

WEDNESDAY, JUNE 9, 2021

11:34 A.M.

ACTING SPEAKER AUBRY: The House will come to order.

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

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the Journal of Tuesday, June 8th.

Mrs. Peoples-Stokes.

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

that we dispense with the further reading of the Journal of Tuesday, June the 8th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I'd like to take a moment to welcome colleagues to the third day of the 24th week of the 244th Legislative Session. And we'd like to actually start with a quote, Mr. Speaker, that comes from Reed Markham, who was an author of books such as the *Excellence in Public Speaking*. His words for us today, *Successful leaders see opportunities in every difficulty rather than the difficulty in every opportunity*. Again, those words are from Reed Markham.

There is, Mr. Speaker, nothing powerfully difficult about what's before us today, but it is our responsibility as leaders to move forward. Colleagues do have on their desk the main Calendar as well as an A-Calendar which now, Mr. Speaker, I would like to advance that A-Calendar.

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

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

ACTING SPEAKER AUBRY: You're welcome.

MRS. PEOPLES-STOKES: After any housekeeping or introductions we're going to start by taking up resolutions on page 3

of our main Calendar. Our principal work for today will be to continue doing consent on new bills, beginning with Rules Report No. 622 on page 26 of the main Calendar. And we will otherwise be working off the existing debate list. At some point this afternoon we're going to have to have a recess. And there will be a call for the following Committee meetings to meet: Election Law, Codes and Ways and Means. Probably there will be additional scheduling updates that will be announced later.

Mr. Speaker, that's the general -- general outline of where we're going to be going today. If you have any introductions and/or housekeeping, now would be the perfect time. And I thank you very much, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Burdick for the purposes of an introduction.

MR. BURDICK: Thank you, Mr. Speaker. I'd like to introduce a constituent who's joined me today, and this is Heather Lackey from the Town of Lewisboro.

(Applause)

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Burdick, the Speaker and all the members, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Hope that you have a great visit here in Albany. You are one of the few this year who has been introduced, so it's a pleasure to have you. Thank you so very much, and enjoy.

(Applause)

Resolutions on page 3. The Clerk will read.

THE CLERK: Assembly Resolution No. 428, Mr. Zebrowski.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 2021, as Migraine and Headache 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. 429, Mr. Schmitt.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 20-26, 2021, as Lightning Safety Awareness Week in the State of New York.

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

THE CLERK: Assembly Resolution No. 430, Mr. Gottfried.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim August 2021, as Ambulatory Surgery Center Month in the State of New York, in conjunction with the observance of National Ambulatory Surgery Center Month.

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. 431, Mr. Hevesi.

Legislative Resolution memorializing Governor M. Cuomo to proclaim September 2021, as Childhood Cancer 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. 432, Ms. Seawright.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim October 26, 2021, as Intersex Awareness 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. 433, Mr. Salka.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim July 5-9, 2021, as Hall of Fame Appreciation Week in the State of New York.

ACTING SPEAKER AUBRY: Mr. Salka on the resolution.

MR. SALKA: Thank you, Mr. Speaker. On the

resolution. I have the honor of having three halls of fame in my district, the 121st. I have the Baseball Hall of Fame, which I have a opportunity to invite all the members to visit us in Cooperstown, New York. I also have the Boxing Hall of Fame in Canastota, New York. And also I have the Abolitionist Hall of Fame in Peterboro, New York and they're known for having the Civil War reenactment every year. Hopefully, now that the COVID is starting to resolve a bit, we'll get those back in running order. But I'm proud to have three halls of fame in my district, and I appreciate the time to be able to -- to show my pride.

Thank you.

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

THE CLERK: Assembly Resolution No. 434, Ms. Hunter.

Legislative Resolution memorializing Governor M. Cuomo to proclaim October 2021, as Careers in Construction Month in the State of New York City in conjunction with National Careers in Construction Month.

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. 435, Ms. Jean-Pierre.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim October 31-November 6, 2021, as Veterans 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.

Page 26, Rules Report No. 622, the Clerk will read.

THE CLERK: Assembly No. A07716, Rules Report No. 622, Cymbrowitz, Barron, Burdick. An act to amend the Private Housing Finance Law, in relation to authorizing powers of the Housing Trust Fund Corporation, and specifying the scope of eligible purchasers of the Housing Finance Agency and the New York City Housing Development Corporation bonds.

ACTING SPEAKER AUBRY: Read the last section.

Oh. On a motion by Mr. Cymbrowitz, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7149. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

First vote of the day, members.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07719, Rules Report No. 623, Burdick, Cymbrowitz. An act to amend the Public Authorities Law, in relation to the construction of modular and manufactured housing.

ACTING SPEAKER AUBRY: On a motion by Mr. Burdick, 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 7185. 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. A07727, Rules Report No. 624, Abbate. An act to amend the Retirement and Social Security Law, in relation to modifying the retirement program for Triborough Bridge and Tunnel members.

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 6976. 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, Mr. Speaker. This bill would amend the Retirement and Social Security Law to allow members of the New York City Employees Retirement System that are employed by the Triborough Bridge and Tunnel Authority to retire after 20 years of service even though they aren't even 50 years old. So, it eliminates a requirement that you be at least 50 years old to retire. And that means if you started working for the Bridge and Tunnel Authority when you were 18, right out of high school, you could retire with a full retirement pension at age 38. And under our State Retirement System, when you actually retire you are free to take any job in the private sector and continue your career for the next 25 years. And while I appreciate the desire of people to retire in their late 30s or early 40s, get a retirement for the rest of their lives while they

pursue an alternative career or different career, it comes at a considerable expense to the taxpayers.

And for that reason, I'll be opposing it.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Ms. Walsh to explain her vote.

MS. WALSH: Actually, no, Mr. Speaker. I'm ready to announce a couple of exceptions, if you don't mind.

ACTING SPEAKER AUBRY: Ms. Walsh to give us exceptions.

MS. WALSH: Thank you so much. Would you please record Mr. DiPietro and Mr. Fitzpatrick both in the negative on this bill? Thank you.

ACTING SPEAKER AUBRY: And Mr. Fitzpatrick wishes to explain his vote.

MR. FITZPATRICK: Thank you, Mr. Speaker. I'd like to echo the comments made by our Floor Leader a moment ago. It is absolutely outrageous that such a giveaway could be allowed to come to the floor, given the economic impact this will have on the Triborough Bridge and Tunnel Authority and the costs. You know, the problem with these benefit enhancements and pension sweeteners is that they should be negotiated items and not allowed to bypass the collective bargaining process and go directly to the Legislature. It is not unfair and it is not unreasonable to ask for something in return to help offset the cost of these benefits. And especially this bill, which

would allow people to retire at a very early age and put a considerable burden on the Retirement Fund, is -- is just to me unconscionable. It is not fair to the taxpayer, not fair to the people who pay the cost of the Triborough Bridge and Tunnel Authority. But this is just going too far.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Fitzpatrick, as announced, is opposed to this particular bill.

Mr. Abbate.

MR. ABBATE: To explain my vote. I'm listening to my colleagues over there -- over there. Maybe if you would read the bill and all, right now, there are 440 bridge and toll collectors on the Triborough Bridge. There are no more tolls being collected there. No one has been hired since 2009. The Governor and the MTA is just waiting to attrition to do away with all of them. This will speed it up so about half of those can retire, saving the Metropolitan Transit Authority a huge amount of money since they're just basically sitting around now, those 440. This will take them off their MTA payroll and into the pension system, which is a lot cheaper than paying them on there.

So, again, thank you.

ACTING SPEAKER AUBRY: Mr. Abbate in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07735-A, Rules Report No. 625, Jones, Stern, Quart, Rozic, Cymbrowitz, Dinowitz, Barnwell, Glick, Otis, McMahon. An act to amend the Environmental Conservation Law, in relation to aquatic invasive species inspection stations and spread prevention efforts; and to amend Chapter 330 of the Laws of 2014, amending the Environmental Conservation Law relating to aquatic invasive species, spread prevention, and penalties, in relation to making such provisions permanent.

ACTING SPEAKER AUBRY: On a motion by Mr. Jones, 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 7010-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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07738-A, Rules Report No. 626, Solages. An act to authorize the Assessor of the

Town of Hempstead, County of Nassau, to accept from Mercy Medical Center an application for exemption from real property taxes.

ACTING SPEAKER AUBRY: On a motion by Ms. Solages, 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 1208-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. A07785, Rules Report No. 627, Woerner. An act to amend the Environmental Conservation Law, in relation to big-game hunting season.

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

THE CLERK: Assembly No. A07816, Rules Report No. 628, Morinello. An act to amend the Alcoholic Beverage Control Law, in relation to allowing for the issuance of a license to sell liquor

at retail for consumption on certain premises.

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 7816. 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 please record our colleague Mr. Barron in the negative on 7816.

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. A07817, Rules Report No. 629, Abbate, Colton, Griffin. An act to amend the Administrative Code of the City of New York, in relation to certain lung disabilities incurred by members of the New York City Transit Authority in certain cases.

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 6972. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Minority or Majority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Fitzpatrick to explain his vote.

MR. FITZPATRICK: Thank you, Mr. Speaker. This is yet another benefit enhancement bill that should be granted through -- not by the Legislature, but through collective bargaining. Again, it is not unfair or unreasonable to ask that something be given in return for such a generous benefit to help offset the tremendous cost.

For that reason, I am opposed. Thank you.

ACTING SPEAKER AUBRY: Mr. Fitzpatrick in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07843, Rules Report No. 630, McDonald, Fahy. An act authorizing the State of New York Bond Bank Agency to provide municipal relief to the City of Albany.

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 7843. 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. A07870-A, Rules Report No. 631, Santabarbara. An act to amend the Town Law, in relation to authorizing the increase of the number of town justices in the Town of Rotterdam, Schenectady County.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 7870-A. 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. A07904, Rules Report No. 632, Gandolfo. An act to amend the Town Law, in relation to the

nomination of chief and assistance chiefs in the Cherry Grove Fire District.

ACTING SPEAKER AUBRY: On a motion by Mr. Gandolfo, 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 6459. 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. A07908-A, Rules Report No. 633, Montesano. An act in relation to authorizing the Town of Oyster Bay to grant Sai Mandir USA a real property tax exemption.

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 7908-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to -- 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. A07924, Rules Report No. 634, Pichardo. An act to amend the Financial Services Law, in relation to reporting for the State Charter Advisory Board; and to amend Chapter 62 of the Laws of 2011, relating to constituting Chapter 18-A of the Consolidated Laws relating to financial services, in relation to extending the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Pichardo, 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 7090. 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. A07926, Rules Report No. 635, L. Rosenthal, Meeks, Richardson, Simon, Epstein, Zinerman, Galef, Fernandez. An act to amend the Penal Law, in relation to requiring semiautomatic pistols manufactured or delivered to any licensed dealer in this State to be capable of microstamping ammunition.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07935, Rules Report No. 636, Abbate. An act to amend the Civil Service Law, in relation to provisional employees of certain public employers; to amend Chapter 5 of the Laws of 2008 amending the Civil Service Law relating to provisional employees of certain public employers, in relation to extensions of certain negotiated agreements and extending the provisions of such chapter; and to amend Part I of Chapter 56 of the Laws of 2008 amending the Civil Service Law relating to excess provisional employees of a city having a population of one million or more, in relation to extending the provisions thereof.

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 7100. 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. A07936-A, Rules Report No. 637, Niou. An act to amend the Alcoholic Beverage Control Law, in relation to a license to sell liquor at retail for consumption on certain premises; and providing for the repeal of certain provisions upon the expiration thereof.

ACTING SPEAKER AUBRY: 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 AUBRY: The Clerk will record the vote on Senate print 6781-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. A07942, Rules Report No. 638, Weinstein. An act to amend the Social Services Law and Abandoned Property Law, in relation to the transfer of unclaimed support collections and unidentified payments; and repealing certain provisions of such laws 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 Assembly print 7942. 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. A07945, Rules Report No. 639, Clark, Bronson. An act to amend Chapter 371 of the Laws of 2009 amending the Public Health Law relating to the Residential Care Off-Site Facility Demonstration Project, in relation to extending the effectiveness thereof.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7055. 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. A07948, Rules Report No. 640, Rodriguez, Epstein, Simon. An act to amend Chapter 17 of the Laws of 2012 amending the Legislative Law relating to redistricting of Congressional, Senate and Assembly districts, in relation to the submission of a plan for redistricting of Congressional, Senate and Assembly districts.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07951, Rules Report No. 641, Thiele. An act to amend Chapter 387 of the Laws of 2013 relating to including the trustees of the Freeholders and Commonalty of the Town of Southampton, trustees of the Freeholders and Commonalty of the Town of East Hampton and the trustees of Freeholders and Commonalty of the Town of Southold as municipal corporations for the purposes of Section 72-h of the General Municipal Law, in relation to extending the expiration of such

provisions.

ACTING SPEAKER AUBRY: 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 AUBRY: The Clerk will record the vote on Assembly -- Senate print 7119. 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. A07953, Rules Report No. 642, Zebrowski. An act to authorize the assessor of the Town of Clarkstown, County of Rockland, to accept from the Nyack Union Free School District an application for exemption from real property taxes.

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 7156. 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. A07954, Rules Report No. 643, Zebrowski. An act in relation to authorizing NYSARC, Inc. Rockland County Chapter to file with the Town of Clarkstown assessor an application for certain real property tax exemptions.

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 7155. 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. A07958, Rules Report No. 644, Abbate. An act to amend the Administrative Code of the City of New York, in relation to the rate of interest used in the actuarial valuation of liabilities for the purpose of calculating contributions to the New York City Employees' Retirement System, the New York City Teachers' Retirement System, the Police Pension Fund, subchapter two, the Fire Department Pension Fund, subchapter two, and the Board of Education Retirement System of such city by public employers and other obligors required to make employer contributions to such retirement systems, the crediting of special interest and additional interest to members of such retirement systems, and the allowance of supplementary interest on the funds of such retirement systems.

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 July 2, 2021.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7159. 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. A07959, Rules Report No. 645, Stirpe. 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: On a motion by Mr. Stirpe, the Senate bill is before the House. The Senate bill is advanced and the bill is laid aside.

THE CLERK: Assembly No. A07960-A, Rules Report No. 646, Burke. An act to amend the General Business Law, in relation to the applicability of the Security Guard Act of 1992 to facilities owned by a public sports venue.

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 7960-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. A07975, Rules Report No. 647, Ramos. An act providing for the appeal and review of certain real property tax exemption applications.

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 7975. 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. A08012, Rules Report No. 648, Meeks. An act making an appropriation to pay the children of the late David F. Gantt, Member of the Assembly from the 137th Assembly District, the balance due of his unpaid annual compensation for a portion of the year 2020.

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 8012. 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. A08019, Rules Report No. 649, Wallace. An act to amend Chapter 363 of the Laws of 2010 amending the Judiciary Law relating to granting the Chief Administrator of the Courts the authority to allow referees to determine applications for orders of protection during the hours family court is in session, in relation to the expiration date thereof.

ACTING SPEAKER AUBRY: On a motion by Ms. Wallace, 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 7103. 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 MEEKS: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08020, Rules Report No. 650, Benedetto. An act to amend the Education Law, in relation to the granting of tenure.

ACTING SPEAKER MEEKS: 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 MEEKS: The Clerk will record the vote on Senate bill 7189. 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. Would you please record Mr. Fitzpatrick in the negative on this bill? Thank you.

ACTING SPEAKER MEEKS: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08021, Rules Report No. 651, Abinanti. An act providing that a student enrolled in an Individualized Education Plan during certain school district [sic] years may continue to receive educational services until the student completes the services pursuant to the Individualized Education Plan or turns 23 years of age, whichever is sooner; and to provide for the repeal of such provisions upon the expiration thereof.

ACTING SPEAKER MEEKS: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly bill 8021. 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. Abinanti to explain his vote.

MR. ABINANTI: Thank you, Mr. Speaker. The Federal Individual -- Individuals with Disabilities Education Act, the IDEA, requires that schools provide the services specified in the individual student's Individual Education Plan, the IEP. Both Federal law and State law require that the schools comply with this requirement for all students with IEPs until the age of 21. In New York that's 21, other schools -- other states it might be a different age.

But the school closings caused by the pandemic, this deprived so many students of -- with disabilities of their required and needed services. Zoom school doesn't work for students who are trying to be taught how to transition to adult life. They couldn't get the job skills they needed. They couldn't get the -- the behavioral patterns that they needed. They couldn't learn to travel. And employers were closed. And they really had a difficult time learning the skills necessary on Zoom in their -- their family kitchens. So Federal and State law requires that those students with disabilities who did not get their needed services must be given compensatory services, even if they achieve the age of 21 or were given a piece of paper called a diploma. SED in June of last year said that over 21 compensatory services are appropriate even if the student was 21 years of age and they were, quote, "graduated," that did not affect their right to compensatory education. But some of our schools are resisting. Some are providing services but others are mistakenly interpreting New York law as prohibiting them from giving the services because of the 21 limit. This bill makes it clear 21 is not the limit they must follow --

ACTING SPEAKER MEEKS: Mr. Abinanti, how do you vote?

MR. ABINANTI: They must follow the Federal and State mandates. Therefore, I ask --

ACTING SPEAKER MEEKS: Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. I'll pick up

right where the sponsor ended. I am absolutely delighted to support this bill. I think that, unfortunately, children with intellectual and developmental disabilities have been collateral damaged during the COVID crisis. And it's absolutely important that they don't fall off the educational cliff of 21 where they have been unable to access a free and appropriate public education during this COVID crisis over the last year to year-and-a-half. And the only thing I think that could improve this bill -- but I understand that there is a negotiation process that occurs in figuring out what version of the bill gets to the floor -- is I would want "may" to be a "must." That the school districts must provide additional services to intellectual and developmentally disabled and -- and challenged children until the age of 23 or until they meet all of their IEP goals, which we -- which as we know would be incredibly difficult to do given the regression that so many of our students have experienced during this COVID crisis.

So, this is a great bill. I thank sponsor for bringing it forward and I'm delighted to support it in its current form. I do wish that the school districts would be required to do this rather than simply encouraged to do it. Thank you very much.

ACTING SPEAKER MEEKS: Ms. Walsh in the affirmative.

Ms. Miller to explain her vote.

MS. MILLER: Thank you. I'll pick up where the previous speaker also left off and I'll drive it home so that everybody really gets a great understanding. You all know Oliver. Oliver turned

21 in December. Oliver is slated to graduate in about two weeks when he has not been in school since March of 2020. He is owed compensatory services. His -- his virtual learning is not something that many of these students like Oliver can benefit from or utilize. You can't really do physical therapy through the computer. We -- he has regressed significantly, as have many of these children. And to -- for SED to give out guidance saying you may keep these students until they complete their IEP goals is -- is terrible. The -- the districts are deciding not to keep them. So I also wish -- wish that this was "you shall" allow these students to stay on so that we're not facing falling off a cliff at 21 with absolutely, you know, no services and nowhere to go because we weren't transitioned appropriately due to COVID.

So, I thank the sponsor for this bill and hope that it makes more districts -- or encourages more districts to allow these students to stay on until they've completed their goals and have someplace to transition to. Thank you.

ACTING SPEAKER MEEKS: Ms. Miller in the affirmative.

Mr. Santabarbara.

MR. SANTABARBARA: Thank you, Mr. Speaker. I rise to support this bill. I want to thank the sponsor. It -- it was a very (inaudible) disabilities unable to adapt online during the pandemic. Some were just unable to engage in remote learning or adapt to the online lessons. My son -- my son Michael, he was home doing -- trying to do remote learning during that period. It was just

not the same. He was not receiving the services that he should have been receiving in person. He lost his one-on-one services as well. So it really set him behind. And a lot of these students are going back now, they're trying to catch up. And although most -- most students (inaudible) with the four years, students with disabilities need this additional time to be successful, and the age-out population would not be able to return and make up this education that they've lost without this bill.

So, again, I want to thank the sponsor for this -- for providing this opportunity to return rather than lose that critical final year of education through no fault of their own. This includes so many students with disabilities. These students were not able to receive what was prescribed in their Individualized Education Plans that the State has an obligation to provide, even under these circumstances. And I assure you there are thousands of parents and teachers out there that agree, this is the right thing to do and I'm very pleased to cast my vote in the affirmative.

ACTING SPEAKER MEEKS. Thank you. Mr. Santabarbara in the affirmative.

Ms. Simon.

MS. SIMON: Yes, I just want to add my support. This bill is desperately needed. It will make such a difference in the lives of so many young people who were without services for the last year-and-a-half and who can sustain the lack of services less well than almost any other population.

So, I -- it's the right bill, it's the right thing to do and I'm happy to vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: 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 can now go to the previously-advanced A-Calendar, we're going to take up Rules Report No. 665. It's Assembly bill 6395 by Ms. Woerner.

ACTING SPEAKER AUBRY: Page 5, Rules Report No. 665, the Clerk will read.

THE CLERK: Assembly No. A06395-B, Rules Report No. 665, Woerner, McDonald, Jones, Ashby, Tague, McMahon, Griffin, Walsh, Fahy, Wallace, Lupardo, Jacobson, Steck, Rodriguez, Hyndman, Otis, Gallagher, Quart, L. Rosenthal, Galef, Thiele, Stirpe. An act to amend the State Finance Law, the Mental Hygiene Law and the Executive Law, in relation to establishing a Opioid Settlement Fund.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will

record the vote on Senate print 7194. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Ms. Woerner to explain her vote.

MS. WOERNER: Thank you, Mr. Speaker. Michael Israel, Paul Thompson, Dan Provost, Thomas Ventura. Just four of the hundreds of thousands of New Yorkers who have lost their life due to the scourge of opioid addiction. Today we take a bold step to ensure that this State has the resources available to help the families of those whose children have been affected by addiction and those individuals themselves that struggle with this terrible disease. I'd like to thank the Speaker and the Chair of our Alcohol and Substance Abuse Committee for their support in bringing this important legislation forward, and I'd like to thank the staff who helped craft this bill. Today we make this bold step, but it is a step that the advocates have pushed us for for a long time. And so I'd like to recognize the recovery warriors that worked so hard on this. Abee Israel, Paul and Jackie Thompson, Maureen and Ken Provost, Linda Ventura, Ashley Livingston, Judy Moppet, Dennis Greg and Sue Martin. They, too, have struggled with their demons. They have -- they have watched friends and family members struggle and they fight on to make sure that our communities have the resources that they need. And so today with this bill creating a lockbox for the settlement funds that the

Attorney General will be securing for this State and the formation of a commission made up of experts and people with life experience to advise us on how to allocate this money, we will be able to ensure that our communities have the resources that they need.

I thank you all for the joining me in this fight and for casting your vote to make a difference in our communities in such a profound way. Thank you so much. And with that I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Woerner in the affirmative.

Mr. Brown to explain his vote.

MR. BROWN: Thank you, Mr. Speaker, for the opportunity to explain my vote. And I want to thank the bill sponsor, Ms. Woerner, for putting it forth. I -- I can't underscore the importance of this bill. I, myself, have been trying to track down the McKinsey settlement money for the last couple of weeks, only to find out by the -- from the Division of Budget that the money is still sitting in the General Fund of the State. It's unacceptable. This money was transferred from the -- from the defendants in the lawsuit to the State Attorney General's Office and put into the General Fund. This money needs to get out to the treatment facilities. As is -- as everybody in this Chamber knows, I've said it many times, Suffolk County leads the entire United States in heroin overdoses. It's unacceptable that this money is still sitting in the State coffers and hasn't made its way to the treatment facilities.

So, I applaud the sponsor for this. I'll continue to track down the settlement money. There's \$17 million that's sitting out there. But this lockbox is so important so that the money can get transferred as quickly as possible and to help the poor people who are suffering with opioid addiction. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Brown in the affirmative.

Ms. Gallagher to explain her vote.

MS. GALLAGHER: Hello. I'd like to thank the sponsor and the Drug and Alcohol Committee for bringing this bill forward. My life, as well as most of my friends' lives, have been touched by opioid overdose. And I know that it is a -- overdose is a -- opioid addiction is something that grabs hold of you and you never quite recover. There's always an opportunity to be pulled back in by the drug and it is absolutely a -- a disaster for our communities. So I'm so grateful for the plaintiffs that sued for the opioid settlement, and it is absolutely vital that they get this money and I'm proud to be in support of this bill and to cosponsor it and I am voting yes.

ACTING SPEAKER AUBRY: Ms. Gallagher in the affirmative.

Ms. Griffin.

MS. GRIFFIN: I rise to explain my vote. I just wanted to commend the sponsor. I think this is so important. It's essential that this Opioid Settlement Fund be established to support all those many people and their families that are so in need of support.

My heart goes out to all of the lives that have been lost over the last couple of decades. And a special -- a special word of mention to a wonderful friend who lost both of her children, Katie and Kevin, to opioid overdose. So, it is so important that we get help to the families and to the people that need it.

Thank you very much, and I -- I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Griffin in the affirmative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you so much, Mr. Speaker, for the opportunity to explain my vote. I want to add my voice to commending the sponsor on this piece of legislation. Clearly, the impact that opioids have had on the lives of so many throughout all of our communities is -- is something that's still hurtful in a lot of ways. And to realize that there are resources that people are willing to pay for their responsibility and allowing this proliferation of this drug throughout our communities, it's -- it's important that it goes right directly to that work. That needs to happen to assure that this doesn't happen again. Clearly, (inaudible) dollars get into our General Fund. They could go for any old thing. And not that we don't need some roads and bridges done, but we need this opioid crisis to be fixed and fixed for good.

And so I want to commend the sponsor on this one and I'm grateful to have the opportunity to cast my vote in the

affirmative for something as progressive as this. So, thank you, Mr. Speaker.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Okay, Mr. Speaker, and colleagues. We are going to move to our debate Calendar. Folks do have a copy of one on their desks. We're going to start with Rules Report No. 197. That's Assembly bill 6098 by Mrs. Galef. Followed by Rules Report No. 215, Assembly bill 6527 by Ms. Kelles. Followed by Rules Report No. 217, Assembly No. 6700. That one's by Ms. Joyner. And for this moment, Mr. Speaker, 237, Assembly bill 7353. That one is carried by Mr. Bronson. In that order, Mr. Speaker.

Thank you.

ACTING SPEAKER AUBRY: Page 7, Rules Report No. 197, the Clerk will read.

THE CLERK: Assembly No. 8292-A (*correct bill No. S02928-A), Rules Report No. 197, Senator Addabbo (A06098-A, Galef, Gottfried, Gunther, Hyndman, Epstein, Simon, Glick, Abinanti, Dickens, Fall, Darling, Rodriguez, Cruz, Richardson, Steck, Niou, Fernandez, Jacobson). An act to amend the Workers' Compensation Law, in relation to Paid Family Leave and siblings.

ACTING SPEAKER AUBRY: On a motion by Mrs. Galef, 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 AUBRY: On the bill, ma'am.

MS. WALSH: So, this bill takes the Family and Medical Leave that was created a few years ago which allows for paid leave for covered employees -- covered employers -- employees that cover employers who meet certain work requirements to take Family Leave, Paid Family Leave, to participate in providing care, including physical or psychological care, for a family member of the employee made necessary by a serious health condition of the family member. So right now under existing law, family members -- the term "family members" includes children, parents, grandparents, grandchildren, a spouse or domestic partner of the employee. This bill would expand the definition of family member to include siblings, which would mean a biological or adopted sibling, a half-sibling or a step-sibling. So the concern with this bill is kind of the where do we stop. You know, how broadly do we define family members? Because when you expand the pool of individuals who could take Paid Family Leave, it -- it creates potentially a problem for the employer in terms of increasing opportunities -- well, it increases opportunities for employees to take leave and it could place additional fiscal stress and on New York's

Paid Leave system and it could make it difficult for employers to schedule out people to be able to provide care.

So those are the concerns with the bill. NFIB opposes it. We have no prior vote on the bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 2928-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. Walsh to explain her vote. No?

MS. WALSH: No, rather to explain the Party -- the -- the Conference's position.

ACTING SPEAKER AUBRY: Yes, ma'am.

MS. WALSH: The Republican Conference will be generally in the negative on this bill. But if anybody in our Conference would like to be a yes on this bill they should contact the Minority Leader's Office and indicate that and we will reflect their vote accordingly.

Thank you.

ACTING SPEAKER AUBRY: Thank you so much.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference will be generally in the affirmative on this one. However, there may be a few colleagues that would like to be an exception and they should feel comfortable in calling the Majority Leader's Office and we will record your vote properly.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Thank you so much. Mrs. Galef to explain her vote.

MRS. GALEF: Yes, thank you, Speaker. I would like to explain my vote and why I actually introduced this addition to the Family -- the Paid Family Leave Act that we did about four years ago with Assemblywoman Nolan being the sponsor of that bill. I think we've all been -- we've been through COVID this year. You know, we've had many, many families that have been disrupted. And not all families have a spouse, not all families have children, not all families have children living by them. They don't necessarily have grandparents that are in their state. And -- and one of the people that they have known for probably the longest amount of time are their siblings. And that was brought to me by individuals within my district. And with the COVID situation this year, I remember a woman who was taking care of both her brother and her father with COVID. There are 13 states that have Paid Family Leave, and of those, eight of them include siblings. And we have included siblings in our Family Sick Leave Act that we did last year in the budget. So this is rather consistent with what we've had before. In -- in 2018, the

last time that we looked -- that we had the numbers available, only 39,000 people had participated in the Family Leave and they didn't take 12 weeks. The average was 21 days. So, you know, I don't think it's a problem. I think it's good to have happy employees that are taking care of their family members as we go forward.

So I would encourage my colleagues to be supportive of this legislation. Thank you very much.

ACTING SPEAKER AUBRY: Thank you, Mrs. Galef. Mrs. Galef in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Senate S02928-A, Rules Report No. 197 -- oh, I'm sorry.

ACTING SPEAKER AUBRY: Page 8, Rules Report No. 215, the Clerk will read.

THE CLERK: Assembly No. A2527-A (*correct bill No. A06527-A), Rules Report No. 215, Kelles, Dinowitz, Cruz, Septimo, Lavine, Seawright, González-Rojas, Mitaynes, Sillitti, Jackson, Otis. An act to amend the Education Law, in relation to prohibiting schools or school districts from filing a lawsuit against a student's parent or guardian for unpaid meal fees.

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

Ms. Walsh -- Ms. Kelles an explanation has been requested.

MS. KELLES: Absolutely. This bill would simply strengthen our existing law that was put in place in 2019 and would add a component to it where school districts -- can you hear me -- all right. I'll say that again. Thank you so much, Wayne. So, this bill would strengthen our existing law that we have in place that was put in place several years ago and would make it illegal for school districts to sue families for carrying a debt due to the meal plan for their student or their child.

ACTING SPEAKER AUBRY: Ms. Walsh.

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

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

MS. KELLES: Absolutely.

ACTING SPEAKER AUBRY: Ms. Kelles yields.

MS. WALSH: Thank you so much. Just a few questions about the bill.

MS. KELLES: Sure.

MS. WALSH: I was just curious to know, is this an actual problem? I mean, how many lawsuits have been brought by school districts against parents in New York State for failure to pay for a school lunch tab that their kids have racked up?

MS. KELLES: Absolutely. And -- and that is an

excellent question. I'm so glad you brought that up. The answer is really not a yes/no, although it would be simple to say so. I think the right answer is a not yet. When we write bills we look for precedent, and in this case there is not only a precedent but there's a trend. So, there has been cases that have occurred in our neighboring states Pennsylvania and Virginia - there's also Indiana - that have happened within the last 12 to 24 months. And so this is a proactive step to say that this is unacceptable and would create too much of a risk here in New York State.

MS. WALSH: Okay. Well, do you know of any -- any suits at all that have been brought in New York so far?

MS. KELLES: So that was my answer; not yet.

MS. WALSH: Not yet. Okay. Thank you.

MS. KELLES: So when I -- just to mention, and I think that this is really important to note that the cases that I'm referring to, for example, in -- in Pennsylvania was a case where they actually sent letters, about 1,000 letters, and these were people who owed amounts as low as \$21, saying that if they didn't pay it that they would send CPS in to put their children in foster care. So, you know, these are some pretty intense cases, and I think that the risk is too great. So it is a proactive step, which we very often take with laws.

MS. WALSH: Okay. So, now this bill would apply to all private, public and charter schools across the State, correct?

MS. KELLES: Correct.

MS. WALSH: And doesn't the law in New York

already say that they can't -- a school district couldn't use a debt collector to go after -- it already says that in our law, right?

MS. KELLES: Correct. And this is -- this is one step beyond that, so it is absolutely separate and different from that step.

MS. WALSH: Now, so as you might know, I -- I represent kids in family court so I hear a lot about, like, how much kids are racking up at school. Some kids go in, they get two lunches, some kids -- you know, they're racking up -- they're racking up some significant bills. Does this bill prohibit a school district from, say, sending home a letter to a parent saying, *Hey, you know what? Like, your kid -- you've really exceeded* -- because they have to under, I think, existing law they can't just say, *Here, you can't get the lunch. You're going to get a peanut butter sandwich instead.* They have to let the kid get the lunch and just kind of keep accruing their bill, right?

MS. KELLES: Absolutely. And it also -- I'm really glad you brought that up. We do everything that we can right now in our existing law in New York State. We can send letters home, school districts can. They work with the families, work with them to sign up online if they're eligible. Multiple letters that they can send home. And this doesn't preclude any working with families to help out. That doesn't mean that all school districts do, but, you know, that is the current established law that is in place to encourage that.

