for victims of domestic violence.

ACTING SPEAKER ZEBROWSKI: On a motion by Ms. Rozic, 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 ZEBROWSKI: The Clerk will record the vote on Senate Bill 155-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00471-C, Rules Report No. 697, Magnarelli, De La Rosa, Dinowitz, Colton, Simon, Vanel, Seawright, Perry. An act to amend the Vehicle and Traffic Law, in relation to certain equipment violations and fines.

ACTING SPEAKER ZEBROWSKI: On a motion by Mr. Magnarelli, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Senate Bill 784-B. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00616-A, Rules Report No. 698, L. Rosenthal, Lupardo, Seawright, Otis, Jackson, González-Rojas, Kelles. An act to amend the Correction Law, in relation to the rights of pregnant inmates.

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

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

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Senate Bill 399-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00661-A, Rules Report No. 699, L. Rosenthal. An act to amend the Mental Hygiene Law and the Racing, Pari-Mutuel Wagering and Breeding Law, in relation to gambling and the creation of a self-exclusion request for removal form.

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

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

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Senate Bill 412-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01143-A, Rules Report No. 700, Paulin, Eichenstein. An act to amend the Tax Law, in relation to codifying existing guidance on the application of sales and use tax.



ACTING SPEAKER ZEBROWSKI: On a motion by Ms. Paulin, 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 ZEBROWSKI: The Clerk will record the vote on Senate Bill 6301-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01566, Rules Report No. 701, Jean-Pierre. An act to amend the General Municipal Law, in relation to the Town of Babylon establishing an administrative adjudication hearing procedure for code and ordinance violations.

ACTING SPEAKER ZEBROWSKI: On a motion by Ms. Jean-Pierre, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Senate Bill 1368. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously

provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03028, Rules Report No. 703, McDonald, Hevesi, Otis. An act to amend the Executive Law, in relation to remedies for violations of the New York State Uniform Fire Prevention and Building Code Act.

ACTING SPEAKER ZEBROWSKI: On a motion by Mr. McDonald, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Senate Bill 1633. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04142-A, Rules Report No. 705, Niou, Jacobson. An act to amend the Election Law, in relation to candidate declination.

ACTING SPEAKER ZEBROWSKI: On a motion by Ms. Niou, 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 ZEBROWSKI: The Clerk will record the vote on Senate Bill 613-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04173, Rules Report No. 706, Rodriguez, Barron, Cook, Hyndman, Peoples-Stokes, Walker, Seawright. An act to amend the Executive Law and the State Finance Law, in relation to Minority- and Women-owned Business Enterprises post completion certification, duties of the Director and creating the Minority- and Women-owned Business Enterprise Fund.

ACTING SPEAKER ZEBROWSKI: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Assembly Bill 4173. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to

contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05238, Rules Report No. 707, Barrett, Dickens, Zinerman, Magnarelli, Thiele, Simon, Seawright, Galef, Stern, Fernandez, Montesano, González-Rojas, Forrest. Concurrent Resolution of the Senate and Assembly proposing amendments to Sections 3 and 4 of Article 17 of the Constitution, in relation to the protection and promotion of the mental health of New Yorkers.

ACTING SPEAKER ZEBROWSKI: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Assembly Bill 5238. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05324, Rules Report No. 708, Brabenec, Gunther, B. Miller, Schmitt. An act to amend Chapter 262 of the Laws of 2005, amending the Tax Law relating to authorizing the Town of Warwick to impose a real estate transfer tax with revenues therefrom to be deposited in said community preservation fund, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Brabenec, 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 ZEBROWSKI: The Clerk will record the vote on Senate Bill 2689. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you would please count our colleagues in the negative on this one: Mrs. Barrett, Mr. Burke, Ms. Buttenschon, Ms. Griffin, Ms. Lunsford, Ms. McMahon, Mr. Ramos, Mr. Santabarbara, Mr. Stern, Mr. Stirpe, Ms. Wallace, and Mr. Dinowitz.

ACTING SPEAKER ZEBROWSKI: So noted.

Colleagues, let's have some order in the Chamber.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Will you please record my colleague, Mr. Montesano, and my colleague, Mr. Tannousis, both in the negative on this vote, please.

ACTING SPEAKER ZEBROWSKI: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05585, Rules Report No. 711, Schmitt. An act to amend the Town Law, in relation to authorizing the Town of Chester, County of Orange to establish community preservation funds; to amend the Tax Law, in relation to authorizing the Town of Chester to impose a real estate transfer tax with revenues therefrom to be deposited in said community preservation fund; and providing for the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER ZEBROWSKI: On a motion by Mr. Schmitt, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect --

ACTING SPEAKER ZEBROWSKI: The bill is laid aside.

THE CLERK: Assembly No. A05761, Rules Report No. 712, Schmitt. An act to amend the Town Law, in relation to authorizing the Town of Blooming Grove, County of Orange to establish community preservation funds; to amend the Tax Law, in

relation to authorizing the Town of Blooming Grove to impose a real estate transfer tax with revenues therefrom to be deposited in said community preservation fund; and providing for the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER ZEBROWSKI: On a motion by Mr. Schmitt, 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 ZEBROWSKI: The Clerk will record the vote on Senate Bill 1811. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06138, Rules Report No. 713, Thiele. An act to amend the General Municipal Law, in relation to local civil administrative enforcement procedures in the Town of East Hampton.

ACTING SPEAKER ZEBROWSKI: On a motion by Mr. Thiele, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Senate Bill 5556. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06235-B, Rules Report No. 715, González-Rojas, Gallagher, Jackson, Epstein, Simon, Seawright, Fernandez, Cruz, Dinowitz, Gottfried, Carroll, Richardson, Anderson, Quart, Hevesi, Septimo, Rodriguez, Jean-Pierre, Fall, Barnwell, Forrest, Cusick, Steck, Thiele, Otis, Glick. An act to amend the Public Authorities Law, in relation to requiring the Metropolitan Transportation Authority to develop a strategic action plan to improve bicycle and pedestrian access at its bridges and passenger stations.

ACTING SPEAKER ZEBROWSKI: 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 ZEBROWSKI: The Clerk will record the vote on Senate Bill 4943-B. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously



provided.

(The Clerk recorded the vote.)

Ms. González-Rojas to explain her vote.

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

I have the privilege of representing a district where we have a vibrant and growing number of cyclists. I, myself, have increased cycling during the pandemic and last year, I joined some of my colleagues on a bike protest to (inaudible) in Astoria. The positive physical health, mental health, and environmental justice outcomes of cycling are well-founded, so we must provide as much access to this mode of transportation as possible. Currently, an estimated 900,000 New Yorkers ride a bike regularly, so we have to ensure that their voices are heard when decisions are made about upcoming MTA projects so that we can factor bike and pedestrian access into those plans.

Right now, of the three MTA bridges between Manhattan, Queens, and the Bronx, none of them create -- have a bike lane. The RFK Triborough Bridge officially requires bicyclists to carry their bikes up a staircase. This does not provide the kind of access that our communities need in order to engage in cycling. This legislation will result in a mechanism for the voices and the concern of cyclists to be heard by the MTA and will inform its strategy. I'm proud to have sponsored this legislation with my colleague in the Senate, whose leadership I respect and admire. I also want to thank the Speaker for bringing this bill to a vote. And as always, I'd like to thank the advocates, including Bike New York, StreetsPAC,

Transportation Alternatives, Brooklyn Waterfront Greenway Initiative, Regional Plan Association, and all the Bike Twitter. I proudly vote in the affirmative.

ACTING SPEAKER ZEBROWSKI: Ms.

González-Rojas in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06267, Rules Report No. 716, Mamdani, Barnwell. An act to amend the State Administrative Procedure Act, in relation to public hearings on proposed rules; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER ZEBROWSKI: On a motion by Mr. Mamdani, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

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

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Senate Bill 155. 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. Mamdani to explain his vote.

MR. MAMDANI: Thank you, Mr. Speaker. I'm

proud to be a member of a Chamber that fundamentally believes in the ethos of Democracy, and it is that belief that lead me to the ideology of Socialism, a belief that we must extend Democracy from the ballot box to the rest of our society. What this bill does is it seeks to Democratize our State agencies by ensuring that they have the authority to hold hearings on weekends and evenings, by providing them through a medium where they can be more accessible to constituents to ask questions in round table formats, and starting a pilot program whereby if you have a 125 petitions from any group of people that the top seven agencies would be required to hold a hearing.

So I thank everyone who has been a part of bringing this piece of legislation to the floor, and I also want to thank all of my constituents in Astoria and Northwest Queens for the advocacy that they have done in the years prior and the years past that ensures legislation such as this is necessary because they have been locked out of the Democratic process by arcane rules. So this is a bill that seeks to hold Albany more accountable to Astoria. It is a bill that seeks to ensure that we have a Democracy that lives up to its name in a small, humble step. Thank you very much, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: Mr. Mamdani in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Congratulations, Mr. Mamdani, on your first bill.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A06383, Rules Report No. 717, Burke. An act to authorize Jason M. Schiedel to receive certain credit under Section 384-d of the Retirement and Social Security Law.

ACTING SPEAKER ZEBROWSKI: On a motion by Mr. Burke, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Senate Bill 4401. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06430-A, Rules Report No. 718, Hyndman, Galef, Dickens, Perry, Paulin. An act to amend the Public Health Law, in relation to creating the Sickle Cell Disease Detection and Education Program.

ACTING SPEAKER ZEBROWSKI: Read the last

section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Assembly Bill 6430-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06547-A, Rules Report No. 719, Abbate. An act to amend the Retirement and Social Security Law, in relation to providing a heart disease presumption for certain fire marshals in Nassau County.

ACTING SPEAKER ZEBROWSKI: On a motion by Mr. Abbate, the Senate bill is before the House. The Senate bill is advanced. Read the last section. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate Bill 7167. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06576-A, Rules Report No. 720, Eichenstein, Carroll, Pheffer Amato, Weinstein, Colton, Simon. An act to amend the Education Law, in relation to pendency placements in a school district in a city having a population of one million or more.

ACTING SPEAKER ZEBROWSKI: Read the last section.

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

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Assembly Bill 6576-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Eichenstein to explain his vote.

MR. EICHENSTEIN: Thank you, Mr. Speaker. If you live in New York City and your family has no needs for special education services, consider yourself blessed. I have personally met with many families who have special needs children and I have seen them experience these challenges and difficulties up close. Raising a

child with disabilities is very hard. In many cases, it's a round-the-clock job. There is no rest, there's no respite. There's so much to deal with emotionally, physically, and financially.