MS. WALSH: And New York, through the -- the Federal program, has a very robust free and reduced lunch program, too. So the kids that we're talking about here and the families, are

families where they -- they don't qualify or they haven't applied for free reduced lunch. Those -- those kids are already being taken care of, and we're not -- this bill really doesn't address that situation. Those kids are going to get free and reduced lunch anyway.

MS. KELLES: Well, some of them don't apply and that is one of the things that our current law tries to help out is to get them into the system. But actually, the cases where this is an issue are for those families, for example, that are at about 130 percent AMI. And they -- just an example, \$34,000 a year for a four-person household, 130 percent, of course, would not qualify. But if you think about it, \$34,000 a year, you have two kids -- if you have a two-person household, three kids if you are a single-parent household, like a single mother. And right now if you do the estimate, the average cost of meals per child per month, that's 20 days, is \$100 per child. That would be \$300 per month on \$34,000 a year. So it's quite a significant burden on the families that actually don't qualify for the free and reduced lunch.

MS. WALSH: Very good. Thank you so much for your answers to my questions.

Mr. Speaker, on the bill.

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

MS. WALSH: So, I appreciate the sponsor's clarifications as far as what the bill does. I think what -- what bothered me about this bill the most when I -- when I first read it and having -- it came through the Education Committee, was that I really

think that I would prefer to see the schools have the discretion to know what families have means and what students have needs and figure out who they should be trying to kind of encourage or require the families to -- to pay up. Because there -- you know, I don't know. I -- there are a lot of families with means who have kids who rack up huge lunch accounts, and they just do. And -- and the kids are oblivious to it. They rack it up. And I think that -- I'm not saying that the school districts ought to, you know, go running around suing families or anything. But I am saying that I think that there's -- the moral to the story and I think the moral we want to give our kids is that, you know, if you eat it you have to pay for it. And I think that this kind of bill just sends the wrong message to say that, you know, *You can eat and -- and you don't have to pay for it and nobody's going to be able to make you pay for it.* I think that's a terrible message as far as accountability to give to our kids. So I think that -- I think the free and reduced lunch program is an important one. I understand what the sponsor is saying, I believe, about, you know, that there could be parents that perhaps are too proud to apply for a free and reduced lunch and -- or perhaps just barely missed the financial criteria to get free and reduced lunch. And as a mother of six children, I know how much a food bill can be, so I can appreciate that. But I just think it's better to leave it in the sound discretion of each individual school district. They know who the families are that are struggling. They know who -- which families are much more able to pay, and I would rather do that rather than this bill.

So I -- I won't be supporting it, but I thank the sponsor for her answers to my questions. Thank you.

ACTING SPEAKER AUBRY: Thank you, Ms. Walsh.

Mr. Manktelow.

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

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

MS. KELLES: Absolutely.

ACTING SPEAKER AUBRY: The sponsor yields, sir.

MR. MANKTELOW: Thank you, Assemblywoman. Good to see you.

MS. KELLES: Good to see you, too.

MR. MANKTELOW: One of the questions, what happens if a school gets to a point where they can't get any money from the family? What happens then?

MS. KELLES: So right now in New York State the funds cannot be rolled over, so it would go into -- or be pulled from or paid from the General Fund. There are many, many school districts in the State where they also can get funding and do get funding from their PTA. Also non-profits, also foundations. So that is actually, if you look at the statistics, the primary way that these are paid for. The bill -- I would note I looked at the statistics in my district and the

entire Southern Tier, and these amounts at the absolute outset - and this was a definite outlier - was \$12,000 for the previous school year, the lowest being \$500. So if you're looking at the entire school district, these are pretty small amounts that the school districts are trying to -- to balance.

MR. MANKTELOW: I know in my district, I know especially in my area where I live I know there's a lot of transient populations where families are moving in and out of the area. When one or two or several -- several families move out and there's a bill for the -- for the meals, what -- does the school still go back to that same funding or what happens if there's not enough funding there to cover the expense?

MS. KELLES: So that would also follow the same suit as what I just answered. I think that, you know, the point is here that regardless of who is taking care of a child at that time, which school district, even if they leave the school district the primary mission of boards of education focused on this, and school boards that -- that we've spoken to is to serve the child to the best of their ability while they're in their school district. So we've -- we've spoken to school districts and not a single one opposed this and the State -- their State association is in support. So I think that goes a long way to answering that.

MR. MANKTELOW: And this is the last question. Does the school have the ability to -- if the -- if the bill was huge, does the school have the ability to levy that out of school taxes?

MS. KELLES: Yes.

MR. MANKTELOW: They do.

MS. KELLES: Yes.

MR. MANKTELOW: Perfect. Thank you so much for your time.

MS. KELLES: Absolutely.

MR. MANKTELOW: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 5151-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, to explain my vote. You know, this bill says that --

ACTING SPEAKER AUBRY: Mr. -- Mr. Goodell, please give us your Party's position first and then you'll explain your vote.

MR. GOODELL: They'll be consistent, as you might expect. This will be a Party vote in the negative. The Republican Conference is generally opposed. And I'll explain my vote in a minute. Those, however, that would like to vote in favor of this

should contact the Minority Leader's Office so we can record their vote.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you so much, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference will generally be in favor of this piece of legislation. However, colleagues should feel free to contact the Majority Leader's Office if they want to be an exception.

Thank you, Mr. Speaker.

(The Clerk recorded the vote.)

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

Now Mr. Goodell.

MR. GOODELL: Thank you. To explain my vote.

ACTING SPEAKER AUBRY: Yes, sir.

MR. GOODELL: This bill states that it doesn't matter how much income a family has, if they don't want to pay for school lunches for their kids they can get a free ride. What a horrible message to convey to your kids that you can ignore the rules and regulations, that you don't have to pay for things that you buy and that you use and that you consume, that you can just blow it off. And that's a horrific message. And of course everyone in this Chamber knows there's no such thing as a free lunch. So what happens when a wealthy

family doesn't pay for their school lunches for their kids? Because there's -- they're just ripping off the school. But who are they really ripping off are all the school taxpayers in that local district. So all those senior citizens and everyone else, the working families that are struggling to pay that school tax bill, they have to pay higher taxes in order to cover the cost of lunches being provided to families that can pay but simply won't. That's the wrong message to send to kids and it's the wrong message to send to parents and it's the wrong message to send to the taxpayers.

And for those reasons I'll be voting against it.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Smullen.

MR. SMULLEN: Thank you very much, Mr. Speaker. To explain my vote.

ACTING SPEAKER AUBRY: Proceed.

MR. SMULLEN: It's -- it's basic economic theory that there is no such thing as a free lunch. And while I do actually understand the motive behind this, this is exactly targeting the wrong group of those who are able to pay, whose burden should not be shifted to the taxpayers, but indeed, should take personal responsibility for their -- for their children and their children's nutrition at school. This is an unfunded mandate. It has great fiscal applications and it's a step in the wrong direction towards we -- where we want to be headed in New York State as far as who funds all of the finances for our

public school system.

And I'm voting in the negative.

ACTING SPEAKER AUBRY: Mr. Smullen in the negative.

Ms. Kelles to explain her vote.

MS. KELLES: Yes, thank you. There are three things that I think are really important to note about this bill. This is not about teaching children a lesson. This is about holding them harmless. This is not -- from the data, from the research of what we've seen, this is not a case where families who can pay are abusing the system, as has been painted here today. I think that that is extremely important that we walk away trusting, respecting the data. The other thing that I think is really important to note is that this is about minimizing risk. If we look at the risk that is caused by a child being shamed, the permanent harm that is caused, then it is our duty to minimize that harm to the best of our ability. That is what this law does, this bill does if it is put into law, and that is why I have brought this forward. And of course I support it in the affirmative.

Thank you so much.

ACTING SPEAKER AUBRY: Ms. Kelles in the affirmative.

Ms. Reyes.

MS. REYES: Thank you, Mr. Speaker. I just find it ironic that we talk about not paying for food and getting free stuff when we have a lounge a few feet away from here that provides us

with endless amounts of snacks that we don't have to pay for. But we are talking about children who sometimes the only meal they get is in school. And before New York City implemented free lunch, I was a mom of two grade-school children and I would get these astronomical bills for lunches that they wouldn't even eat because my children didn't like the food. And even though they didn't eat it and didn't take the lunch and I would pack them their lunch, I would still get a bill. And at the time, before I was a nurse, it was a financial burden to pay a \$200, \$300 bill every month.

So I would commend the -- the sponsor for this piece of legislation. I think it is very necessary. And when we talk about children, I think we need to very well measure our words when we do that. Thank you.

ACTING SPEAKER AUBRY: Ms. Reyes in the affirmative.

Mr. Dinowitz to explain his vote.

MR. DINOWITZ: I was just finishing my free lunch, by the way. So does anybody here really think that a wealthy family, if they should happen to be in public school in the first place, is going to not pay for a lunch if the child doesn't bring lunch to school? That's absurd. In New York City we do provide free lunches for the kids and we provide it for all the kids. And the reasoning for that is that we don't want -- we don't want lunch shame. We don't want kids to feel bad because they're getting free lunch and other kids aren't getting free lunch. In fact, there are some who proposed that the City or the State

or the Federal government provide free meals other than lunches. I think Senator Gillibrand has such a proposal. And that makes a lot of sense. We want kids to be well-fed, we want kids to be healthy. And people in jurisdictions where you have to pay for the lunch, they pay for the lunch. And if there are exceptions, there are exceptions. But I believe the bill says that the school district should not be filing a lawsuit. That doesn't mean they can't ask the families to pay for the lunch if they owe the money, it just says no lawsuit. It's really mean-spirited, I think, to suggest that we should be taking families to court because they're too poor to pay for the lunches that their kids desperately need. And as I said, no one -- no wealthy family is not paying for the lunch. It's -- it's just ridiculous to even say that.

So, this is a really great bill and I thank the sponsor for putting forth this bill. I hope everybody votes for it as apparently most people are. Thank you, and I vote yes.

ACTING SPEAKER AUBRY: Mr. Dinowitz in the affirmative.

Mr. Jacobson.

MR. JACOBSON: Thank you, Mr. Speaker. There's nothing -- there's nothing worse than a schoolchild being shamed because he's getting a free lunch and his schoolmates aren't, or that he's denied a lunch because the bill hadn't been paid. Luckily, in the three city school districts in my district, the children do not have to pay. The parents don't have to pay. You just go. So nobody is put in that situation where they didn't have enough quarters in the morning or

they're -- they can't afford it or they're getting a free lunch and then they -- they feel like they have to sneak in to get it so that other school children do not know that they're getting it paid for. So the best thing would be if all the school districts had it, that you give the lunch to everybody. This way we don't shame schoolchildren and we don't put an undue burden on those that can't afford it.

So I'm very happy for the -- that this bill is here and for the sponsor and I vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Jacobson in the affirmative.

Mr. Lavine to explain his vote.

MR. LAVINE: Thank you, Mr. Speaker. It is painfully obvious that over the course of the last years the gap between those who have the wherewithal to be able to -- I shouldn't say the wherewithal -- between those who are -- enjoy economic advantage and those who suffer economic disadvantage has grown and grown widely. I worry about lawsuits being brought against the parents of children who are not paying for the food that their children, as someone said, racks up in -- in school. I worry that a lawsuit against any parent who has the money to pay but refuses to do so is going to result in repercussions to the child on behalf of the parent. Look, I have no doubt there are some parents who can afford and refuse to pay, and I'm reminded of a great Churchill line from many years ago that, *There are scoundrels on both extremes of the economic strata*. I don't think it is worth it to pursue these lawsuits. I don't think it's

worth it to pay lawyers paid by the school districts to pursue these law -- lawsuits. I think this is a good bill, the design of which is to try to protect children. And I think that that's what we're all in this to do, to protect children.

I'm very pleased to vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. To explain my vote. This debate obviously has obviously struck a chord with some of my colleagues. I just want to just talk about a couple of things that this bill is not about. This bill is not about suing children. This bill is not about not feeding children. This is not a bill about picking on poor people. This is a bill that says that rich families can rack up -- and -- and with all respect to my colleague who said it does not happen that rich people run up big bills with their kids at school with lunches, I am telling you, they do. They do. And it basically says that they can rack up these big bills with impunity. Because we already have in our law that you can't use a debt collector. You know, I don't know, I guess you send home a strongly-worded note but you probably can't put it in the kid's backpack because that might be shaming. So maybe you have to put a stamp on it and send it home. I mean, really, come on. This is -- this bill -- we already passed legislation saying that there shall be no food shaming. This is an

extension of that. There have been zero lawsuits in New York State about this, and just anecdotal evidence about a couple from some other place in the country. This is not a reason to be passing this bill.

I'm voting in the negative. I would encourage my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Ms. Walsh in the negative.

Mr. Barron.

MR. BARRON: Thank you very much, Mr. Speaker. I'll be voting in the affirmative. But I just wanted to mention that it's incredible when we get into these debates about some fundamental things like food in such a rich society, and it is about some of the arguments that were made by those who are for this bill. I think I support those arguments. But I also wanted to just take a moment to look back in history. And the Black Panther Party, which I was proudly a member of, had free breakfast programs and gave out a free lunch and also survival packages to feed people. And whenever I hear about lunch or --or breakfast, the Black Panther Party in the late 1960's when they did free breakfast, free lunch and free food survival packages, 22 states across the country voted in and passed legislation for free breakfast and free lunch. So I just wanted to give credit where credit is due to the Black Panther Party that is depicted in so many negative ways in our society, that they should get the credit for the free breakfast, free lunch and the survival packages that they would give out to our communities because a greedy capitalist system just wasn't

feeding everybody.

So, bills that speak to food I think is a good thing and I will be voting in the affirmative on this bill.

ACTING SPEAKER AUBRY: Mr. Barron in the affirmative.

Mr. Reilly. No Mr. Reilly. Okay.

Ms. Walsh with the exceptions.

MS. WALSH: Yes, thank you, Mr. Speaker. Would you please record Ms. Miller, Mr. Montesano, Mr. Morinello and Mr. Norris in the affirmative. Thank you.

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 8, Rules Report No. 217, the Clerk will read.

THE CLERK: Senate S00018-A, Rules Report -- I'm sorry. Excuse me. I'm sorry.

Assembly No. A06700, Rules Report No. 217, Joyner, Mitaynes. An act to amend the Family Court Act and the Social Services Law, in relation to establishing procedures regarding orders of post-termination visitation and/or contact between a child and such child's parent.

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

advanced.

Ms. Walsh is requesting an explanation, Ms. Joyner.

MS. JOYNER: Okay, thank you. So this bill grants family court judges the discretion to order continued visitation and/or contact between children and their birth parents after a parent's right has been terminated. The judge may order post -- post-termination contact at the disposition hearing and a parental rights termination proceeding when it would be in the child's best interest.

ACTING SPEAKER AUBRY: Ms. Walsh.

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

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

MS. JOYNER: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. WALSH: Thank you, Ms. Joyner. We've debated this bill in the past. I noticed that there were some amendments made to the bill and I was wondering if you could just run through those amendments, please.

MS. JOYNER: Sure. So a couple of the amendments include the standard involving the judge's analysis with these cases. So it does allow collaboration between the parties. If there's an agreement the court can proceed along with allowing visitation and/or contact. If there is no agreement, the court has -- starts their analysis where they can order contact if it's in the best interest of the child and

if the applicant can show that consent is being unreasonably withheld. And then we also spoke about -- just delineated the process a little bit better in terms of when the application can be made and, you know, about the modification -- when there is a modification what's the steps for that as well.

MS. WALSH: Very good. So, one of my questions is, so let's say that you've got a child who was removed from biological parent and placed in foster care, with a foster family, and the child -- you know, there needs to be -- it's required by law that if the child has been in -- in a foster care placement for I think it's 15 out of the last --

MS. JOYNER: Twenty-two months.

MS. WALSH: Yeah, I was going to say almost two years, then at that point the Department of Social Services needs to file, it's is required to file a termination of parental rights petition. So -- so they do. They file a -- a TPR, a termination of parental rights, TPR petition, and at that point the individuals who have standing to participate would be the child, right, but the child is going to be appearing generally through an attorney for the child unless they're over the age of 14, a -- the foster family and the biological parent and Department of Social Services. Do I have all those parties right?

MS. JOYNER: Yes. The bill delineates that as well.

MS. WALSH: Okay, good. So, now that -- that foster family, let's say that there's an order that the court makes that wasn't by consent, it was after a hearing. After a hearing the judge

determines that there should be this type of continued contact between the biological parent and the child. But the foster parents, say -- say they object to it. But the court can still order it, right, even if they don't agree?

MS. JOYNER: Yes. But again, it would be -- the burden of proof would be on the applicant to show that the consent is being withheld unreasonably, and again, that it's in the child's best interest.

MS. WALSH: Okay. So let's say that there's that order. After that time, the foster parents are like, *You know what? I'm out. I'm tapping out. I'm done with this situation.* But there's another adoptive parents that comes out like a miracle and say that they want to adopt this -- this child. Do they have to -- are they required to abide by the order that was issued in a proceeding that they didn't participate in?

MS. JOYNER: So, the bill does speak about parties that become -- subsequent parties that become involved in this proceeding. So they will also have the ability to enforce or modify any contact agreement. And again, the court will begin that analysis of if there is an agreement it's fine, if there is no agreement they will look at whether or not consent is being unreasonably withheld and if it's in the child's best interest. So the whole court analysis will -- will start again.

MS. WALSH: So the whole court analysis starts again, and the adoptive parent, who at that point, at the point of

adoption is the legal parent of that child, they would be required under this bill to -- because they don't get counsel assigned to them like the -- like the other parties might. They have to go out, they have to go find an attorney, they have to pay for that attorney. They have to go and petition in family court, they have to say that despite the order that was previously issued, they wish to modify or extinguish those -- that continued contact. They have to go through that whole court process, probably go through another hearing because it's unlikely that the biological parent who has been getting the time wants to -- to lose that time. So that -- that adoptive parent's got to jump through a number of hoops and still runs the risk that the family court judge is going to agree with the biological parent that it would be in the best interest to continue this contact that the adoptive parents don't wish to have, is that correct?

MS. JOYNER: Well, so just to clarify. So, Section 262 of the Family Court Act does allow adoptive parents to have counsel if they're financially eligible. The child will also have counsel. And again, if the court already started the analysis that this was in the child's best interest to have contact, I would assume the same analysis would apply unless there's been a significant change in circumstances. And again, the analysis at all times focuses on what's in the best interest of the child. And as you -- you know -- and, you know, throughout the State of New York adoptions have become more open. Agencies are doing a better job of educating prospective adoptive parents about the benefits of maintaining that contact when

it's in the best interest of the child. You know, the contact between the child and the birth parent. So, I would say, you know, again, if the court found that it was in the best interest of the child at that point I would assume that it would again apply in the second proceeding. And again, the analysis stays on what's in the best interest of the child.

MS. WALSH: So, Ms. Joyner, just so -- just so I'm clear. Are you saying that under -- and I'd like to hear that section of the law again -- in -- in this type of a petition that we've been talking about, the adoptive parents could have public defender representation if they financially qualified under the law?

MS. JOYNER: Yes. That's Section 262 of the Family Court Act.

MS. WALSH: Okay. Thank you so much.

Mr. Speaker, on the bill.

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

MS. WALSH: So, I -- I appreciate that the sponsor has made amendments to the bill. The bill is less objectionable to me than it was last time, but I still don't like the bill and I'd like to -- to tell you why. I'm really going to be relying greatly on a memo in opposition that was submitted by the Adoptive and Foster Family Coalition, and I'm going to be quoting from parts of it. This -- this is what I think is really what this bill boils down to. They said, *There is nothing in current law that explicitly prevents children and youth who are adopted from having contact up to and including visitation with*

their biological parents post-adoption. In fact, this already occurs routinely. Now this is my narrative. So that is true. That -- that does happen. These agreements are reached. And as the sponsor indicated, there is -- adoption has changed, and it was like, you know, decades ago. Adoptions tend to be more open. But remember that in this case you've got the termination of the biological parent's rights. That is something that only happens in very -- thank God -- in very rare circumstances. They are the worst cases to come into family court. They are the most heartbreaking cases, because you've got a parent, a biological parent, who has such problems that they -- that they are adjudged to be -- to -- to lose their parental rights. Under New York law, parents, biological parents have the primary right to their -- to their own children. And to lose that -- you can only imagine the kind of parents that we -- that I see, that we see in family court. These are parents with profound mental illness. They have profound substance abuse issues. And all during this process, when this child is placed in foster care for 15 months out of two years -- 22 months -- Preventive Services and Social Services is constantly working with that biological parent to try to get them the services they need to basically address the problems that they have and make them into the kind of parent that is going to be able to provide a safe and appropriate and suitable home and environment for that child. And so when I represent kids, the kids whose parents are -- are like this are -- are going through a roller coaster. Do they -- do they care on some level for their parents? Sure they do. Sure they do. Because it's who they know and they know

that it's their parent. But they also know that their drug addiction or a cycle of domestic violence or -- or any number of things, just mental illness, that these kids have been on a roller coaster. They are bruised. They are -- I don't mean physically bruised, I mean emotionally they are bruised. And after they go into a foster care placement, or with any luck, an adoptive placement or a pre-adoptive placement, these kids are going through a lot of counseling and treatment to try to repair the damage that's been done from them being in a home that has just not been in their best interest in any way. So I want to make the point to my colleagues that Social Services is trying through this whole 15-month period to try to help, to try to help the situation. They get -- and we're doing permanency hearings every six months to check in, to check in with Social Services. How's the child doing? How's the -- how's the biological parent doing? And the goal at the beginning is generally return to parent. We want to return the child to the parent if we can correct the home environment. But after time goes on, after a while the -- the goal changes, and the goal changes to eventually free for adoption. The point that's being made by the Adoptive and Foster Family Coalition is that in New York we are, like, 40 -- let me get it in front of me -- we are 48th out of 50 in terms of adoptions in -- yeah, in -- in New York State. It is really hard to find adoptive parents to step forward and want to take on any child through adoption, but particularly these kids who have had such a rough road and who often have their own battles that they're fighting, their own difficulties. So as this memo says - this is the part that really got me - *Not only would*

this bill, if enacted, broadly shift the focus from the best interest of the child to the wishes of the court-terminated biological parent, it would unfairly subject adopted families to years of ongoing legal expense and undeserved intervention.

Now, the sponsor indicated that if some -- if an adoptive family doesn't have financial resources, she cited a section and I -- I completely -- you know, I have no reason to doubt her that -- that they would potentially get public defender representation. If the adoptive family has means but doesn't meet the means test for public defender, they're going to be paying for this. They're going to be paying for all of these court interventions, and that adoptive families would have no choice but to hire and pay for legal representation for themselves. This is the quote I really want you to hear and think about: *Finally, the Coalition is troubled by the implicit message of this proposed legislation that adoptive parents are little more than babysitters who park and house a child until their 18th birthday. Parents who adopt traumatized, neglected children from foster care deserve our State's full support. While the Coalition does not believe this is the sponsor's intention, adoptive parents do not deserve the disrespect that this bill conveys.* The best interest of the child is served most by permanency and finality. If there is to be post TPR - termination of parental rights - contact between the biological parent and the foster family or the adoptive family, let them work it out. Don't create this construct where they go into family court and they have to go back and potentially after 14, the child him or herself gets

embroiled and has to go in for these permanency hearings or for these follow-up proceedings. They get an attorney, but the attorney brings them in. You're potentially subjecting this child to a continuous cycle. Because even though the bill says that the -- that the biological parent gets one bite at the apple, they get one application, if the court, after a hearing or by agreement grants a certain amount or kind of visitation, that biological parent or any of the parties can go back in. They can go back in and modify petition after petition and change the hours, change the days, change whether it's in a public place. Whether it can be in the biological parent's home. All the different variables for visitation can continue to be litigated and litigated and litigated. And that's what that kid's childhood is going to be. And I don't think that's fair to the child. I don't think that's in the child's best interest. I think that once a biological parent goes down that long, long, long road and cannot get the services to the point where they're able to reverse the things that make them incapable of providing a good home for that child, I think that there needs to be finality. And if after the TPR is granted the adoptive parents say, *You know what? We want to open our hearts to have that biological parent continue to have some level of contact with this child before they reach the age of 18 and they can make up their own mind*, then that's fine. But in its current form I cannot support this bill.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms.

Walsh.

Ms. Joyner.

MS. JOYNER: Okay. Thank you, Mr. Speaker.

On the bill.

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

MS. JOYNER: Okay, just to clarify a couple of points. Modification can only occur once, and that's with a showing of a substantial change in circumstance. So this is not going to lead to endless litigation. And I just have to just stress how important this bill is. We're talking about similarly-situated parents. Let's say if they voluntarily choose to surrender their rights as parents, they are -- they can have the ability to still have contact or visitation with their children. But if they go -- if they want to assert their rights and, you know, fight against any allegations and they want to proceed to trial and lose, they risk losing everything. And this bill is going to create parity so that parents don't have to, you know, be in an unfair bargaining position where you either have the option to surrender your rights now or if you lose that child you lose everything. So this bill is going to allow parents the ability to assert their rights if they choose or do not choose to. And I know there was arguments about 15 months and, you know, I just want to say something simple as being unable to find housing within that 15 months can automatically then trigger this TPR proceeding. So we are leveling the playing field for all of the parents. We know -- research shows that it -- it may be in the best interest to maintain these bonds if it helps with the child's curiosity, access to family records and medical health information, helping kids

develop their sense of identity, helping children deal with the transitioning. And I want to also stress that post-termination contact is not new. New York State judges were allowing this at one point but the Court of Appeals said that the Legislature needed to act, which is what we will be doing today. Second and Fourth Departments were allowing this to already happen. This -- it's happening in other states. And we're talking about situations where there are significant ties between the parent and the child. So there's an already ongoing preexisting relationship where the child knows who the biological parent is. And we can't erase history or the existence of these -- these parental bonds. And, you know, parents may not be able to parent full-time, but still, there could be a beneficial contact with their children that could be beneficial to both parties. Especially if, you know, the child is not -- if the parent is not a threat. And again, contact can be as simple as an e-mail, a picture, telephone call, letter, supervised or unsupervised visits. And at all times the court would be able to have discretion to determine what nature and the form of communication that would be appropriate. And if the child is over 14, if they do not want to consent to this arrangement, that -- it will not happen.

So, I just want to stress how important this bill is. I've spoken to so many families who have lost contact with their kids because they decided to assert their rights and -- and stand up to allegations that were made against them. So I wholeheartedly support this bill and urge my colleagues to also vote in the affirmative. Thank

you so much.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 6357. 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 Conference will be recording this as a no vote. If anybody wishes to be recorded as a yes they're encouraged to contact the Minority Leader's Office so we can record your vote appropriately. Thank you.

ACTING SPEAKER AUBRY: Thank you so much.

Ms. Hyndman.

MS. HYNDMAN: Thank you, Mr. Speaker. I 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 their names will be announced accordingly. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Hyndman.

(The Clerk recorded the vote.)

ACTING SPEAKER GALLAGHER: Mrs.

Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, could you please record our colleague Ms. Wallace in the negative on this one?

ACTING SPEAKER GALLAGHER: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 8, Rules Report No. 237, the Clerk will read.

THE CLERK: Senate No. S00018-A, Rules Report No. 237, Senator Mayer (A07353, Bronson, McDonald, Abbate, Galef, Jacobson, Simon). An act to amend the Labor Law, in relation to requiring the Department of Labor to provide information to employers about shared work program eligibility and benefits.

ACTING SPEAKER GALLAGHER: Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker.

On the bill.

ACTING SPEAKER GALLAGHER: On the bill, sir.

MR. GOODELL: This bill requires the Commissioner of Labor to send materials to every single employer in the State of New York every single year, providing them with information regarding the Shared Work Program. I like the Shared Work Program, and it is very valuable, particularly in the manufacturing segment. And in the manufacturing area if there's a

drop in orders and they need to cut back on staff, what the Shared Work Program does is it allows the staff to work part-time and still collect unemployment part-time. The unemployment benefit is reduced by the income that they receive, and at the same token the employees come out ahead because they get a salary that is always higher than unemployment. So the Shared Work Program has been really valuable to a lot of our manufacturers. The Shared Work Program, though, is completely inapplicable to many small employers, particularly those who have a retail store or something like that where they have minimum staffing. And so while it's a great, great program for a lot of our manufacturers, it doesn't really have applicability to very small employers or certain other employers where minimum staffing applies.

And so while I will be voting for the bill, I would recommend that the sponsor consider a chapter amendment reducing the reporting requirements so that the Department of Labor doesn't have to send out information to employers that would never be able to use this program, every single year. And so we just need to narrow the notice requirements to make them more reasonable, and I hope we can see that in the future in a chapter amendment. Otherwise, I'll be supporting the bill. Thank you, Madam Speaker.

ACTING SPEAKER GALLAGHER: Thank you, Mr. Goodell.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER GALLAGHER: The Clerk will record the vote on Senate -- Senate print 18-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, Madam Speaker. Please record my colleague Mr. DiPietro in the negative on this legislation. Thank you, Madam.

ACTING SPEAKER GALLAGHER: 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: Madam Speaker, members, we have -- want to go into a brief recess. Those who are joining us remotely should remain in your Zoom. If you are a member of the Election Law, the Codes or the Ways and Means Committees, you will be put into the respective waiting rooms for those committee meetings. However, I believe they're going to be called in order, Madam Speaker, so if you're in the Chambers and you're on Election Law you can actually use the Speaker's Conference Room as opposed to running to your office to set yourself up on Zoom. So, again, we're going to go into a recess. We're going to hold these respective

committees, Election Law, Codes and Ways and Means. Our very capable staff here will put -- they know what members go on what committees, they'll put you in the right breakout room and your committee will begin soon. We will reconvene at the completion of the committee process, Madam Speaker.

ACTING SPEAKER GALLAGHER: The House stands in recess.

(Whereupon, at 2:08 p.m., the House stood in recess.)

ACTING SPEAKER VANEL: The House will come to order.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, members have on their desks for confirmation by this House the Governor's nomination to fill the vacant position of Chief Enforcement Counsel of the State Board of Elections. I ask that we take up this confirmation at this time and that you recognize Ms. Walker, Chair of the Elections Committee, for that purpose.

ACTING SPEAKER VANEL: On the nomination, Ms. Walker.

MS. WALKER: Thank you, Mr. Speaker. Today is a historic day. Only two times, though is the second time, in the history of the State of New York that we have an opportunity to make this a nomination and then confirmation. Today the Election Law Committee met with Michael L. Johnson who has been nominated by the Governor to be the Chief Enforcement Counsel at the New York

State Board of Elections. Election Law Section 3-100 requires that upon the Governor's nomination, the nominee must be confirmed by each House of the Legislature separately by a majority vote. Our job today is to vote on whether to confirm him to be the Chief Enforcement Counsel position to fill the remainder of a five-year term concluding on August 31, 2024.

Michael Johnson serves as the Director of the Dormitory Authority for the State of New York's Office of Diversity and Inclusion, and its Affirmative Action Officer. Prior to his current post, he was Assistant General Counsel at DASNY. Before he was counsel -- before that, he was Counsel to the Assembly Ways and Means Committee for a decade, working closely with former Assemblyman Denny Farrell, Chair of the Ways and Means Committee. Mr. Johnson was the Enforcement Counsel at the State Board of Elections prior to that, and started his legal career as a Legislative Counsel for the Assembly. He graduated from Seton Hall University with a Bachelor of Arts in Psychology, and received his law degree from Rutgers University School of Law in Newark, New Jersey.

At this time, Mr. Speaker, I ask that the Assembly vote to confirm Michael L. Johnson as the Chief Enforcement Counsel to the New York State Board of Elections to fill the remainder of a five-year term concluding on August 31, 2024. Thank you.

ACTING SPEAKER VANEL: On the nomination, the Clerk will record the vote. 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 nomination is confirmed.

(Pause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could now return our attention back to our debate schedule, and we're going to begin with Rules Report No. 539, it's Assembly Bill No. 2619 by Mr. Barron; followed by Rules Report No. 261, Assembly Bill No. 7541, that one's by Mr. Otis; followed by No. 267, Assembly Bill No. 7595, that one is also by Mr. Otis. And then, Mr. Speaker, if we could take up No. 273, it's Assembly Bill No. 7696, that one is by Mrs. Barrett; followed by No. 278, Assembly Bill No. 7726, that one is by Ms. Rosenthal. And then for the time being, we're going to end, Mr. Speaker, with Rules Report No. 295, Assembly Bill No. 1921, and that one is by Ms. Paulin. In that order, Mr. Speaker, thank you.

ACTING SPEAKER VANEL: Page 22, Rules Report No. 539, the Clerk will read.

THE CLERK: Assembly No. A02619-A, Rules Report No. 539, Barron, Pretlow, Dickens, Aubry, Walker, Williams, Richardson, Solages, Pichardo, Rodriguez, Peoples-Stokes, Cook, J. Rivera, De La Rosa, Perry, Vanel, Hyndman, Cahill, Jean-Pierre,

Bichotte Hermelyn, Taylor, Dilan, Darling, Joyner, Benedetto, Epstein, Reyes, Frontus, Simon, Ramos, Fernandez, Cruz, Nolan, O'Donnell, Zinerman, Jackson, Forrest, Burgos, Anderson. An act to acknowledge the fundamental injustice, cruelty, brutality and inhumanity of slavery in the City of New York and the State of New York; to establish the New York State Community Commission on Reparations remedies, to examine the institution of slavery, subsequently de jure and de facto racial and economic discrimination against African-Americans, and the impact of these forces on living African-Americans and to make determinations regarding compensation; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER VANEL: Mr. Barron on the bill.

MR. BARRON: Thank you very much, Mr. Speaker. This is indeed a most memorable and honorable moment for our community, particularly those people of African ancestry who have suffered so much in this country, so I am honored today to say that we're going to be talking about reparations now. They stole us, they sold us, they worked us, they owe us. Our people have been injured, compensation is due.

I want to thank Speaker Carl Heastie for this day, for ushering and guiding us through this process to see to it that we have this moment. I also want to thank the Ways and Means Committee for voting it out of Committee and the staff, particularly Blake

Washington, for going through what we needed to go through to make it amenable for everybody that's involved and concerned. I want to give special thanks to also the Black -- Black, Puerto Rican and Hispanic and Asian Caucus for supporting us over the years with this bill, and for the Government Operations Committee, three times it came out of the Committee and I want to be thankful to the spirit of Denny Farrell -- Farrell, who was the head of the Ways and Means Committee who supported it way back then. I especially want to thank my staff, my Chief-of-Staff, Viola Plummer, and I want to thank my Director up here in Albany, Valeria White, for all of the technical assistance around this bill, for Juan Bravo in East New York who fought for this day to come, and for Melvin Faulkner, may he rest in peace, who made his transition; Melvin is smiling on us on this day.

This bill is a critically important bill that's going to be passed today in the Assembly, and this bill calls for the setting up of a community commission on reparations remedies. And for this, we are grateful. It is calling for this commission to be charged with determining the amount, to determine the form, and to determine who shall receive it. For that, we are grateful. And we say to the Senate, come on, get on board. This is a historic moment, do the right thing. And to the Governor, do the right thing.

But this day is for, most importantly, our ancestors who were stolen from Africa and many died during the inland battle who didn't want to be enslaved. Many died in the slave dungeons before the slave ships came, and millions died during the Middle

Passage. Some of our ancestors had their children in their arms and said *Before I be a slave, I be buried in my grave*, and they jumped overboard. And many of the bones of our ancestors are in the Atlantic Ocean on the floor of the Atlantic Ocean. And then after we got here, millions of us died on the plantations in Brazil, on the plantations in the West Indies, the Caribbean, and on the plantations here in America. Millions died as they built the foundation of this capitalist system by uncompensated labor called slavery. This day is for you. This day is for all of those who fought, resisted this, 1526, at the Pee Dee River in South Carolina. The first enslaved Africans were brought from the Island of Hispaniola by the Spaniards, 120 Africans, and guess what? They united with the indigenous people, so-called Indians, and they fought together to destabilize that colony, the first colony, the first successful resistance, they won and the indigenous people who this land was stolen from joined with the African people and lived in peace and harmony. This day is for you.

This day is for Gaspar Yanga in 1609 in Veracruz, Mexico, rose up, a dignified African said, *I will no longer be enslaved* and he won and went up in the mountains to be free. This day is for Nanny of the Maroons in Jamaica who set the example, their Harriet Tubman, Nanny of the Maroons went to the Blue Mountains not to be conquered, and her brother, Cudjoe, worked -- this day is for those Africans in 1712 right here in New York City, right here in New York City. In 1712, African people rose up, 1796 right here in New York, they rose up again, and again, and again, until New York abolished

slavery in 1827. But not before damage was done and right up here in Albany, Rensselaer, one of the biggest slave-holding families every time I get off that stop, Rensselaer, that's a slave-holding family. We built the foundation of New York City. There were rebellions in the South, the Stono Rebellion, the rising up of African people in the South right after the Haitian Revolution, and the reason we learned so much from in 1804, in 1811 they rose up in Louisiana trying to make New Orleans a Black state just like Haiti.

We have this day for Nat Turner, for Harriet Tubman, for Denmark Vesey, from Gabriel Prosser, and for Callie House. Many of you don't know in 1898, Callie House, a strong, Black woman said, *If you don't pay me my salary for slavery, at least pay me a pension*, and she started the ex-slave pension movement as she called it. This day, we honor Queen Mother Audley Moore. In 1963, every time I met Queen Mother, I was honored to have met her in Harlem, she said, *Pay me my reparations. Pay me my reparations*. She got a million signatures on a petition in 1963, gave it to President, then, John F. Kennedy. This day is for Reverend Martin Luther King and Minister Malcolm X who fought for reparations. This day is for John Conyers whose bill right now, H.R. 40, rest in peace John; H.R. 40 is in the Congress now being debated. This day is for Fannie Lou Hamer who fought for reparations. And this day is for Marcus Garvey who came from Jamaica and said, *Up, you mighty race, you can accomplish what you will*. Africa for the Africans, those at home and those abroad, he was a shining example for us. This day is for you,

Marcus Garvey. This day is for the Black Panther Party who fought hard for reparations and justice and liberation. This day is for Omali Yeshitela and the African People's Socialist Party who came to Brooklyn, New York in 1982 and rose up a people and said, *This is how much you owe us* and had a hearing that laid out what we owed from reparations. This day is for N'COBRA, the National Coalition of Blacks for Reparation in America who is a part of this bill. This day is for the December 12th Movement, Viola Plummer and the December 12th Movement was a part of this bill. This day is for Dr. Ron Daniels and the Institute of Black World, all who are a part of this bill and this movement, this day is for you.

So as we honor all of you on this day and as I go back to my beloved East New York and I see an African burial ground in East New York, and my beloved East New York and we made them stop the excavation and reserve the spot so we can have a memorial for the Africans who built East New York, built Brooklyn. African people, only to be buried in their graves and treated with the most evil, inhumane cruelty that the human mind could conjure up. This day is for you. This is a day for the African burial ground down on the Lower East -- Lower Manhattan where we worked hard to get those remains preserved, and they built New York City. We built New York City. We built New York State. We built the -- when it was agriculture, we taught the English and we taught the Dutch how to agricult their land, the Indian's land that they stole. We did that. They were fur traders. We built the agricultural economy of New York.

New York was the second largest slave-holding city in the nation, only second to South Carolina; Charleston, South Carolina. New York, your New York and my beloved East New York, Van Siclen Avenue, Schenck Avenue, slave holders. Named after slave holders, isn't that an insult? This day is for you, my people.

So on this day as I applaud this Assembly for passing the first and only reparations bill that focuses on a community commission for remedies, California passed one but it's more state heavy and they're fighting to pass one in the Congress, H.R. 40. But on this day, I want to thank you, my colleagues, for uniting with us as a people to say that our people have been stolen, our people have been worked, our people have been sold, our people have been injured and compensation is due. Reparations now. I thank you, and I certainly will be voting in the affirmative.

ACTING SPEAKER VANEL: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER VANEL: The Clerk will record the vote on Assembly print 2619-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 reparations commission, but those who support it should contact the Minority Leader's Office so

we can record your vote. Thank you, sir.

ACTING SPEAKER VANEL: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Majority Conference is generally going to be in support of this sort of research and -- however, there may be some colleagues who would desire to be an exception, they should feel free to contact the Majority Leader's Office and we will make sure that their vote is properly recorded. Again, the Majority is going to be in the affirmative on this one. Thank you, Mr. Speaker.

(The Clerk recorded the vote.)

ACTING SPEAKER VANEL: Ms. Jackson to explain her vote.

MS. JACKSON: Thank you, Mr. Speaker. I would love to thank the sponsor of this bill. I'm a proud, proud sponsor of this bill. I never thought this day would come and I have said this so many times this Session, so I'm grateful for our Speaker for allowing such great legislation to hit the floor. As a fresh -- as a freshman, I've witnessed so many historical bills this year be signed into law and I just want us to remember that it wasn't until March 31, 1817 that the New York Legislature ended slavery within the borders, setting July 4, 1827 as the date of final emancipation and making New York the first state to pass a law for the total abolition of legal slavery. And we watched this country give reparations to a number of groups, a number of groups, but we are still fighting hard for what we know is owed to

us. And this bill will help us decide financially what this State owes us and who is included in the *us*.

So as I -- I -- as I explain my vote, I just want to say thank you again to our Speaker, thank you again to the sponsor, and I'll be voting in the affirmative.

ACTING SPEAKER VANEL: Ms. Jackson in the affirmative.

Mr. Kim to explain his vote.

MR. KIM: Thank you, Mr. Speaker. I, too, want to acknowledge the -- the sponsor and his hard work on this piece of legislation -- this piece of legislation, as I also acknowledge that this might be one of his last bills, possibly the last bill that he would be putting forward as he may be going back to the -- to serve the City of New York after this, after many years of service in Albany. So to the sponsor, thank you for all that you've done, all the -- the speeches and education that you provided for so many of us and my -- our colleagues in this Chamber. And I do want to also acknowledge our previous speaker in -- in -- in, you know, recognizing that other racial groups such as Japanese-Americans have received reparations for the injustice that they suffered in this country. So I also fully support this commission and our ability to provide reparation for the African-American community. Again, thank you to the sponsor and we will hope to see you soon.

ACTING SPEAKER VANEL: Mr. Kim in the affirmative.

Ms. Zinerman to explain her vote.

MS. ZINERMAN: I, too, want to thank the sponsor for his steadfast support of reparations for African-descended people. I want to commend the Speaker and all of the cosponsors of this legislation. As we all know, Black African-Americans have never received the full respect and honor deserved for the great gifts their enslaved ancestors provided America during their 246 years of free force labor, which we call slavery, nor has the back-breaking labor, scientific application and agricultural knowledge of their descendants been fully appreciated. The enslaved and unpaid labor transformed our young nation into a number one world financial power. And as was stated, the United States government and various states have seen fit to take reparative steps for wounds caused to others and have awarded huge sums of money, \$20,000 to Japanese-Americans, \$32 million to the Ottawa Tribes of Michigan, and others.

So today and all over the years of the multi-millions in assistance and loans has been provided to various nations throughout the world, we recognize that now it is time to ensure that those who have worked to create this country are also compensated. And so this today is a step in the right direction, and it is difficult to me, as I think about the opposition, to believe that any caring American would have reluctance with the idea of issuing an apology and issuing support for something that we all know to be a horrific period in our country's history. So again, I want to thank Charles Barron and I want thank --

ACTING SPEAKER VANEL: Ms. Zinerman, how do you vote?

MS. ZINERMAN: -- and I proudly vote in the affirmative.

ACTING SPEAKER VANEL: Ms. Zinerman in the affirmative.

Ms. Walker to explain her vote.

MS. WALKER: Thank you, Mr. -- thank you, Mr. Speaker. It is a proud moment today, it was a history-making moment to stand here in the Assembly just, quite frankly, being here as a little Black girl who is a descendant of Cam McMillan who was brought to this country as a slave, and not in his wildest dream -- and I believe so many of us are as well. And so I want to commend Mr. Barron for pushing this bill pretty much since he's been a member of the Assembly and getting it to the floor for a vote today. We saw in the 1619 Project that was done by *The New York Times* and Nikole Hannah -- I forget her last name, but I know her name's Nikole, she introduces this concept of critical race theory which talks about the fact that there's something called institutional racism that has been the knee on our neck since 1619, and it is about time that America acknowledges that things don't have to necessarily be equal, as well long as they are equitable. Some people in this society may not necessarily need to be given the same thing at the same time for all reasons, but we have to meet individuals where they are. This is about liberation, this is about prosperity and, quite frankly, most of what we

do here in the New York State Assembly, as a member of the Black, Puerto Rican, Hispanic and Asian Legislative Caucus is about reparations.

And so just as Reverend Dr. Martin Luther King said that he went to Washington, D.C. to cash a check, I believe that today in passing this bill, we are saying the same thing to America, to pay us what you owe us. Thank you. I vote in the affirmative.

ACTING SPEAKER VANEL: Ms. Walker in the affirmative.

Ms. Solages to explain her vote.

MS. SOLAGES: Thank you, Mr. Speaker. I'd like to first thank the Speaker for allowing us to put this bill on the floor and also to the sponsor who have worked very diligently to ensure that a community commission, a commission of people, citizens, are really having this conversation. And on behalf of the Black, Hispanic, Puerto Rican and Asian Caucus, we thank all the memberships for pushing this legislation that's one component of the Black agenda, to ensure that we, as a community, are given and -- and being made whole. And I also want to take the time to thank the sponsor of this bill, my seatmate, Charles Barron. I have to say at first, I didn't want to sit next to Charles Barron. I told the prior administrator, please do not put me next to the sponsor of this bill and lo and behold, he sat next to me, but it has been a wonderful time sitting next to him. He has encouraged me, as I have encouraged him, and he really -- I wouldn't be who I am today if it wasn't for him because he has given

me a lot of strength through the process. So Charles, you will be missed. I thank you for always pushing this bill and hopefully, the Senate will take charge and -- and pass this legislation this legislative Session because we need to make history, we need to correct the wrongs that have been happening systematically for so many years, and we need to make sure that the Black community is made whole. So thank you, and I vote in the affirmative.

ACTING SPEAKER VANEL: Ms. Solages in the affirmative.

Ms. Darling to explain her vote.

MS. DARLING: I am so elated to speak today.

Excuse me guys, I'm having like technical difficulties. I'm so elated to speak today on this bill. I am so proud of the sponsor of this bill. I am proud to be a sponsor of this bill because we live in a State currently where people do not believe that there were slaves in New York State. I've literally had historians question that very, very topic. So we know that we need that awareness. We are in this great State, we are in the Empire, and the fact that we're finally going to be able to appreciate and recognize or find a way to appreciate and recognize the men and women who have risked their lives, our legacies, the dehumanization that we've experienced. I am just, I can barely speak right now I'm just so elated. Assemblymember Barron, I am really, really proud of you and I'm so happy to be able to vote in the affirmative today to be able to say that we can take the time to figure it out. We are owed at least that. No more excuses, let's figure this out and let's figure out

how we can right some wrongs. Thank you and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Darling in the affirmative.

Mr. Gottfried.

MR. GOTTFRIED: Thank you, Mr. Speaker.

Originally, I wouldn't have planned on talking on this -- on this bill except if -- if this is becoming an opportunity to talk about our colleague, Charles Barron, and this possibly being his last bill on the floor if he's elected to the City Council. And I guess I wish him well in that race, but -- if that's what he wants to do, but I'm really -- Charles, I'm really going to miss you here. In the years that you've been here, you have been, in my view, one of our most serious and thoughtful members, and having you as a colleague has just been a delight. And as I said, I guess I wish you well if running for the City Council is what you insist on doing, but I'm going to miss you. Thank you.

ACTING SPEAKER AUBRY: Mr. Gottfried in the affirmative.

Ms. Simon.

MS. SIMON: Thank you, Mr. Speaker. To explain my vote. I first want to say that I'm a proud cosponsor of this bill. I'm very pleased that we are actually taking this very, very important step, and I want to commend the sponsor for his vision and his dedication to this effort and to getting a bill that is -- we could bring to the floor and

vote on today. So I'm -- will be voting in the affirmative and I also want to say that I have very much enjoyed working with Mr. Barron throughout his tenure in the Assembly and I look forward to seeing him in Brooklyn. Thank you.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to explain my vote. As folks can see and probably know from my experience in this country that I am actually a descendant of the people who made it through the Middle Passage, and their struggle has helped to grow and build an America that I am very, very proud of. And so I have no fear about doing an in-depth study to determine exactly how we were able to create this history of the greatest country in the world. And if, in fact, there are reparations that are due, how we find access to get that done. So yes, I am very proud of Mr. Barron, as well. I'm proud of his leadership on this issue, and I think that by taking this step today we are moving not just New York State forward, we are moving the United States of America forward on an issue that is long overdue. With that, I remove my request and vote in the affirmative. Thank you, Mr. Speaker.

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

Mr. Goodell.

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

colleague, Mr. Morinello, in the affirmative on this bill. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 9, Rules Report No. 261, the Clerk will read.

THE CLERK: Assembly No. A07541, Rules Report No. 261, Otis, Abinanti, Burdick, Galef, Paulin, Rozic, Sayegh, Seawright, Thiele, Zebrowski, Simon. An act to amend the Public Service Law, in relation to the contents of emergency response plans required to be submitted to the Public Service Commission by electric corporations.

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

MR. OTIS: Thank you, Mr. Speaker. This legislation amends the section in the Public Service Law that relates to emergency response plans for electric utilities. That section of law already provides that utilities are to reasonably -- be reasonably prompt in restoring electrical service. What this legislation does is it builds upon the experience of Hurricane Sandy, the Moreland Commission report that came out after that, storms Reilly and Quinn from 2018 where the Public Service Commission issued some reports about poor performance by utilities around the State, and also actions taken last year after storms with Isaias.

And what this bill does is this bill creates in the planning process the missing element, which is a time restoration benchmark that the Public Service Commission will promulgate so that in addition to having to arrange for staffing, mutual aid, outside contractors, equipment, that all of that activity is more tied to some performance standards, a benchmark for restoring service. And having followed storms in our State for a few decades, this is really the next step towards building on what we've done as a Legislature, building on what the Public Service Commission has done with some of their actions, but really sending a -- a message to utilities that we want the planning process and the staffing and resource process to be tied towards real goals of restoring service. The experience on too many storms over too many years has been extensive delays and people, businesses, and families, out of service for longer than may be necessary.

I should also note that during the course of these years, many utilities have upped their game, upped their staffing, upped their mobilization and have improved in various storms and -- and the Public Service Commission has been tracking that. But I share with you something that I think is of benefit to every part of the State, to put a little more rigor into this planning process by the language that you see here. This kind of approach is used in other states in different ways, and putting a little time pressure and some -- some metrics to help achieve that I think is going to be very helpful. So I look forward to broad support for this piece of legislation. Thank you.

ACTING SPEAKER AUBRY: Mr. Palmesano.

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

Will the sponsor yield for some questions?

ACTING SPEAKER AUBRY: Sir, will you yield?

MR. OTIS: I certainly will.

ACTING SPEAKER AUBRY: Mr. Otis yields.

MR. PALMESANO: Thank you, Mr. Otis. I understand the intentions behind this legislation. It really -- this particular -- the language I want to zero in on is issue of time-based restoration targets, if I could. Isn't it true that each event that causes a widespread outage is really unique and different, and that establishing so-called time-based targets would really be a generic, arbitrary, and kind of an exact result?

MR. OTIS: Actually quite to the contrary. The language of the bill specifically says among but not -- not limited to considerations to the Public Service Commission would use in developing this kind of metric system is consideration of different kinds of storms. And so I would just say at the outset and -- and certainly we can engage in this, but the legislation is crafted to give the Public Service Commission the discretion to provide a -- a sensitive and flexible system to provide time-based goals, but with the flexibility that is responsive to the realities of different kinds of storms and responsive to concerns of -- of electric utilities. But I'll also add that there's been a lot of frustration on parts of residents around the State where utilities and, quite frankly, this is an issue all around the

country, where utility have gone to overly rely on mutual aid from faraway places. And so that if you have a situation where the real storm restoration begins three or four days after the storm has ended, that's not acceptable. Utilities have to strike a balance between the staff that they have on hand, staff that they bring in through more locally available outside contractors and, yes, mutual aid from farther away places, but it can't be --

MR. PALMESANO: Thank you, Mr. Otis. I appreciate that, and I get what you're saying, I just have some questions because I only have 15 minutes now, I don't want to lose it all just listening to the long answer. So right now the PSC, this would be -- the PSC would have to establish this target for each outage event for a storm as it happens and, as we know, each event is different as we were talking about. You could have a situation where there's a storm where you have heavy snowfall in one area or flooding in another area, take into account the number of poles and lines down which actually -- absolutely impacts the -- and dictates the time restoration process. So all that would have to be taken into account right at the beginning of the storm and the PSC is going to set these benchmarks and work with utilities at that point in time when the storm happens, or is it supposed to be in place ahead of time?

MR. OTIS: I think the system of metrics would be established ahead of time, and there would be flexibility in terms of if you have a storm for which there is a -- a massive amount of outages and -- and especially, you know, differentiate two kinds of storms, a

storm that hits the whole Northeast and it's harder, everyone is competing for the same mutual aid folks, and a storm that is maybe more -- more local. We have an expectation that they're going to move quickly to get outside resources and local resources in quickly. So the metric system would be created in advance, not -- not at the beginning of each storm, be created in advance for different kinds of storms.

MR. PALMESANO: Right, and I can understand that because they have these plans in place. I guess it really goes back to the time-based restoration aspect of it. So will the bill -- this bill require to establish the benchmarks with emergency response plan will involve a proceeding that takes into incorporation customers and -- and the utilities working with the PSC to put a plan together, or just the PSC putting this plan together?

MR. OTIS: Well, the Public Service Commission can create these kinds of planned structures on their own, they've done that in the past, and I should note that the existing emergency management plan requirement in the statute has a tremendous amount of detail that is already required, and this is really sort of the -- the missing link and to really, we want to tell the utilities that it's important that they move expeditiously really to meet the language that is already in the statute the -- to restore power in a reasonably prompt time period.

MR. PALMESANO: So if a utility fails to meet one of these generic-based restoration targets that may or may not be

appropriate based on the outage level and the storm, would they be subject to penalties?

MR. OTIS: As it exists now, the Public Service Commission has the right to impose penalties and they already impose those penalties based upon a judgment of some of these same factors of what's reasonable, what's not, how well did a utility perform. So this does not change the penalty provisions in any way, nor does it require that if you don't meet a metric, a specific metric set up by the Public Service Commission that without any kind of analysis automatically they're going to be penalized, it would be a tool. And the Public Service Commission would be looking at under the circumstances of a specific storm, the metrics that were established in advance, fines would be based upon what is reasonable and fair, as they are now.

MR. PALMESANO: All right. And then we passed legislation earlier in this Session, I think it's being amended and kind of joined with some other legislation, that would basically require \$25 per day after a certain period of time with no restoration, and \$250 for medicine and food -- and food. Would that -- will these penalties be in addition to that, or would this be something that was looked at to try to avoid those penalties? How would that work with that existing legislation? It would be a penalty above and beyond if the PSC determines it if they don't meet these so-called time-based restorations?

MR. OTIS: As it exists now, those -- those penalties

are separate, a separate matter if you're talking about the penalties for reimbursement for spoiled food and those sorts of things, I think that's the legislation you're talking about; I'm a cosponsor of that bill. But this legislation is -- is complementary to that, but we're dealing with different issues completely. And so even that other bill that you discussed, the existing fine structure in the Public Service Law, they both were going to exist at the same time whether or not this bill passes or not.

MR. PALMESANO: Yes, thank you, Mr. Otis. So when the utility companies, when they seek to restore service as soon as possible, and I believe that they're committed, those workers are dedicated and committed with those storms that happened. I remember Governor Cuomo saying the day after a storm, basically attacking the company and those workers. I remember talking to a union employee, it really did demoralize their morale. Their goal was to make -- first work around the clock in an often stressful and dangerous environment to make the situation safe for the public and for themselves, obviously while they're working. Isn't it -- by putting these time-based generic requirements in it, is that also sending a message that maybe we're not focused on the safety aspect of the restoration and just focusing more on the time of it?

MR. OTIS: Thank you. Absolutely not, and the existing statute has in the emergency management plan a number of other provisions that relate to safety, but there is absolutely no criticism of workers in this bill. Quite frankly, we have to make sure

that utilities provide enough staffing, whether permanent staffing, again local, outside contractors or mutual aid from other utilities, what leaves workers at risk is if utilities have not prepared adequately enough. And I will add that after the 2018 storms, the Public Service Commission specifically ordered a number of our utilities to add staffing back to staffing levels of 2008 to better respond to storms. NYSEG, for instance, did a very good job of --

MR. PALMESANO: Thank you.

MR. OTIS: -- responding and they performed a lot better in 2020 than they did in 2018. I want to compliment them for their responding to Public Service Commission directly.

MR. PALMESANO: Thank you, Mr. Otis. So it is your contention, this legislation with the time-based restoration targets will allow and take into consideration the severity of a storm, individual storm, whether you're dealing with a flooding and power outages or flooding and equipment problems and getting -- being able to get equipment there, regional impact or a widespread impact, all of that will be taken into consideration and looking at the classification of the storm and dealing with this process on a case by case basis, is that your determination in what you think this bill does, because I don't read it that way.

MR. OTIS: Well, the answer is it absolutely does and these are the tools that the Public Service Commission uses now when they make the kinds of post-storm judgments and issue of sanctions. They don't just do it automatically and they won't even, with a

time-based system, they will judge all the facts and circumstances.

MR. PALMESANO: All right. Thank you, Mr. Otis, I appreciate your time and your patience.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Certainly, Mr. Speaker, and my colleagues, I appreciate the intentions of the sponsor. You know, we have seen a series of bills come through the Committee and the House for the storms last year. We had a 15-and-a-half hour hearing on it. I probably -- maybe one of the best bills that we've seen come through here which is going to make the biggest impact is by our colleague from Westchester who -- on storm resiliency and (inaudible) -- I'm not allowed to mention her name, but I think that plan, that bill was the right thing to do because that's improving our infrastructure, it's making improvements to our poles, our lines, our transmission, our transformers. And I think those types of actions and along with dealing with danger trees and the vegetation and working on mutual aid crews, those are the types of things that help with those storms.

I think this bill, I believe is well-intended, I don't -- at the end of the day, this bill is not going to help us restore power any quicker. I think it's just really another way to try to cut more fines, in addition to the fact that we passed legislation already that for every day of an outage, there should be \$25 for a customer, which is going to be a significant cost, or \$250 for medical. I just think setting generic and arbitrary inexact time-based restoration schedule is not

really the appropriate way to go. I think it's not the same for every storm, each storm is different. The degree of outage is different. I think, again, you can have a situation where there's snowfall, requiring additional snow -- snow removal equipment, or flooding that takes out roads and not being able to get to a regional event versus a widespread event, all of that is a case-by-case basis. And I think I'm concerned about how this legislation moves from that perspective from dealing with the specific time-based restoration. Let this -- let them work within the PSC. It doesn't take I don't think into account the classification of the storm. It doesn't provide any guidance to PSC to set this up. I think it really doesn't necessarily factor into account the poles that are down, the lines that are down, the transformers that are down, which all dictates the time needed for a restoration first and foremost. Our first priority when these storms happen are always for our crews, our dedicated utility crews, workers, our union workers that are out there trying to make it safe, make it safe for the public and make it safe for the workers while their working in that dangerous and -- and challenging environment.

I think we need to look at the, you know, the other concerns I have relative to this, is sometimes I just think it might be putting a focus, because if you're talking about the priorities to be focusing on safe restoration, and it seems like we're putting this as a time-based. And our workers are working diligently. If you talk to them, they work diligently to restore the power as quickly as possible. I just -- I don't want to send a message that time is of the essence and

the safety, they work hand-and-hand and I'm just concerned because it seems like this legislation focuses on time. I believe this bill is not really necessary for what we're trying to do. I think there's different factors that come into play. We talked about the -- the challenge and the degree of the storm, the weather, the time of day, the availability of crews, the complexity of the restoration jobs. We had to deal with the pandemic last year, as well.

Again, the best way to approach this is through storm hardening and resiliency plans which we're hoping we -- forward on, looking to try to deal with the vegetation issues, the danger trees, making sure we have plans. And the -- and the current law does require plans, but I think really, I think when we get into these arbitrary time restoration targets, I just think we get off the track a little bit. I think there's a better way to do it, especially I really think this is just going to set up another way to create more fines on the utility companies and other companies that are trying to do this work and working hard, and ultimately that's going to be born -- those costs are going to be born by someone, whether it's the ratepayer or whoever, and I just think that's something we need to be really cognizant of as we move forward. I think the legislation is well-intended, I just think it misses the mark and there's a better way to go about this. I think for sure we should be having a lot more collaboration, because I don't see any discussion of collaboration in here with those crews and utilities and the customers as we move forward. Let's have a collaboration plan between the utilities and the PSC instead of just saying you have

to do this by then with some arbitrary, generic and not an exact number on time-based restoration.

So I just think we can do this better. I just think this legislation, as well-intended as it is, will create some issues and priorities that we really don't need. It's not really going to help us address the issue of restoration any quicker and I think we can do better and I hope as we move forward with this, and I hope with the PSC, if this is where it goes, addresses this. I hope they take into account all these other factors we talked about, the storms, the degree, the uniqueness of each one, significance and widespread, all of those things should be considered and I just -- this legislation doesn't mark all -- mention any of that and I think that's where I'm concerned about where this is heading and I'd rather have it be a collaborative approach rather than possibly set them up for more penalties, which really doesn't help us get to the goal we want, which is to restore power as safely and quickly as possible. For those reasons, Mr. Speaker, I'll be voting in the negative.

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 7541. 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 are encouraged to call the Minority Leader's Office and we will properly record your vote. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Hyndman.

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

ACTING SPEAKER AUBRY: Thank you, Ms. Hyndman.

(The Clerk recorded the vote.)

Mr. Otis to explain his vote.

MR. OTIS: Thank you, Mr. Speaker. Over the past decade and in recent years, we've had extended outages in New York City, on Long Island, in the Hudson Valley and in all corners of Upstate New York. What this bill will do is further energize, if I can use that phrase, the planning process, the emergency planning process to make sure that there are staffing and resources available to do restoration in a reasonably prompt amount of time. And the legislation has been informed by discussions with folks, including utilities all around the State, and in -- in Westchester last year we had some

meetings with local officials at utilities to sort of go over a variety of issues. I am confident from looking at what's going on around the country that this will be a beneficial piece of legislation and something that we need here in New York in our Public Service Law and our emergency management plans. And so I recommend the vote that I'll be casting, which is aye.

ACTING SPEAKER AUBRY: Mr. Otis in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. To explain my vote. I always find it interesting that at the same time our constituents are calling us and complaining about higher and higher electric and utility bills and, indeed, they are correct because utility bills in New York State are amongst the highest in the nation, we are busy here almost every day imposing new and more mandates on utilities that obviously increase their costs and increase the costs to our customers. And so at some point we have to recognize that as we add more and more mandates on utilities and more and more requirements and more and more regulations, it only drives those prices up even higher. For that reason, I'll be opposing it. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. In addition to the affirmative votes on the floor, please record my colleagues Mr.

Mikulin and Ms. Miller in the affirmative. Thank you.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Rules Report 9 -- page 9, Rules Report No. 267 -- I'm transposing.

THE CLERK: Assembly No. A07595, Rules Report No. 267, Otis, Jacobson. An act to amend the Labor Law, in relation to requiring copies of certain documents physically posted in a workplace to be made available to employees electronically.

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

MR. OTIS: Mr. Speaker, this commonsense piece of legislation deals with something that, in a sense, we all experience if we walk by a work site or if we visit an office, under the Labor Law and OSHA and other kinds of requirements there are required workplace postings so that employees, workers, are apprised of their various rights under -- under especially the Labor Law and other laws. In an indoor location, maybe plastered on a -- on a bulletin board somewhere, small type, somewhat accessible. But certainly in an outdoor location at a construction site, work site, these are often posted on a wall or a fence in an outdoor setting, weather-beaten and often deteriorating. But in either case, for the fine print of a workers' rights to be fully accessible to that worker, we need to provide a better

way for them to access information when they need it.

So what this bill does is it -- it requires that employers make those same required notices available digitally, electronically to employees which can be done either if there is a company website or by e-mail. In addition to the ability of being able to get that kind of access, someone would then be able to download it, blow it up, get the fine print in a more readable format. But these would be good improvements under any circumstances, but especially after the year that we've had of COVID, we understand that many people are working sporadic schedules, often fully remote, partially remote, and their ability to access these documents if an issue comes up is even more limited. So I really think this is a commonsense legislation that would be helpful to workers and -- and get knowledge of their rights in their hands in a clear, expeditious way, and so I ask for your support of this legislation.

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: And I thank Mr. Otis for that explanation and, you know, for -- for describing what he's trying to achieve with this bill. You know, the -- the concern that many of us have with regard to this, and we've seen legislation over the years that have added notices that have to be provided to employees by employers and they're posted, the Department of Labor alone now requires employers

hang over 20 posters regarding employees' rights and -- and the employer obligations. That doesn't include ones that may come from other State agencies, notices that may come from OSHA. So an employer, you know, basically has so much information they have to post that it -- it almost makes -- makes it very difficult for -- for the employee to find really information relative to them. Now, this would require digital copies of these posters be made available and posted on the website.

Now, there's a couple of concerns I have with that. Number one, I don't know if all of these posters are available electronically. I guess if this was enacted, I would hope that we'd have to push the Department of Labor to do so and make them available on their website, but also, all businesses don't necessarily have a web page. A lot I would think in this day and age may do more things on, you know, social media outlets and -- and not have a traditional web page, and I think it's a little vague what requirements they may have on them if they do not have a web page. And -- and I think the last one is just, again, that general concern of another mandate on our small businesses. Like I said, you know, this started years ago and information would have to be provided and, you know, whether it was a bulletin board that every employee passed every day or, you know, in a break room, in a locker room, wherever. When you get to the point where there's 20-plus notices, I think that wording that you read every day that you're aware of, rights you have suddenly becomes really a mess of different information. And it does become

very difficult on the employer. I mean, you can have one or two employees and you're covering an entire wall with these posters, and now -- now it's an additional cost and additional expectation that you're going to provide this information digitally. And, again, not sure whether these are all available in that format.