Unfortunately in New York City, special needs children for whom the local school district cannot provide an appropriate placement which is, by the way, required by Federal law, could take months if not a year or two until they reimburse. This is precisely why I'm proposing this legislation on behalf of these children and their families all across the City. Each and every one of us City members have constituents who are unfortunately struggling with this unjust burden, an injustice which, by the way, dates back close to two decades. These families are dealing with a lot. This legislation hopefully when enacted into law will ease the burden just a bit. I want to thank the Speaker for allowing me to bring this piece of legislation to the floor, and I hope my colleagues will support me in this important piece of legislation. Thank you, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: Mr.

Eichenstein in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07352, Rules Report No. 722, Abinanti. An act to amend the State Finance Law, in relation to requiring the Office for People with Developmental Disabilities to submit a detailed report of proposed savings and investment initiatives

within the Executive Budget.

ACTING SPEAKER ZEBROWSKI: On a motion by Mr. Abinanti, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Senate Bill 6292. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07369-A, Rules Report No. 723, Gottfried, Barron. An act to amend the Public Health Law, in relation to telehealth delivery of services by physical therapy and occupational therapy assistants, chiropractors and mental health practitioners.

ACTING SPEAKER ZEBROWSKI: Read the last section.

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

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Assembly Bill 7369-A. This is a fast roll call. Any



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

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07444, Rules Report No. 724, Abbate, Lawler. An act to authorize the Town of Orangetown to offer a certain retirement option to Orangetown Police Officers Patrick J. Casey, Elizabeth M. Muckell and Keith E. Trojan.

ACTING SPEAKER ZEBROWSKI: On a motion by Mr. Abbate, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Senate Bill 7169. 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. Lawler to explain his vote.

MR. LAWLER: Thank you, Mr. Speaker. I just want to take a moment to thank Chairman Abbate for moving this legislation forward to help correct a mistake that was made when

Officer Casey, Muckell and Trojan became police officers in the Town of Orangetown, and appreciate his help in getting this legislation through. Thank you. I vote in the affirmative.

ACTING SPEAKER ZEBROWSKI: Mr. Lawler in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07615, Rules Report No. 725, Thiele. An act to amend the Highway Law, in relation to designating a portion of the State Highway System as "State Trooper Jose A. Rosado Memorial Bridge."

ACTING SPEAKER ZEBROWSKI: On a motion by Mr. Thiele, 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 ZEBROWSKI: The Clerk will record the vote on Senate Bill 6765. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07620, Rules Report No. 726, Stern, Abbate. An act to amend the Retirement and Social Security Law, in relation to death benefits for deputy sheriffs employed by Suffolk County.

ACTING SPEAKER ZEBROWSKI: On a motion by Mr. Stern, the Senate bill is before the House. The Senate bill is advanced. Read -- and a Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Senate Bill 6796. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07624, Rules Report No. 727, Thiele. An act to amend the Highway Law, in relation to designating a portion of the State Highway System as "State Trooper Donald A. Strand Memorial Bridge."

ACTING SPEAKER ZEBROWSKI: On a motion by Mr. Thiele, 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 ZEBROWSKI: The Clerk will record the vote on Senate Bill 6764. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07647, Rules Report No. 728, Thiele. An act to amend the Town Law, in relation to the Peconic Bay Region Community Preservation Fund; and providing for the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER ZEBROWSKI: On a motion by Mr. Thiele, 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 ZEBROWSKI: The Clerk will record the vote on Senate Bill 6847. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07725-A, Rules Report No. 729, Zinerman, Jacobson. An act to amend the Labor Law, in relation to authorizing service of notice by electronic communication.

ACTING SPEAKER ZEBROWSKI: On a motion by Ms. Zinerman, 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 ZEBROWSKI: The Clerk will record the vote on Senate Bill 7135-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07757, Rules Report No. 730, Lupardo, Griffin, Barrett, Stirpe. An act to amend the Alcoholic Beverage Control Law, in relation to temporary manufacturing permits; and to repeal certain provisions of such law relating thereto.

ACTING SPEAKER ZEBROWSKI: On a motion by

Ms. Lupardo, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

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

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Senate Bill 6256-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07781-A, Rules Report No. 732, Blankenbush. An act to establish a Wind Energy Systems Tax Stabilization Reserve Fund in the Copenhagen Central School District to lessen or prevent increases in the school district's real property tax levy.

ACTING SPEAKER ZEBROWSKI: On a motion by Mr. Blankenbush, 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 ZEBROWSKI: The Clerk will record the vote on Senate Bill 6758-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to

contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07792, Rules Report No. 733, Stirpe. An act in relation to granting Michael Aregano additional service credit with the New York State and Local Police and Fire Retirement System.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Assembly Bill 7792. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Ms. Walsh.

MS. WALSH: Mr. Speaker, will you please record Mr. Fitzpatrick in the negative on this bill, please.

ACTING SPEAKER ZEBROWSKI: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07880-A, Rules Report No. 735, B. Miller. An act to authorize Gina Kehoe of the Town of Montgomery to take the Competitive Civil Service Examination for the position of police officer and to be placed on the eligible list for employment as a full-time police officer for the Town of Montgomery Police Department.

ACTING SPEAKER ZEBROWSKI: On a motion by Mr. Brian Miller, the Senate bill is before the House. The Senate bill is advanced. A Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Senate Bill 7154. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07943, Rules Report No. 739, Weinstein, Cymbrowitz. An act to amend the Education Law, in relation to impartial hearings in school districts in cities with a population of one million or more.



ACTING SPEAKER ZEBROWSKI: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Assembly Bill 7943. This is a fast roll call. Any member who wishes to be recorded -- the bill is laid aside.

THE CLERK: Assembly No. A08027, Rules Report No. 741, Pheffer Amato. An act to amend the Judiciary Law, in relation to the number of Supreme Court Justices in each judicial district.

ACTING SPEAKER ZEBROWSKI: On a motion by Ms. Pheffer Amato, 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 ZEBROWSKI: The Clerk will record the vote on Senate Bill 7220. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Mr. Speaker, would you please record Mr. Fitzpatrick and Mr. DiPietro in the negative on this bill.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08028, Rules Report No. 742, Walker. An act to amend the Public Officers Law, in relation to the dates by which the Governor may make proclamation of a special election to fill certain offices.

ACTING SPEAKER AUBRY: On a motion by Ms. Walker, 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 7227. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08032, Rules Report No. 743, Weinstein. An act to amend Chapter 53 of the Laws of 2021, enacting the Aid to Localities Budget, and to amend Chapter 54 of the Laws of 2021, enacting the Capital Projects Budget, in relation to making technical corrections thereto.

ACTING SPEAKER AUBRY: On a motion by Ms.

Weinstein, 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 7234. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08033, Rules Report No. 744, Dilan. An act to amend the Tax Law, in relation to providing an exclusion from income for amounts received pursuant to the COVID-19 Pandemic Small Business Recovery Grant Program.

ACTING SPEAKER AUBRY: On a motion by Mr. Dilan, 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 7230. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08034, Rules Report No. 745, McDonald. An act to amend the Tax Law, in relation to providing a deduction for repayment of amounts reported in a taxpayer's income in a previous year.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7231. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08036, Rules Report No. 747, Abbate. An act to amend the Civil Service Law, in relation to compensation, benefits and other terms and conditions of employment of certain State officers and employees; to implement

agreements between the State and an employee organization; making an appropriation for the purpose of effectuating certain provisions thereof; and to repeal certain provisions of the Civil Service Law relating thereto.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7232. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, colleagues, so we can move to our next Calendar, which is the A-Calendar. We're going to start with page 3 on resolutions and move straight through. There's some 50 bills here, we can get those done with some expediency, we can move on to our last Calendar and a couple debates.

ACTING SPEAKER AUBRY: A-Calendar, page 3,

Assembly Resolution No. 445, the Clerk will read.

THE CLERK: Assembly Resolution No. 445, Heastie. Assembly Resolution amending Assembly Resolution R 2002 of 2008 establishing a plan setting forth an itemized list of grantees for the New York State Capital Assistance Program established pursuant to an appropriation in the 2008-2009 State Fiscal Year and in Part QQ of Chapter 57 of the Laws of 2008.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 445. 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 resolution is adopted.

THE CLERK: Assembly Resolution No. 446, Mr. Heastie. Assembly Resolution establishing a plan setting forth an itemized list of grantees for a certain appropriation for the 2021-22 State Fiscal Year for grants in aid for services and expenses of the Education Department, human services organizations, criminal justice organizations and municipal entities, health programs and providers, veterans' organizations services, older adults programs, the Joseph P. Dwyer Veteran Peer-to-Peer Pilot Program, and the Edward Byrne Memorial Grant.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly Resolution No. 446. 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.)

Page 4, Rules Report No. 4 -- 748, the Clerk will read.

THE CLERK: Assembly No. 11 --

ACTING SPEAKER AUBRY: The resolution is adopted, I'm sorry.

THE CLERK: Assembly No. A00117-C, Rules Report No. 748, Gunther, Ramos, Lupardo, Abinanti, Wallace, Palmesano, O'Donnell, Lawler, Dickens, Barron. An act to amend the Mental Hygiene Law and the Executive Law, in relation to the closure or suspension of services of certain Office of Mental Health, Office for People with Developmental Disabilities or Office of Children and Family Services facilities and institutions.

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

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 1765-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00844-A, Rules Report No. 749, Jean-Pierre, Ramos. An act to amend the Real Property Law, in relation to requiring real estate brokers to receive training in cultural competency.

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

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 979-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.



(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01131-A, Rules Report No. 750, Bronson. An act in relation to enacting the Rochester Housing Court Act.

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

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 3280-B. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01141-A, Rules Report No. 751, Paulin, Magnarelli, McDonough, J. M. Giglio, González-Rojas, Epstein, Burdick, O'Donnell, Hevesi, Galef, Carroll, Englebright. An act to amend the Executive Law, in relation to prohibiting the disclosure of certain information required on financial disclosure reports of certain not-for-profit organizations.

ACTING SPEAKER AUBRY: On a motion by Ms. Paulin, 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 4817-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. Lawler to explain his vote.

MR. LAWLER: Thank you, Mr. Speaker. I will support the bill, though I do have concern that some 501(c)(3)s do engage in political activity and may use this as a way to shield certain donations to try and hide who is supporting their efforts to engage in political activity. I understand why many of the colleges and other non-profits would want to have their donors protected, but I do hope that the Attorney General does enforce the law with respect to any 501(c)(3)s that do engage in political activity and use this provision to try and hide the donations that support their efforts. Thank you.

ACTING SPEAKER AUBRY: Mr. Lawler in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02375-B, Rules Report No. 752, Dinowitz, Cook, Gunther, Sillitti, Galef, Montesano, McDonough, Jean-Pierre, Brown, Pheffer Amato, L. Rosenthal. An act to amend the Domestic Relations Law and the Executive Law, in relation to court-ordered forensic evaluations involving child custody and visitation.