So I just think that, you know, if we are looking -- my colleague did mention the fact that with COVID, a lot more people have worked from home. I think for a lot of people that is going to become, you know, a permanent thing that maybe they're in their office a couple days, but they're working from home a lot. But maybe that's an opportunity to modernize these requirements. Maybe it's an opportunity to say hey, provide these digitally when somebody, you know, comes on board with your company, or tell them where they can find a copy of their rights or put it in a handbook or whatever, but that you're not going to have this whole wall of things that you have to print so that one or two employees might have to dig through to find information that might be relative to a situation they're facing.

So again, like each and every one of these posters, there's a really, I think, important objective to them, making sure employees know their rights, know about workplace safety initiatives is an important thing, but I think that the more we pile on these mandates, A, we muddy the waters on -- on them really seeing the information they need to see, but, B, we just put yet another burden on the small businesses of our State, and I know that's why many of my colleagues will be voting negative on this bill. Thank you.

ACTING SPEAKER AUBRY: Thank you, Mr. Ra.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 7595. 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 AUBRY: Thank you very much.

Ms. Hyndman.

MS. HYNDMAN: Majority members are generally in the affirmative on this piece of legislation. If there are any exceptions, please, I ask Majority members to contact the Majority Leader's Office at the number previously provided and their names will be announced accordingly. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you so much, Ms. Hyndman.

(The Clerk recorded the vote.)

And Mr. Goodell.

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

vote. As my colleague mentioned, there are already upwards of 20 posters that employers have to post in a quote, "prominent location." In my law firm, I have, like, a dozen square feet with just posters that have been up forever. Rather than requiring every employer to somehow track down or make a digital copy and make it available to their employees, a much simpler approach, which would not burden our employers in order to accomplish the same objective, is for the Department of Labor to put all those posters on its web page and instead of employers having a whole wall with posters, just give us the link and we can put the link up prominently, we can put it up in more than one room. Any employee who is interested could just click it on it. We'd save employers across the State of New York hundreds of thousands of dollars that they currently spend on posting and papering entire rooms with posters that nobody reads. Let's move forward in the digital age in a way that doesn't impose more costs on our employers, but accomplishes the objective. And giving us a link to all the posters in the Department of Labor web page would accomplish that purpose. For that reason, I'm opposed to this legislation.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Otis to explain his vote.

MR. OTIS: Thank you, Mr. Speaker, and I thank Mr. Ra and Mr. Goodell for their comments. And I actually think we're more on the same page than -- than it would appear. I, too, think it's -- there are a lot of posters and signs, and I think that getting them to

workers in digital form is the first step to simplifying this process. But the Department of Labor does have these forms available digitally and they provide them to employers. To have -- to make the worker go and figure it out in the Department of Labor website is a different matter because not all forms are exactly appropriate for each work location or -- or each -- each situation. So that's sort of the employer's responsibility to make sure that they're posting the right forms for their situation.

As to the issue of a company not having a website, the way the bill is drafted it is employer's website or by mail. Many employers do not have websites; the bill language clearly accounts for that. I think this is something that would help workers and employers all over the State by simplifying the process, and so I'll be voting aye and I thank everyone for their consideration of this legislation.

ACTING SPEAKER AUBRY: Mr. Otis in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 9, Rules Report No. 273, the Clerk will read.

THE CLERK: Assembly No. A07696, Rules Report 273, Barrett, Barron, Cusick. An act to amend the Public Authorities Law, in relation to prohibiting development of Build-Ready sites on viable agricultural land.

ACTING SPEAKER AUBRY: An explanation is

requested, Mrs. Barrett.

MRS. BARRETT: Thank you, Mr. Speaker. This bill is intended to prohibit NYSERDA from fast-tracking viable agricultural land, farmland, for the development of renewable energy projects as part of their Build-Ready program. While I continue to support climate goals, viable farmland is finite, and fresh local food -- the demand for fresh local food continues to grow as we saw with the Nourish New York program. And so we want to be sure to protect this important farmland in this process.

ACTING SPEAKER AUBRY: Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker. Would the sponsor yield for some questions, please?

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

MRS. BARRETT: Certainly. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mrs. Barrett yields, sir.

MR. TAGUE: Thank you. And first off, I just want to say I really appreciate you bringing this bill to the floor. I probably will oppose this bill today, but -- for some reasons. But the idea behind this bill is something that I -- that I think you and I agree on. We -- we've had a conversation regarding this bill previously in the last couple of weeks. But anyways, can you explain to me exactly what the word "viable farmland" means?

MRS. BARRETT: Yes, I can. Viable farmland is in the Ag and Markets Law and it refers to land that's highly suitable for a farm operation, like soils that are most suitable for growing crops, it's free of rocks and boulders, has an appropriate rate pH balance and a rich supply of nutrients.

MR. TAGUE: Okay. Usually what we would call that in the agricultural world is tillable productive farmland.

But my next question is, does this bill offer any compensation to the farmer for keeping the property in what I would call tillable productive farmland instead of selling or leasing for renewable energy so it's --

ACTING SPEAKER AUBRY: One minute, Mr. Tague.

Gentlemen, we don't have the loudest voices that are talking right now, so it's hard to hear over you -- those of you gentlemen and ladies who are talking. Thank you.

Proceed.

MR. TAGUE: Thank you. I'll repeat the question, Mrs. Barrett. Does this bill offer any compensation to the farmer for keeping the property in tillable productive farmland instead of selling or leasing for renewable energy facilities?

MRS. BARRETT: No. This is focused on NYSERDA. The -- the aim of this -- this bill is to ensure that NYSERDA's Build-Ready program does what it says that it's going to do, which is to prioritize the development of existing or abandoned

commercial sites, brownfields, landfills, former industrial sites and other abandoned or underutilized sites. And we want to be sure that viable agriculture is not include as an abandoned or underutilized site.

MR. TAGUE: Okay. Now, the other question I have here, would this bill 100 percent give authority back to local home rule, local zoning and planning?

MRS. BARRETT: It really -- it only -- it's much simpler than you're trying to make it, sir. It really just takes farmland off of the fast-track Build-Ready program. If a farmer in the end decides that they don't want their viable farmland used for agriculture anymore, and then I would argue that they're no longer interested in being a farmer, but they can do what they choose with the land.

MR. TAGUE: Okay. Well, you know, again, and I -- I'll pose this question to you as well. Do you think that, you know, when we passed the Public Authorities Law No. 9 that better planning should have been done with regards to 9B? You know, most of our rural Upstate communities, especially those in -- in agriculture, they have what we call farm -- farmland protection districts. And those farmland protection districts protect tillable farmland. So, you know, we gave this authority to NYSERDA in the budget and no plan was put in place. If this had been planned out properly -- and I'm -- I'm going to ask you if you agree with me or not -- we could have went through the State of New York and picked out what you call viable agricultural lands, what I call productive tillable farmland, and make sure that those areas couldn't be developed for anything other than

agricultural products. Do you agree with me?

MRS. BARRETT: I -- I'm -- I'm not exactly following you, but I think we both share the commitment to supporting farmers and agriculture in our Upstate region and throughout the State. And so, you know, I think the issue here is to make sure that we keep enough viable farmland that, you know, that farmers can keep farming. And, you know, I -- I -- I guess I -- you know, I'm not sure exactly where you're going here, but this is pretty simple and straightforward. And, you know, I -- I hope that you will join me since you and I both asked exactly the same questions at a number of different hearings and our concern for how much farmland because it's flat, because it's easy, is being taken over by solar farms in particular.

MR. TAGUE: And I'm going to ask you kind of a -- another question and you don't have to answer it if you want to because I'm going to speak on the bill right afterwards. But do you think that the Governor will veto this bill if it passes today?

MRS. BARRETT: There is always that chance, but I think that we should pass it and -- and -- and keep fighting for our farmland. That's my goal.

MR. TAGUE: Mr. Speaker, on the bill, if I may.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. TAGUE: Thank you. First of all, I want to thank the sponsor. Again, there are a couple of things in this bill that's not going to allow me to support it today. However, if there were

some amendments, not only would I be a supporter of this bill, I would probably be a cosponsor. The good parts of this bill is that it actually slows down the process. It actually slows down the mistake that some of us in this Body made back in 2020 in the budget, giving the Siting Commission and the Governor the power to override Home Rule and to develop renewable energy facilities without the regard for food insecurity and our very tillable productive farmland in rural Upstate New York. Over 350,000 acres of productive farmland has been lost to renewable facility leases or development. The bad news, and the reason why I can't vote for this bill today, is that once again these bills put our farmers at a disadvantage. It tells them what they can or what they can't do with their land. We tell them how much they can grow, how much they can charge. And by the way, we regulate every aspect of their business. Now we are telling them whether they can sell their property for development or not.

While I agree with the sponsor that having tillable farmland is much more important, I cannot support something that would restrict the development of agricultural lands without some sort of compensation for the farmer to incentivize them to keep the land in tillable productive farmland. This tillable productive farmland keeps feeding New Yorkers and Americans across our country. This bill, to me, is a good beginning but it needs work. I'd be happy to work with the sponsor. But as it's written today, unfortunately I am going to have to vote in the negative and recommend my colleagues to do the same. If we could find a way to compensate our farmers to keep this

productive farmland in -- in -- in production, I would be happy to support this bill.

For those reasons, again, Mr. Speaker, I will be voting in the negative. But again, thank you to the sponsor for her answers and for her explanation. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

Would the sponsor yield just for a couple of questions, please?

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

MRS. BARRETT: Yes, sir, I will.

ACTING SPEAKER AUBRY: Mrs. Barrett yields.

MR. MANKTELOW: Thank you, Mrs. Barrett. And first of all I want to say thank you for bringing this bill forward. I think the intentions of this bill are great. I applaud you for bringing it to the floor. I think the -- the primary goal of this is a -- is a great bill. I just have a couple of questions on this. And we have been in contact with New York Farm Bureau who opposes this bill, not -- not totally because it's a bad bill. But there's just a couple of questions I want to -- I want to ask and maybe clear up my mind on this. So when we're talking about viable agricultural land, can you explain to me again what that is?

MRS. BARRETT: Certainly, Mr. Manktelow. But I am taking this exactly how it's used in Ag and Markets Law, it's not

my definition. And that is, refers to land that's highly suitable for a farm operation and has soils most suitable for growing crops, it's free of rocks and boulders and it has the appropriate pH balance and a rich supply of nutrients. We have some outstanding world-class farmlands here in New York State.

MR. MANKTELOW: Yes, absolutely. And I've had the -- the good fortune over many years to -- to have some of those types of soils on my farms. I wish I had many more.

One of my -- one of my questions here is, or my concerns is, as we get up in the North Country where we don't have the highly tillable land but we do have good viable land, good viable farmland for -- for grazing for -- for dairy farms for cattle, would these farmers be able to have the possibility of -- of working with somebody to put renewable energies on those types of properties?

MRS. BARRETT: This bill only focuses on the Build-Ready program, which is the fast-tracking program. So in any -- all of these farmers in -- in you know, and -- and also in response to our colleague's comments -- all of these farmers are perfectly able to convert their land to renewables or decide later to do that. This is just one program that's a fast-tracking program that we don't want farmland to, you know, to -- to basically be railroaded into -- into these purposes without really consideration of the need for food production or other things. So, you know, I -- I really -- I don't think it's a problem at all going forward. And I don't understand the Farm Bureau's issues on this, either.

MR. MANKTELOW: I think the -- I think their issue as well as my concern is that viable agricultural land could be looked at many different ways. And I really wish there was a -- a little better determination than just what Ag and Markets says because what they see as viable land, viable agricultural land -- and -- and I agree with their definition, but there's more to it than just that. If we -- if we could do an amendment to this bill to change the wordage of the viable agriculture land to something that fits all of New York State, because a lot of that depends on where you are in New York and where you are, whether in the North Country, Central New York, you know, Long Island. Viable land in all those areas can be viewed as different. And I would just really like a determination -- a determination on how we're going to categorize that moving forward with this bill.

I'm going to lean -- again, I applaud you for the bill. I think you did a great job bringing it forward. I -- I hope -- I will be voting negative against it just because of this and just because of the position with Farm Bureau, but I do truly want to support that, and again, thank you so much.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MANKTELOW: Mr. Speaker, this is really a good bill. And again, I applaud the sponsor for bringing it forward and her intention. There's just a few gray areas that I think really need to be cleaned up before we bring this -- this bill to law. And until those are cleaned up, I really want to support it but I can't right now.

And I just want to make sure that we're looking at all of New York and the different viable farm or agricultural land throughout New York. It's different depending on the region that you're in and depending on what you grow and do with it.

So I hate to say this, I'll be -- I will be voting in the negative. Again, if we could clear that piece of language up and, again, add an amendment to this bill, I'll be more than willing to support it. So, at this point I will be a no. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Ms. Giglio.

MS. GIGLIO: Thank you, Mr. Speaker.

On the bill.

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

MS. GIGLIO: So, I appreciate the intent of this bill also, and I'm torn because I'm a big proponent of property rights. And the farmers should be able to farm, if they have viable farmland and the soil is good. The laws that we create in Albany with the pesticides and the herbicides make it harder for farmers to farm. All the legislation with the, you know, vehicles that have to be electric powered, it all really puts a burden on the farmers in my district, which is a very heavily farmed district. I think we need to look at the Governor's siting law for solar panels, because the Siting Board can determine anywhere where solar panels can go, and it can go on viable farmland. And the farmers with the restrictions getting harder and harder for them to be able to farm is -- it's really very -- they're looking

at selling their farms for site development and for solar because it's profitable. So I -- I don't know if -- I really think that it should be left up to local governments. This -- we need to look at saturation rates for solar arrays and we need to look at making the farmers profitable and making farming viable in New York State so that we don't have to worry about these sites being built on. So, as I said, you know, we need to leave it up to local government. I am a proponent of property rights and that includes the farmers. So I will be voting negative on the bill.

Thank you.

ACTING SPEAKER AUBRY: Thank you, ma'am.

Mr. Lemondes.

MR. LEMONDES: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. LEMONDES: Thank you very much. I really appreciate it. (Inaudible) restrictions on property owners' rights and lack of consideration for financial incentivization to them. I have to vote in congruence with New York Farm Bureau and will vote in the negative on this bill.

Thank you very much.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will

record the vote on Assembly print 7696. 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 and we'll properly record your vote.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you. So noted.

Ms. Hyndman.

MS. HYNDMAN: Majority members are generally in the affirmative on this piece of legislation. If there are any exceptions I ask members to contact the Majority Leader's Office at the number previously provided and your vote will be recorded -- announced accordingly.

Thank you.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Thank you, Ms. Hyndman.

Mrs. Barrett to explain her vote.

MRS. BARRETT: Thank you, Mr. Speaker. I just really want to reiterate that this is about fast-tracking in the

Build-Ready program. And the -- you know, when -- when the Build-Ready program was authorized in 2020 as part of the renewable energy siting process, it authorized NYSERDA to acquire the rights and development interest for the siting of these projects on hard-to-develop parcels of land. And that includes abandoned commercial sites, brownfields, land -- landfills, industrial sites. We -- we've all passed a -- you know, the highway garages on the -- you know, on the Thruway and other places that have no solar panels on them, have -- you know, are -- are not engaged in this renewable process at all. And I think it's really important that if we value our farmland and we value the soils that feed all of us and our families and all of our constituents' families that -- that we do something about protecting them in -- as much as we can in the process of engaging in our climate goals and trying to reach those goals.

So, I am proud to vote in the affirmative for those reasons.

ACTING SPEAKER AUBRY: Mrs. Barrett in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 10, Rules Report No. 278, the Clerk will read.

THE CLERK: Senate No. S07007, Rules Report No. 278, Senator Persaud (A07726, L. Rosenthal). An act to amend the Social Services Law, in relation to allowing persons applying for or

receiving public assistance to be interviewed by phone or other digital means; and to amend a chapter of the Laws of 2021 amending the Social Services Law relating to allowing persons applying for or receiving public assistance to be interviewed by phone, as proposed in legislative bills numbers S.3223-A and A.5414, in relation to the effectiveness thereof.

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

MS. ROSENTHAL: Okay. This -- this bill allows persons applying for or receiving public assistance to be interviewed by phone or other digital means.

ACTING SPEAKER AUBRY: Mr. Simpson.

MR. SIMPSON: Thank you, Mr. Speaker. I'd like to speak on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SIMPSON: Okay. The current law as it sits right now allows for local a Social Services district to decide how they communicate with their clients. This chapter amendment will change that and give that discretion to the applicant, the person that is receiving those benefits or requesting them. I don't know how this can be accomplished on the telephone. How do you verify the identity of who you're speaking with? How do you develop a relationship and see expressions of the person that is actually assisting -- asking for assistance with benefits? I think there's a lot of potential for fraud. I think we need to maintain support of our local Social Service districts

to make that decision of when they can communicate digitally or over the telephone. It's impossible to verify the identities of these people.

So, with that being said, I am opposed to this bill and I will be voting in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7007. 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. Those who wish to vote in favor of it should contact the Minority Leader's Office and we'll properly record your vote. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Hyndman.

MS. HYNDMAN: Mr. Speaker, Majority members are generally in favor of this piece of legislation. I remind colleagues that if there are any exceptions to please contact the Majority Leader's Office at the number previously provided and their votes will be announced accordingly.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Hyndman.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

ACTING SPEAKER AUBRY: Rules -- page 10, Rules Report No. 295, the Clerk will read.

THE CLERK: Senate No. S01519, Rules Report No. 295, Senator Bailey (A01921, Paulin, Cook, Cymbrowitz, Abinanti, Gunther, Weprin, Hevesi, Stirpe, DiPietro, Brabenec, Fahy, Colton, Norris, Barrett, Pheffer Amato, Dinowitz, Lalor, Zebrowski, Steck, Hunter, Bronson, Solages, Peoples-Stokes, De La Rosa, B. Miller, Morinello, Fitzpatrick, Dickens, Magnarelli, Pichardo, Santabarbara, J.M. Giglio, D. Rosenthal, Kim, Rodriguez, Abbate, Jones, Vanel, McDonough, Aubry, L. Rosenthal, Englebright, Lavine, Joyner, Seawright, M. Miller, Fernandez, Fall, Reilly, Reyes, Salka, Wallace, Jacobson, Jean-Pierre, Manktelow, Taylor, Benedetto, Stern, Griffin, Buttenschon, Eichenstein, Lupardo, Woerner, Angelino, McDonald, Lemondes, Jensen, Lawler). An act to amend the Education Law, in relation to the use of oral medications by optometrists.

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

But we will ask members, we're on debate. We'd like you to settle down, keep your conversations to a minimum. The

Sergeant-at-Arms is advised that he should remove anybody from the Chamber who is not following the rules.

Ms. Paulin, an explanation is requested. Proceed.

(Pause)

Take your time, Ms. Paulin. We've got all night.

An explanation has been requested, Ms. Paulin, by Mr. Ra.

MS. PAULIN: Yes, thank you. Thank you, Mr. Speaker. This bill would authorize licensed optometrists who have received certification to prescribe certain oral medications.

ACTING SPEAKER AUBRY: Mr. Ra.

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

ACTING SPEAKER AUBRY: Ms. Paulin --

MS. PAULIN: Yes, I will.

ACTING SPEAKER AUBRY: She yields.

MR. RA: Thank you, Ms. Paulin. And sorry about that, that you were off the floor for a minute. But I know you know this issue well, so you're able to jump right into it. We basically had the same conversation regarding this last year, so --

MS. PAULIN: Do I?

MR. RA: And -- and as I said last year, any of our colleagues, in particular if you've ever been a Higher Education Committee member, at some point have dealt with this issue, have met with both sides of this issue, because -- because it's one that's been

around for a while. And what this does, my understanding, and I just want to confirm with -- with some of my questions, but currently in New York State, an optometrist versus an ophthalmologist -- every now and again I can say that, right, without -- without it screwing up -- an optometrist has the ability to prescribe topical medication, but not oral medication currently, correct?

MS. PAULIN: Correct.

MR. RA: So what this would do would be to expand the ability -- or expand that ability to prescribe optometrists to oral medication.

MS. PAULIN: Yes.

MR. RA: Okay. And one of things that we've talked about in the past with regard to that is, you know, what type of oral medications they might be permitted to prescribe. So if you can you just go through -- I already know it's not unlimited, there is -- are specific types of medications or medications to treat certain ailments that they could prescribe under this?

MS. PAULIN: Yes. You want me to actually list that? Because it's right in the bill. You know -- you know, it's very limited. And I'm just trying to find a chart that would allow me to recite it without having to look in the actual bill. But um... give me one minute. Here we go. So, the -- there's ten specific -- there's, you know, ten -- ten specific drugs that are actually listed. They're listed generically.

MR. RA: Yes. And those specific drugs -- if I have

trouble saying ophthalmologist, I certainly am not going to try to pronounce those --

MS. PAULIN: I don't either. I'm not going to try --

MR. RA: -- the names of those medications.

MS. PAULIN: But if anybody wants them, I have it and you can look right in the bill.

MR. RA: I'm sure -- I'm sure our colleague from -- from the Albany area here will -- could tell us how to pronounce them.

MS. PAULIN: I know he'd be very happy to.

MR. RA: So one of the things that obviously we always talk about with really any scope of practice issue, but certainly when it comes into prescribing drugs is -- and one of the objections certainly the ophthalmologists have is their level of education and training versus that of an optometrist. I know that there's been different iterations of the bill, but can you just describe what level of training would be required for an optometrist to be able to prescribe these drugs?

MS. PAULIN: Sure. And I could talk about the contrast as well. So when you go to medical school, you learn about pharmacology or drugs, you know, maybe a class or two. Optometrists have often the exact same professors, in fact, they do have the same professors in New York City learning exactly the same material. So then you get out you and then what do you know? You know very little, especially if you're a doctor whose had to take so much training in so many other areas. So doctors primarily learn from

a -- a drug company's conduits. That's how they learn about drugs, that's for the most part. They're not required to take any continuing education specifically on -- on drugs. Or they may have learned from a pharmacist like John. Optometrists, on the other hand, because of this bill are going to be required to take 18 devoted continuing education hours solely on learning about the -- the few drugs compared to the unlimited amount of drugs that a doctor would be able to prescribe. They will have to take 18 hours continuing ed solely on those drugs. So they will be enormously prepared just on those very few oral medications that they are allowed to prescribe.

MR. RA: And so that training, that 18 hours, is that additional continuing education or is that within their current hours --

MS. PAULIN: It's additional. Currently they have 36 hours of continuing ed and this will add it and make it 54, which -- which is the second-largest -- or second most amount of continuing ed in New York State, the highest being a dentist. And it's the most of any optometrist across the country.

MR. RA: Thank you. And then after the completion of this continuing education there's a certification process or exam that would be required?

MS. PAULIN: Yes, which is similar to other professions that SED administers.

MR. RA: Okay. Now, one of the objections that has been raised was that in conversations -- and I'm not sure -- I believe at one point the bill may have reflected this, and that was that if a -- you

know, somebody -- an optometrist were to go through training, take the test and fail it a certain number of times, I believe it was three, they would have to re-take the -- the training course. Can you just describe why that's not currently in this version?

MS. PAULIN: Obviously, the training course did very little to prepare them and we are -- they are aware that they failed. They may need individual tutoring, they may need to study in a certain way, differently. We don't require a training course for anyone else that's failed any other exam in New York State. So it seemed to be much more prudent to allow someone who failed to learn in a way that makes sense for them, whether it's taking the training course or not. They obviously want to pass the test.

MR. RA: Okay. And then the -- the last piece that, you know, that was in a previous version and is no longer here. There was this oversight committee that would have been housed within the State Education Department. That is not in this version of the bill, correct?

MS. PAULIN: That's correct. That was an agreement that we were happy to entertain. The two professions had agreed. However, the State Education Department strongly objected to that provision, saying it was too expensive, unnecessary and that they were very capable of the oversight and -- and, in fact, that oversight was more work for SED and not going to provide any additional information, so we took it out.

MR. RA: Okay. Now, just to that point, with --

without that, what is the oversight here with regard to -- you know, this is something I know many states do allow -- most states, in fact, do allow an optometrist to prescribe some oral medications. But what will be the kind of oversight or review as we're implementing this to ensure the adequacy of -- of this training course and certification that happens?

MS. PAULIN: So, SED has an audit process that they use for these kinds of things and they would be doing it here as well. And, in fact, New York is the only state now that doesn't allow optometrists to prescribe and administer -- not prescribe -- yes, prescribe, you know, medication. Yes, prescribe. So -- so that we are now -- we would be in line with all of the other states in the United States allowing this if this bill was passed.

MR. RA: Okay. Thank you very much.

Mr. Speaker, on the bill.

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

MR. RA: Thank you, sir. Thank you to the sponsor for answering those questions. Like I said, this is a topic that we've discussed before, you know, and we've seen through the committee process before, and I -- I would say certainly has been an education for all of us on -- you know, on these professions and training levels and everything that they go through. But I do want to just reiterate three quick points, and these are the objections really that have been raised by the New York State Ophthalmological Society as well as many medical societies throughout New York State. And any of us who

have been around for a while, like I said, particularly on the Higher Education Committee, knows that when you deal with a scope of practice bill there's always going to be one side and another; one that feels like they have adequate training to get this additional authority or this additional area which they can practice in, another which feels they don't. Another which feels that maybe that this other profession or this other license, you know, entity is -- is coming into their kind of turf, for lack of a better word. And -- and this is no different. So, over the years I know -- and it was almost hard to keep up with where the two sides were on this because I know there were efforts to get them together and find -- find a compromise. And the -- the objections that have been raised as a result because they felt this was the proper compromise, was number one, the -- the level of training. There was a requirement of about 39 hours of training which is down to 18 in this bill for the triannual training. The second was that requirement which we just mentioned that would have required optometrists to take the certification course and final -- final examination. If they fail it three times they'd have to re -- retake the final examination. And then the third was kind of those oversight provisions. There was a -- an entity that would have been housed within the State Education Department which would have, you know, reviewed some of these issues as -- as they're implementing this. It would have lasted for five years. So those are some objections that have been raised. But -- but I just want to again say in maybe somewhat more general terms, yeah, perhaps the training that will come from this will be, you know, very specific,

obviously, to this issue and these types of medications and that's great. But still, when we're talking about ophthalmologists, we're talking about physicians. We're talking about doctors who have gone through a very wide breadth of -- of training as they've gone through school and can deal with -- yes, it's the prescribing to treat a particular ailment, but I think I -- maybe I shouldn't even be the one to say because I don't have any medical training, but they spend a very long time through their education learning about so many different things that you have to be aware of when you're prescribing medications. And certainly we all know that issues can come up if a -- if a medication is -- is a mis-prescribed, whether it's mixed with something else or -- or whether somebody has some ailment that -- that it may exacerbate. So, I -- I think, you know, despite efforts to -- to get these two on the same page, we're unfortunately left here with a bill that the, you know, medical societies throughout New York State remain opposed to, that the New York State Ophthalmological Society remains opposed to, and as a result I'm going to be casting my -- my vote in the negative. But I certainly thank the sponsor for the discussion of the issue and -- and for, you know, her continued work to try to help ensure that patients throughout the State -- no secret here, I certainly have eyeglasses and I've been seeing eye doctors for a very long time. So, trying to make sure people have access to not just those types of services, but certainly illnesses that can arise through the eyes and spread to other parts of the body.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Montesano.

MR. MONTESANO: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MONTESANO: Thank you. You know, I -- I was just taken aback a little while ago by listening to the sponsor's explanation about training. And there is no comparison of training between the optometrist and an ophthalmologist. You know, an optometrist goes to school for that basic training to be an optometrist, and yes, they get some schooling about the prescribing of medications. Eye drops that they're allowed to give out and stuff like that. But when we talk about an ophthalmologist, we're talking about, first, someone that completes four years of medical school and did anywhere from three to five years of residency in the specialty of the eyes to be an ophthalmologist. And then if they go into a subspecialty of being a retinal specialist or any of the type of specialists, you know, corneal specialist, that's even several more years on top of that. And one of the biggest objections that I find and the ophthalmologists find is that optometrists who want to start dispensing these oral medications for certain patients that have diseases of the eyes are not trained to recognize those diseases or treat them. They shouldn't be treating these patients to begin with. These patients should be treated by an ophthalmologist. Because of the severity of those diseases of the eyes that are going to require these types of oral medications, they should be under the care of a medical doctor specializing in eye

diseases. So, you know, I was quite surprised the emphasis was put on training about the dispensing of medication. And so yeah, the MDs can maybe get two hours or several days of the training, optometrists get several days of the training. That's, you know, minimizing what the training is to recognize the illnesses and treat the illnesses. We could sit anybody in a classroom and give them some instruction on -- on dispensing oral medications. It's knowing how to recognize the underlying diseases that you're treating, how to treat them. Now, looking for a -- a scope of practice. Now first of all, the ophthalmologist, like any other doctor, has to take continuing medical education courses. And in those courses it's dictated what's new in the area, new technology, new medications, new techniques in treating the diseases of the eyes, surgical procedures and things of that nature. Also about the pharmacology training. And the previous speaker touched on it, about what underlying illnesses do people have in addition to the eye problems that you have to consider in the -- in dispensing oral medications. So there's a lot involved here. And, you know, it's not a trivial issue to expand this scope of practice. If they want -- if they want to be an ophthalmologist, if they want to dispense those kind of medications, then I suggest the optometrist goes back to medical school and gets trained in that specific area, becomes an MD first and then undergoes the training to be an ophthalmologist. But they picked or choose the profession that they wanted to go into. It's -- you know, it's the same way -- you know, optometrists can prescribe -- can dispense eyeglasses. Not only write the prescription, but

dispense it, and ophthalmologists do not. Every -- so they'll write prescriptions for eyeglasses but not dispense them. So everybody has their particular area of training and their expertise. And to try and say one is equal to the other just because we can send them to school for 18 hours to let them learn something about all the medications, that -- that's not even a third of what that training has to be. And I think, you know, we continually move along with admitting other professions and trained personnel into the expansion of the medical profession or into the doctor's role itself, and we're kind of reducing the doctor to no one. Like anyone can -- can be a doctor. Anybody can do the doctor's job if you send them to school for a few additional hours or another year or two of training. In order to do what these doctors do as ophthalmologists, retinal specialists, corneal specialists, we have pediatric specialties, we have those that can handle the disabled with certain illnesses that they have. Treating the people that are blind or have degenerative diseases that lead to blindness from childhood, they inherit problems and they eventually go -- go blind. And -- and this I've been educated about from the Helen Keller organization, and I visited with many children that are born with genetic problems and as they get older they -- they continually lose their eyesight. These are all specialty-type of areas, and these people cannot be treated by an optometrist. They have to have an ophthalmologist. So when we start talking about expanding the scope of practice, we've got to think real hard. And every time we go through this we have to hear, *Well, if we do this we make medical care more available for a lot of other people.*

And, you know, that might be in a super specialty. This is not that case. People -- I've never heard of anybody complain that they can't get seen or receive services from an ophthalmologist. It's -- it's just -- it's just a poor excuse. So I think if we want to protect our people and we want to do what's right, we don't do this type of expansion scope of practice. And if I may just add, because we hear this a lot with a lot of the bills that we debate and we compare ourselves to other states. You know, New York is kind of unique in a lot of things that it does. Especially in the -- in the scope of medical care that -- that -- that's available here. You know, we talk to people, they move to different states or they want to move to a different state. One of the first things I talk about is what's the availability of medical care? What kind of hospitals do we have? What kind of teaching and research hospitals do we have in these places? No one could hold a candle to -- to New York when it comes to what we have available here in -- in trained personnel and medical facilities and -- and research facilities. So the other states do a lot of things. It doesn't always mean they're right when they do it. So we don't have to jump and follow them for everything we do. And I know in the past we've been -- you know, the Higher Education Committee and State Ed, they've always been very careful in handling these types of matters and I think we need to keep on being careful and diligent. Other states may allow optometrists to do certain things with oral medications, but we don't know the scope of, first, the training that they receive. We don't know the scope of what oral medications they do let them give out and -- and what types

of diseases they allow them to treat other than those that have to go to an ophthalmologist.

For those reasons I'll be voting in the negative. And I'm going to ask all of my colleagues to really give this one some serious consideration and -- and think about it and to vote in the negative also. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Salka.

MR. SALKA: Mr. Speaker, will the sponsor yield for a question?

MS. PAULIN: I would be happy to.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. SALKA: Thank you, Ms. Paulin. Could you tell me if there has been any type of study done on the availability of both these professions as opposed to -- you know, what -- what are the numbers? Are there -- is there a shortage of ophthalmologists in -- in New York State or -- or less ophthalmologists than optometrists?

MS. PAULIN: I have a map here, I'd be happy to share, which shows that in 15 counties -- 15 counties in New York State there are absolutely not one ophthalmologist. There are optometrists in those counties, but not one ophthalmologist. So, if you have glaucoma and you need a medication right away in order to suppress the pressure, you have to go to Long Island. You know, you have to go to lower Westchester, you have to go somewhere where there might be an ophthalmologist. And then you have to first get an

appointment and get it within the 24 hours that would be necessary to take that pressure off your eye without doing damage to it. So there's really a dearth of ophthalmologists around this State in many of the rural areas in particular. But 15 counties -- some you'd even be surprised about -- have absolutely not one ophthalmologist.

MR. SALKA: Yeah, I'd venture to say that a lot of those counties might be rural counties because we've always had rural counties -- problems with finding specialists in just about any kind of field, for that matter.

MS. PAULIN: Yeah. I mean, I -- Herkimer, Lewis, Hamilton, Essex, Washington, Madison, Yates, Livingston, Sullivan, Delaware, right near here, you know, Greene, Schoharie do not have ophthalmologists.

MR. SALKA: Right. Right. So those -- I -- I -- I'm pretty sure those are -- are pretty rural counties. I know that my county -- my home county of Madison County, it's a very rural county and I -- I think we maybe have one or two ophthalmologists at -- at the most. So, but -- so there's no doubt that optometrists fill a definite need and we can say in particular in a rural county.

MS. PAULIN: They provide the access to -- to allow someone to keep their eyesight often. They are doctors. They are considered a doctor of optometry after four additional years post-graduate education, and they are experts in eye care. Not just giving out glasses, they -- we have one of the most prestigious schools in New York City and they are not allowed to do their full scope of

practice and we're the only state that doesn't allow them.

MR. SALKA: Right. And -- and we all know that American medical education is probably some of the finest quality education in the world, regardless of what you're studying; M.D., O.D., chiropractor. We have some of the highest standards in the world and some of the highest requirements.

MS. PAULIN: No question.

MR. SALKA: So, the competency of these professions is usually not called into question unless they did something really negligent.

MS. PAULIN: And -- and these same professionals are using these skills elsewhere and they can't do it in New York.

MR. SALKA: Okay. Thank you. Thank you.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SALKA: Mr. Speaker, I'm glad to be a sponsor on this bill. I talked to several doctors or optometrists, and one story that was related to me was that a optometrist saw a patient on a Friday, late on a Friday, and it was apparent that this patient needed medication and had to send that patient to the Emergency Department just to be prescribed that medicine. It's not only practical, but from a clinical standpoint it could probably be something that could be deleterious to their, you know, to their -- to their health.

So, I -- again, I'm glad to be a sponsor on this bill. I see that it fulfills a definite need in -- in clinical care that we need in

rural areas, and I'll be voting in the affirmative on this and I thank the sponsor.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. McDonald.

MR. MCDONALD: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MCDONALD: So -- and I've been here nine years, I have to admit the first couple of years when this bill was presented I wasn't really too keen on it. I actually had reservations. And over the years, to the credit of the sponsor, she's been narrowing it down a little bit, narrowing it down with some of the categories of medications and items like that. So this is why I did get on the bill and support the bill. And at the same token -- and it's no disparaging comment to the ophthalmologists. I mean, in all fairness I -- you know, I -- I get the whole scope of practice thing. The poor Higher Ed Chair hears from me quite regularly on a lot of different areas. And this is kind of one of those push-pull type situations. But in my experience as a health care professional, the majority of optometrists have working relationships with ophthalmologists already in place. As a matter of fact, my optometrist was actually encouraged by the ophthalmologist to go on and get advanced degrees because the reality is, even here in the Capital Region where there's not a lot of ophthalmologists, they have much more expansive things to be working on. It doesn't mean that these aren't important, but the reality

is many times when people go in for a regular optometrist appointment, the optometrist can address certain things. You know, in -- if you read the legislation, I will admit if somebody sees the word "immunosuppressant", they get a little more excited about it. Well, immunosuppressants are used for something called dry eyes. I think we know what dry eyes are, and we know as we get older that becomes more predominant. It's appropriate that that's included in this legislation. I think it's also important to know that, you know, the Education Department will be charged with the responsibility of approving the programs. Not approving each individual, but approving the programs. And I think that's an important aspect. There are many programs established nationally that SED can review and say this makes sense. And I think it's important to know that this isn't a fly-by-night course by any stretch of the imagination. They are intensive. I've gone through it myself, dealing with the immunization component over -- over 15 years ago. And I also want to stress that it's not for every provider. Just because this privilege may be extended through this legislation does not mean every optometrist is going to do it. So, it shouldn't be looked as -- with respect to the ophthalmologist, it should be looked at as this is a way to have a companion out there in the community. I can tell you from my own experience in pharmacy, many a weekends, many a nights we get the phone calls, *I want to prescribe -- I'd like to prescribe this because the patient has shingles, I've gone through all the criteria.* I've had situations where a person had something simple like conjunctivitis, which really should not have

to resort in a visit to the ER that can rack up \$4- or \$500 to the health care system. It's something that could be easily addressed with an optometrist who will be making that referral to the ophthalmologist in short order.

So, I do support the legislation. I thank the sponsor for her persistence. This has been something that every year for the nine years I've been here we've been hearing about, and hopefully my colleagues will take some of those comments to heart. Thank you.

ACTING SPEAKER AUBRY: Mr. Smullen.

MR. SMULLEN: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SMULLEN: Yeah, I just wanted to speak out in favor of this bill. Two of the counties that were recited are actually counties that I represent, which is the largest Assembly District in New York State. And -- and that's very important because I think rural equity should be absolutely considered when we make these legislative decisions like we're going to make tonight on a bill such as this. It only makes common sense when it's something that you have to physically be seen by a medical professional, such as an eye problem, where you have a choice in the matter. It doesn't fit every situation where the scope of practice for an optometrist and an ophthalmologist would be identical. But at least you're getting to a professional who's a doctor and who then can now access the health care system and prescribe, and using telemedicine in the modern

pharmacy system to be able to get the right prescription to that person as quickly as possible or refer them to more specialized care which are more typically found in dense urban areas.

So I'm very much in favor of this bill, appreciate the debate and -- and thank the sponsor for bringing it forward. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect on the 540th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote Senate print 1519. 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. As evidenced by the thoughtful comments today, there are two schools of thought. One school is that only ophthalmologists should be allowed to prescribe oral medication, and the other is that optometrists ought to be able to prescribe at least some oral medications. I will be supporting this because ophthalmologists already can prescribe topical treatments, drops, eye drops, for example. And as mentioned by one of my colleagues, oftentimes there's a -- a timeliness issue that's involved.

And so if the ophthalmologist sees a problem, it's often very important for the health of the eye that the patient receive immediate treatment rather than trying to either go through an emergency room or arrange an appointment with another professional. As mentioned by my colleagues, of course, patients at least always have the choice of going to an ophthalmologist or an optometrist, and that's their choice. And certainly each profession has its advantages. Last year we had six -- 16 or 18 no votes, but the majority of my Conference was in favor of it and I will be voting in favor.

Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the affirmative.

Mr. McDonough to explain his vote.

MR. MCDONOUGH: Thank you, Mr. Speaker. To explain my vote. I am very fortunate in that my whole family for over three years has been treated by a world-renowned ophthalmologist who traveled all over the world lecturing. And he's discovered things that -- that other medical conditions in my family. And the ophthalmologist is an M.D., a full doctor. And he has prescribed and has been very successful. And so mainly from my experience I am voting -- I will be down on this bill so I'll be voting in the negative.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you. Mr. McDonough on the negative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. In addition to the negative votes on the floor, please record the following colleagues in the negative: Mr. DiPietro, Mr. McDonough, Ms. Miller, Mr. Montesano and Mr. Smith.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Ms. Hyndman.

MS. HYNDMAN: Thank you, Mr. Speaker. We will now go to the following three bills on debate: Rules Report No. 640 by Mr. Rodriguez, Rules Report No. 301 by Mr. Epstein and Rules Report No. 320 by Ms. Jean-Pierre.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Hyndman.

Page 30, Rules Report No. 640, the Clerk will read.

THE CLERK: Assembly No. A07948, Rules Report No. 640, Rodriguez, Epstein, Simon. An act to amend Chapter 17 of the Laws of 2012 amending the Legislative Law relating to redistricting of Congressional, Senate and Assembly districts, in relation to the submission of a plan for redistricting of Congressional, Senate and Assembly districts.

ACTING SPEAKER AUBRY: On a motion by Mr.

Rodriguez, the Senate bill is before the House. The Senate bill is advanced.

An explanation is requested, Mr. Rodriguez.

MR. RODRIGUEZ: Thank you, Mr. Speaker. This piece of legislation is to clarify that in the event that the Redistricting Commission fails to vote on any redistricting plan or plans by the date that's required for submission, then all the plans in the possession of the Commission and any underlying data and work product that the plans have are based on shall be submitted to the Legislature for the purpose of crafting and implementing legislation.

ACTING SPEAKER ROZIC: Mr. Norris.

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

MR. RODRIGUEZ: Yes, I will.

ACTING SPEAKER ROZIC: Will you yield, Mr. Rodriguez?

MR. RODRIGUEZ: I do.

ACTING SPEAKER ROZIC: The sponsor yields.

MR. NORRIS: Thank you, Madam Speaker. My first question is -- is, currently, what does the Constitution require as it is right now in terms of the Independent Redistricting Commission? How many votes does the Commission have to vote -- you know, to put forth a plan to the Legislature for approval?

MR. RODRIGUEZ: Well, that -- that's not addressed specifically in this legislation. This bill is specific to the work product

of the Commission and -- and that underlying need of being submitted. But we have affirmed in previous constitutional amendments that process for which the Commission provides their votes and the number of votes that are required.

MR. NORRIS: Okay. And there's also a pending amendment which we passed over two Legislatures and it'll be on the ballot this year for adjustments to the Independent Redistricting Commission?

MR. RODRIGUEZ: Correct. Correct. We passed the constitutional amendment through second passage that will be presented to the voters.

MR. NORRIS: Okay. Now, why do we need to have this amendment right now when we have that pending constitutional amendment coming up for a vote for ratification by the voters?

MR. RODRIGUEZ: Yeah, I think what's important is that this amendment has passed our House on two previous instances, and the intent of the legislation is to have those rules that we have codified in that constitutional amendment govern that process. But this makes clear the -- the intent behind the Legislature's actions around the Commission providing this information.

MR. NORRIS: Do you know what is required of the Commission right now in terms of submitting maps to the Legislature under the current Constitution right now or then as amended as well if the votes ratify?

MR. RODRIGUEZ: Sure. So, to -- to recap -- and

the reason why this legislation is important is that upon approval of a plan by the Commission, the plan and implementing legislation are to be submitted to the Legislature to be acted upon. But there are not -- there are provisions that exist to guide the process in the event either the House -- either -- either House is not approving of the legislation or a case -- in the case of a veto, but there are not provisions in place in the current law to guide the process if the Commission does not vote on any plan. So this legislation would update the law to reflect the same procedure that is in that constitutional amendment that received second passage in this Body and is in the process of being presented to the voters.

MR. NORRIS: And what if it doesn't pass? What does the current Constitution require?

MR. RODRIGUEZ: I -- I think that's the -- that's the issue. If it doesn't pass, there is not direction on what happens if the -- if the Body is unable to take a vote. Are you -- is the question if -- can you repeat that?

MR. NORRIS: Let me rephrase the question. In terms of which maps do they have to present to the Legislature? Do they have to present all of the maps, just the maps with the most votes? Do you know which map has to go to the Legislature under the current Constitution?

(Pause)

MR. RODRIGUEZ: So, there isn't any provision for -- if there's no vote of the Commission. And it -- so certainly not any

specificity on which maps specifically would -- would be passed and sent along. And those would be bound by the -- the -- the vote of the Commission. So this legislation aims to provide clarity to the -- Commission on what they have to provide and when they have to provide it by in the event that there's no vote.

MR. NORRIS: So what if there's a five-five vote of the Commission and we approve this? Then we get all the maps or do we just get the first map or what?

(Pause)

MR. RODRIGUEZ: So, it's not addressed -- that's addressed in a different piece of legislation. However, if there's a vote and it's less than seven then those plans would be presented to the Legislature.

MR. NORRIS: And just -- I'm going to ask one more time. Why do we have to pass this legislation right now when there's a pending constitutional amendment on the vote -- up for a vote in November by the voters?

MR. RODRIGUEZ: Well, I -- I would say that in order for the Legislature to carry out its redistricting duties, we want to make sure that the information that the Commission had is transmitted to the Legislature in the time frames that are mandated by -- by the -- the constitutional provision. So I think it's important for us to be -- you know, take a boots -- you know, a belt-to-suspender approach and make sure that it's clear in terms of intent and action and practice that if there's no vote, that information must come to -- come to us to be

able to make a deliberative decision.

MR. NORRIS: So, it's my understanding that the current makeup of the Commission has two leaders from each party. They also have two other individuals that they've appointed jointly, so there's ten people altogether. Now, the Legislature leadership has appointed eight of those members. So in theory, if -- if there's a tie, five-five, there's no vote, they can't come to a resolution, which is controlled by the party leadership or at least these appointees were appointed by them, this could just go on and on and on. Then we'll get all of the maps and the Legislature would then decide how redistricting actually takes place.

MR. RODRIGUEZ: Well, I think we -- we believe that this Body that the voters have approved previously will be able to come to a -- a bipartisan product that provides for what we all envision in terms of an independent redistricting commission. So, you know, it's our belief that they're going to be able to hopefully get to something that -- that we can work with either on the first attempt or on the second attempt. But in the event that they don't get there, they should, and this legislation will make sure, that they provide that work product, you know, so that lines can be drawn.

MR. NORRIS: Thank you very much for answering my questions. I appreciate that.

Madam Speaker, on the bill.

ACTING SPEAKER ROZIC: On the bill.

MR. NORRIS: This seems like a very simple

amendment to the statute. In the event that they don't provide, you don't have a vote, they cannot get a majority to do this then we get all the maps. The thing is is this: Is that this is supposed to be an independent redistricting commission where individuals who are independent actually determine who and how these districts are done. The voters ratified that back I believe in 2014. Earlier this year what took place was a chipping away at that when we put forth this Constitutional amendment this year. We reduced it even further and it took away the veto power of the Minority members, for example, and so many other things. We litigated this earlier in the year. The voters will decide on that, but the thing is is this is another example of this Legislature trying to reach in and take control of the independent redistricting process, and that's my problem with this bill. It's just another chip away at making sure that these districts are drawn in a fair and open and a transparent way by the Commission, not by political partisan people.

So with that, my point about this is, and like the *Buffalo News* called it, the first proposal that went forth, a con job. This just continues to water this down and make it less independent every step of the way and for those reasons, I am opposed to this bill and I encourage all of my colleagues to oppose it as well. Thank you, Madam Speaker.

ACTING SPEAKER ROZIC: Mr. Norris in the negative.

Mr. Ra.

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

ACTING SPEAKER ROZIC: Will you yield, Mr. Rodriguez?

MR. RODRIGUEZ: Yes, I will.

ACTING SPEAKER ROZIC: The sponsor yields.

MR. RA: Thank you, sir. So I just have some further questions regarding this. So, you know, as we know, there's the Constitutional provision that was -- that was enacted, or passed by our voters and ratified by our voters I guess would be the proper way of putting it, I think back in 2014. There is this pending amendment, but there's also, you know, some language within statute regarding this. And this independent redistricting commission, which we all know is, you know, had some starts and stops here trying to get it going and it seems to finally be moving forward, and we, you know, funded it within the budget this year, and would you say that the main power of this redistricting commission is to come up with maps for the Legislature to consider?

MR. RODRIGUEZ: Yeah, I would say the -- the legislative intent around the entire independent redistricting commission is that this Body would deliberate and provide redistricting information so this Legislature -- and make it a more, a more process with respect to the public and doing the outreach necessary to provide a work product that incorporates a significant amount of information from different stakeholders.

MR. RA: Okay. So my concern then is this, I would -- I mean, I think there are provisions that deal with, like yourself and Mr. Norris discussed, the idea of a vote that doesn't get a majority of the votes, what happens if, say, you have a five-five vote that, you know, if there's multiple plans that have gotten that vote, they're supposed to send them over to us, but I'm concerned that this, on its face, violates the provisions that were put into the Constitution ratified by the voters, I'm just going to read to you from the end of subsection f, it says, *No exercise of any power of the independent redistricting commission shall occur without the affirmative vote of at least the majority of the members.* So how can they send us, under this, which this says they can just not have a vote and then send us a plan without having a vote and those two -- this provision which will be put in statute seems to be -- to be in conflict with that Constitutional provision.

MR. RODRIGUEZ: Well, I would say if they were not providing the plans by the dates that are mandated in the Constitution that they're not meeting that responsibility anyway. So I would say that's in conflict with, you know, what's put forth in the Constitution. And if we get to those dates and a vote is not taken, you know, clearly some other action needs to happen and I think this provides the guidance that -- that information needs to -- to be -- to be forthset for -- for -- for action, certainly if not by the first attempt and the first deadline, then, again, you have a second deadline that needs to be met. So I think these are actions that are put forward in the

Constitution and this just clarifies the intent that in order for the Legislature to meet its duty and responsibility that we have to make sure that the information from the commission is received.

MR. RA: Thank you for that. The other question I have is if you look at the -- the language of the statute you're amending, at the top of 4-a it says that *The commission shall submit to the Legislature such plan and the implementing legislation therefore on or before January 1st*, and then it talks about no later than January 15th, but then the language being added here says, *If the commission does not vote on any redistricting plan or plans for any reason by the date required, the commission shall submit to the Legislature all plans in its possession*. It doesn't talk about implementing legislation, like the top part of the section is. So would you contemplate that they -- they would be required to have, like, a full package something that we actually could vote on, or really it's just going to be whatever they have in their possession at that point?

MR. RODRIGUEZ: I think it depends on how far they get in their work and in what they're able to present in terms of a vote. I mean, I think when we contemplated the legislation, it certainly, to get as close to a finished product as possible, including plans and legislation, I think what we're saying is we don't know what's going to happen, but the intent is that any information, including plans and legislation and supporting data should be provided to the Legislature if no vote occurs.

MR. RA: Okay. And then my last question is what

do we mean by *the Legislature*? Will it be provided to each and every one of us that serve in the Assembly and the Senate? Will it just be provided to the leadership? In terms of the transparency in this, I think if any entity of the Legislature is going to get a full work product of what's come from this redistricting commission, we should all be able to see what they're -- what they're sending over to us.

MR. RODRIGUEZ: Yeah. I think there isn't any further clarification beyond *Legislature*. I think that certainly represents the Senate and the Assembly and its respective leaderships.

MR. RA: All right, thank you.

Madam Speaker on the bill.

ACTING SPEAKER ROZIC: On the bill.

MR. RA: Thank you. So you know, as my colleague said, we have this pending Constitutional amendment that, you know, it was -- it was explained why it was necessary and all these things, but I think we all know it was designed to -- to take a situation that we felt we were under at the time where there was a supermajority in one House and not the other and ensure that we could get maps out to the Legislature, because there was a likelihood of probably a deadlock because you needed a representative of each different entity to vote -- to vote for the plan. So that one made it easier to get maps out of that independent entity, certainly for -- for a party that shares the Majority in both Houses of that Legislature.

And this, to me, does further water this process down because now we're contemplating a situation where this entity we

funded, we appointed all these commissioners to, they're doing this work, they're going to go around the State, they're going to have hearings and then we're telling them basically at the end of all this work, you took all the data, you took all the testimony from people, you drew maps, spent all this money on software and coming out with maps, now it's okay if you just never have to put yourselves on the record as supporting a plan or not supporting a plan? That makes zero sense to me. It's an independent commission that's supposed to be one that will send us an independent set of redistricting maps.

To me, this makes it very easy to avoid ever having a vote. Now it's one thing if they have a vote and there's provisions within the Constitutional language if they have a vote and they can't get a majority, they have to -- they have to send the plan here and the legislation here. And then we can consider it and deliberate it and I'm not naïve, I know how many of us there are on this side of the aisle and I know how many there are on the other side of the aisle, so I know what the result's going to be. But at least we will have known, even if -- even if in the most partisan fashion we end up with a Republican plan and a Democratic plan that comes out of this commission and they have a vote and you get five for one plan, you get five for the other, nobody has a majority, at least they send everything and there's some level of transparency there. I think we're losing that here by allowing them to never even take a vote.

So yeah, the current language doesn't contemplate what happens if there is no vote, because that should not even be a

possibility. And if we're going to pass legislation to deal with that, then here's what it should say: They have to take a vote and then send us the maps, and then we can consider them on the floor here and the public can know what is reflective of those maps and know that they didn't waste their time when they showed up at a hearing that happened in their part of the State to -- to talk about why their local village needed to be kept together or their school district needed to be kept together, or their town needed to be kept together when in so many instances in the past, and I'm not playing one side or the other because we all know the same thing has happened certainly on the Republican side of the aisle in the Senate for years. But this is supposed to be an independent redistricting commission and here is our first -- and, by the way, we all know it was far from perfect, but it was better than what we had. And instead of for the very first time actually going through that process that the voters approved, we have a Constitutional amendment going out to them this fall which is right smack in the middle of what's supposed to be the timeline of actually implementing this and now we have a statutory change which will -- which will basically say don't even bother taking a vote, send us what you have, and I'm pretty confident I know whose plan is going to end up on the floor in both Houses of the Legislature.

So I'm going to cast my vote in the negative and I urge any of us who want a true, independent redistricting process to do the same. Thank you.

ACTING SPEAKER ROZIC: Mr. Ra in the

negative.

Mr. Lawler.

MR. LAWLER: Thank you, Madam Speaker. Will the sponsor yield?

ACTING SPEAKER ROZIC: Mr. Rodriguez, will you yield?

MR. RODRIGUEZ: Yes, I will.

ACTING SPEAKER ROZIC: The sponsor yields.

MR. LAWLER: Thank you. I just want to get a little clarity. So currently this commission, which just recently got its funding to get operational, when are they supposed to turn over maps to the Legislature?

MR. RODRIGUEZ: So according to the legislation, the first deadline is between the 1st and no later than the 15th of years ending in 2 -- '22, (inaudible) of '22.

MR. LAWLER: So under the current law they have to have a vote between January 1st and January 15th of 2022, is that correct?

MR. RODRIGUEZ: Correct, they have to present that information to the Legislature.

MR. LAWLER: So they have to have a vote and if they -- and if they pass a vote with the majority, what happens?

(Pause)

MR. RODRIGUEZ: So -- well, not addressed specific to this legislation, but just we're giving people of a refresher

on what was passed in the previous amendment is if they vote on it and -- and it passes with more than seven votes, then it comes to the Legislature, the plans and the implementing legislation.

MR. LAWLER: And then the Legislature would vote on that approved map?

MR. RODRIGUEZ: Correct.

MR. LAWLER: The Legislature would not be able to amend that map, they could just vote yea or nay?

MR. RODRIGUEZ: Again, that's not part of this legislation --

MR. LAWLER: Well, it's relevant to the discussion because of what this legislation will actually do. So I'm just trying to get clarity. If -- if the independent redistricting commission approves a map with seven votes, it comes to the Legislature, what is this Body allowed to do? Are they just voting yes or no on the map or do they have the ability to amend the map that was passed by the independent redistricting commission?

MR. RODRIGUEZ: So it's -- it's voting yes or no, but that's not part of this legislation. What's outlined in the -- in the current statute is -- is the presentation of the -- of the information by the commission, you know, should some action not occur.

MR. LAWLER: Okay. So they can only vote yes or no if a map is passed by the independent redistricting commission, and I'll get to my -- the relevance of this bill and why it matters. But -- so if they vote -- if the Legislature rejects the map that is passed by the

independent redistricting commission, then what happens?

MR. RODRIGUEZ: Again, that's not part of this legislation, that's part of the legislation that was passed previously, but they --

MR. LAWLER: Well, we're seeking to amend that legislation, so I'm just trying to get clarity --

MR. RODRIGUEZ: We're seeking to clarify, you know, what happens if a -- if an action or an inaction occurs.

MR. LAWLER: Right.

MR. RODRIGUEZ: So they would have another opportunity to make revisions and submit their plan to the Legislature.

MR. LAWLER: And then resubmit it to the Legislature, and round and round we go.

MR. RODRIGUEZ: No, that's the point, it's not a round and round we go, they get two opportunities and then --

MR. LAWLER: And then after the second opportunity, the Legislature gets to draw the map if they reject both?

MR. RODRIGUEZ: Correct, because this is a time-sensitive process.

MR. LAWLER: Right. So what your bill seeks to do is say if by January 10th, correct?

MR. RODRIGUEZ: No later than the 15th for the first submission.

MR. LAWLER: Okay. So no later than the 15th, but not -- okay. So if they don't have -- okay. So by January 15th, they

have no vote. On that date, they have to then submit all of the maps to the Legislature.

MR. RODRIGUEZ: Correct.

MR. LAWLER: Okay. And just to clarify, I know it was asked, who is the Legislature, is that the Speaker and the Temporary President, or is it all of the legislative leaders or is it the entire Body?

MR. RODRIGUEZ: Yeah, it says -- I would -- it says *the Legislature*, so the legislative Body. There's no specificity with respect to individuals.

MR. LAWLER: So just so we're clear for legislative intent, you believe that everybody in the Legislature should receive a copy of all the maps?

MR. RODRIGUEZ: I think certainly both the Senate and the Assembly should receive copies as defined as *the Legislature*.

MR. LAWLER: So every member is part of the Legislature, are we all going to receive a copy?

MR. RODRIGUEZ: I think the information that's provided by the independent redistricting commission should be available to the Legislature as defined in the statute.

MR. LAWLER: But it's not defined, it's just *the Legislature*. So what is your intent, is it every member or just the Speaker?

MR. RODRIGUEZ: So it would be the Houses of the Legislature, the Assembly and the Senate.

MR. LAWLER: Okay. Once the Legislature receives all of this data, who is drawing the maps? Is it LATFOR, is it the Legislative Leaders, is it staff; who is drawing the maps?

(Pause)

MR. RODRIGUEZ: So under the Constitution, the Legislature votes on the bill -- on the -- that's produced and I think LATFOR seems to be the vehicle that exists for that purpose should all other efforts fail.

MR. LAWLER: So to your knowledge, is LATFOR currently funded and staffed?

MR. RODRIGUEZ: As far as I know, yes.

MR. LAWLER: To your knowledge, is LATFOR currently drawing maps?

(Pause)

MR. RODRIGUEZ: Not to my knowledge, but that's not addressed by this legislation, that's not what this legislation is -- is specifically addressing. So that's kind of not germane to what we're -- what we're discussing.

MR. LAWLER: Well, it's germane insofar as we're basically saying if the independent redistricting commission can't come up with maps, this Body is going to -- and our colleagues across the hall are going to take control of the process. I'm just trying to understand who exactly is going to be in control of the process. Currently there are ten members and staff that are in control of the process in the independent redistricting commission. Who is going to

be drawing the maps? Somebody has to draw them.

MR. RODRIGUEZ: I think that -- that it's the same what we're talking about is the process that existed when it first passed in terms of a Constitutional amendment. So nothing that we have in this legislation changes, you know, I think what you're asking, so...

MR. LAWLER: So you said that the objective is to get bipartisan maps, correct? You had said that earlier when my colleague --

MR. RODRIGUEZ: I think we believe that the independent redistricting commission exists and has, you know, received the approval of the Legislature for the purpose of providing maps.

MR. LAWLER: So the current makeup of the commission is four Republicans, theoretically four Democrats and two Independent people, all right, so it's intended to be independent and bipartisan. The current makeup of the Legislature is 107 Democrats in the Assembly, 43 Republicans in the Assembly; 43 Democrats in the Senate, 20 Republicans in the Senate. So what will be independent about the Legislature taking over the drawing of these maps?

MR. RODRIGUEZ: I think we fully believe that the independent redistricting commission has been created and staffed and funded by this Legislature for the purpose of doing their job and -- and -- and providing this information to the Legislature. So you know, that's the objective. And this legislation doesn't speak to any of the things that we're talking about with respect to that process other than

saying if they are unable to come to a vote or a conclusion that we have information to be able to take action should it be necessary.

MR. LAWLER: But it tries to circumvent and shortcut the process by immediately taking over possession of those maps if there's no vote by the 15th.

MR. RODRIGUEZ: I certainly don't believe it's a circumvention of the process. They have a stated responsibility to provide us information by that date and if that's not happening, we still have to be able to move forward with this process.

MR. LAWLER: Is there anything in your bill that forces the independent redistricting commission to have a vote by the 15th?

MR. RODRIGUEZ: That's not addressed in this legislation, but I think what we are asking for them is to perform their duties by the 15th.

MR. LAWLER: Okay. On the bill.

ACTING SPEAKER ROZIC: On the bill.

MR. LAWLER: What's abundantly clear from this piece of legislation coupled with the previous piece of legislation is that this Body and the Majority is trying to circumvent the independent redistricting process that was established nearly a decade ago. We have not even gone through the process, the funding for this commission just came available. The Census numbers are just coming online. The commission has not even been able to begin the process of hearings and, yet, this Body has tried on numerous occasions now

to alter and limit the independence of this commission.

For what purpose? The purpose is clear. The purpose is to ensure gerrymandered and partisan redistricting. There's no reason to try and limit the independence of a bipartisan commission that has four Republicans, four Democrats and two Independent members, versus a Legislature that has 107 Democrats to 43 Republicans in the Assembly and 43 Democrats to 20 Republicans in the Senate. It's obvious. So the idea that this is somehow good government, or we're trying to address something that was not spoken for in the original legislation is a joke.

At the end of the day, we should allow the independent redistricting commission to do its job to produce fair maps and, frankly, they should follow the guidelines that we voted on yesterday for local redistricting. Since we think it is so good for the locals to follow those rules and legislation we passed yesterday, we should be encouraging the independent redistricting commission to do that. Instead, what we're trying to do here is expedite the ability of the Legislature to draw the maps. There is nothing that will force the commission to have a vote and, in fact, I would submit, I'm sure the members in the Majority appointees will probably ensure that there's not a vote so that the Legislature could take back control of redistricting. It's wrong. And for that reason, I cannot support this legislation.

ACTING SPEAKER ROZIC: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ROZIC: The Clerk will record the vote on S-7150. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker. The Republican Conference is generally opposed to this legislation, but those who support it should certainly call the Minority Leader's Office. Thank you.

ACTING SPEAKER ROZIC: Ms. Hyndman.

MS. HYNDMAN: Thank you, Madam Speaker. The Majority members are in the affirmative -- are generally in the affirmative on this piece of legislation. If there are any exceptions, I ask Majority members to contact the Majority Leader's Office at the number previously provided and their names will be announced accordingly. Thank you, Madam Speaker.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

The Clerk will read.

Page 11, Rules Report No. 301.

THE CLERK: Assembly No. A03136-A, Rules Report No. 301, Epstein, Gallagher, Steck, Jackson, Dinowitz,

Gottfried, Simon. An act to amend the Education Law, in relation to preventing institutions from implementing contingencies on the receipt of State funding.

ACTING SPEAKER ROZIC: An explanation is requested.

MR. EPSTEIN: Yeah. This bill will require that anyone who takes funding from the State of New York through Tuition Assistance Programs not have arbitration revisions in those agreements with any of the students that attend those institutions.

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

Mr. Walczyk.

MR. WALCZYK: Thank you for that explanation. Madam Speaker, would the sponsor yield?

ACTING SPEAKER ROZIC: Mr. Epstein, will you yield?

MR. EPSTEIN: Yes, I will.

ACTING SPEAKER ROZIC: The sponsor yields.

MR. WALCZYK: Thanks, appreciate it and laudable intent here. I just wanted to cover a couple of things that this -- this bill may -- and clear up some things. This would apply to all student loans, Tuition Assistance Program, Federal Pell Grants, is that correct?

MR. EPSTEIN: It applies to any State money that -- any money that the State has access or control over. We can't tell the

Federal government what to do.

MR. WALCZYK: Okay. So through you, Madam Speaker, this would not apply to Federal Pell, then?

MR. EPSTEIN: If the Federal Pell -- the Federal grants are coming through the State of New York and there's -- and they're trying to get State money, we can say, *You can't collect the State money from that student and have these arbitration provisions.* The situation is you'll see that people get Federal money and State money. If they're combining those, they can't collect the State money from students if they (inaudible) arbitration provisions. So in sense, we're not limiting the Federal dollars, but we're saying you can't collect the State dollars.

MR. WALCZYK: Understood. Thank you for -- for clearing that up. Are there any higher education institutions in the State of New York that are -- that have these currently?

MR. EPSTEIN: That's been represented to me that there are institutions in New York that have these and, you know, I haven't recently seen an agreement, but we've heard from students. They have raised this as a concern.

MR. WALCZYK: Okay. So this is a proactive measure that you're taking to deter any higher education institutions --

MR. EPSTEIN: I mean, I can tell you that when, you know, when we introduced the bill, we had spoken to students about it and they had said this had happened to them. We know that in our -- our public schools it does not happen, but we haven't canvassed every

school in the State of New York.

MR. WALCZYK: Okay. And through you, Madam Speaker, I'm wondering if you heard from students that had the opposite concern, that may like the protections that an umbrella of student-on-student conflict and mediation and arbitration may be provided here by some institutions.

MR. EPSTEIN: When you say *student-on-student conflict*, this is about financial aid and our State dollars. We're not talking about you are fighting with your roommate and you need arbitration. That's not what this bill covers.

MR. WALCZYK: Okay. So this bill only impacts any arbitration when it comes to financial aid?

MR. EPSTEIN: Any of the State dollars that we've put in to that student or that institution.

MR. WALCZYK: The -- does this bill provide for courts to award attorneys fees if, you know, in the instance the -- does it allow for attorneys fees to be collected?

MR. EPSTEIN: This only says you can't use arbitration provisions. So if there was an arbitration provision, you couldn't collect the -- the TAP award. The attorneys fees would be a different provision, and this bill doesn't cover the issue whether attorneys fees or not are covered on the loan agreement.