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 2375-B. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02452-A, Rules Report No. 753, Fahy, Lupardo, Reyes, J. Rivera, Cook, D. Rosenthal, Taylor, Stirpe, Woerner, Cruz, Pichardo, Davila, Wallace, Santabarbara, Hevesi, Gunther, Rozic, Sayegh, DeStefano, Manktelow, Ashby, Forrest, McDonald, Hunter, Galef, Conrad, McMahon, González-Rojas, Richardson, Barrett, Sillitti, Griffin, Zinerman, Rodriguez, Clark, Buttenschon. An act to amend the Alcoholic Beverage Control Law, in relation to issuance of licenses to

motion picture theatres to sell wine and beer; and providing for the repeal of certain provisions upon the expiration thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 2452-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Minority -- Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you can record our colleagues in the negative on this one: Ms. Frontus, Mr. Steck, Mr. Dilan, Ms. Weinstein, Mr. Barnwell and Mrs. Peoples-Stokes.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02590-B, Rules Report No. 754, Eichenstein, Abbate, Barnwell, Bronson, Cruz, Dickens, Reyes, Taylor, D. Rosenthal, Joyner, Wallace, Braunstein, Rajkumar, Otis, Smith. An act to amend the Elder Law, in relation to reporting unmet need for programs and services for the aging.

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 2590. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03909, Rules Report No. 756, Dickens, Cruz, Fahy, Fernandez, Colton, Perry, Rodriguez, Simon, Taylor, Rozic, Pheffer Amato, O'Donnell, Quart, Richardson. An act to amend the Alcoholic Beverage Control Law, in relation to authorizing the issuance of a temporary retail permit by the State Liquor Authority to licensees located in a municipality having a population of one million or more persons.

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

Read the last -- the bill is laid aside.

THE CLERK: Assembly No. A04660-A, Rules Report No. 757, Cruz, Ashby, Burdick, Barrett, Thiele, Hevesi, J. Rivera, Simon, Gottfried, Lawler, Morinello, Salka, Tague. An act to amend the Executive Law, in relation to establishing the Alex R.

Jimenez New York State Military Immigrant Family Legacy Program.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 4660-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Ashby to explain his vote.

MR. ASHBY: Thank you, Mr. Speaker, for allowing me to explain my vote. I'd like to thank the sponsor of this legislation for her leadership and commitment to it. I'd like to thank the Committee Chairs and staff who've guided this legislation to the floor. And I'd like to give a little back story on it. On May 12th, 2007, Staff Sergeant Alex Jimenez was ambushed in Southern Iraq and was missing in action. His remains were later recovered in July 2008. And I have a recollection of that because I was in Diyala Province when his remains were recovered. But what I don't remember was that his spouse, Yaderlin, was in the process of being deported during that time. And that brings us to the bill at hand. What ended up happening is it caught the attention of Homeland Security and the Federal government when they started the Parole in Place Program. And this bill aims to reinforce the solution to this problem that should never happen. I want to thank the family of Staff Sergeant Jimenez,

Maria, Andy Sr., Andy Jr., Reynold. I had opportunity the opportunity to meet them over this past year during my time working with the sponsor, and it's just been an incredible and very meaningful experience. I want to thank them for their support and their tremendous sacrifice, and I want them to know, and everyone else to know, that with this legislation Alex will never be forgotten and this is his legacy.

Thank you, Mr. Speaker.

(Applause)

Ms. Cruz to explain her vote.

MS. CRUZ: Thank you, Mr. Speaker. If I'm willing to die for the United States why can't I be allowed to be with my family? This is the question that many immigrant members of our Armed Forces have to ask themselves every day. They're willing to make the ultimate sacrifice to defend our nation, and many are repaid with deportation orders for themselves or their loved ones. Their commitment represents extraordinary patriotism and honorable service which our country should respond to by offering a clear and expedited path to citizenship. Our bill will benefit immigrant veterans and their immigrant family members by ensuring that they have access to legal services and other resources to fight deportation, process their permanent residency application and ultimately become citizens. Because it's not enough to know that there's a path if you can't actually access it. Our effort was born out of a tragedy of the Jimenez family from Corona, Queens. Sergeant Alex Jimenez disappeared in Iraq and

his body was recovered 14 months later, all while his wife was facing deportation. Imagine the anguish of not knowing if your husband's body is ever going to be found while you still have to fight for the ability to remain in the country you call home. Their struggle opened the door for Parole in Place, a relief that allows spouses, children and parents of active duty veterans who enter the U.S. without authorization to remain in the country while they pursue their Green Card. Our program will secure resources so that other military immigrant families never have to face this and can find their path to citizenship. I want to thank the Speaker and the Chairs of our Committees, my partner in the Senate, my partner across the aisle. Thank you for your courage and for bringing us a fantastic piece of legislation to my doorstep. As you heard earlier, this is close to his heart and your commitment to our New York veterans is immeasurable. I also want to thank Sergeant Jimenez's mother, Maria Rosario, his father Andy, his cousin Reynold and his wife (inaudible) for allowing us to honor his memory.

(Speaking Spanish)

And with that, I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Cruz in the affirmative.

(Applause)

Mr. Taylor to explain his vote.

MR. TAYLOR: Thank you, Mr. Speaker. I rise to congratulate my colleagues on this piece of legislation. As a veteran



of this country and as a pastor, clergy there's is this text in scripture that says there's no greater sacrifice, no greater love than for a man to lay down his life for a friend. And for Sergeant -- Staff Sergeant Jimenez to place himself in harm's way for this nation, it's unconscionable that his family would have to even remotely experience something like this. So I want to thank her and all of those that have joined to make this a reality, the Speaker and so many more across the aisle that have looked at this and said this is the right thing to do. Nearly two decades after this man has lost his life for our country, the most unimaginable thing was happening.

So hats off, congratulations to my colleagues and Staff Sergeant Jimenez. You will always be remembered. Thank you so much. God bless. I'll be voting --

ACTING SPEAKER AUBRY: Mr. Taylor in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05095, Rules Report No. 758, Reilly, Cusick, Fall, Tannousis. An act directing the Port Authority of New York's -- of New York to study the alignment of the Outerbridge Crossing, in order to widen the bridge and increase the flow of traffic.

ACTING SPEAKER AUBRY: On a motion by Mr. Reilly, 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 4981. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05156, Rules Report No. 759, Benedetto, L. Rosenthal, Stirpe, Gunther, Abbate, Santabarbara, De La Rosa, Sayegh, Cruz, Zebrowski, Galef, Cymbrowitz, Lupardo, Dinowitz, Braunstein, Walczyk, Norris, Smullen, Montesano, McDonough, Tague, DeStefano, Schmitt, Brabenec, Paulin, Morinello, Ra, Salka, Simon, Magnarelli, M. Miller, Fernandez, Aubry, Jackson, Simpson, Durso. An act to amend the State Law, in relation to designating baseball as the official sport of the State of New York.

ACTING SPEAKER AUBRY: On a motion by Mr. Benedetto, 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 5363. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. While I certainly enjoy baseball and my Chief of Staff up here in Albany's son actually is a pitcher for Cincinnati, my family also has an affection for football and I don't think we should forget that.

(Laughter)

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: Thank you, Mr. Speaker. Many people know that I'm a -- I'm a big baseball fan. I think I may be the only one in the LOB or Capitol who has a seat for the stadium in my -- in my office. My office right upstairs I have two seats from Shea Stadium. So I'm a cosponsor of this bill, I'm certainly going to be voting for it. But I'm going to ask that the Governor insist on a chapter amendment that requires that the team play in Queens always let the pitcher hit and never have a DH in the National League.

I cast my vote in the affirmative. Thank you.

(Laughter)

ACTING SPEAKER AUBRY: Mr. Ra in the

affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed. Play ball.

THE CLERK: Assembly No. A05338, Rules Report No. 760, J.M. Giglio. An act to amend Chapter 264 of the Laws of 1981, relating to authorizing the sale of certain lands in the Towns of Cuba, Allegany County and Ischua, Cattaraugus County, and the State Finance Law, in relation to the sale of certain lands in the Towns of Cuba, Allegany County and Ischua, Cattaraugus County, and the disbursement of monies from the Cuba Lake Management Fund.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 5338. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06073-A, Rules Report No. 761, Perry, Taylor, Hyndman, Zinerman, Walker, Pichardo, Vanel, Richardson, Hevesi. An act to amend the Real

Property Tax Law and the Administrative Code of the City of New York, in relation to providing that a certain time limit for purposes of qualifying for a tax abatement shall not apply to certain brand-new from-the-ground-up construction sited on property purchased from the City of New York.

ACTING SPEAKER AUBRY: On a motion by Mr. Perry, 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 5882-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please count our colleague Mrs. Galef in the negative on this one?

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06362-A, Rules Report No. 762, DiPietro. An act to amend the Highway Law, in relation to designating a portion of the State highway system in

Wyoming County as the "CPL Gerald B. Ramsey Memorial Highway."

ACTING SPEAKER AUBRY: On a motion by Mr. DiPietro, 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 6546-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06377, Rules Report No. 763, DiPietro. An act to amend the Highway Law, in relation to designating a portion of the State highway system as the "Sgt. Daniel J. Murtha Memorial Bridge."

ACTING SPEAKER AUBRY: On a motion by Mr. DiPietro, 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 6547. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06457, Rules Report No. 764, Abbate, Durso, Jones, Lupardo, Hevesi, Woerner, Solages, Abinanti, Lavine, Ramos, Englebright, Griffin, Wallace, DeStefano, Santabarbara, Simon. An act to amend the Retirement and Social Security Law, in relation to establishing a 20-year retirement plan for members of officers of law enforcement.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 4523. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously

provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06634, Rules Report No. 765, Abbate. An act to amend the Retirement and Social Security Law, in relation to eligibility for retirement benefits for certain members of the Unified Court System.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 6634. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Will you please record Mr. Fitzpatrick as a no on this bill? Thank you.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06725, Rules Report



No. 766, Cahill. An act to authorize the County of Ulster to offer an optional 20-year retirement plan to certain deputy sheriffs employed by such county.

ACTING SPEAKER AUBRY: On a motion by Mr. Cahill, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 4343. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07086, Rules Report No. 767, McDonald. An act to amend the Public Authorities Law, in relation to updating certain references with respect to the Troy Industrial Development Authority, eliminating an automatic corporate termination clause when all bonds have been repaid, allowing the Troy Industrial Development Authority to deposit and manage its own funds and accounts, adding certain retail restrictions and making certain technical corrections.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7082. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07221, Rules Report No. 768, Zebrowski. An act to amend the Highway Law, in relation to designating a portion of the State highway system as the "Rockland County Clerk Paul Piperato Memorial Highway."

ACTING SPEAKER AUBRY: On a motion by Mr. Zebrowski, 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 6221. This is a fast roll call. Any

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

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07342, Rules Report No. 769, Abbate. An act to amend the Retirement and Social Security Law, in relation to disability retirement benefits for sheriffs, deputy sheriffs, undersheriffs and correction officers in Nassau County.