MR. WALCZYK: Okay, understood. And based on your questions earlier, I think it would be difficult to judge the burden that this would place on our court system, because we don't really

know how many of these, if there are any at all, in place.

MR. EPSTEIN: Right. So you're -- the question you're saying is will we see an increase of cases going into our court system because of this, and that's really hard to know. And we don't -- and that would only be the cases where someone was actually defaulting on a loan and they were currently (inaudible) to arbitration and they were not longer doing that, so it's hard to really tell what the numbers might be.

MR. WALCZYK: Okay, thank you.

Madam Speaker, on the -- on the bill.

ACTING SPEAKER ROZIC: On the bill.

MR. WALCZYK: So students are -- students are learning about complaint processes when they go into a higher education institution. My one, you know, sort of need for pause here is I wouldn't want to deter opportunity for students who do utilize TAP or, you know, student loans or many of the programs that we take advantage of here in New York to give them all of the options that there are for higher education institutions. Having these not be in place right now and this be a proactive measure, I can't say that anyone would be particularly hurt about it, but I just wanted to share that and appreciate the sponsor answering the questions and taking the time. Thank you, Madam Speaker.

(Pause)

ACTING SPEAKER WALLACE: Read the last section.

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

ACTING SPEAKER WALLACE: The Clerk will record the vote on A-3136-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. Epstein to explain his vote.

MR. EPSTEIN: Thank you, Madam Speaker. I rise to explain my vote. This is a provision that says -- is a bill that says in TAP awards where there's an agreement between the institution and the student, we don't want to force students into binding arbitration agreements. We want students to be able to go to court if they need to, hopefully they will never default on their loans, but it's a really important measure. You've seen this throughout contracts and other issues, but we don't want to push people into arbitration that does not work for them. This just says if you're going to take our State dollars, you can't mandate arbitration. I encourage my colleagues to vote in favor of this bill. Thank you, Madam Speaker.

ACTING SPEAKER WALLACE: Mr. Epstein in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 11, Rules Report No. 320, the Clerk will read.

THE CLERK: Senate No. S02133-A, Rules Report No. 320, Senator Skoufis (Jean-Pierre, Walsh--A05363). An act to amend the Real Property Law, in relation to adding a surcharge to the fee paid for issuing or reissuing a real estate broker or salesman license.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: This bill increases the licensing fee for real estate brokers by adding an additional \$30 surcharge for real estate agents -- for brokers, rather, and an additional \$10 charge for real estate agents. It reminds me of our State's motto, Excelsior, which all of you know means Ever Upward. And it seems that's the motto that we have when it comes to fees and expenses, which I think is a little different than when that motto was first selected and we were talking about ever upward in terms of economic opportunity and progress. It may be a small amount, but it's one more fee and increase that we impose on this beleaguered industry and for that reason, I'll be opposing it and recommend the same to my colleagues. Thank you, Madam Speaker.

ACTING SPEAKER WALLACE: Thank you, Mr. Goodell.

Ms. Jean-Pierre.

MS. JEAN-PIERRE: Thank you, Ms. Speaker. Two years ago *Newsday* published the disturbing results of a three-year investigation which revealed widespread separate and unequal legal treatment of minority potential home buyers to minority communities

on Long Island. This investigation confirmed what many of us already know to be true that there are certain bad actors in the real estate agency who discriminate against people of color and steer certain individuals to certain communities based on color of their skin, an exorbitant practice that has no place in our society. This increase will allow us to do more fair testings throughout our communities in the State of New York. When we look at how our school districts and our communities are segregated, this is a part of why school districts in low-income communities can't receive the resources that they fairly deserve is because we have had results of like this that have steered people living in one community over another community because of the color of their skin and because of their financial history.

So this will allow us to have a -- to earmark a specific fund, and it's not to increase any taxes, but it will earmark a specific fund through the Attorney General's Office to do more fair testing throughout our great State of New York so people of color can live anywhere they want and don't have to fear that there is going to be a bad actor and if there are, they will be penalized. So again, this is about making sure that our great State of New York, that we are -- have fair testing, and the real estate industry has worked with us on this legislation and supports this piece of legislation. And I'll be voting in the affirmative and I hope my colleagues on both sides of the aisle will be supporting me. 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 2133-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 want to support it are encouraged to call the Minority Leader's Office and we'll 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 going to be in favor of this piece of legislation; however, there may be a few of our colleagues that will desire to be an exception, they should feel free to contact the Majority Leader's Office and your vote will be properly recorded.

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

(The Clerk recorded the vote.)

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. In addition to those members of the Republican Conference that voted yes here in the Chamber, would you please add the following members as yes votes on this -- on this piece of legislation: Mr. Miller, Brian Miller,

Ms. Byrnes, and Mr. Fitzpatrick. Thank you very much.

ACTING SPEAKER AUBRY: Thank you very much.

Mr. Goodell.

MR. GOODELL: Mr. Speaker, also please record my colleagues Mr. Ra and Mr. Gandolfo in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Thank you so much.

MRS. PEOPLES-STOKES: Mr. Speaker, we have one of our colleagues, Mr. Santabarbara, who would like to be a negative on 5363.

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

MRS. PEOPLES-STOKES: Mr. Speaker, if we could proceed on our debate list, we're going to go to Rules Report No. 408, Assembly Bill No. 485 by Mr. Magnarelli.

ACTING SPEAKER AUBRY: One minute. We haven't called this vote yet. Are we ready to call this vote? 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: Okay. Thank you, Mr. Speaker. We're going to proceed on our debate list and we're going to go with Mr. Magnarelli, his Rules Report No. 408, Assembly Bill No.

485-B, then follow that by Mr. Bronson, which is Rules Report No. 35 and it's Assembly Bill No. 6323. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Page 14, Rules Report No. 408, the Clerk will read.

THE CLERK: Senate No. S04682-B, Rules Report No. 408, Senator Kennedy (Magnarelli, Bronson, Jacobson, Thiele, Simon, Lupardo, Reyes, Cook, Taylor, Griffin, Jean-Pierre, Barron, Dinowitz, Steck, Braunstein, Stirpe, Cymbrowitz, Glick, Carroll, Williams, Niou, Epstein, L. Rosenthal, Lavine, McMahon, Gottfried, Rodriguez, Cruz, Otis, Abinanti, Perry, Buttenschon, Seawright, Wallace, Fahy, Dickens, Hunter, Aubry, Davila, Rozic, Paulin, Galef, Barnwell, Sillitti, McDonald, Clark, Meeks, Barrett, Lunsford, Burdick--A00485-B). An act to amend the Vehicle and Traffic Law and the General Municipal Law, in relation to certain notices of liability; to repeal certain provisions of the Vehicle and Traffic Law relating thereto; to amend the Vehicle and Traffic Law and the Public Officers Law, in relation to establishing a demonstration program implementing speed violation monitoring systems in work zones by means of photo devices; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Mr. Magnarelli, an explanation has been requested.

MR. MAGNARELLI: Yes. Mr. Speaker, the bill would authorize the Department of Transportation and the Thruway Authority to implement a five-year demonstration program using

speed camera systems in highway work zones. The DOT could operate up to 20 speed camera systems in DOT work zones on interstates, freeways and expressways under its jurisdictions, and the Thruway Authority up to ten in work zones on the Thruway.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. And first, thanks to the Majority Leader for giving me an explanation of what we were going to do next. And if the sponsor would yield, I'd appreciate that so he can give me an explanation on the bill we're on.

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

MR. MAGNARELLI: Yes.

ACTING SPEAKER AUBRY: Mr. Magnarelli will yield, Mr. Goodell.

MR. GOODELL: Thank you, Mr. Magnarelli. Just wanted to walk through this a little bit. This bill envisions a speed camera system in work zones under the insights designated by the Thruway Authority and the State DOT, is that correct?

MR. MAGNARELLI: That's correct.

MR. GOODELL: And this provides that if there's a notice that's sent out of a violation, and that notice would come from the city or municipality where the speed zone was located, correct?

MR. MAGNARELLI: That's correct.

MR. GOODELL: And if the owner failed to respond quickly -- well, failed to respond at all, this parking violation could

result in a suspension of their owner's registration, correct?

MR. MAGNARELLI: Yes. You have to have three that you don't respond to within 18 months.

MR. GOODELL: And the notice actually goes out and it says if you don't respond, you may face nonrenewal or suspension of your license?

MR. MAGNARELLI: I -- I believe so, yes.

MR. GOODELL: Mm-hmm. And if you don't respond with a certain number of days, there's a mandatory surcharge of \$15, correct?

MR. MAGNARELLI: I thought it was \$25, but...

MR. GOODELL: Well, there's another one. There's more than one. There's an initial one it looks like of \$15...

MR. MAGNARELLI: No. The only penalty is a \$25 penalty can be imposed for failure to respond to a notice of liability within the prescribed time.

MR. GOODELL: Okay. And -- now, this provides if the owner wants, they can have a hearing, correct?

MR. MAGNARELLI: I believe that's correct.

MR. GOODELL: And at that hearing, the hearing examiner can look back and see whether or not the owner had any other speed camera violations, correct?

MR. MAGNARELLI: I would assume so.

MR. GOODELL: Well, I'm looking at page 10, line 13 through 18 --

MR. MAGNARELLI: Okay.

MR. GOODELL: -- and it looks pretty clear that the Traffic Violations Bureau can look back at prior history.

MR. MAGNARELLI: Okay.

MR. GOODELL: And then they can use that to assess the fines. So it can be a higher fine if it's not the first time, correct?

MR. MAGNARELLI: Correct. No --

MR. GOODELL: Now, this is very clear that --

MR. MAGNARELLI: Excuse me. Excuse me, I'm sorry. If it's a repeat offense of -- for a violation of the speed zone cameras.

MR. GOODELL: Yes. Now, this bill is very clear that the speed cameras are not to take a picture of the driver, correct?

MR. MAGNARELLI: That's correct.

MR. GOODELL: Which then raises the second issue, the driver can't object to the ticket on the grounds that he wasn't driving the car, am I correct, unless the car -- you can establish that the car was stolen --

MR. MAGNARELLI: Right.

MR. GOODELL: -- or -- well, basically stolen, right?

MR. MAGNARELLI: Right, that's correct.

MR. GOODELL: Well, why don't we have a picture of the driver with a speed camera so that we can verify that the person

who is being fined actually was driving the vehicle?

MR. MAGNARELLI: I think we're trying to protect the privacy of the people in the car, the driver and any passengers in the car.

MR. GOODELL: So we protect their privacy and eliminate the right to defend themselves.

MR. MAGNARELLI: What we're trying to do here is similar to a parking ticket. It's not a moving violation that results in points or will -- and it will not affect your insurance. So basically it's the same type of thing as a parking ticket.

MR. GOODELL: Of course this imposes liability on the owner even if, for example, the owner was in Florida at the time and maybe one of their kids or a friend had borrowed their car, right?

MR. MAGNARELLI: That's correct.

MR. GOODELL: It's the owner's liability.

MR. MAGNARELLI: That's correct.

MR. GOODELL: And the fine is \$50 for the first violation, \$75 for the second violation if it was within 18 months, and \$100 for the third and subsequent violations, correct?

MR. MAGNARELLI: That's correct.

MR. GOODELL: Now, if the owner's car was stolen, let's say it was stolen while they're in Florida --

MR. MAGNARELLI: Mm-hmm.

MR. GOODELL: -- and -- and used as a getaway car speeding through a speed zone, for example --

MR. MAGNARELLI: Mm-hmm.

MR. GOODELL: -- the owner would have no defense, am I correct, unless he reported the car stolen before it was captured on the speed camera?

MR. MAGNARELLI: I -- I don't think that's true. I think he'd have to be able to prove that it was stolen by the time he goes into -- if he wants to have the hearing.

MR. GOODELL: I'm looking at page 27, line 15 -- or 16 and 17, it says it's a defense if the owner reports that the vehicle or the license plate had been, quote, "reported to the police as stolen prior to the time of the violation." So if the owner doesn't realize it was stolen prior to the violation date, then the owner's liable, right?

MR. MAGNARELLI: I don't believe that's the case. I think it's the case that it would be sufficient for that ticket, but on the other hand, there are other ways that you can go about to prove that the car was stolen at the time of your hearing.

MR. GOODELL: Now, how many demonstration programs are authorized by this bill, was it 20?

MR. MAGNARELLI: Thirty.

MR. GOODELL: Thirty.

MR. MAGNARELLI: Ten -- ten in the Thruway and 20 with the Department of Transportation.

MR. GOODELL: Now, if the owner of the vehicle is leasing it to somebody else, they avoid liability, correct, as long as they provide a written copy of the rental, lease or other contract

document covering the vehicle on the date of the violation with the name and address of the lessee and they're supposed to -- aren't they supposed to provide that to the jurisdiction before the speed camera violation?

MR. MAGNARELLI: I don't understand, sir, what you're asking there. They have to provide that before they get the ticket? I -- I don't understand.

MR. GOODELL: So they get the ticket and they then have to send in the copy of the lease and say, *I'm not the owner, I'm just -- I'm the owner, but I wasn't --*

MR. MAGNARELLI: Yeah, I think there's a certain amount of time in the bill in which they have to send in that documentation to show that they were leasing the vehicle.

MR. GOODELL: Now, one of the defenses, and I appreciate this, is that the defendant, the owner, can claim that the system was malfunctioning, correct?

MR. MAGNARELLI: Okay.

MR. GOODELL: But this bill doesn't give the owner any right to actually inspect the camera or have it inspected by a third party, correct?

MR. MAGNARELLI: I -- I think if there was a hearing, you would have to show that the camera was being operated properly and that it had been looked at the day of operation and had its, whatever, annual inspection or whatever they do.

MR. GOODELL: I see. And these cameras would

be on 24/7?

MR. MAGNARELLI: No. They would be on while the work was being done in a work zone.

MR. GOODELL: So if the workers are just working there, say, during the daylight, which is often the case, for example, if they're repainting a bridge they don't normally work at night, is the camera turned off when the workers leave and turned back --

MR. MAGNARELLI: Yes.

MR. GOODELL: -- on when they come, or is it on 24/7?

MR. MAGNARELLI: Yes, the cameras are supposed to be turned off when the work stops.

MR. GOODELL: And is there any language in the bill that addresses that?

MR. MAGNARELLI: I believe there is. I can't point to it right now, but I believe there is.

MR. GOODELL: Okay. Thank you very much, Mr. Magnarelli. I appreciate you walking us through that bill.

MR. MAGNARELLI: Thank you.

MR. GOODELL: On the bill, sir.

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

MR. GOODELL: We have had several speed camera bills presented to the Legislature for demonstration programs. We had -- the first one was in New York City and they were required to

provide us with a report on a regular basis outlining how the system worked and every, like, four, five years we'd renew it and every time we renewed it we pointed out that we never got any of those reports. And this bill, likewise, calls for the DOT or the Thruway Authority to give us a report, but has no consequences if they don't. If they just blow it off just like the City of New York did, it doesn't matter.

But what's particularly troubling is the lack of due process. An owner who is not driving cannot raise this as a defense. They can't say, *Hey, here's my ticket to Florida, here's a picture of me on Facebook, I was in Florida, I wasn't driving*, doesn't matter; strict liability on the owner. The only way they can establish a defense is if they say the car was stolen. Now, they may even have somebody who says, *Yeah, it was me*, doesn't matter; owner gets the ticket, owner gets the fine. And I appreciate my colleague's comment that the cameras are only going to be on while workers are there, because we've all come across work zones and it's obvious nobody's working there. And sometimes people don't slow down when it's obvious there's no one there, but there's nothing in the language that limits the applicability to when there are workers. And while it says that they're supposed to do a self-verification of the camera, there's no right under this language for the owner to actually have the camera independently inspected. Hopefully there'll be warning signs. And then the last thing that's kind of interesting about this, it says that the speed camera has to be set at ten miles-an-hour above the speed zone. So think about that, you're driving at 65, there's a speed zone at 55, you don't have to slow down

at all under this bill. And so it seems kind of counterintuitive.

Now ironically, these issues, particularly the due process issues, and the hours of operation, and the strict liability has caused a huge outcry in the City of Buffalo resulting in people coming to the City Council and resulting in the City Council actually passing a resolution banning the program. And in addition, there's a lawsuit brought against the City of Buffalo pointing out that the speed camera demonstration bill, as written, violates the Constitution and due process and -- and those issues. So when we have a situation where we see a demonstration program, which is supposed to give us guidance on how to move forward, we see a demonstration program that turns out to be extraordinarily controversial and the subject of a lawsuit, it seems that we ought to pause and redesign the demonstration program to address the issues that were raised. And instead, this legislation uses the exact same language that is currently being challenged in court in Buffalo that resulted in the Buffalo City Council terminating the whole program because of the outrage in the public over how it was operated. And we should learn on demonstration programs and improve, and it's a simple thing to do. It's a simple thing to say the owner can avoid liability by establishing they weren't driving. It's a simple thing to do to say the owner has basic due process. It's a simple thing to do to say if the owner wants to have a camera inspected at their expense to see if it's accurate by a third party, they ought to have that right. It's a very simple thing to include in the bill that the speed cameras will only be operating while

people are there.

And, unfortunately, those changes haven't been made and accordingly, I would recommend my colleagues that we change the demonstration program to learn from prior demonstration programs so we don't repeat the same problems. For that reason, I'll be voting against it and recommend the same to my colleagues. Thank you, Mr. Speaker, and again, thank you, to my colleague for his patience in walking me through this long bill. Thank you.

ACTING SPEAKER AUBRY: Mr. Montesano.

MR. MONTESANO: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MONTESANO: Thank you. So there are several different issues with this, and just to pick up a moment where the last speaker addressed some issues. A number of years ago, if my recollection is correct, the Vehicle and Traffic Law was amended dealing with construction speed zones that the speed limit, the reduced speed limit at a work zone is in effect 24/7 even though there's no workers working at the work zone. Now prior to that, you needed an active work zone to give someone a summons. So this language being absent from the bill is concerning because it would default to the current Vehicle and Traffic Law.

But my big issue is this, you know, we're doing this, and I applaud the sponsor for his thoughtfulness in trying to protect road workers, you know, from all different walks of life whether

they're, you know, paving the roads, they're painting bridges or whatever. But my concern is this, right now someone speeds in a speed zone, the fine is doubled and the points are very high, right, and because the ticket is issued by a police officer who made the observation and then who tested the speed with radar. So now we're going to a system where a camera's going to take the picture of the speed, which they're not very accurate at, and then you mail a notice of violation to the registered owner of the vehicle and he pays whatever fine it is, \$50, \$100, \$200. The point is there's no points, there's no entry on the operator's license. And so what's the deterrent? What's the deterrent from people slowing down in a work zone when all they have to do is put their credit card online and pay a fine? And not only do you get points if you get the ticket personally by a police officer, it has serious consequences on your car insurance because when your insurance company looks at your transcript and the amount of points you have, they also look at the origin of the points, what was the nature of the violation. So if you have points because you passed a stopped school bus, you exceeded the speed limit in a work zone, any of those dangerous types of activities, they're more severe with you on a surcharge on your insurance policy than it is if you got a ticket for failing your signal and you got two points for that.

So we're really not helping these construction workers. You know, in other states, in other states when there's an active construction job on the highways, especially in Connecticut, they assign a State Police car to that construction site, and they're there

to monitor the speed of the coming traffic, and they deal with the speeders when they come through. And the laws in Connecticut are very severe for violating the speed zone on a construction project. So we're really not doing anything here but filling the coffers of the State or the municipality where the construction site is located, however they're going to divvy up the money, and the construction workers are still going to be in danger. It's a false sense of security to make them think because we're putting a camera up that people are really going to slow down and pay attention to them. The only way you get the attention of people is when the penalty is severe, the punishment is severe. And when someone has to go to a traffic court, a village town court -- a village court, a town court, city court, wherever it may be and answer that type of ticket. And you could also amend the law that says, you know, this is when the police officer issues the ticket, that it requires a personal appearance, because anything over 20, 25 miles-an-hour normally requires a personal appearance in traffic court, you just can't mail it in. So you can do the same thing with this type of ticket. But giving them just a ticket in the mail and telling them to pay up with no points, no insurance consequence, and no risk of being incarcerated, because I will tell you, having been a village judge for a number of years and, you know, we have, in the past, judges that are on our, you know, are in our House, will tell you that when you have someone with a bad enough traffic record and they -- and they commit and are convicted of a very serious traffic offense, you can give them not only the fine, but an alternative period in jail, 15 to 30 days

depending on the violation.

So you have to have some reason to make these people understand that this conduct is not acceptable. And by just giving them a fine in the mail, and I'll just say it one more time, without the consequences of points, insurance surcharges or anything else, this is -- this is of no use. It gives them a false sense of security. Again, I know we want to help them, but there's many other ways for us to address this issue without resorting to this. You know, a number of years ago, the New York State Court of Appeals ruled that a speeding ticket could only be given to a driver, to an operator of a vehicle, upon the personal observation and estimate of speed by a police officer, which he could verify by using a laser gun or a radar device. And that happened because they tried to put speed cameras on the New York State Thruway, and/or use the E-ZPass to measure. You know, you went from one exit to the next exit, x-amount of time, that means you exceeded the speed limit. And the court threw that out and said you can't do that. But the court -- this system that you're using now that's -- that this bill proposes doesn't run (inaudible/technical difficulties) appeals decision because you're not putting the violation on the person's driving license, it's only going to the registered owner of the vehicle. It's the same concept being used for the red light cameras in Nassau and Suffolk. It never goes to the driver, it goes to the vehicle operator, so many times you have maybe your child or your spouse operating your vehicle, they go through the red light, you get the notice, it's in your name and you have to figure

out who's paying for it. It's the same thing with the speed cameras being utilized in the City of New York in the school zones. Again, so people speed through a school zone, they get a ticket in the mail and they pay for it, there's no other consequences.

So when we're going to do things like this and we're really serious about protecting our construction workers, our road crews, let's be serious about it and let's be really severe with the violators of these laws so these people are really protected. And for those reasons, I'll be voting in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Ms. Byrnes.

MS. BYRNES: Thank you. Will the speaker yield -- or the sponsor yield?

ACTING SPEAKER AUBRY: The sponsor will yield, Mr. Magnarelli?

MR. MAGNARELLI: Yes, Mr. Speaker.

MS. BYRNES: Sorry, it's a long day and it's going to get longer. I do have a couple of questions. Sir, what is the administrative error rate on sending violation notices to the wrong person?

MR. MAGNARELLI: I don't know.

MS. BYRNES: If -- what due process rights are there if a person is falsely accused, and not only were they not the driver, it wasn't even their vehicle but they get a false and incorrect notice because the computers misread the license plate, or I had one

constituent who had a motorcycle in the 1970s and he was accused of going through a red light in New York City and the picture was a New York City taxi cab that decades later had that license reissued who spent hours on the phone trying to explain it wasn't him, it was a New York City taxi cab. I mean, what recourse do these people have who are falsely accused by computers?

MR. MAGNARELLI: They have -- they have the ability to have a hearing and to produce evidence that shows that it wasn't their vehicle.

MS. BYRNES: And that's in the area where it allegedly occurred. So if I'm in -- somebody's in Albany but they live in Rochester and they're expected to go all the way to Albany or wherever the allegation is in order to have to defend themselves, who could involve taking a day or two off of work, if they can even get the time off of work, potentially hiring an attorney, just to correct an error on the part of the computer system. I mean, is that -- you know, I understand totally the purpose of this bill, totally. I've gotten a lot of constituent calls, I'm just concerned about due process for the people falsely accused, sir.

MR. MAGNARELLI: I think you're answering your own question in the sense that if you have to defend yourself, you have the ability to have a hearing and to produce the evidence that shows it wasn't your vehicle.

MS. BYRNES: But that could involve a day or two of a person's time --

MR. MAGNARELLI: It could.

MS. BYRNES: -- they have no recourse if it's shown that DMV made the error. What can they get back? Can they get their expenses back, or they're SOL?

MR. MAGNARELLI: No. Again, I think you're answering your own question. It would be like any other offense that you would have to defend yourself against.

MS. BYRNES: And you have no idea what the error rate is, sir, you indicated that --

MR. MAGNARELLI: No, I don't. And, you know, from personal experience, I can say that I've received a ticket in the mail saying that I was in New York City on a certain date driving a car that I never owned, and I had to deal with it. But I think those experiences are few and far between. I can't give you the exact percentages, but I don't believe it's a very big one.

MS. BYRNES: Well, I can let you know, sir, that I've had ten calls from constituents in the last two years about falsely-read, going through toll booths or lights in New York City or along the Thruway from people who had never been there.

MR. MAGNARELLI: Mm-hmm.

MS. BYRNES: So I can tell you that there's ten people in my -- my jurisdiction that I know of. I think a lot of people -- oh, excuse me. Thank you, sir. Can I go on the bill, sir?

ACTING SPEAKER AUBRY: On the bill.

MS. BYRNES: Thank you. Thank you, gentlemen.

That's my concern, is that when we turn to vesting everything we have in automation, and we already know, as the sponsor said, he himself was a victim of an error. I know multiple people who have -- and including my other -- significant other who had a similar problem with allegedly going through a red light in Texas to a state he's never been to, with the same type of setup, though, that it just seems that before we invest more in technology which is already proven itself to be inaccurate, and to put tremendous burdens on people that can be falsely accused via electronics, that before we do that, we should first make sure that our ability to be able to even read licenses, forget who's driving the car, to even have the right vehicle, the right motorcycle, the right truck, the right car, is -- is certainly at a higher rate of accuracy than has been demonstrated.

So with the deepest of respect to all of our construction workers and all the calls that I have gotten, I'll be voting no on this bill. I just don't think that the technology is advanced enough yet to be able to accurately be able to assess these violations. Thank you very much, Mr. Speaker, and also to the bill sponsor.

ACTING SPEAKER AUBRY: Thank you.

Mr. Reilly.

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

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

MR. MAGNARELLI: Yes, sir, I will.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. REILLY: Thank you, Mr. Magnarelli. In regards to this demonstration program, will -- does the bill specifically state signage that has to be placed for photo and what type of signage that is?

MR. MAGNARELLI: Yes. It's got to comply with engineering specifications on the roads that they're being placed. But they have to have signage, yes.

MR. REILLY: So in New York City, they use the speed limit sign, the black and white sign, with just *Photo Enforced* underneath it. Would that be the type of signage that would be included in this, or it would be more prominent?

MR. MAGNARELLI: I would think it would be something similar.

MR. REILLY: All right. Because in -- because in -- I know in the State of Maryland they actually use a large sign with a big orange work zone and it says *Photo Enforced* in huge five-by -- five-by-six sign; is that something that you think would work here?

MR. MAGNARELLI: It may, but I leave that up to the engineers and the people who know what to do on interstate highways, et cetera. I don't think it's a bad idea, that's for sure.

MR. REILLY: Okay. So in regards to the notice of violations that are issued, when they are issued, will the certificate of calibration be issued with that notice of violation from the municipality?

MR. MAGNARELLI: I don't believe so, no.

MR. REILLY: Will the certificate of calibration be available for the registered owner to view?

MR. MAGNARELLI: I think if they ask for a hearing it would be.

MR. REILLY: So until the day that they have -- is there anything in the bill that would require the municipality to provide that certificate of calibration to the registered owner before the hearing?

(Pause)

MR. MAGNARELLI: They -- they have to retain the log of the calibration and what they have done with the thing until -- the camera until the time that this is resolved. So I don't see anything that says they have to send it before the hearing, but they can ask for it at the hearing.

MR. REILLY: So the -- so the registered owner of the vehicle that is alleged to have been speeding in the work zone, if they decide to contest the notice of violation, they wouldn't have an opportunity to look at the calibration sheet to see when that machine was actually calibrated before the hearing actually takes place?

MR. MAGNARELLI: I don't believe so.

MR. REILLY: Okay.

MR. MAGNARELLI: It's not required. I'm not saying it won't happen, I'm saying it's not required.

MR. REILLY: Well is it -- I mean, I know -- I know

we're not going to be able to amend it now because we're debating the bill before it gets voted on, but I would hope that we would revisit that. Do you think that's a possibility?

MR. MAGNARELLI: Anything's a possibility.

MR. REILLY: Okay. So the certificate of calibration, these actual speed cameras, how will they be -- do you know how they are calibrated?

MR. MAGNARELLI: Me personally?

MR. REILLY: Yes.

MR. MAGNARELLI: No.

MR. REILLY: All right. Do you know how often they are calibrated by a --

MR. MAGNARELLI: I know that they have to look at them each day and they have to be checked on an annual basis, that's what the bill says, by an independent firm that would calibrate them.

MR. REILLY: So the -- am I -- am I mistaken, did you just say that they would have to be inspected visually each day by an individual?

MR. MAGNARELLI: They -- they have to pass a self-test each day.

MR. REILLY: So a self-test each day.

MR. MAGNARELLI: Yes.

MR. REILLY: Okay. And then they just have to be manually inspected and calibrated once a year.

MR. MAGNARELLI: By an independent --

MR. REILLY: By the -- the operator of the -- the manufacturer or whoever the company is?

MR. MAGNARELLI: An independent calibration laboratory will do the calibration once a year.

MR. REILLY: So is that -- so the person who's doing the calibration once a year, would that be someone who's employed by the contractor who has the camera's contract?

MR. MAGNARELLI: Somebody employed by the State I would think on a contract basis to do it, independent.

MR. REILLY: So the -- so the contractor who is now employed by the State with this contract would be the --

MR. MAGNARELLI: Well, I don't know -- what contractor are you talking about, the construction people?

MR. REILLY: No, the speed cameras are actually operated by a private -- a private corporation because they operate the red light and the speed cameras in New York City.

MR. MAGNARELLI: I would think this has to be an independent agency that does it, an independent entity, not one that's hired by the contractor or the State.

MR. REILLY: So it would have to be a State agency that does the inspection?

MR. MAGNARELLI: No, they would contract an independent laboratory to do it.

MR. REILLY: Okay.

MR. MAGNARELLI: Okay.

MR. REILLY: But the only -- the reason why I asked is because right now the -- the annual calibration of speed cameras and red light cameras in New York City are done by the actual company that has the contract to operate those cameras. So would that be the same as...

MR. MAGNARELLI: I don't believe so because in this bill we're looking for independent verification.

MR. REILLY: Okay. One last question.

MR. MAGNARELLI: Yeah.

MR. REILLY: Last week we -- we actually took up a bill here and it passed, the car share program. Would the car share program be equal to a lease program that's mentioned in this bill as...

MR. MAGNARELLI: I'm sorry, I'm just not familiar with that program.

MR. REILLY: So that -- that -- I mean do you think that may cause an issue if we're having a car share program and a vehicle gets issued a violation then the owner, the registered owner of that vehicle will get the violation.

MR. MAGNARELLI: That's right.

MR. REILLY: But the car share renter or whoever it is, in regards to that program, because I'm not fully...

MR. MAGNARELLI: Well, I would imagine that the owner of the vehicle is going to take precautions to make sure that they can go after whoever had that car on that day. I can tell you, I

guess as an example, my car was rear ended just last year. I had to bring it in to a dealer to have it fixed and when I did that, they gave me a rental. And I signed an agreement that I was responsible if something happened with that car. I can't see why that can't be done by any kind of a car share program, as well. So you're still liable, the person who is driving the car can still be found and asked to pay the fine.

MR. REILLY: So if that -- if that -- if they do do that with the car share, say they have that program.

MR. MAGNARELLI: There you go.

MR. REILLY: No, no, I'm saying say they do.

MR. MAGNARELLI: Okay.

MR. REILLY: So we'll assume that maybe that happens, right.

MR. MAGNARELLI: Yup.

MR. REILLY: And in this car share program, the person who owns the vehicle has the operator sign it.

MR. MAGNARELLI: Yup.

MR. REILLY: But now they don't -- they don't pay voluntarily to -- for, right, to clear up the violation --

MR. MAGNARELLI: Right -- I'm sorry.

MR. REILLY: -- and it's late and now you get another notice, it's late. You get another notice, it's late. They're -- still, the registered owner is now going to be responsible for those late fees and the potential of their registration being suspended in New

York State by the DMV, correct?

MR. MAGNARELLI: Mm-hmm. Well, they have to have, what, three of them in 18 months, I mean, for it to be revocation of the registration. It has to be happen often on the same car.

MR. REILLY: Okay. So there's a -- with the car share program, there's a potential that it could happen. So is there any way to remedy that --

MR. MAGNARELLI: There -- there is, because it may not be what you want to hear, sir, but the bottom line is that an owner has an action of indemnification from the person who is driving the car, and that's exactly what I explained to you happened when I had the rental vehicle while my car was being fixed. It's the same thing. But, the owner of the vehicle is responsible to pay the fine. If you don't pay the fine, you're not going to have your registration.

MR. REILLY: Okay. Thank you, Mr. Magnarelli.

MR. MAGNARELLI: You're welcome, sir.

ACTING SPEAKER AUBRY: Mr. Manktelow.

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

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

MR. MAGNARELLI: Yes, sir.

ACTING SPEAKER AUBRY: Mr. Magnarelli yields.

MR. MANKTELOW: Thank you, sir. Thank you,

Mr. Speaker. Thank you. Just -- just one quick question. I think you had said earlier on the debate that we will not be taking pictures of the drivers, is that correct?

MR. MAGNARELLI: Correct.

MR. MANKTELOW: Why is that?

MR. MAGNARELLI: Privacy.

MR. MANKTELOW: So -- so -- so this is where I'm puzzled. So if you break the law and you're speeding through a work zone, you have the right for privacy then?

MR. MAGNARELLI: I believe so. This is the way we're trying to implement these camera pieces of legislation.

MR. MANKTELOW: Okay.

MR. MAGNARELLI: It's also if you're taking a picture of the driver, you're taking a picture of everybody else in the car as well. So to protect the privacy of the people in the car, that's not what we're looking for. We're looking for what is the make, model, color of the car, and the license plate. That's what we're looking for.

MR. MANKTELOW: Okay. And just one second -- one other question. So if someone steals my car, okay, they take off down the Thruway with my car - this is hypothetical, but this could happen - and they're flying down the Thruway, they fly through a work zone, I get the ticket. Now, how would I defend myself in that situation?

MR. MAGNARELLI: You would report the vehicle as stolen and you would ask for a hearing or tell the DMV that this is

what happened -- or the court that you're in front of where you got the notice from and you would tell them the car was stolen and I reported it, here it is, that's the end of that story.

MR. MANKTELOW: Okay. So in that situation, I'll have to take time off of work to do this, that's fine. How do we punish the person that stole it? How are we going to help the police officers, the investigators, find out who stole my vehicle?

MR. MAGNARELLI: I -- I have no idea. I mean, that would be up to the policing authorities to figure that out.

MR. MANKTELOW: If we angled that camera just to look at the driver, the technology's there, why would we not do that to help in these situations?

MR. MAGNARELLI: Well, I've already given the answer to that and, you know, the bottom line is a privacy issue and, you know, we'll take a look at other things as we go along. You know, the one thing I'd like to say with some of these questions is simply that this is a pilot program and we're only talking about 30 cameras, ten on the entire Thruway at any one point in time, 20 on all the other expressways and highways in New York State at any point in time with the idea that we will take the information that's gleaned from these 30 cameras and maybe come up with some better solutions as we go along. So it's a pilot program, 30 cameras at most and many of these things that we're talking about today might be solved as we look through the program in the coming years.

MR. MANKTELOW: So -- so during the pilot

program, will the owner of the car get a ticket, then, during the pilot process?

MR. MAGNARELLI: If you go through a -- if you're caught by a speed camera in a work zone violating the law, this law, okay, you will get a ticket, yes.

MR. MANKTELOW: Okay. I appreciate your answers.

MR. MAGNARELLI: Okay.

MR. MANKTELOW: Thank you, sir. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.
Mr. Angelino.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. ANGELINO: So for the reasons that people were talking about with the -- the misreading of license plates, everybody in here has probably got constituent complaint about their misread license plate. We all know that, so let's move on to the real thing here, and that's work zone safety. I know a thing or two about these speed cameras, red light cameras. They look like a piece of equipment. The issue is it's going to be in the speed zone, so it's going to catch somebody that has already endangered the workers in the speed zone. We need to stick with the tried-and-true method of having a marked patrol car, State Trooper, Deputy Sheriff, city or town cop parked prior to the speed zone -- or the construction area

because that's a guaranteed tried-and-true, the brake lights are going to come on, slow down, and the car is going to go past the construction workers at a slower speed. A -- a radar camera in the speed zone only catches them after the fact, after the person has already gone speeding past and endangered the workers. And for that reason, I encourage everybody to vote no on this. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. Will the sponsor yield for a few questions?

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

MR. MAGNARELLI: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Magnarelli yields.

MRS. PEOPLES-STOKES: Thank you, Mr.

Magnarelli. You probably said this already, but can you tell me where the demonstration project will actually happen at?

MR. MAGNARELLI: Where there's going to be one? I'm sorry.

MRS. PEOPLES-STOKES: I'm sorry.

MR. MAGNARELLI: I didn't understand the question.

MRS. PEOPLES-STOKES: I was asking where the demonstration will actually happen at, what location will be selected

to the demonstration?

MR. MAGNARELLI: The -- that will be determined by the Thruway Authority and by the Department of Transportation as they put out work, I guess, over the next five years. So there is -- there is no designated place where it will be. They can put it on any work zone that they have, and my understanding would be that the work zones would change. Once a piece of work is finished, they can move the camera to another site.

MRS. PEOPLES-STOKES: Okay. So you said either the Department of Transportation or the Thruway Authority --

MR. MAGNARELLI: Correct.

MRS. PEOPLES-STOKES: -- they would pick any work zone that they would like to select for the demonstration?

MR. MAGNARELLI: It's -- it's got to be on the Thruway or, and I think the wording is, yeah, controlled access highways, an interstate, an expressway; not just any State road, but a highway - what we in common parlance would call a highway.

MRS. PEOPLES-STOKES: Okay. So will the demonstration happen the entire time frame of a construction process or will it be shorter and get moved to another area?

MR. MAGNARELLI: Again, Madam Majority Leader, I -- I do not believe that that's determined. That's up to the Department of Transportation or the Thruway to determine how they want to move the cameras around.

MRS. PEOPLES-STOKES: Okay. Does the

legislation speak to how many demonstration projects, or is it more than one?

MR. MAGNARELLI: Again -- I didn't hear the first part of that, I'm sorry.

MRS. PEOPLES-STOKES: Does your legislation speak to how many demonstrations will happen simultaneously, or is there just one at a time?

MR. MAGNARELLI: No. The maximum is ten on the Thruway at any point in time and 20 by the DOT across New York State at any point in time. So you could have 30 of these demonstrations going on at one time, but that's the max.

MRS. PEOPLES-STOKES: Okay. I guess the other question that I have is as it relates to how the cameras will be calibrated. Will -- will they take a picture automatically of anybody that goes over, say, if the speed limit is 45, or will they take the picture if somebody goes 48 or somebody goes 50? Is it going to be calibrated so that there's a clear demonstration that there's a speeder here?

MR. MAGNARELLI: My understanding is that it has to be more than ten miles-an-hour over the posted limit.

MRS. PEOPLES-STOKES: More than ten miles of the current posted speed limit?

MR. MAGNARELLI: Correct.

MRS. PEOPLES-STOKES: So that is kind of calibrated to demonstrate that it really is a speeder and not just

somebody who happens to be --

MR. MAGNARELLI: Correct.

MRS. PEOPLES-STOKES: -- just now seeing the sign that says I should slow down.

MR. MAGNARELLI: That's correct.

MRS. PEOPLES-STOKES: Thank you very much --

MR. MAGNARELLI: You're welcome.

MRS. PEOPLES-STOKES: -- for your responses. I think it's important to note that even though a lot of people don't necessarily like the idea that this contest -- contactless law enforcement is the way we're going in the future, but it is contactless law enforcement. There is not a law enforcement official there, but if you're doing something illegal, you can be identified. And you are doing something illegal if people are out there working and it's a clear response to just ask you to go 45 while you're in the area where they're working, and you refuse to do that for whatever reason, you're going 65, you should get a ticket for that. You are putting people's lives in danger, not just the people who are working but, quite frankly, your own because it's hazardous to be speeding through a work zone.

I wish I could feel comfortable with the fact that, you know, folks just don't like tickets. I mean I know I don't like tickets and so I try to do everything possible to keep from getting one. And I think when folks understand that, you know, this rule is in place that you have to follow and it means you even though you don't see a law enforcement person. Most of our life and everything we do, you go to

the store now, everything is contactless. Well, how about this is law enforcement that is contactless, but it's still an important law to be enforced because there's people's lives out there preparing to fix the roads so that we can drive on them. We should want to protect them. We should want to make them safe.

And so for that reason, you know, I think that we should look forward to doing this demonstration project and see what happens. It could be that it gets implemented and 100 or so people ride through and get a ticket in the mail and they never ride through that area again. Or when they see that sign, they'll slow down like they should. I know we have a demonstration project now in Buffalo and there are some people who want to see it eliminated, and I know the City Council is actually talking about doing that, but in the areas where they had the most infractions is now where they have the best compliance. And why don't you want people complying with speeding regulations? It makes for safety -- a safer community. It's makes for a better community.

And so again, you know, I applaud the sponsor of this legislation because this is a tough one to do. No one wants to get a ticket in the mail because they were caught speeding even though they didn't see a law enforcement or a police officer watching them speed. The camera saw you and the camera's not going to pick you up until you go ten miles past what you've been encouraged to drive, then you should be getting that picture in the mail with that dollar amount attached to it that says that you owe because you violated the law.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

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 4682-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. 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.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Our colleagues in the Majority will generally be in favor of an opportunity to enforce the proper laws; however, there could be some of our colleagues that would like to be an exception. They should feel comfortable in contacting the Majority Leader's Office and expressing so and we will make sure their vote is properly recorded.

ACTING SPEAKER AUBRY: Thank you so much.

(The Clerk recorded the vote.)

Ms. Lunsford to explain her vote.

MS. LUNSFORD: Thank you, Mr. Speaker. While generally I am not a fan of speed cameras for many of the reasons cited by my colleagues, I will be in the affirmative on this bill because of the extraordinary danger posed to those working on highway work sites, and also the limited nature of this demonstration project. Thank you.

ACTING SPEAKER AUBRY: Ms. Lunsford in the affirmative.

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker, for giving me the opportunity to explain my vote. I have actually carried bills similar to this for New York City. The recidivism rate is extremely low. You do get a picture so that you actually can say, *Hey, not my car*. But for those of you who like to speed, you're actually better off being tagged by a camera than by law enforcement because with the camera, you just pay the fine, you don't get points on your license because it does not identify the individual who is driving. Plus, we cannot have police all over. And this is about saving the lives of people who are working in construction zones along the highway. And it actually gives you some leeway that you could be going faster than the speed limit which is, in my opinion, terrible, but at least this is some measure of trying to ensure that people who are working on our behalf are minimally safer in these work zones. I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following colleagues in the affirmative in addition to those on the floor: Mr. Gandolfo, Mr. Giglio, Mr. Jensen, Mr. Norris, Mr. Smullen, Ms. Miller, Mr. Brabenec, and Mr. Ra. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Magnarelli to explain his vote, and we'll get to the other party position in a minute.

MR. MAGNARELLI: Thank you, Mr. Speaker. I just want to say this: The statistics show that in -- since 2018 alone, there were 701 crashes in work zones on State roads and bridges, resulting in 13 motorist fatalities, 329 injuries to motorists, contractor employees, and New York State DOT staff. This pilot program is simply intended to improve everyone's safety in work zones. Thank you very much, Mr. Speaker. I urge everyone to vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Magnarelli in the affirmative.

Mrs. Peoples-Stokes.

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

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.

Page 13, Rules Report No. 345, the Clerk will read.

THE CLERK: Senate No. S06575, Rules Report No. 345, Senator Savino (A06323, Bronson, Meeks, Barron, González-Rojas, Bichotte Hermelyn. An act to amend the Social Services Law, in relation to making care and services provided by licensed mental health practitioners eligible for coverage under the Medicaid program.

ACTING SPEAKER AUBRY: Mr. Byrne.

MR. BYRNE: An explanation, please.

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

MR. BRONSON: Yes, Mr. Speaker. This bill would ensure that mental health practitioners would receive a Medicaid billing number, and in so would be able to receive direct reimbursement from Medicaid.

ACTING SPEAKER AUBRY: Mr. Byrne.

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

ACTING SPEAKER AUBRY: Mr. Bronson, will you yield, sir?

MR. BRONSON: Yes, I will, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Bronson yields.

MR. BYRNE: Thank you for that explanation. This would allow more providers of mental health services to be reimbursed by Medicaid directly, correct, based on your justification.

MR. BRONSON: Yes. Currently they're -- they receive reimbursement but they must receive it through a clinic. So what this bill would do would allow those who don't work directly in a clinic setting or work in a clinic setting but also have another position where they're working privately that would allow them to bill Medicaid when they're providing mental health and behavioral health services in the private setting.

MR. BYRNE: Thank you. And it's my understanding that -- it seems that part of the idea behind this bill is to make that process easier for perhaps low-income people seeking these services to obtain them through the State's Medicaid program, is that correct? And do you have estimation of what that -- the fiscal impact to the State would be, what the -- what the cost of this change may be to the State?

MR. BRONSON: Yeah, the -- the -- it's not to make it easier, it is to make those people who are on Medicaid, including the roughly 50 percent of all children in the City of Rochester, to have access to mental health services. And indeed, we know that the demand for mental health services has gone up. Compared with 2019, the proportion of mental health-related visits for children age five to age 11 increased by 24 percent, and for 12- to 17-year-olds increased

31 percent in 2020, largely due to COVID-19. The CDC data released recently shows a 27 percent increase in deaths linked to drug overdose in 2020 compared to last year. CDC also has data that shows that one in four teens contemplated suicide last year. Under the current system, it's a two-tier system. If you have money to pay for mental health services, you can get it. If you don't, you can't. This bill would rectify that situation.

MR. BYRNE: Now, I'm not sure if I heard an answer before you answered part of my -- my question. The sponsor -- this bill has been around for a -- a number years, correct? And I think it's identical to the version that was passed in the last Legislative Session unless I'm mistaken. Has there been any amendments to this bill?

MR. BRONSON: There has not been any amendments to the bill since it was last passed in 2019, and the Governor, I believe, incorrectly vetoed the bill.

MR. BYRNE: Well, that would be one of my questions. I know -- I do know the Governor vetoed the bill and to see if there was any changes to address the Governor's concerns. Just to kind of go back to something I tried to ask earlier, I know the sponsor memo still says fiscal impact to be determined. A lot of the memos that we see in the Legislature have similar language with not a whole lot of details. But do we know what the change in cost could be to the State with this type of change?

MR. BRONSON: Well, actually, the cost could go down or it could go up. Right now, under the current system, a

psychologist and psychiatrist are able to direct -- get direct reimbursement. They are billed in Medicaid at a higher rate. Some of their services, not all, but some of their services within the scope of the practice of these mental health practitioners could be provided by the mental health practitioners, indeed, at a lower cost in Medicaid. But it really is a numbers situation. So I can't tell you, given those extraordinary increases in the demand and the need for mental health services, how that's going to impact the reduction that would occur if, indeed, a lower-rate professional were to provide the services.

MR. BYRNE: Now, I -- I note that because in the Governor's veto mentioned a couple of things. One was funding for this expansion was not included in the budget. It was -- was it included in our recent budget? I mean, we had a pretty significant budget, one of the largest state budgets in the nation with a very large Medicaid portion. Was additional funding included for -- for this type of legislation?

MR. BRONSON: There was not specific additional funding included in -- in the -- the last budget that was passed. As you know, we always try to balance that. But once again, I would remind you and all my colleagues that, you know, we just went through an extraordinary crisis and are continuing to go through it with COVID-19. That's one of the reasons I'm hopeful the Governor will reconsider his decision in 2019. The -- the need for mental health services is tremendous, and we should not have a scenario in the great State of New York where you only have access to mental health

services if you can afford them.

MR. BYRNE: Another question for the sponsor. There's a couple of organizations that expressed concerns about the bills over the years. The National Association of Social Workers provided a memo in part echoing the Governor's message, stating that inadequately that -- the bill inadequately describes the specific services to be covered. I know this bill is identical to previous bills. Can you help address those concerns? And while we're at it, the New York State Psychiatric Association opposed it because they referenced that it would remove safeguards and oversight that is required in a hospital or clinical setting. Would you mind responding to some of those concerns that have been -- that have been raised?

MR. BRONSON: Yeah, absolutely. I will respond. The bill specifically says that the services will only be those services within the scope of practice of those individuals licensed pursuant to Education Law Article 163. And it would not include any other services. So, the bill doesn't need to define what the services are. We have two things: We have a scope of practice which says what mental health practitioners can and can't do. And then we also have what Medicaid is already authorized to provide. So there's no statutorily -- no statutory reason for us to go into that area.

MR. BYRNE: Okay. Thank you, Mr. Bronson, for your time. And thank you, Mr. Speaker.

On the bill.

MR. BRONSON: Thank you.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BYRNE: I want to thank the sponsor for taking the time to answer some of my questions. There's some similar legislation that we may be debating later. I don't look at this bill as a -- a vote on the services, per se. It was actually mentioned that there are mental health services available. I look at this more as how some providers specifically are going to be able to be eligible for reimbursement for Medicaid. The goal of trying to make it more accessible for people seeking help I think is a very laudable one. But again, I think we also have to be mindful of the fiscal impact changes like this would have on all New Yorkers and all -- all New York's taxpayers. We already have one of the largest Medicaid budgets in the nation with one of the largest state budgets in the nation. This past year, \$212 billion. This was not included in that massive budget. It comes at a cost, and taxpayers can only afford so much.

So, Mr. Speaker, with that I will be voting in the negative. Thank you -- thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Montesano.

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

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

MR. BRONSON: Yes, I will.

ACTING SPEAKER AUBRY: The sponsor yields, sir.

MR. MONTESANO: Thank you. Mr. Bronson, just so I could clarify something. The types of services currently that are delivered in the setting that you were speaking about before, does that include marriage and family therapists, creative arts therapists or psychoanalysts?

MR. BRONSON: Yes. Article 163 of the Education Law sets forth the educational and clinical training requirements as well other regulations promulgated under that section of what would be required. And the State has made an affirmative statement that with that education and with that clinical training that these individuals are authorized and meet the requisite to provide various services within, again, their scope of practice.

MR. MONTESANO: All right. But my -- but I guess what I want to find out is currently, under -- right now, are these people providing services in a clinical setting?

MR. BRONSON: Yes, they are.

MR. MONTESANO: Okay. Fine. So now the -- when they provide these services in a clinical setting, are they working under the direction of a psychiatrist or a psychologist?

MR. BRONSON: Not in all situations, and there's no requirement that they do so under the law.

MR. MONTESANO: Okay. All right. So this is strictly about -- if they're already providing these services but they have to bill through the clinic, am I correct?

MR. BRONSON: This is about a child in -- that goes

to the Rochester City School District and receives services, mental health and behavioral services through the school district.

MR. MONTESANO: Now, I -- I --

MR. BRONSON: Let me -- please, allow me to answer your question. The answer is, so in that setting, the child is getting services that's paid for sometimes through Medicaid, sometimes through the district's general fund. But the services aren't sufficient and there needs to be additional services provided for this child out in the community. Sometimes they can get that through organizations in my area called Hillside, sometimes they can't. This bill would allow an opportunity for a young person - and I gave you the data earlier - a young person who's living in poverty, whose family is a recipient of Medicaid, that young person to continue to receive the ongoing treatment and mental health services that they need in order to deal with the issues that they're facing.

MR. MONTESANO: Thank you. All I was trying to establish was since there seems to be a concern about additional cost, the point I was trying to get out was if they're already receiving these services in a clinical setting and we're merely shifting how the provider is paid so he's not getting his fee through the clinic, he can bill directly, in some of the cases, there shouldn't be an increase in the Medicaid expenditure, am I correct?

MR. BRONSON: True. That -- I mean, that -- that's possible. I mean, there -- there's so many complex factors in determining whether or not there's going to be an increase. I went

through one earlier because there are now services being provided by psychologists and psychiatrists who charge a higher rate and --

MR. MONTESANO: Right.

MR. BRONSON: -- get paid and reimbursed at a higher rate. So that's one example. Another example is, if these individuals, young people or others, adults, aren't receiving the help they need, mental health services, substance use services, where do they end up? The emergency room.

MR. MONTESANO: Right.

MR. BRONSON: Where's that cost? That cost is just as high. And so, you know, it's a balancing situation here when you start talking about -- about cost. The other thing I would point out, locally there's a -- a clinic that's provides these types of services who testified at a joint public hearing that our good Chair of the Mental Health conducted with the Chair of Mental Health in the Senate, and testified that his clinic is currently facing a waiting list of 1,000 people. So, even though we use clinic setting, it's not sufficient to meet the demand and the need. So passing this bill would help us meet the demand.

MR. MONTESANO: Thank you.

Mr. Speaker, on the bill.

MR. BRONSON: Thank you.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MONTESANO: Thank you, Mr. Speaker. You know, I'm going to support this piece of legislation for the simple

reason is we've been talking this whole past year since we've been back in Session about addressing the issues concerning all people, young people, older people, about the effects that COVID-19 has had on their mental health, adding that on top of what we already have people with mental health problems and conditions that need to be treated on an outpatient basis. Since we've had substantial closures of hospital settings and there's no more room in the residential home settings, these people are in dire need of treatment. And while I'm not a big fan of increasing the Medicaid budget or expenses, this is necessary treatment that's needed. I have many constituents in my district that complain that there's no availability for them to go anywhere for treatment. And one of the things I'd like to see down the line is, you know, compelling the psychologists and psychiatrists that they have to take Medicaid because a lot of them don't. They want to be paid their fees, or at least \$350 an hour, and no one has that kind of money. I don't care what your insurance coverage is. So, I mean, there are people that do pay it, but that's another story. So I think if we're going to be serious about addressing the mental health issues in our society, the problem it's causing the children in their young age, but also the adults that are suffering from these problems and they're not being treated. And we see this played out in -- in violent behavior on the city streets, on the city subway system and amongst themselves and their families.

So, I will be voting in the affirmative to support this piece of legislation and I would ask my colleagues to consider doing

the same. Thank you.

ACTING SPEAKER AUBRY: Thank you, Mr. Montesano.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. I agree with my colleagues that it's important to have mental health services available to those who are on Medicaid, and indeed we do. Under current law, Medicaid covers psychiatrists, it covers psychologists. It covers mental health counselors who are working through a clinic. Those services are already provided. So, what does this bill do? This bill expands Medicaid coverage to include marriage counseling, family therapists, creative arts therapists or psychoanalysts. And while those services might be helpful to some people, I would argue that they are not essential core mental health services or the type of services that we would normally expect to be covered under a health insurance program. There are lots of valuable services that are available. As I mentioned, there's a broad range of mental health services that are already covered by Medicaid. But we need to be mindful that every time we expand the Medicaid program it increases its cost. And right now we spend more on Medicaid in New York than Texas and Florida combined, combined. We don't have a coverage problem, we have a spending problem that reflects the fact that almost everything we see is covered. And if we want to exercise fiscal restraint, we need to start somewhere. And perhaps not expanding it to include creative art therapists, marriage and family

therapists or psychoanalysts who are operating outside the supervision of a psychiatrist or a psychologist might be a first step in curbing the growth.

Thank you, Mr. Speaker.

ACTING SPEAKER J.D. RIVERA: Thank you.

Read the last section.

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

ACTING SPEAKER J.D. RIVERA: The Clerk will record the vote Assembly Bill A.6323. 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: The Republican Conference is generally opposed. Some of my members have certainly supported this and I would encourage those who support it to make sure that we know how you feel by contacting the Minority Leader's Office.

Thank you, sir.

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

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority colleagues will generally be in favor of this piece of legislation. However, should folks decide to be an exception they should contact the Majority Leader's Office and their vote will be

properly recorded.

Thank you, sir.

(The Clerk recorded the vote.)

ACTING SPEAKER J.D. RIVERA: Thank you.

And Mr. Bronson to explain his vote.

MR. BRONSON: Thank you, Mr. Speaker. I want to correct the record. It was just stated that under -- currently that psychologists and psychiatrists receive this reimbursement directly from Medicaid, and then it was indicated that mental health therapists also receive it in the clinic. And then there was some suggestion or a distinction with -- with the art therapy. Let's be clear. All of the 163 Article professions get reimbursed in the clinical setting. So, you're including in that mental health counselors, as was mentioned, but you're also including marriage and family therapists, you're including creative art therapy and psychoanalysts. The question here is, can they or should they also be able to get reimbursed in a private setting. The other thing I would suggest, you know, with the creative art therapy, these are folks who help individuals, in particular children, who have developmental and intellectual disabilities. These are folks who help someone who is nonverbal learn to be verbal through music. I've seen it at Hillside -- or at Mary Cariola, rather. Children with disabilities oftentimes can learn through the creative arts. So, again, this is a two-tier system that we should not allow to keep going on. If you have money and you have a large bank account, you can pay for mental health services privately. But if you're poor, you don't have

access to it. This bill will change that disparity.

I encourage my colleagues to vote in the affirmative.

With that, I withdraw my request and vote yes.

ACTING SPEAKER J.D. RIVERA: Thank you.

Mr. Lawler to explain his vote.

MR. LAWLER: Thank you, Mr. Speaker. We do have the most expansive Medicaid program in the country. We pay 49 percent more in benefits than the average of the other 49 states. It's one of the largest drivers of our property taxes in this State. You only need to be here 30 days to qualify. But -- and while I do think we need to do more to rein in the excessive costs of Medicaid in our State, I do think when we talk about some of the issues that have been raised in this Body, whether it's gun violence, homelessness, substance use disorders, a lot of it is centered around mental health. And we do have a mental health crisis in this State. And so for that reason I do think it's important that people do have access to mental health services regardless of their income, regardless of their wealth. And so I will vote in favor of this bill because I do think it is something that's vital to try and address a very real crisis that plays into many of the other issues that we have in our State.

And so I support this legislation and thank the sponsor for putting it forward.

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

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

colleagues Ms. Byrnes, Mr. Gandolfo, Mr. Ra and Mr. Smith and Mr. DeStefano in the affirmative.

Thank you.

ACTING SPEAKER J.D. RIVERA: 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 colleagues could go to page 2 [sic] on our debate list and we're now going to take up Rules Report No. 346. It's Assembly Bill 6355 by Ms. Solages. And followed by Rules Report No. 406, Assembly Bill 362.A, and it is sponsored by Mr. Zebrowski. In that order, Mr. Speaker.

Thank you.

ACTING SPEAKER J.D. RIVERA: Page 13, Rules Report No. 346, the Clerk will read.

THE CLERK: Senate S02157-A, Rules Report No. 346, Senator Thomas (A06355, Solages, Epstein, Griffin, Gottfried, Thiele, Dickens, Anderson, Sillitti, Zinerman, Simon). An act to amend the Real Property Law, in relation to associate real estate brokers acting as office managers.

ACTING SPEAKER J.D. RIVERA: Explanation, please.

MS. SOLAGES: This bill would have an associate

broker who is acting as an office manager, they must be active for -- in the industry for two of the four years that they've been an associate broker before they are appointed office manager. In addition, the office manager has the same duty to supervise agents and associate brokers who are real estate licence -- who are licensed real estate brokers.

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

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

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

MS. SOLAGES: Yes.

MR. MONTESANO: All right, thank you. Ms. Solages, right now currently when we have -- I understand under current law that an office manager in a real estate brokerage already has to be a licensed salesperson, am I correct?

MS. SOLAGES: That is correct.

MR. MONTESANO: Okay. And what is the role that they play? You know, what's their duties and their obligations under the current law?

MS. SOLAGES: So, currently under the law, obviously they are a facilitator of -- of, you know, real estate transactions. They help assist in the office, whether it's, you know, the budget of -- of the office, they serve as a facilitator. It -- it's basically an office manager position aside from the also duties of -- of

facilitating, you know, real estate transactions.

MR. MONTESANO: Okay. So they supervise the salespersons?

MS. SOLAGES: Correct. And just to -- to go back for -- for clarity. In New York, real estate brokers are required to maintain and supervise at a principal place. So in addition, brokers have numerous offices, so they can appoint an office manager to oversee the office branch. So basically this bill says that, you know, the office manager -- sorry, the bill holds associate brokers acting as office managers to the same duty as a supervised licensed broker. And the associate banker has the same level of training as a licensed broker and the expertise to supervise salespeople within the designated office.

MR. MONTESANO: All right. Okay. So now this level of experience that's coming into this position to be an office manager, what kind of experience is it that's necessary? Is it running an office or is it how many sales they made as a salesperson? What kind of experience are we looking for?

MS. SOLAGES: So the bill only speaks to the timeline. It says two to -- two to -- sorry. Out of the four years, two years they -- they have to have that experience.

MR. MONTESANO: Of working as an office manager?

MS. SOLAGES: Correct.

MR. MONTESANO: Okay. Now if the brokerage, you know, the broker himself does not comply with this requirement,

what's the sanction or the penalty that can be imposed?

MS. SOLAGES: You know, this bill doesn't really have a -- hold on, let me just -- one second. You know, there's no really penalties for failure to supervise, so the bill is silent on penalties. You know, we're hoping that individuals, you know, are -- are willing to, you know, step up the standard of -- of their industry. And the purpose of this bill was because, you know, an investigation happened where, you know, there was a lot of discrimination against people of color and, you know, it -- it was seen that there was just widespread treatment of potential home buyers --

MR. MONTESANO: Okay.

MS. SOLAGES: -- and segregation and all that.

MR. MONTESANO: So now let me ask, under the current law, if a broker has just say three locations, is he required under the current law to have an office manager in each location?

MS. SOLAGES: I don't believe so.

MR. MONTESANO: Okay.

MS. SOLAGES: But I'm -- I'm not totally 100 percent --

MR. MONTESANO: Okay.

MS. SOLAGES: -- knowledgeable about that. But according to the research I have made, they don't have to. They can do it themselves.

MR. MONTESANO: Okay. And so if he puts someone else in one of these satellite offices called a secretary, say

we'll use that title, a secretary or a bookkeeper, he could -- he or she could actually circumvent this particular law, am I correct?

MS. SOLAGES: You know, we're trying to ensure that office managers who are all also facilitating real estate transactions are -- are held to this new standard. So, if the bookkeeper is just doing bookkeeping and the secretary is just answering the phones, I don't think that they -- they fall under this. But, you know, we want to go after the people who are, you know, talking to individuals and helping facilitate those real estate transactions.

MR. MONTESANO: Okay. Thank you very much.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER J.D. RIVERA: The Clerk will record the vote on Assembly Bill A.6355. 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 that would like to vote in favor of it should contact the Minority Leader's Office and we'll record your vote properly.

Thank you, sir.

ACTING SPEAKER J.D. RIVERA: Mrs.

Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, the Majority Conference will be in favor of this legislation. However, there may be a few of our colleagues that would desire to be an exception. They should contact the Majority Leader's Office and their vote will be properly recorded.

Thank you, sir.

(The Clerk recorded the vote.)

ACTING SPEAKER J.D. RIVERA: Mr. Goodell to explain your vote.

MR. GOODELL: Thank you, sir. This bill continues New York State's effort to micromanage every business in the State by requiring associate real estate brokers to have at least two years of experience out of the last four. Now that might sound like a -- a practical thing, but let's say you're real estate associate real estate broker, you've been in the business for ten or 15 years. You decide to temporarily step away, perhaps you're raising children, and three years later you want to rejoin the real estate business. You've been an associate broker in active practice for ten or 15 years, you can't be an office manager because you took some time off to raise some kids. How ridiculous is that? But if you are coming back and maybe you meet the two out of four years, then you are required under this bill to exercise the same duty as supervision over salesmen as a broker. But what if the broker who's in charge of the operation just wants you to be a secretary? Well, that's okay. What if he wants you to do

anything that's in violation of this law? That's okay, you just can't be called office manager. It's time that New York State stop micromanaging businesses. Let business owners hire the person they think is the best qualified to serve as office manager. Let them run their own business. We don't need to tell them how to run their business by legislation.

And for that reason I'll be opposed to it and I would recommend my colleagues also oppose it. Thank you, sir.

ACTING SPEAKER J.D. RIVERA: Mr. Goodell in the negative.

Ms. Solages to explain her vote.

MS. SOLAGES: To explain my vote. In one of the most concentrated investigation of discrimination by real estate agents in half a century since the enactment of American -- America's law -- landmark Fair Housing Law, a publication in *Newsday* found evidence that there was widespread separate and unequal treatment of people of color who were trying to buy homes. And they were steering them towards minority areas and not allowing them to buy homes in certain zip codes. As we know, Long Island is one of the most segregated metropolitan areas in the country, and that goes for many areas across New York State. And this is unfair. So this bill and other pieces of legislation are tackling at this industry at its core. We see that there's something wrong. There's segregation and we need to stop that and we need to work together to ensure that regardless of who you are, you should be able to have a pathway to homes -- a pathway to

homeownership.

And so I encourage all my colleagues to vote in the affirmative. Thank you.

ACTING SPEAKER J.D. RIVERA: Ms. Solages in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 14, Rules Report No. 406, the Clerk will read.

THE CLERK: Senate S02884-A, Rules Report No. 406, Senator May (A00362-A, Zebrowski, Barron). An act to amend the Executive Law, in relation to penalties for code violations.

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

MR. GOODELL: Thank you, sir.

On the bill.

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

MR. GOODELL: This bill provides for increased penalties for violation of the New York State Building and Fire Code if the violation persists behind -- beyond 180 days. In particular, it imposes a minimum fine of \$25 a day, not to exceed \$1,000 per day, and imprisonment up to a year or both. And if the violation remains uncorrected after an additional 180 days, the fine is doubled to \$50 per day. The problem that we are facing is that the State Governor, then the Office for the Court Administration and then this Legislature imposed eviction moratoriums that affected almost every landlord all

across this great State. And that eviction moratorium has gone on now for over a year-and-a half. We still have an eviction moratorium, as a practical manner, for most landlords even though, with the exception of those of us on the floor of the Legislature, most people no longer wear masks and virtually every business is open. But when you go for a year-and-a-half without income from many of your tenants and you are unable to get them out of the apartment and get somebody else in, it creates horrific cash flow problems. And so landlords facing those huge cash flow problems don't have the money to make repairs that they'd like to make. They don't have money to make payments on their mortgage sometimes, or -- or paying the taxes. And many of our smaller landlords are seeing their entire life savings evaporate in front of them. And then to compound matters, if they eventually do get out a non-paying tenant and get a tenant in that's paying, we have seen a shortage of construction materials and skyrocketing prices all across New York State. Then when it comes to making repairs, some repairs require cooperative weather. You can't make permanent roof repairs during a snowstorm or a rainstorm, you have to have cooperating weather. So I'm very concerned that here in the Legislature, after we've imposed an eviction moratorium that's gone on for a year-and-a-half, we then turn around and say to the landlords, *Hey, if you're not keeping your place fully repaired and maintained we're going to require -- require -- no option. We're going to require a minimum fine. Judge, you don't have any discretion under this law, you must impose a minimum fine.* It doesn't matter what the excuse

was, it doesn't matter what the explanation was, it doesn't matter what the weather was. A minimum fine on our landlords. My friends, let's help landlords recover from the horrific financial damage we've done to them rather than impose minimum mandatory fines.