ACTING SPEAKER AUBRY: On a motion by Mr. Abbate, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 6710. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07356-A, Rules Report No. 770, Woerner. An act to amend the Mental Hygiene Law, in relation to establishing a public awareness campaign to combat the stigma and stereotyping of individuals with intellectual and developmental disabilities.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 7356-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07582-A, Rules Report No. 771, Hevesi, Thiele, Davila, Kelles, Lupardo. An act to amend the Social Services Law, in relation to certain families' access to child care assistance.

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

THE CLERK: Assembly No. A07590-A, Rules

Report No. 772, Byrne. An act in relation to authorizing the Town of Yorktown, County of Westchester, to alienate and discontinue the use of certain parkland.

ACTING SPEAKER AUBRY: On a motion by Mr. Byrne, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 6553-C. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

ACTING SPEAKER ROZIC: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker. Could you please record our colleagues Mrs. Barrett, Mr. Dilan, Ms. Linda Rosenthal, Mr. Colton, Mr. Englebright, Mrs. Gunther, Mr. Cahill, Ms. Walker, Ms. Simon, Mr. Carroll in the negative on this one please? Thank you.

ACTING SPEAKER ROZIC: Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07598, Rules Report

No. 773, Gottfried, Dinowitz, Colton, Dickens, Gunther, Cymbrowitz, Epstein, Barron, McDonald, Paulin, Griffin, Galef, Steck, Zebrowski, Zinerman, Hunter, Thiele, Barrett, Fahy, Otis, Eichenstein, Simon, Jacobson, Stern, Davila Jones, D. Rosenthal. An act to amend the Social Services Law and the Public Health Law, in relation to protecting access to pharmacy services.

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

Read the last section.

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

ACTING SPEAKER ROZIC: The Clerk will record the vote on S.6603. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07611-A, Rules Report No. 774, Kelles, Englebright, Thiele, Septimo, Burdick, Epstein, Otis, Griffin, Glick, Colton, Gottfried. An act to amend the Public Authorities Law, in relation to proceeds from the auction or sale of carbon dioxide emission allowances.

ACTING SPEAKER ROZIC: Read the last section.

THE CLERK: This act shall take effect March 31st, 2022.

ACTING SPEAKER ROZIC: The Clerk will record the vote on A.7611-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07614, Rules Report No. 775, Benedetto, Cymbrowitz. An act to amend the Education Law, in relation to appointing an impartial hearing officer during certain appeal procedures for children with handicapping conditions.

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

Read the last section.

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

ACTING SPEAKER ROZIC: The Clerk will record the vote on S.6682. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07627, Rules Report No. 776, DiPietro. An act in relation to granting Blake Russell additional service credit with the New York State and Local Police and Fire Retirement System.

ACTING SPEAKER AUBRY: On a motion by Mr. DiPietro, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 6336. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07642, Rules Report No. 777, Steck. An act to authorize the Town of Niskayuna, in the



County of Schenectady, to offer certain retirement options to John F. Connor, Jeffrey A. Relation, Joseph H. Twitty and Paul J. Daly, police officers employed by such town.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 7642. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07704, Rules Report No. 778, Fernandez. An act to amend the Insurance Law, in relation to providing behavioral health parity (Part A); and to amend the Insurance Law, in relation to the authorization for certain drugs for the detoxification or maintenance of a substance use disorder (Part B).

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07842-B, Rules Report No. 779, Cahill. An act to authorize the Village of New Paltz, County of Ulster, to alienate and discontinue the use of certain

parklands for the purpose of installing two wells for the benefit of village and town residents served by the municipal system authorize the Village of New Paltz, County of Ulster.

ACTING SPEAKER AUBRY: On a motion by Mr. Cahill, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 4938-C. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, we have several colleagues that would like to be counted in the no on this one. It's Mrs. Barrett, Mr. Dilan, Ms. Rosenthal, Mr. Colton, Mr. Englebright, Mrs. Gunther, Ms. Walker, Ms. Simon, Mr. Carroll, including those colleagues that are in the Chamber who took their own vote.

Thank you, sir.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07967, Rules Report No. 780, Gallahan, Palmesano. An act to amend the Tax Law, in relation to allocating certain tax revenues for the promotion of tourism and tourist attractions in Seneca County.

ACTING SPEAKER AUBRY: On a motion by Mr. Gallahan, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7117. 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.

On the last night, your first vote, Mr. Gallahan.  
Congratulations.

(Applause)

That's what I call playing it close, Mr. Gallahan.

(Laughter)

The Clerk will read.

THE CLERK: Assembly No. A08007, Rules Report No. 781, Rajkumar. An act to amend the Executive Law, in relation to the definition of the term "employee" for purposes of the Human Rights Law; and to repeal Section 296-b of the Executive Law, relating to unlawful discriminatory practices relating to domestic workers.

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

The Clerk will record the vote on -- read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 5064. This is a Party vote. Any member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. This will be a Party vote. The Republican Conference will be generally voting no on this bill for the reasons that will shortly in short time be stated by my esteemed colleague to my left. Thank you.

Oh, if anybody wants -- doesn't want to follow the Conference position, please contact the Minority Leader's Office and

we'll record your vote appropriately. Thanks.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Majority Conference will be generally in favor of this one. However, if there are members who would like to be an exception, please feel free to contact the Majority Leader's Office so your vote can properly be recorded.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir. The current provisions in the Executive Law exempt domestic workers from a lot of the employee requirements that would otherwise apply, reflecting the fact that most domestic workers are employed by individual families. This legislation would remove that exemption, thus requiring individual families that employ the services of a domestic worker to comply with all the human rights provisions, including reasonable accommodations due to disability or pregnancy, age, use -- use of leave or need for reasonable accommodations. All these are certainly appropriate in a normal employment context, but not normally appropriate in the context of a residential home with individuals that are simply using or obtaining help from an individual in their home.

For that reason I'm recommending against this legislation. Thank you, sir.

ACTING SPEAKER AUBRY: Ms. Rajkumar.

MS. RAJKUMAR: Today with this bill we have the opportunity to bring dignity and respect to a whole class of workers who are too often undervalued in our great State; domestic workers. They are primarily women of color and immigrant women with aspirations for a better life. The current New York State Human Rights Law specifically excludes domestic workers, even though these protections apply to every other worker in the State. This bill writes them back in. Domestic workers free up the time and attention of millions of working families by caring for our children, our aging parents, our loved ones living with disabilities. In short, domestic work is the work that makes all other work possible. This is the second-fastest growing industry in the United States, and the workers in this industry should be treated seriously. But domestic work primarily occurs behind closed doors, making domestic workers vulnerable to abuse. Ensuring these caretakers are given basic human rights protections will bring them the dignity and respect that they deserve, which will be better for our families, for our economy, for our State. In New York State, 93 percent of domestic workers are women, 69 percent are immigrants and 30 percent are Black. With this bill today we will take the significant and meaningful step of writing approximately 350,000 immigrant women and women of color into the Human Rights Law.

Thank you.

ACTING SPEAKER AUBRY: Ms. Rajkumar in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08011, Rules Report No. 782, Thiele. An act authorizing the County of Suffolk to alienate and discontinue the use of certain parklands.

ACTING SPEAKER AUBRY: On a motion by Mr. Thiele, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7182. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, we have a few exceptions on Assembly Bill 8011: Mrs. Barrett, Mr. Dilan, Ms. Rosenthal, Mr. Colton, Mr. Englebright, Mrs. Gunther, Ms. Niou, Mr. Cahill, Ms. Walker, Ms. Simon, Mr. Carroll and Mr. Barnwell.

Thank you, sir.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08013, Rules Report No. 783, Benedetto, Simon, Wallace, Fall, McMahon, Lunsford, Stirpe, Griffin, Otis. An act to amend the Education Law, in relation to providing an annual growth amount for tuition and regional rate reimbursement for approved school-age and preschool special education programs.

ACTING SPEAKER AUBRY: On a motion by Mr. Benedetto, 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 6516-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08014, Rules Report No. 784, Otis. An act in relation to authorizing the City of New



Rochelle, County of Westchester, to sell, convey and alienate certain land, in furtherance of an economic development interest of the State and/or City of New Rochelle.

ACTING SPEAKER AUBRY: On a motion by Mr. Otis, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7184. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could record our colleagues Mrs. Barrett, Mr. Dilan, Ms. Linda Rosenthal, Mr. Colton, Mr. Englebright, Mrs. Gunther, Ms. Niou, Mr. Cahill, Ms. Walker, Ms. Simon, Mr. Carroll, Mr. Barnwell and Ms. Weinstein in the negative on this one.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08023-A, Rules

Report No. 785, Benedetto. An act in relation to authorizing the Commissioner of Education to conduct a study on incorporated nonpublic schools in the State; and to amend the Education Law, in relation to nonpublic school compliance with instruction requirements.

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 8023-A. This is a fast roll call. Any one -- any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08029, Rules Report No. 786, Pretlow. An act to amend the Public Authorities Law, in relation to authorizing the Yonkers Parking Authority to issue bonds or notes in the principal amount not to exceed \$60 million to finance critical infrastructure improvements to parking facilities located in the city of Yonkers.

ACTING SPEAKER AUBRY: On a motion by Mr. Pretlow, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7236. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08037, Rules Report No. 787, Heastie. An act to amend Chapter 50 of the Laws of 2021, enacting the State Operations Budget, in relation to services and expenses relating to investigations and hearings.

ACTING SPEAKER AUBRY: On a motion by Mr. Heastie, 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 7237. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08041, Rules Report No. 788, Lunsford. An act to amend the Civil Practice Law and Rules, in relation to insurance disclosures.

ACTING SPEAKER AUBRY: On a motion by Ms. Lunsford, 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 bill is laid aside.

THE CLERK: Assembly No. A07938, Rules Report No. 789, Ashby. An act to amend the Criminal Procedure Law, in relation to designating the animal control officer in the Town of Sand Lake as a peace officer.

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 7938. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01145-A, Rules Report No. 790, Paulin. An act to amend the Vehicle and Traffic Law, the General Municipal Law and the Public Officers Law, in relation to certain traffic infractions and notices of liability; to amend the Vehicle and Traffic law, in relation to adjudications and owner liability for a violation of traffic-control signal indications in the Village of Pelham Manor; to repeal certain provisions of the Vehicle and Traffic Law relating thereto; and providing for the repeal of certain provisions upon expiration thereof.

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

Read the last section.

THE CLERK: This act --

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 415-A [sic]. 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 --

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

ACTING SPEAKER AUBRY: So noted.

Mr. Goodell.

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

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06375-A, Rules Report No. 791, Perry. An act in relation to designating Kings County as a cease and desist zone.

ACTING SPEAKER AUBRY: On a motion by Mr. Perry, 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 vote -- record the vote on Senate print 2929-B. This is a fast roll. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06393, Rules Report No. 792, Griffin. An act to amend the Public Authorities Law, in relation to establishing the South Nassau Water Authority.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 5527. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Ms. Griffin to explain her vote.

MS. GRIFFIN: Thank you for allowing me to speak on my vote, Mr. Speaker. The 124,000 New York American Water ratepayers in Nassau County deserve a viable solution to the exorbitant costs, poor quality and inconsistent service they've been forced to endure for years. This has been an enormous burden to these

ratepayers, one that those served by municipal water don't have to bear. Ninety-six percent of New Yorkers have municipal water, and now this legislation establishes the South Nassau Water Authority to enable municipalization that would be better equipped to serve New York American Water ratepayers. The South Nassau Water Authority includes all those areas in the Town of Hempstead that are served by New York American Water. Reaching a consensus with the Senate to resolve this major issue has been a priority for me, and today we did just that. Although we have more work to do regarding municipalization efforts, I look forward to the Governor signing this legislation into law.

Thank you to all my colleagues for supporting this bill. Thank you to the Speaker for bringing it to the floor, and thank you to the staff who supported this effort. I really appreciate your assistance. I vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Griffin in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. We note that this authorizes the South Nassau Water Authority to be south of the Town of Hempstead. We are also hoping that this would include the Lynbrook fire town and some of the other neighboring communities. And if that's the situation, the Republican Caucus is happy to support this important legislation.

ACTING SPEAKER AUBRY: Are there any other



votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07177-B, Rules Report No. 793, Gunther, Frontus, Fernandez. An act to amend the County Law, in relation to a 9-8-8 suicide prevention and mental health crisis hotline system.

ACTING SPEAKER AUBRY: On a motion by Mrs. Gunther, 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 6194-B. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07786, Rules Report No. 794, Cahill. An act in relation to require the Department of Financial Services in consult -- in consultation with the Department of Taxation and Finance, to conduct a study regarding insurance or other

risk mitigation tools and third -- party payroll service providers.

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

THE CLERK: Assembly No. A08026, Rules Report No. 795, Peoples-Stokes. An act granting a retroactive retirement date of August 5, 2010 from -- from New York State and Local Police and Fire Retirement System for Carol -- Cariol Horne.

ACTING SPEAKER AUBRY: On a motion by Mrs. Peoples-Stokes, the Senate bill is before the House. The Senate bill is advanced. Home Rule is message at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7209. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08040, Rules Report No. 796, Dinowitz. An act to amend the Civil Practice Law and Rules, in relation to admissibility of an opposing party's statement.

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

THE CLERK: Assembly No. A04870, Rules Report No. 797, Goodell. An act to amend the Criminal Procedure Law, in relation to designating uniformed court officers in the Town of Busti, County of Chautauqua, as peace officers.

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 4870. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01927-A, Rules Report No. 798, L. Rosenthal, Reyes, Griffin, Fernandez, Davila, DeStefano, Steck. An act to amend the Mental Hygiene Law, in relation to establishing a Council for Treatment Equity within the Office of Addiction Services and Supports.

ACTING SPEAKER AUBRY: On a motion by Ms. Rosenthal, the Senate bill is before the House. The Senate bill is

advanced.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 679-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A6745-A, Rules Report No. 799, Lawler. An act in relation to authorizing the Town of Orangetown, County of Rockland, to discontinue the use of certain parkland.

ACTING SPEAKER AUBRY: On a motion by Mr. Lawler, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 5953-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to

contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could record our colleagues in the negative on 6745: Mrs. Barrett, Mr. Dilan, Ms. Rosenthal, Mr. Colton, Mr. Englebright, Mrs. Gunther, Mr. Cahill, Ms. Walker, Ms. Simon, Mr. Carroll and Mr. Barron.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07164-A, Rules Report No. 800, Lawler. An act in relation to validating certain acts by the Pearl River Union Free School District relating to final building cost reports required to be filed with the State Education Department.

ACTING SPEAKER AUBRY: On a motion by Mr. Lawler, 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 4963-A. This is a fast roll call, and I've told you all night what you should do if you want to be a negative.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01508, Rules Report No. 801, Dinowitz, Aubry, Cruz, Jacobson, L. Rosenthal, Sayegh. An act to amend the Banking Law, the Uniform Commercial Code and the Civil Practice Law and Rules, in relation to reverse cooperative apartment unit loans.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 760. This is a fast roll call, and remember what I said before.

(Laughter)

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06011, Rules Report No. 802, Lawler. An act to amend the Real Property Tax Law, in relation to extending limitations on the shift between classes of taxable

property in the Town of Orangetown, County of Rockland.

ACTING SPEAKER AUBRY: On a motion by Mr. Lawler, 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 for Senate print 3992. This is a fast roll call.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07629-A, Rules Report No. 803, Goodell. An act to amend Chapter 129 of the Laws of 2020, authorizing the Towns of Mina and French Creek in Chautauqua County to elect a single town justice to preside in the town courts of such towns, in relation to authorizing the Towns of Sherman, Mina, French Creek and Clymer in Chautauqua County to elect a single town justice to preside in the town courts of such towns.

ACTING SPEAKER AUBRY: On a motion by Mr. Goodell, 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 6565-A. This is a fast roll call.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07698, Rules Report No. 804, Goodell. An act in relation to permitting The Abundant Life Church to file an application for a real property tax exemption.

ACTING SPEAKER AUBRY: On a motion by Mr. Goodell, 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 6909. This is a fast roll call.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06044, Rules Report No. 805, Dinowitz, Gottfried, Bichotte Hermelyn, Reyes, Taylor, O'Donnell, Eichenstein, Simon, J.A. Giglio, Blankenbush, D. Rosenthal, Fall, Seawright, Rajkumar, L. Rosenthal, Tannousis, Rozic, J. Rivera, Cusick, Jones, Burgos, J.D. Rivera, Davila, Jackson, Burdick, Braunstein, Morinello, Norris. An act to amend the Judiciary



Law, in relation to making technical changes to provisions providing for certification for service as a retired judge of the Court of Appeals or a retire justice of the Supreme Court.

ACTING SPEAKER AUBRY: On a motion by Mr. Dinowitz, 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 4379. This is a fast roll call.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07751-A, Rules Report No. 806, Lawler. An act in relation to authorizing Cong Yeshiva Zera Yakov, Inc. to file an application for a real property tax exemption.

ACTING SPEAKER ANDERSON: On a motion by Mr. Lawler, 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 ANDERSON: The Clerk will

record the vote on Senate 6972 -- 6961-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06972, Rules Report No. 807, Goodell. An act to legalize, validate, ratify and confirm the actions of the Panama Central School District notwithstanding the failure to timely file final building cost reports with the Education Department.

ACTING SPEAKER ANDERSON: On a motion by Mr. Goodell, 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 ANDERSON: The Clerk will record the vote on Senate bill 1798. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please record our colleague Linda Rosenthal in the negative on 6972? Thank you.

ACTING SPEAKER ANDERSON: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07112, Rules Report No. 808, Reyes, Rodriguez, Anderson, J. Rivera, Gallagher, Cruz, Dinowitz, Barron, Seawright, Zinerman, Abinanti, Mitaynes, Forrest, Lavine, Simon. An act to amend the Banking Law, in relation to prohibiting State-chartered banking institutions from investing in and providing financing for private prisons.

ACTING SPEAKER ANDERSON: On a -- on a motion by Ms. Reyes, the Senate bill is before the House. The Senate bill is advanced and -- and the bill is laid aside.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, moving right along. Could you please advance the B-Calendar?

ACTING SPEAKER AUBRY: On a motion by Mrs. Peoples-Stokes, the B-Calendar is advanced.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Colleagues, if we can turn our attention to page 3 on the B-Calendar, there are two bills which we will take up immediately on consent.

ACTING SPEAKER AUBRY: Page 3, Rules Report No. 809, the Clerk will read.

THE CLERK: Assembly No. A08035-A, Rules Report No. 809, Paulin. An act to amend the Public Authorities Law, in relation to the authority and responsibility of the Chairman of the Metropolitan Transportation Authority; and to repeal certain provisions of such law relating thereto.

ACTING SPEAKER AUBRY: Read the last -- Governor's Message is at the desk, the Clerk will read.

THE CLERK: I hereby certify to an immediate vote, Andrew M. Cuomo, 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 8035-A. This is a fast roll call.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could record our colleagues Mr. Mamdani and Mr. Barnwell in the negative.

ACTING SPEAKER AUBRY: So noted.

Mr. Goodell.

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

ACTING SPEAKER AUBRY: So noted, thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05373-A, Rules Report No. 810, Lawler. An act to amend the Town Law, in relation to authorizing the Town of Orangetown, County of Rockland to establish community preservation funds; to amend the Tax Law, in relation to authorizing the Town of Orangetown to impose a real estate transfer tax with revenues therefrom to be deposited in said community preservation fund; and providing for the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 5373-A. This is a fast roll call.

(The Clerk recorded the vote.)

Mr. Lawler to explain his vote.

MR. LAWLER: Thank you, Mr. Speaker. I just wanted to take the opportunity to thank Leader Barclay for working with me to get this to a floor vote, and to the Speaker for allowing it to come to the floor. This is an important piece of legislation for my community to help preserve open space, protect historic sites, and ensure responsible development in the town, and it's a tool for the town moving forward to do just that. So I, again, thank the Leader and the Speaker for allowing this to come to the floor, and will be

voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Lawler in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I do have a few exceptions on this one: Mrs. Barrett, Mr. Burke, Ms. Buttenschon, Ms. Griffin, Ms. Lunsford, Ms. McMahon, Mr. Ramos, Mr. Santabarbara, Mr. Stern, Mr. Stirpe, Ms. Wallace, and Mr. Barnwell.

ACTING SPEAKER AUBRY: So noted.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleagues Mr. Montesano and Mr. Tannousis in the negative. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell, so noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If we could now go back to our A-Calendar, there were a few bills that were laid aside, I want to go back to them. They are Rules Report No. 756 by Ms. Dickens; No. 778 by Ms. Fernandez; No. 788 by Ms. Lunsford; and No. 796 by Mr. Dinowitz. In that

order, Mr. Speaker. Thank you.

ACTING SPEAKER AUBRY: Thank you very much.

The Clerk will read, page 5, Rules Report No. 756.

THE CLERK: Assembly -- Senate No. S02743, Rules Report No. 756, Senator Ramos (Assembly No. A03909, Rules Report No. 756, Dickens, Cruz, Fahy, Fernandez, Colton, Perry, Rodriguez, Simon, Taylor). An act to amend the Alcoholic Beverage Control Law, in relation to authorizing the issuance of a temporary retail permit by the State Liquor Authority to licensees located in a municipality having a population of one million or more persons.

ACTING SPEAKER AUBRY: Ms. Glick.

MS. GLICK: Will the sponsor yield for a few questions?

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

MS. DICKENS: Absolutely.

ACTING SPEAKER AUBRY: Ms. Dickens yields.

MS. GLICK: Thank you very much. I know it's early, but as you know, in some of our communities this -- that are saturated with licensed premises, there are some concerns about the ability to have the community weigh in at all when it comes to a temporary permit. So if you could tell me the length of time that the permit would be active and the process for applying. It is -- do they have to apply at the same time for a full license as they do for a permit,

and will the community board be noticed?

MS. DICKENS: Yes, that's correct. There is -- the temporary permits to operate a new restaurant goes with the application for a permanent license that is -- that is reviewed by the SLA, but it must first go to their local community board where it -- they ordinarily would go. Applications in New York City will still be required by law to send a detailed two-page notice containing all relevant information about their application, first to the community board a full 30 days before they can even apply to SLA, and by policy of the SLA to first appear before the local community board if requested to do so, well before the SLA acts on the temporary permit application.

MS. GLICK: Thank you very much. The underlying law for applying for a license requires if there are three or more licensed premises within 500 feet of the proposed location that there be a 500 foot rule review, a hearing. It's my understanding that for a temporary permit, that if the location is subject to the 500 foot rule that they cannot apply for a temporary permit; is that accurate?

MS. DICKENS: That's accurate.

MS. GLICK: Thank you. Many of the locations in my community and many others, people live directly above the licensed premises. And in many instances policy, and perhaps the local neighborhood association, is able to negotiate stipulations for the method of operation. For example, the restaurant, bar may have a rear patio, a backyard patio, and they may be able to negotiate an earlier



closing time. Obviously the closing time, it would normally be 4 a.m., but in the instance where there might be an outdoor space, they may be able to get an earlier closing time stipulated as part of the license and the method of operation. Will that still be possible for -- since it is a temporary permit with the intention that there would be -- that they would be eligible -- likely to be eligible for the full license, can they still negotiate stipulations?

MS. DICKENS: Yes, they can still -- that does not change. This temporary permit in no way changes any of those abilities for negotiations or things that may be put in place by policy. And because the -- the restaurant or the lounge has to go first to the community board. And so as such, they would have the power to put in place because they're the ones that's got to send it to the SLA saying that they -- this is what they've approved and not something else.

MS. GLICK: Okay. And one final question, it's a 90-day permit to begin with, but they're -- one could then apply for an extension, a 30-day extension, or a 30-day extension beyond that, but those extensions are not as a right; is that accurate?

MS. DICKENS: That's accurate. They can -- you're right, it's a 90-day, and you're right about the 30 days, but they're not going to be able to just maintain a 30-day repetition, 30-day, 30-day, 30-day, 30-day; that's not allowed.

MS. GLICK: And one final question, part of the normal process for applying includes a background check. Will the background check be done in advance of the temporary permit or will

the temporary permit be approved potentially and then the background check could, in fact, take longer than that?

MS. DICKENS: To be honest with you, Assemblymember, I'm not sure about -- I don't want to give you the incorrect answer to that question.

MS. GLICK: Okay.

MS. DICKENS: But my understanding, because that was something I had asked about, was that -- that a partial background check was going to be done, but I'm not going to tell you that I know definitively.

MS. GLICK: Thank you very much. I appreciate your -- your responsiveness, and it's very helpful to have this information on the record for when we are proceeding with conversations with the SLA and for the comfort of the community to know that the rules that have been in place that have, in some -- to some measure, I won't say limited the density because there are dozens on, you know, various blocks, but at least it gives some opportunity for the community to weigh in.

Thank you very much, Ms. Dickens.

MS. DICKENS: Thank you.

ACTING SPEAKER AUBRY: Mr. Epstein.

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

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

MS. DICKENS: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. EPSTEIN: Ms. Dickens, you just mentioned that there's a policy that the SLA will wait for policy to give input on an application before they would grant a temporary permit, is that like a written policy or where is that policy located?

MS. DICKENS: Actually, it's law now for the rest of the State of New York. And this law -- this one, 3909 that already passed in -- in the Senate by Senator Ramos, is -- is -- follows that outline of the State's legislation that's been in place for more than ten years in that the tenant or the restaurant would go first to the community board, and that goes to -- the community board then sends their findings or what they have negotiated to SLA.

MR. EPSTEIN: I'm just -- I'm just, because I'm just -- you said it was policy, but I don't see it anywhere in the proposed legislation. So where -- can you identify where it says that they have to wait for the community board before they issue a temporary permit?

MS. DICKENS: Well, the -- the SLA will be the one that issues the temporary, but they're not going to -- if -- it's just like for the regular license where they do not issue a regular license until they have gotten information whether policy has approved them or not, and it would be the exact same thing for the temporary.

MR. EPSTEIN: Okay. But if the temporary permit is an expedited process and if there's nothing in the statute that says they have to wait for the community board, what guarantee do communities

have that --

MS. DICKENS: It is expedited, but it's still -- it's still going to follow the same guidelines. It's not -- it's not a permit that's allowing them to circumvent in any manner policy, and it's nothing contained in this legislation that will circumvent the legal review process in the ABC Law that requires, in New York City, community board review of an application prior to SLA review of the application for a permanent or a temporary permit, pending review of that application.

MR. EPSTEIN: And sometimes, like my colleague said, there -- policy might enter with stipulations. So those stipulations --

MS. DICKENS: I can't hear you, can you say that again?

MR. EPSTEIN: Just saying that there might be stipulations that the community might want the establishment to enter into for the temporary. Would those stipulations apply for the temporary as well as for the full permit?

MS. DICKENS: Yes -- yes, because policy would put those stipulations in the -- as part of the package that they send to SLA, and it would be the same as what would be for the permanent.

MR. EPSTEIN: Sorry. If policy were to say -- were to ask the SLA to deny the permit because of any reason, oversaturation, bad applicant, other issues, could the SLA still issue the temporary permit?

MS. DICKENS: Well, in actuality if there's an oversaturation of restaurants or lounges that's in a community, it's actually policy that can say yes or no. We all have -- have community boards in our districts and we have appointments, some of us have made appointments to those community boards. And the community boards make the actual approval that goes to the SLA for the application, which is either the permanent or the temp. And so, you know, maybe that's something we would need to talk to the community boards because they shouldn't be approving applications if it's an oversaturation.

MR. EPSTEIN: So I just -- so I'm clear, in this temporary process, you know, that the community board is asking the SLA to turn down the applicant for whatever reason they feel deemed appropriate, can the SLA still issue the temporary license if the community board says no?

MS. DICKENS: Well, why would -- why would they ask them to turn it down when they can just turn it down themselves, right, at the community board level. They can say, *We will not allow*, like they do now, *we don't allow a strip joint*. And so -- so policy has the ability and the power, in effect, to notify SLA that they're not -- and so far, SLA has adhered to what community boards has asked.

MR. EPSTEIN: Well, with all due respect, Assemblywoman, I have a different experience from my community with community boards asking the SLA to turn down liquor licenses and them approving them anyway. So my question would be in this

temporary process, if the community board is opposed to an applicant and they're asking it to be denied, I just want to see where in the statute it says that the community board has the power to say no, because I don't see it anywhere in the statute.

MS. DICKENS: Well, Assemblymember, let me -- let me ask you, did they -- because sometimes community boards, I have found even in my district, community boards are -- are slow in responding to -- to getting the paperwork in, or they get it in to the wrong department, but I have found that if -- if policy gets it in in a timely fashion before they send the application to the next room, next door, then they have adhered -- the SLA has adhered to the community board recommendations because they don't want a problem and they have -- that's what they have had in the past where people brought very unwelcome, I'll say, establishments.

MR. EPSTEIN: And I respect your experiences, I've just had different experiences where the community board has said no and the SLA still allowed it, you know, that's the process for a permanent, but I just want to be clear that the process for a temporary would still be that, where they could decide over the objections of the community board to approve the temporary process -- the temporary permit.

MS. DICKENS: Well, I have not -- that has not been my experience, nor has -- is that in the proposed bill that I have before all of us tonight. But I would be more than happy to see and review and ensure that that is -- that that is included, that they will not do that,

approve a license for temporary or permanent, because what you're talking about, they approved a permanent one; is that right?

MR. EPSTEIN: That is correct.

MS. DICKENS: And so this is a temporary license. And so they -- if they -- even if they in this case, even if they gave a temporary license, policy can certainly go back to SLA and tell them, *Here's the document that I sent you and you didn't adhere to it*, and they will -- they'll -- they'll -- they'll revoke that. I have not found, at least in the cases that I have been involved with and, in fact, I've had a liquor license so I understand exactly what you're talking about, about the liquor license, but I am just as concerned as I am about -- that the community board must be involved and must have the final say so about a site. I am just as concerned about the fact that we're coming out of a pandemic. Communities - at least in my community and in many of the Harlems across the five boroughs - are stuck with a lot of empty storefronts, and so I don't want -- I don't want -- I don't want to go back to the '70s and the '80s of vacant, burnt-out buildings.

MR. EPSTEIN: Well, Assemblywoman, I look forward to working with you on making future changes to this, and I -- I appreciate your time. Thank you.

MS. DICKENS: Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 2743. This is a fast roll call.

(The Clerk recorded the vote.)

MRS. PEOPLES-STOKES: Mr. Speaker, if you could, in addition to colleagues in the Chamber that have already voted, could you put Mr. Barron in as a no, as well.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 10, Rules Report No. 778, the Clerk will read.

THE CLERK: Assembly No. A07704, Rules Report No. 778, Fernandez. An act to amend the Insurance Law, in relation to providing behavioral health parity (Part A); and to amend the Insurance Law, in relation to the authorization for certain drugs for the detoxification or maintenance of a substance use disorder (Part B).

ACTING SPEAKER AUBRY: Mr. Ra.

An explanation is requested -- no?

MR. RA: An explanation would be great.

ACTING SPEAKER AUBRY: Will the sponsor yield?

MS. FERNANDEZ: Yes, I yield, but explanation first, or no?

MR. RA: Yes, please, go ahead.

ACTING SPEAKER AUBRY: An explanation, Ms. Fernandez.

MS. FERNANDEZ: Thank you, Mr. Speaker. This



bill would refine requirements for coverage of mental health and substance use disorder services to promote, ensure compliance with New York State parity and prompt payment laws, and would create a private rate of action for consumers to sue insurers for damages caused by parity law violations.

ACTING SPEAKER AUBRY: Mr. Ra.

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

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

MS. FERNANDEZ: Yes, I do.

MR. RA: Thank you. So I just -- there are two pieces of this that I just want to go through quickly. One is the prohibition from requiring pre-authorization and then the private right of action that this bill provides for. So in terms of the pre-authorization, you know, obviously I think we all know over the last several years that we've tried to increase access to these types of services to deal with, you know, the situation where -- that is in both in New York State and all over the country, but can you just go through, because I think the -- the opposition we've seen to this, in particular from the health plans, is that without requiring the pre-authorization, you know, they think the treatment should begin in the least restrictive setting and then potentially, you know, ramping up where necessary and appropriate. So could you just go through what this is intended to address by prohibiting the need for

pre-authorization.

MS. FERNANDEZ: Yes. The intention is to get help as soon as possible to the person that needs it. Mental health assistance is something that sometimes cannot wait, and in these dire times when circumstances may be more extreme than none for individuals, we want to be sure that they can seek help as soon as they need it.

MR. RA: Okay. And then in terms of the establishment of a private right of action. You know, I think when an individual is trying to access services that are required, you know, we do have an -- an opportunity under law and otherwise to deal with, you know, an insurance company not covering something, but my understanding is this private right of action for the individuals would allow for really not just actual damages, but awards of up to \$5,000; is that correct, in additional damages.

MS. FERNANDEZ: Correct. It's a limited private right of action, the court can award additional damages; but, yes, \$5,000.

MR. RA: Okay. And am I correct then that, you know, that's in addition to any actual damages from -- from having, so it would be \$5,000 in addition to any actual damages from having -- not having the claim promptly approved?

MS. FERNANDEZ: Yes, in the court's discretion.

MR. RA: Okay. Thank you, Ms. Fernandez.

Mr. Speaker, on the bill.

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

MR. RA: Thank you, Mr. Speaker. So you know, certainly these are services that are needed, but -- but my concern is exactly, you know, as I stated. There are procedures to enforce these claims, make sure somebody gets the services, but there's also an interest on the provider side to start, you know, least restrictive setting and as necessary, move forward with providing maybe enhanced and further services. And I think that, you know, in terms of the private right of action, there is a potential that it's going to not just in, you know, a particular situation increase costs, but overall increase costs across the board because of the fact that there are these enhanced damages that would have to be paid by -- by plans as opposed to just resolving the claim as -- as would normally done. So those are some concerns I have with this particular piece of legislation. I thank the sponsor for her answers.

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 A7704. This is a fast roll call. Any member who wants 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. Fernandez to explain her vote.

MS. FERNANDEZ: Thank you, Mr. Speaker, for

allowing me to explain my vote. The intention of this bill is just to make sure that people have quicker access to mental health care. We all know that this last year has been extremely traumatic to many, and the ongoing effects might continue for who knows how long. But as a lot of us feel in this Chamber that health care is a human right, we need to make sure that we're not creating more barriers or doing anything to keep the barriers up, to make sure that people have quicker access to the mental health care that they need, and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Fernandez in the affirmative.

Mr. Goodell.

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

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 12, Rules Report No. 788, the Clerk will read.

THE CLERK: Senate No. S07052, Senator Linares, Rules Report No. 788. An act to amend the Civil Practice Law and Rules, in relation to insurance disclosures.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. This will be a Party vote with the Republican Conference generally in the

negative for the reasons I'll explain shortly. Those who would like to vote for this legislation should call the Minority Leader's Office.

Thank you, sir.

ACTING SPEAKER AUBRY: Ms. Weinstein.

MS. WEINSTEIN: Mr. Speaker, this is a Party vote.

I would like to remind my colleagues that it is a Party vote. The Majority members will be recorded in the affirmative. If there are any exceptions I ask Majority members to contact the Majority Leader's Office at the number previously recorded and we will announce your name accordingly.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7052. This is a Party vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. This is another one in a series of legislative initiatives by the Assembly to ensure that our legal colleagues know how much money they can make on any particular case. Under current law, you can ask as part of a regular discovery, information about insurance coverage. And this states that current law several steps forward by requiring that the defendant in any case within 60 days to provide a complete copy of any insurance policies, the contact information including telephone number and e-mail address of any person who is going to be adjusting the claim.

The amounts available under all the policies. Whether there's any offsets. Whether the payment cap on the policy has been reduced by any attorney fees. So right -- right in the get-go you get to tell your opponent how much has already been paid in legal fees. And this is an ongoing obligation to keep updated. And to top it all off, all this information has to be under oath. The current law reflects the ability of a plaintiff to get relevant information to help prosecute the case. This goes way beyond that by providing personal and direct contact information to the insurance company and discloses information that goes well beyond judicial disclosures.

And for that reason I would recommend against this legislation. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 13, Rules Report No. 796, the Clerk will read.

THE CLERK: Senate No. S07093, Rules Report No. 796, Senator Hoylman. An act to amend the Civil Practice Law and Rules, in relation to admissibility of an opposing party's statement.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir. This will be a Party vote. The Republican Conference is generally opposed to this for the reasons I'll explain shortly. Those who support it of course are

encouraged to call the Minority Leader's Office so their vote can be counted.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Majority Conference will be in favor of this piece of legislation. However, colleagues deciding to be an exception should contact the Majority Leader's Office and we will properly record your vote.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7093. This is a Party vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain.

MR. GOODELL: Thank you, sir. This legislation significantly expands the availability of hearsay evidence to be used against the defendant. We all know that hearsay evidence in general is excluded as evidentiary because of the inherent inaccuracies. And in the corporate context, a hearsay statement is where a person who is not fully authorized to make any statement makes a statement that is attributed to the corporation, the corporation's management or something of that nature. And so to reflect the -- the concerns on hearsay, under current law only those individuals of a corporation that are authorized and knowledgeable and employees can make statements that are binding on the corporation. Well, this expands it to almost

any employee making statements that are -- could be detrimental to the corporation. And the problem with that is not all employees who are willing to talk to a plaintiff's legal counsel actually know all the facts. And that's a particular issue in hospital settings where employees may know part of what's going on but don't have a full picture, a full record, and this would open it up to inaccurate and misleading hearsay statements.

And for that reason I recommend against it. Thank you, sir.

SPEAKER HEASTIE: Mr. Goodell in the negative.  
Mrs. Peoples-Stokes.

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

SPEAKER HEASTIE: We didn't call the vote.  
Are there any other votes?

MR. GOODELL: Oh, I can call the vote.  
(Laughter)

Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

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

SPEAKER HEASTIE: We do not have any housekeeping but we do have further resolutions. We will take them



up in one vote.

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

(Whereupon, Assembly Resolution Nos. 456-458 were unanimously adopted.)

All right. So who won the pool at 3 -- somebody said 3:30, 4:30. But when the gavel went -- clearly, I'm not going to talk for 35 minutes, so you can forget that.

(Applause)

Now, Mr. Barclay might, but I'm not.

(Laughter)

But in all seriousness, when we started our work back in January, the COVID-19 pandemic was still a very imminent threat, spreading through our communities and keeping us from our family, our friends and our colleagues. But it did not keep us from getting to work to get New York back on its feet. While we are by no means out of the woods yet, there's finally a light at the end of the tunnel. Since we began vaccinating New Yorkers last December, more than nine million New Yorkers have been fully vaccinated. We've come a long way since the start of this pandemic and the devastating economic crisis it has caused. But we know that New Yorkers needed more than just a vaccine; they desperately needed meaningful economic relief. As I said before, the budget we passed this year was one of the most consequential budgets in our State's history. This year our budget included \$3 billion in State and Federal funding for rent and

homeowner relief; \$1 billion for a small business recovery grant program; \$19.8 billion Foundation Aid for schools; \$69.4 million in local assistance for services for child care, child welfare services, foster care, adoption subsidies, adult protective and domestic violence services; \$18 million for My Brother's Keeper; \$13.7 billion for higher education; \$3.1 billion for the MTA; \$96 billion for healthcare services and systems; progressive tax rates for the highest earners and legalize mobile sports wagering. We also passed critical legislation to help New Yorkers during this pandemic, including legislation that would establish eviction and foreclosure moratoriums for residences and small businesses, allow workers to collect unemployment while working part-time, prevent businesses from being charged higher rates for unemployment, expand unemployment to parents forced to leave the workforce to care for their children, extend utility termination moratorium, and protect workers from infectious diseases in the workplace - aka the Heroes Act - while ensuring that New York was on the path to recovery from this pandemic and the economic recession was a top priority for us all, we remain laser-focused on other longstanding Assembly Majority priorities. This year we also legalized adult-use marihuana. Congratulations, our Majority Leader.

(Applause)

Passed the HOLD Solitary Confinement Act.

Repealed the Working While Trans Law. Passed no excuse absentee ballots and same day voter registration laws for the second time, now moved to a Statewide referendum. Expand access to veteran treatment

courts. Protecting workers from wage theft. Passed parole reforms to reduce prison population and promote successful reintegration. Passed a sweeping package of legislation to address real estate and housing discrimination, and built on our common-sense gun laws with new additional safeguards against gun violence.

(Applause)

New York will also establish a fund to help those workers who were forgotten and excluded to make sure that they, too, counted so that they could take care of their families. The finest and most progressive program in the nation.

(Applause)

This undoubtedly has been a challenging year, but as I said in January, New Yorkers are resilient and we always rise above. Our work is never-ending, and we look forward to continuing to make New York once again the Empire State. And I know I've said this many, many times and I always like to tell the story. Because in speaking to some of the members, I always tell the story when I would come home with my report card and have a 97 and I'd feel so happy and I want to get that acknowledgement from my father, and he would look at me and say, *97. Pretty good, but how come you didn't get 100?* And sometimes I feel that way when I talk to the members. You should be very proud of what we did this year. We may not have done everything, but we did a lot of good things for this State and the people that we represent, and you should all be proud of the work that you did in representing your constituents.

(Applause)

Yes, give yourselves a warm round of applause.

(Applause)

But none of this would have been possible without the hard work of our Majority Leader Crystal Peoples-Stokes.

(Applause)

Our Minority Leader Will Barclay.

(Applause)

My taller and more handsome Speaker Pro Tem, my brother Jeff Aubry.

(Applause)

Dan Salvin, the Bill Drafting Commission and the Assembly Revision Staff.

(Applause)

Blake Washington and the Ways and Means Staff.

(Applause)

Lou Ann Ciccone and the Program and Counsel Staff.

(Applause)

Howard Vargas, Kathleen -- Kathleen O'Keefe, Joanne Barker and Brian Haak, our wonderful counsels.

(Applause)

Morgan Weinberg, Katie Bender and Conference Services.

(Applause)

Amy Metcalfe, Ed Harris and the Assembly

Maintenance team.

(Applause)

Mike Merges and Don Marilla and their teams for supporting us in this new socially-distanced tech world. Give them a big round of applause.

(Applause)

They helped us pass over -- close to 1,100 bills in this COVID-world environment. So thank you guys for allowing us to continue to do our work.

(Applause)

Mike Whyland, Kerri Biche and the Press team.

(Applause)

Paul, Isa, Mayleen, Anita, Kim and the entire Albany staff, as well as my -- the staff in New York City. I want to thank them as well.

(Applause)

Wayne Jackson.

(Applause)

And I want to thank all of our Chamber Sergeants, and we're going to be saying "See you later" to John Daley who is going on to greener pastures. He's taking another position. And he's not here tonight, but we want to acknowledge him and wish him well.

(Applause)

The Legislative Services team, Mary-Anne Dandles, Deb Miller, John Knight and their leader, Brian Coyne.

(Applause)

The pictures came on before I was going to say, this will be the final Session for Brian. Well, that's what retirement usually means, right?

(Laughter)

We are more than grateful for your contributions and skill for direction. We wish you the best in your retirement and we love you. Live long and prosper, Brian.

(Applause)

That man is a living, breathing encyclopedia. For those of you youngsters, those used to be books that we used to have to read before computers.

(Laughter)

But thank you to each and every one of you for the work that you do, for your collegiality, for your commitment to the State. May God bless you all.

So I will now turn this over to Mrs. Peoples-Stokes.

(Applause)

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. This morning when we started this Session -- well, yesterday morning when we started this Session I started out quoting Robert Frost, which was handed to me by the counsel sitting next to you, Brian Haak, and saying that we have miles to go before we sleep. We've been riding this road for quite a while now, Mr. Speaker. Last year we never really stopped having Session during the pandemic.

Between Jeff Aubry, Mr. Goodell, Mr. Barclay, yourself and the amazing staff that you had, we pretty much were in Session straight through the pandemic. And for me, tonight it feels really good because we can actually officially close this Session for 2021. And perhaps we actually can - or at least I can - go and really get some sleep. I couldn't be prouder, though, of the work that we got done together. You mentioned a lot of it in your comments. And I hope that folks understand that, you know, this is not an "I" business, this is a "We" business. So I didn't do this, you didn't do it by yourself. No one in here did it by ourselves. We did it together. And it speaks volumes to not just what we have done, but what we can do in the future. So I'm really excited about the potential of where we go next year in our next Session. And in fact, even if we have to come back by your call, Mr. Speaker, to this year's Session, I'm excited about what the potential is. I hope that as we tackled a lot of big issues this year we will look forward to continuing to tackle big issues because sometimes the only way to make things right for the vast majority of New Yorkers - and that means excluding no one - is to make it a big issue. And big issues are very challenging. And sometimes it's so different for so many people because it simply not their experience that it's just hard to fathom that we can be doing something that would impact the lives of people in the manner that we do. It's exciting.

Clearly, the biggest thing for me this year was the ability to remove that 90-year prohibition on legalizing marihuana for adult use.

(Applause)

But not just to legalize it, Mr. Speaker, with your help and the support of my colleagues, particularly those in the Caucus, we were able to craft some really iconic legislation. Nothing like anyone else has done in this country to really focus on the people who suffered the most harm. Not just in their opportunities for business, but in the restoration of their lives, because lives have been destroyed over 90 years. A generation of lives have been destroyed. And so it was exciting to get that done. And to me it was amazing to be able to get the kind of budget that we were able to get. Here was an opportunity for me to confirm that I know that there's divine intervention when it's needed, because we actually were in a tough spot as a result of the pandemic and really didn't quite frankly know how we would make it through it without the help of the Federal government, and it came through. And it came through not just in being able to deliver us resources, but just the way the pandemic had people's lives going, the resources that they had they spent in our -- even our own tax income came to that more. So I really was impressed with how your team was able to put together a budget that, you know, offers so much to our constituencies across the State.

So I want to thank you for trusting me to be your Majority Leader. It's been an honor. I do not take it lightly. But I can't take it lightly because it's not easy. This actually is work. It's real work to try and maintain relationships with 150 people, more importantly 107 to be sure that we all kind of stay on the same page



and remember that this is not an "I" game. Not when you get here. Maybe it is in your district, but when you get here it's a "We" game. And we need to work together in order to make sure we are able to continue to provide things for our constituencies. I want to thank you for allowing Alicia Hyndman, Michelle Solages -- Michaelle Solages and Pam Hunter to be supportive of me as the Majority Leader, because as I mentioned earlier - and Mr. Aubry knows this, Mr. Goodell know this - we've essentially been here all year in Session. So opportunities to get a break when the work can still be maintained by this fabulous young ladies who were helpful, I do appreciate it. And I want to thank them as well. Pam Hunter, Alicia Hyndman and Michaelle Solages.

(Applause)

Finally, Mr. Speaker, you know, it was really great to have -- you have fabulous staff, but when you think about the work that Deb Miller does and putting together committee meetings and making sure that people are in place for debates. The work that comes out of her office and her team is phenomenal, and she should be honored for it.

(Applause)

SPEAKER HEASTIE: We've got plans for her, Crystal.

MRS. PEOPLES-STOKES: You've got plans for her? She certainly has enormous potential.

Finally, Mr. Speaker, it is of course my honor to pay

homage to my -- I have been endearingly calling him my floor husband --

(Laughter)

-- because he's always telling me what to do.

(Laughter)

Brian Coyne, who has served six other Majority Leaders prior to me, 35 years of dedication to this institution. Thirty-five years. Nobody knows the rules better. Nobody is in a better position to tell the person sitting in this seat -- in fact, anybody in this Chamber, what to do because he knows how to do it. He's been doing it for 35 years. And so I really do honor him. I wish he wasn't retiring, to be honest. But I noticed how he's been grooming people to follow him. He brought them right to the plate and gave them everything they needed and didn't sit in the back and watch them. And when he needed assistance and they turned around, he was right there. And when he needed to move closer to them standing here, he came right down. So his ability to groom people so that he can go to the next level and they can go to the next level in this job is nothing less than awesome. And really do have the utmost respect for this man here. So, I love this man.

(Applause)

I'm going to miss you.

With that, Mr. Speaker, I could not take my seat without saying how much I do also appreciate not just working with my colleagues on this side of the aisle, but I appreciate working with

my colleagues on this side of the aisle as well. So I really want to commend Mr. Goodell and Mary Beth Walsh for the fabulous job they've done sitting on the other side of me for the last year.

(Applause)

Thank you -- thank you, Mr. Speaker. I hope that when we're back here in Chambers that we do not have to have on these masks.

(Applause)

SPEAKER HEASTIE: Mr. Barclay.

MR. BARCLAY: Well, thank you very much, Mr. Speaker. Before I start to speak, Andy Goodell whispered in my hear and he says he has 5:00 in the pool. So everyone (inaudible) he's going to split the proceeds with me. Already 45 minutes, but --

(Laughter)

No, because the hour is so early I'm going to be brief. There's a lot of people that I'd also like to thank. And the people I need to thank the most and first are the members of the Assembly Minority Conference. I want to thank them for their passion, for their tireless work and for their commitment to this institution and for the New Yorkers they represent. And it's a true honor, it really is a true honor for me to serve as Minority Leader, and it's an honor because of the character and quality of the individuals who make up the Assembly Republican Conference. So to each and every one of you --

(Applause)

Thank you. (Inaudible) recognize, I also want to

specifically mention our Floor Leader Andy Goodell, and Assistant Floor Leader Mary Beth Walsh for the incredible work they do, guiding our floor activities, debate every day. I'm always amazed how well these guys know these bills and how in depth they can speak and how knowledgeable they can speak on those bills. It's really, really impressive.

(Applause)

I also want to thank our members and what they mean to us so thank you.

You know, we all know 2020 and 2021 was really some unique years. And I think we've got to recognize we've reached this point because of personal investment, the numerous sacrifices and the unique talents of our incredible staff on both sides of the aisle. Staff are the engines that allow the People's House to function and operate every day. So I want to personally recognize and thank a number of people on my staff. First and foremost I want to thank Judy Skype, who keeps our Conference running every day. She's my Chief-of-Staff. Judy Skype.

(Applause)

Sitting right next to me our great Floor Counsel, Michelle Pellegrini for the work she does in the trenches.

(Applause)

She doesn't have an easy job. She's got to keep Andy Goodell in line, and so that's tough.

I want to thank Jason Kehoe, who heads up our

Policy division. And he really deserves a round of applause because he's survived this whole local bill saga. So give him a round of applause.

(Applause)

I want to thank Mike Frazier. He's the Director of Communications. He takes an uneloquent person like myself and makes me semi-eloquent. He also likes to schedule radio shows first thing in the morning, which I love. But give him a round of applause.

(Applause)

And certainly, Stephanie Herrick. She has the (inaudible) task of assisting and advising and usually correcting me whatever I do. So please give Stephanie a round of applause.

(Applause)

I want to thank our Ways and Means Director, Warren O'Hare. And from our Counsel's office, Ed Wick and Kevin Engel.

(Applause)

I've already been through Ways and Means. I just want to thank our Ranker, Ed Ra. He's done a great job on Ways and Means this year.

(Applause)

We have Tom Kraus, the old workhorse. The old workhorse Tom Kraus overseeing our Member Services Division. (Inaudible).

(Applause).

And I'd be remiss if I didn't thank our Director of Administration and Personnel, Laura Dudley and our head of Automation, Jeff Harrington. As I think you said, Majority Leader, this has been a really tough time, and the fact that they were able to put this all together and help our Conference be able to navigate the -- the technical stuff that we deal with and the COVID pandemic. Give them a round of applause.

(Applause)

And last but not least, my team, the Minority Leader's Office. The people that keep us organized in the most chaotic of times. I want to thank Christina Bennett, Kelly Kline and Dawn Rizzo. So please give them a round of applause.

(Applause)

So, Mr. Speaker -- well, I almost got -- I want to thank you, Mr. Speaker, and thank you, Majority Leader for the -- you know, our policy perspectives are different. We obviously don't always agree on policy, but I do appreciate the mutual respect that we share and also the great professionalism that both of you show. So, thank you for that.

(Applause)

So I think the House will probably be happy. Usually I might say something about the policy of politics right now, but because of the early hour I want to leave on more of a positive note to end. I really want to extend my personal thank you and congratulations to Brian Coyne, who probably knows better than

anyone, especially on a night like this, like how do you get through a marathon, Brian? Brian, you're a friend. Thank you for your service and everything you provide this institution after all these years. And I'm still not sure how you've been able to do this job. However, I know few have done it better. So, congratulations, Brian.

(Applause)

So, Mr. Speaker, to the distinguished members of the Assembly, thank you for the opportunity to speak here. I wish you the best over the remainder of the year. So thank you very much and God bless you all. Thank you, Mr. Speaker.

(Applause)

SPEAKER HEASTIE: Thank you, Mr. Barclay.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I now move that the Assembly stand adjourned until Friday, June the 11th, tomorrow being a legislative day and that we reconvene at the call of the Speaker.

SPEAKER HEASTIE: Thank you. The House stands adjourned.

(Whereupon, at 4:20 a.m., the House stood adjourned at the call of the Speaker.)