For that reason I'll oppose it and recommend my colleagues do as well. Thank you.

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

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

ACTING SPEAKER J.D. RIVERA: The Clerk will record the vote on Assembly Bill A.362-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 to this legislation, but those who support it should contact the Minority Leader's Office.

Thank you, sir.

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

MS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is going to be in support of this piece of legislation. However, there may be a few of us who would like to be

an exception. They're advised to contact the Majority Leader's Office so that their vote can be properly recorded.

Thank you.

ACTING SPEAKER J.D. RIVERA: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. Please record our colleague Carrie Woerner in the negative on this one.

ACTING SPEAKER J.D. RIVERA: Thank you.

Are there any other votes?

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following colleagues in the affirmative: Mr. Gandolfo, Ms. Miller and Mr. Ra.

Thank you, sir.

ACTING SPEAKER J.D. RIVERA: Thank you.

Mr. Goodell.

MR. GOODELL: And also please add Mr.

DeStefano.

ACTING SPEAKER J.D. RIVERA: Thank you.

Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, colleagues,

if we could -- Mr. Speaker, if you could put our House in recess for a moment, we need to do a quick Rules Committee meeting. Colleagues in the Chambers that are members of Rules need not move, you can move down to the Speaker's Conference Room. If you're in your office on Zoom, you should remain there if you are on Rules and you will be pulled into the committee meeting by these very capable technicians we have sitting here on the floor in front of us on the floor.

Mr. Speaker, please put us in recess.

ACTING SPEAKER J.D. RIVERA: The House stands in recess.

(Whereupon, at 8:39 p.m., the House stood in recess.)

*****AFTER THE RECESS**

9:07 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If you could advance the B-Calendar, please.

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

MRS. PEOPLES-STOKES: Thank you. Colleagues, and we will go right to Rules Report No. 2 -- I'm sorry, Rules Report No. 721 on consent by Ms. Reyes. Following that we will return to our debate Calendar, and we're going to start on that debate Calendar

with Rules Report No. 343. It's Assembly Bill 6247 by Peoples-Stokes. Followed by Rules Report No. 421, Assembly Bill 2543 by Ms. Weinstein. Rules Report No. 424, Assembly Bill 3186 by Mr. Hevesi. Rules Report No. 425, Assembly Bill 3241 by Mr. McDonald. Followed by Rules Report No. 437, Assembly Bill 5402. That one's by Ms. Solages. And for the moment, the last one, Mr. Speaker, will be 4 -- Rules Report No. 442. That's Assembly Bill 5698-B and that one's by Ms. Rozic. In that order, and thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Rules Report No. 721 on the B-Calendar, the Clerk will read.

THE CLERK: Assembly A06593-B, Rules Report No. 721, Reyes, Mitaynes, Mamdani, Jackson, Barron, Pichardo, Epstein, Kelles, Barnwell, Hevesi, L. Rosenthal, Meeks, De La Rosa, Otis, González-Rojas, Clark, Carroll, Forrest, Simon, Niou, Frontus, Gallagher, Cruz, Zinerman. An act to amend the Private Housing Finance Law, in relation to enacting the "Housing Our Neighbors With Dignity Act."

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

Read the last section.

THE CLERK: This act shall take effect in 60 days.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 5257-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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

On the main Calendar, Rules -- page 12, Rules Report No. 343, the Clerk will read.

THE CLERK: Assembly No. A06247-A, Rules Report No. 343, Peoples-Stokes, Perry. An act to amend the Banking Law, in relation to the assessment of the record of performance of mortgage bankers in helping to meet the credit needs of local communities.

ACTING SPEAKER AUBRY: An explanation is requested, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. In February of this year, 2021, the Financial Services Agency of the State of New York actually released a report, and it demonstrated the redlining that has been going on within the City of Buffalo and I would suspect in other places throughout the State as well, from not necessarily banks who are already covered under the Community Reinvestment Act, but for non-lending -- non-banking institutions that provide mortgages. And so what this bill would do, Mr. Speaker, would be to add those type lenders, non-depository

lenders, to the CRA requirements that we have existing in the State of New York. It is hopeful by the Department of Financial Services as well as myself is that this type of oversight and requirement of the same guidelines as a regular banking institution would perhaps prohibit with these non-depository mortgage institutions from redlining and discriminating against communities low-income and communities of color. Not just in the great City of Buffalo, but throughout the State of New York.

ACTING SPEAKER AUBRY: Mr. Lalor.

MR. LALOR: Will the sponsor yield for a few questions?

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

MRS. PEOPLES-STOKES: Yes, of course, Mr. Speaker. Although I didn't hear the gentleman clearly so he's going to have to speak a little more distinctly into the microphone.

ACTING SPEAKER AUBRY: Mr. Lalor, we'll have to raise your mic on your --

MR. LALOR: Or project to -- or project. Is that better?

ACTING SPEAKER AUBRY: That's better.

MRS. PEOPLES-STOKES: No.

ACTING SPEAKER AUBRY: No.

MRS. PEOPLES-STOKES: I'm sorry, I didn't -- I didn't understand him.

ACTING SPEAKER AUBRY: She can't hear you. So see what you could do to clear that up. Can we help him?

MR. LALOR: If you can hear me, could the sponsor explain specifically how the elements of this bill will fix the problem of redlining?

MRS. PEOPLES-STOKES: I believe you said can the sponsor explain specifically how this bill would impact non-lending institutions?

ACTING SPEAKER AUBRY: How --

MR. LALOR: No.

ACTING SPEAKER AUBRY: How it would fix redlining I believe is the question.

MR. LALOR: Yes.

MRS. PEOPLES-STOKES: Well, the bill would create guidelines for accessing such lender's records of performance through factors similar to the ones that are evaluated in regular banking institutions, including activities conducted by certain credit needs within communities. The extent to which marketing and promotions make the community aware of such services that they offer. The extent of participation by the mortgage bankers leadership bodies and formulating policies and reviewing performance. Participation in community outreach development, redevelopment and educational programs. Any practices extended to discourage applicants for types of credit. Geographical distribution of credit officers -- offers, which happens quite often. Evidence of prohibited

discriminatory or other illegal credit practices, and a record of opening and closing offices. There are some existing depository -- non-depository organizations who will be working in collaboration with the Department of Financial Services and implementing the strategy in the State of New York.

MR. LALOR: Thank you for that. Will this legislation add to the cost of borrowing by consumers?

MRS. PEOPLES-STOKES: Will this add to the cost? I would suspect that it would add a similar cost that existing banks have as it relates to adhering to the rules and regulations of the Community Reinvestment Act.

MR. LALOR: So is it correct to say that these regulations will add to the cost of borrowing for wealthy borrowers, moderate-income borrowers and lower-income borrowers?

MRS. PEOPLES-STOKES: Well, what -- what we would hope that it would do is the similar thing that it has been successful in doing with regular lending mortgage lenders is that, you know, they know that they're going to be monitored in how they assess or deal with clients, whether they be low-income, farmers, people of color, or live in distressed communities. And that sort of monitoring generally, you know, puts people into an area where they will stop redlining based on someone's zip code or community that they reside in.

MR. LALOR: Does this legislation give more regulatory authority to the Department of Financial Services?

MRS. PEOPLES-STOKES: Yes.

MR. LALOR: What will DFS be able to do should this bill become law that they cannot do now?

MRS. PEOPLES-STOKES: Can you repeat that?

ACTING SPEAKER AUBRY: What will the Department be able to do with passage of this law that they cannot do now?

MRS. PEOPLES-STOKES: Well, right now, the Department of Financial Services does not have the authority to enforce Community Reinvestment Act rules and regulations on non-depository organizations. They only have that authority as it relates to the traditional banking community. This legislation would give them that authority for non-depository organizations.

MR. LALOR: Thank you. And in paragraph 4, line 42 it says that this legislation applies to mortgage bankers that originate a minimum number of loans annually. But it doesn't specify how many loans annually a lending institution would have to make to be covered by this legislation. What is that number?

MRS. PEOPLES-STOKES: So you're reading from the bill, line 22, section G?

MR. LALOR: Line 42 --

MRS. PEOPLES-STOKES: 42 --

MR. LALOR: -- section 44.

MRS. PEOPLES-STOKES: Notwithstanding any other provision of this chapter or other law to the contrary, the term

"mortgage banker" when used in this section shall mean and include mortgage bankers licensed pursuant to Section 591 of this chapter that originated from a minimum number of loans annually. Such number is set to be regulated and promulgated by the Superintendent. Your question about that is that there are some non-depository mortgage organizations that have operated within the State of New York that have violated the State's redlining laws as it relates to Community Reinvestment Acts [sic]. Because they're not necessarily regulated under the Community Reinvestment Act, the Department of Financial Services is recommending that they be so, and I quite obviously concur.

MR. LALOR: But will one of those mortgage bankers who makes one loan a year be covered by this new legislation?

MRS. PEOPLES-STOKES: To originate a minimum number of loans annually, such a number is to be set by the regulation promulgated by the Superintendent. So, sir, according to the language in this legislation and I'm completely confident and feel comfortable that the Superintendent of the Department of Financial Services will make the right recommendation on the number of loans that one gives -- provides in our State. I doubt that they would have found -- been found guilty of something if they only provided one loan. There's some consistency in demonstrating that the loans that they have provided have been redlining communities, and our goal here is to prohibit that.

MR. LALOR: But why are we, as the elected representatives of the people of New York, leaving the key decision relating to the scope of this bill, who's covered by this bill? Why aren't we specifying that and why are we leaving it up to an unelected bureaucrat whose name most people don't even know in the State?

MRS. PEOPLES-STOKES: Well, I'm not sure --

MR. LALOR: Shouldn't we be -- shouldn't we be deciding the scope of this bill?

MRS. PEOPLES-STOKES: I hear like a little hum behind him or something --

ACTING SPEAKER AUBRY: Would you try and repeat that, Mr. Lalor? Just...

MR. LALOR: Yes. We're leaving the key determination of which mortgage brokers are covered by this law, or this bill, up to the Superintendent. Why aren't we making that decision as elected representatives? Why are we letting an unelected person make that decision?

MRS. PEOPLES-STOKES: We allowed an unelected person to do the research and find the violators. I don't know if you've done the research in your community. Do you know who's violating redline laws, who's excluding communities based on their zip code as opposed to their capacity to pay? Our Department of Financial Services has done that research and they've concluded that this is a problem in the City of Buffalo. And perhaps, you know, not a problem in your community and I hope you're grateful for that because

I certainly am. I don't think it should happen in anybody's community. And by the way, I -- I appreciate the research and the detail with which the Department of Financial Services looked into the consistent manner in which non-depository organizations were redlining and discriminating people in my district and other districts throughout Western New York and more specifically throughout Buffalo.

MR. LALOR: I don't think we have any disagreement on the pernicious practice of redlining. My point just was the -- the -- the mortgage lenders who are covered by this, the frequency with which they make these loans is going to determine if they're covered or not and we're not setting that number. But -- but I'll move on to another question.

MRS. PEOPLES-STOKES: Sure.

MR. LALOR: Are you concerned that this legislation will either explicitly or implicitly pressure lenders to make riskier loans the same way that the -- it was -- it was learned too late that the Federal Community Reinvestment Act --

MRS. PEOPLES-STOKES: I am not.

MR. LALOR: -- pushed lenders to make loans that weren't paid back?

MRS. PEOPLES-STOKES: I am not. I believe that most people who are in business are in business for a return on their investment. And so no, I don't think this would pressure them into making risky loans.

MR. LALOR: Thank you. And early on in the bill in

-- in the first couple of lines, line 6, it talks about when a change in control of the mortgage banker is sought and if -- for example, if we had a bad actor, if we had a mortgage banker who was redlining and he wanted to change control of the institution, get somebody else in there to run it, this bill actually slows down the process of changing control of the institution potentially from the bad actor to potentially a good actor. Is that a concern?

MRS. PEOPLES-STOKES: This bill is looking forward to ensuring that all mortgage lenders in the State of New York are good actors.

MR. LALOR: Correct. But most of these provisions come up when a mortgage banking institution is seeking to change control of that institution. So when we're trying to get rid of a bad actor, all of these hurdles come up. And they're hurdles that will make it more difficult to get rid of and remove a bad actor. That's --

MRS. PEOPLES-STOKES: Then that's in your estimation, that is not in the estimation of the Superintendent of the Department of Financial Services, nor in the multiple housing organizations that operate within the City of Buffalo who have, again, did the research and found that there are some of these institutions that are bad actors. And if they do not want to comply with the Community Reinvestment Act rules and regulations that apply to the State of New York, then perhaps they should take their bad acting somewhere else.

MR. LALOR: Do mortgage bankers who don't hold

deposits lend money to moderate- and low-income borrowers now?

MRS. PEOPLES-STOKES: Do mortgage lenders and traditional banks lend money? Yeah, they do.

MR. LALOR: No. Do -- do mortgage bankers --

MRS. PEOPLES-STOKES: Do non-depository organizations lend money? Yeah, they do.

MR. LALOR: Do they lend it to moderate- and low-income people now?

MRS. PEOPLES-STOKES: They have been found guilty of redlining in the City of Buffalo.

MR. LALOR: Okay. But do they -- do they lend --

MRS. PEOPLES-STOKES: Sir, they have been found guilty of redlining in the City of Buffalo. I hope you understand the terminology redlining. That doesn't mean there's --

MR. LALOR: I certainly do -- I certainly do --

MRS. PEOPLES-STOKES: That means there's a certain population --

ACTING SPEAKER AUBRY: Whoa, whoa --

MRS. PEOPLES-STOKES: -- certain population of income who are not able to get access to loans through their banks. Well, not their banks, but their mortgage interests. And that's not a decision based on the people -- whether or not the people can pay, that's a decision based on the organization deciding who they're going to loan to and who they're not going to loan to.

MR. LALOR: I don't think we have any

disagreement on the practices of redlining, the practice of redlining. I think we're in agreement that that is wrong and we should try to curb it.

Just two more questions. The Community Reinvestment Act came about because there was the belief that the profits off of the deposits in a bank should be reinvested back into that community. But here we have mortgage lenders who don't take deposits, so that motivation for the Community Reinvestment Act doesn't exist. Is it fair to make them follow these rules if they're not profiting off of the local deposits?

MRS. PEOPLES-STOKES: Well, it's not fair to ask to reinvest in a community, but it is fair to ask them to invest in a community and that's all we're asking them to do, is to be considerate in your investment strategies and not redline based on people's ethnicity or their zip code.

MR. LALOR: Thank you. No further questions.

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

Thank you.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. LALOR: My concern is that this bill, while very well-intentioned and with a very noble goal in mind, could have unintended consequences and could make it more difficult to get a loan. It could make it more expensive to get a loan for a person who's either wealthy or of moderate income or a lower-income person will

have a harder time getting a loan because it'll be more expensive. And on the flip side you could have lenders, which we've seen in the past, lending to people because of pressure from this legislation to people who might not be creditworthy and might not be able to pay the loan back which causes problems for the entire banking system and as we learned 12 or 13 years ago, for the entire economy.

So, for those reasons and others, I'll be voting against this bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

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

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

MRS. PEOPLES-STOKES: Of course I will, Mr. Speaker.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes yields, sir.

MR. GOODELL: Thank you, Majority Leader. Looking at this language it says when taking any action on an application by a mortgage banker for a change in control, the -- the head of Financial Services has to consider how much they've invested and whether they've invested in different communities and all the factors that you mentioned. Am I correct, then, that this bill is only triggered by an application for a change in control?

MRS. PEOPLES-STOKES: It -- it's actually triggered by a person who applies based on some marketing strategy that they heard and it was -- they got denied because of where they live, not because they couldn't afford to --

MR. GOODELL: I'm looking at the language on the first page. It seems to say that when considering approving a change in control of a mortgage banker, the Superintendent of Financial Services has to consider all these factors. Looking at lines 3 through 6. So this sounds like when the -- when the Financial Services Director gets an application for a change in control, before he approves that change in control he has to look at all these factors. And then on the next page it says, for example, in paragraph 3 on line 39, an assessment of a mortgage banker's record of performance may be a basis for denying an application under this section which would be an application under change of control. So am I correct that until there's an application for a change in control, there's no role for the Superintendent of Financial Services?

MRS. PEOPLES-STOKES: No, I -- I think you're not exactly correct, but this is a multiple-faceted piece of legislation here. And I do think it makes sense for the Superintendent to look at somebody's record to decide if they should still have the ability to offer mortgages in the State of New York. And I think this is what this offers him an opportunity to do.

MR. GOODELL: So, again, it's all written about when taking any action on an application for a change in control, they

have to take into account all those factors. And so if you had a mortgage broker that is a bad actor and there's an application for a change in control, wouldn't we want to encourage a change in control with the hopes of getting a better actor?

MRS. PEOPLES-STOKES: That's debatable. I think that's something that the Superintendent can take a look at. You are not just surely just looking at their -- how they act bad in the State of New York. How are they acting in other states that they work -- live and work in? So I think it's incumbent upon the Superintendent, again, to do the research to find out if these actors are bad enough to be excluded from working in New York State or if they're -- should be considered to do work in the State of New York but they should be used under the Community Reinvestment guidelines. They should be -- they should have to follow the same format, with the exception of reinvesting. Because as it was mentioned by your other colleague, they may not have the resources to reinvest. But they could have an opportunity to invest and help build communities.

MR. GOODELL: Now, if a mortgage broker is not making loans to a certain category of homes, perhaps homes below a certain value or has certain underwriting standards, if those underwriting standards apply without discrimination, in other words, you have to have a certain credit score, for example, is that a -- a defense to a claim or objection under this? In other words, if a mortgage broker says, *We only lend to people that have a credit score over* -- you pick a number -- 600, is that okay even if as a result of

that --

MRS. PEOPLES-STOKES: Yes, that is absolutely fine as long as he doesn't decide that, *If you have a 600 in 14208, I'm not going to lend to you.*

MR. GOODELL: Okay.

MRS. PEOPLES-STOKES: *If you have a 600 in 14222, I will lend to you.* That's redlining.

MR. GOODELL: And --

MRS. PEOPLES-STOKES: And that's not acceptable.

MR. GOODELL: And likewise, can a mortgage broker say, *We only lend to houses over a certain value?* Maybe, you know, *We only lend to borrowers who are borrowing over \$100,000,* for example. Is that acceptable?

MRS. PEOPLES-STOKES: Well, it depends on -- yeah, I would think that would be acceptable, but then again I think that is a decision that the Superintendent can make based on that mortgage lender's performance here in the State of New York and in other places as well.

MR. GOODELL: Okay. Thank you very much, Majority Leader.

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

MR. GOODELL: On the bill, sir.

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

MR. GOODELL: I -- I share the concern of the Majority Leader about the redlining. And in its traditional sense redlining involves, as the Majority Leader mentioned, refusing to make loans in a certain geographic area. And typically it might be identified by a zip code or -- or by blocks, and it was used in the past to exclude lending to Black and minority communities, as an example. And -- and that's been outlawed very clearly in both State law and Federal law as a form of implicit discrimination. Sometimes explicit discrimination. But there's another more insidious aspect of mortgage lending, and that is a mortgage broker can take what appears to be an entirely objective standard and apply it to their underwriting. So they can say, for example, you have to have a credit score over 600 or 650 or 700. Well, then they can say, *And we only lend to houses that are valued over \$100,000 or over a quarter-of-a-million or some number.* And there are legitimate business reasons, of course, that the mortgage brokers look to. They say, *Hey, we know in New York State that it takes three years to do a mortgage foreclosure. We know that during the process of that three-year period we're going to have to maintain the property. We know that we incur all these expenses in the event of a foreclosure, and so we're only going to lend to people with high credit scores because we can't afford a three-year foreclosure process and all the expenses that are involved in New York State.* The problem is when they set the credit score at 650 or 700, it excludes a whole bunch of people. And then the mortgage broker says, *Well, we have a lot of transaction costs involved in making a mortgage, and we*

have run a title search and we have our lawyers look at it, we have to prepare all the paperwork and all this overhead. And we don't charge fees up front because that's part of our marketing plan. You know, if you look at all these internet mortgage companies -- Rocket Mortgage or whatever, Quicken Loans -- you know, it's like, *Hey, we'll tell you within a day.* But in order to cover all that overhead they can say, *Well, we only lend to houses that are over a certain value, \$100,000 a quarter million, whatever.* And the effect of that is to exclude whole sections of a city where the average house value is below that level or where the average credit rating is below that level. So it's a very difficult issue to get at. There's legitimate business reasons that we all understand, and yet it can have a very insidious impact on a community. And I think that's exactly what the Majority Leader is hoping to eliminate or address. Now with regular community banks we had the Community Reinvestment Act, and as my colleague mentioned, his thought was if you're getting deposits from that community you've got to reinvestment in that community. But mortgage brokers don't get deposits from the community. They raise their money elsewhere, whether it's a hedge fund or whether it's investors. They don't get it from the community, so they don't have that same kind of connection. This bill, by its terms, kicks in when a mortgage broker applies for a change in control. And that puts this in kind of a strange dilemma because if you have a bad actor, you might be hoping for a change in control. And you're hoping that the new owner will be more community-minded, will have more generous

credit standards or a lower lending limit.

So while I certainly appreciate the effort to avoid redlining -- and of course any explicit redlining already violates State and Federal law -- we have concerns over this language because it's triggered by an application for a change in control. And I'd love to work with the Majority Leader to see if we can't -- might -- might have a broader application that applies when you're applying for a license or a license renewal without a change in control.

Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect on the 365th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 6247-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.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect on the 365th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 6247-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 certainly shares concerns about redlining, we also have concerns in the language of this bill and, therefore, we will generally be opposed, but those who support it should certainly call the Minority Leader's Office and advise them so we can properly record their vote. 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 a piece of legislation like this; however, should there be colleagues who desire to be an exception, they should feel free to contact the Minority -- Majority Leader's Office and we will be happy to record their vote.

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

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. Sometimes we seem to have a disconnect between what we do one day and what we do the next day. So when we pass legislation that grants an exemption to any mortgage foreclosures for a year-and-a-half, it dramatically increases the cost to banks that are facing borrowers who aren't

paying. And when we turn around and say it takes three years under normal circumstances to do foreclosures, that increases the cost to banks to make loans to people who might not pay. And when we say that during that three-year period, you have to, you, the bank, have to maintain somebody else's property even before you own it, that dramatically increases the cost to the bank of a foreclosure.

And so every time we increase the cost to banks in the event of a foreclosure, the banks tighten their credit ratings, and they tighten their underwriting standards. And they do their absolute best to make sure they're not lending to somebody who might go on to foreclosure, because they lose their shirt when somebody goes into foreclosure because the laws and rules that we here in this Legislature have implemented. When I first started practicing, mortgage foreclosure would take a few months, and at the end of the foreclosure sale, if the bid on the property exceeded what was owed the bank, the owners got a check, they got the excess. But after three years of defaults with all the late fees and charges and maintenance, there's no owners in this State that have any equity left, it's all chewed up.

We need to take a fresh look, and when we do, we will open up and we will free banks to make more loans to lower income people to address the underlying problem. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker, for the opportunity to explain my vote. I really want to honor my colleagues for their insightful questions as it relates to the value of why you want to eliminate redlining, and I respect their thought process that redlining should be eliminated. But the fact of the matter of is is that the Department of Financial Services literally found not one, not two, but three non-depositing institutions working in and around the area of Buffalo, New York where they would not lend, they would not even talk to minority and low-income communities where people can't afford to buy homes.

And so this is an issue that is real. People live it every day. And if we have an agency within our State who is offering an opportunity to try to remedy that, I suggest we let them and that we work with them. And so you know, while I appreciate the conversation, at some point we need to get to a real solution and I think this is a start towards working towards that. And I want to ask everyone to reconsider their vote and please vote in the affirmative -- an affirmation on something that will make a difference in people's lives. Thank you, Mr. Speaker.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 15, Rules Report No. 421, the Clerk will read.

THE CLERK: Assembly No. A02543, Rules Report

No. 421, Weinstein. An act to amend the State Finance Law, in relation to the liability of a person who presents false claims for money or property to the State or a local government.

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

MS. WEINSTEIN: Yes. This is actually a very simple bill. The False Claims Act on the Federal level has been extraordinarily successful in returning monies to the Federal Treasury. So this motivated New York State to enact similar legislation just over ten years ago, but we did the Federal statute one -- one better, we added a provision for false tax claims over certain dollar thresholds, \$1 million in income and \$350,000 of defrauding the State of tax dollars. But there was a loophole which we could not avoid because in negotiations, and it's been exploited over these years. So because of this loophole, individuals in businesses are liable under the New York False Claims Act for knowingly filing false tax returns, but tax cheats are not liable for knowing and illegally failing to file any tax returns at all. And our existing -- despite this loophole over these past ten years, we -- New York State has collected under the False Claims Act, \$582 million of money that we were defrauded in taxes. Just two months ago, the Attorney General collected \$105 million in taxes that we had been defrauded of and by adopting this provision and closing the loophole, we will be able to go after -- the Attorney General will be able to go after corporations not -- who are not domicile here in New

York State who failed to file a tax return despite doing millions of dollars of business here, or wealthy individuals who earn money in New York and claim that they've earned it somewhere else and don't file a New York State tax return.

With that, Mr. Ra, I'll be happy to answer any questions.

ACTING SPEAKER AUBRY: Mr. Ra.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields. Ms. Weinstein yields.

MR. RA: Thank you very much. I couldn't, you know, let the year go out, Chair Weinstein, with having one last discussion with you on the floor.

MS. WEINSTEIN: There may be opportunities tomorrow, let's see.

MR. RA: Yes, there may be. Okay. Well -- so I just have a couple of questions and really, in particular, with some of the issues that were raised and you might be familiar with the opposition memo that was put forth by the New York City Bar. And, you know, one of the things they talked about was how -- how this would relate to, you know, using this Fair [sic] Claims Act in tax matters and potential conflict with the positions and -- and enforcement actions taken within the Tax Department who, you know, who are working to

resolve those matters. Can you address that -- that criticism or how you feel this -- this bill would not cause conflict?

MS. WEINSTEIN: Well, it hasn't caused conflict in between -- up 'til now. The Attorney General does work with our Tax Department currently in examining false claims, and there have not -- in the ten years the statute has existed, there have not been any problems already. So we don't anticipate, by closing this loophole, will add any -- any additional problems.

MR. RA: Okay. And you mentioned, you know, the knowing, you know, filing of a tax claim. And my understanding is this does remove some of the requirement that something be knowingly be able to be pursued under the Fair [sic] Claims Act?

MS. WEINSTEIN: I don't believe it -- I don't believe it does. I believe you still have to --

MR. RA: Okay. And I'm sorry, you know what? I'm correct, I'm reading the part of the memo that talks about a different bill, I believe. So I guess my last question - so sorry about that - my last question then is just in terms of, you know, we know with regard to tax matters, sometimes, you know, there's an honest error made and I know they knowingly (inaudible) takes care of that, you know, so it's not always such a black and white issue as to whether somebody has violated things, but we do have, you know, fairly stringent penalties for late filings, late payment of taxes to the Department, I believe it's 5 percent for month -- per month up to 25 percent for late filings, late payment; as well, it can be up to -- up to 25 percent. But this allows

for, I believe, treble damages, correct?

MS. WEINSTEIN: Yes, because it's under the False Claim Act and often, we -- the State, the Attorney, the Tax Department, the Attorney General are not able on their own to uncover the fraud and we rely on, very often, the False Claims Act both here and nationally relies on whistleblowers to bring -- who are insiders who can see what fraud is -- what fraud is happening and know about it and bring it to the attention. So there -- there is that added -- there is that added penalty, correct, for knowingly defrauding the -- the State.

MR. RA: Okay. Thank you very much, Chair Weinstein.

MS. WEINSTEIN: Sure.

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

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

MR. RA: You know, just quickly. As the sponsor noted, you know, this was extended to tax situations some years ago. There are some situations that this is trying to also bring under the purview of the Fair [sic] Claims Act, but there are also, I mean, really stringent penalties that we already have under our law when our tax enforcement agencies are dealing with one of these situations. And certainly, you know, getting up to 25 percent in penalties is no small thing for -- for somebody to deal with. And certainly, there are situations where there needs to be a, you know, discussion and coming to an agreement between an entity and the Tax Department to figure out some -- somewhat honest disagreements regarding Tax Law

which, as I said, is not always quite so clear.

So I -- I thank the sponsor for -- for answering my questions, but there -- there are some honest concerns raised when we're further expanding Fair [sic] Claims Act into matters of tax administration when we already have the Department of Taxation and Finance that has that existing authority to enforce these actions.

Thank you.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 4730. 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 will be generally opposed to this for the reasons articulated by my colleague. Those who would like to support it, please call the Minority Leader's Office and we will record your vote. Thank you very much.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, our colleagues are generally going to be in favor of this piece of legislation; however, there may be a few 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.

ACTING SPEAKER AUBRY: Thank you both.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. In addition to the votes on the floor, please record my colleagues Mr. Montesano and Mr. Morinello in the affirmative on this legislation. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you very much.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 15, Rules Report No. 424, the Clerk will read.

THE CLERK: Senate No. S00672, Rules Report No. 424, Senator Sanders (Hevesi, Englebright, Barron--A03186). An act to amend the Social Services Law and the Civil Practice Law and Rules, in relation to a civil cause of action for human trafficking.

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 creates a cause of action by an individual who is a victim of an offense relating to compelled prostitution, sex trafficking, or labor trafficking.

And so this would authorize a prostitute, for example, to then turn around and sue her pimp or anyone else that was involved. And in general, I think that's a great idea to authorize such a lawsuit because it deals directly with the financial incentives that drive much of this industry. And so that aspect of the bill has my full support.

But there's another aspect of the bill that's very troubling, and that is it provides a 15-year statute of limitations. And a lot of times when we're dealing with something that we find reprehensible, we want to have a long statute of limitations, but the problem -- there's multiple problems with a long statute of limitations. Under current law, we have a short statute of limitations, one year, for intentional torts, that'd be like an assault or battery. We have a two-and-a-half year statute of limitations for med -- medical malpractice. We have a three-year statute of limitations for negligence. After that, the statute of limitations are limited to situations where there's a written document. So it's six years for a written contract, ten years for a written mortgage, or 20 years for a real estate transaction. And the reason we have those long statute of limitations limited to written documentation is because we recognize that people's memories change over time. They don't just fade. Psychologists have published multiple reports showing that people's memories actually change over time. And so if you are asked right after 9/11, what were you doing when you first saw it, you would be able to give great detail, and they did that. They took a group of people and they asked them and they wrote it down. And then they

asked them again a year later and again three years later, and it was astounding the percentage of people whose stories changed, not because they were liars or suffering from dementia, it's just the way our brains work.

So when you're dealing with an intentional tort where there's no written documentation, in order to make sure that our justice system works, we want a fairly short statute of limitations. And there's a second reason why we want a statute of limitations that's fairly short, because we want to encourage the people who are the victims to come forward as quickly as possible to stop the cycle of abuse. So think about this. Let's say you're a victim of prostitution or -- or child trafficking and you're 20 years old. This bill allows you to wait until you're 35 before you bring the lawsuit. By then, there's 15 years of other people who have been hurt in that cycle. Now, those who argue for a longer statute of limitations will point out that sometimes when you're involved in a traumatic incident, like sex abuse, it's very hard for survivors to step forward. But rather than give an extensive statute of limitations, a better approach is to support them and help them come forward so we can stop that cycle.

And so I'd love to support this legislation and, indeed, I would if the statute of limitations were more in line with what hundreds of years of experience have indicated is appropriate when we're dealing with people's memories and not written documentation. And so for that reason, I hope my colleague will consider an amendment if this doesn't become law and address that statute of

limitations issue so we can all feel comfortable supporting it. In the meantime, I will be opposing it. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 672. 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 certainly contact the Minority Leader's Office and we will make sure we record your vote. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Our Majority Conference will generally be in favor of this legislation; however, there may be a few of our colleagues who would like to be an exception. If so they should please contact the Majority Leader's Office and their vote will be properly recorded.

ACTING SPEAKER AUBRY: Thank you, ma'am.

(The Clerk recorded the vote.)

ACTING SPEAKER KELLES: Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker.
Please record my colleagues Mr. Byrnes [sic], Mr. Gandolfo, Ms. Miller, Mr. Morinello, Mr. Ra, and Mr. Schmitt in the affirmative.

ACTING SPEAKER KELLES: Thank you, Mr. Goodell.

MR. GOODELL: Also please record Mr. Brown and Ms. Giglio in the affirmative. Thank you.

ACTING SPEAKER KELLES: Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Now to Page 15, Rules Report No. 425, the Clerk will read.

THE CLERK: Assembly No. A03241, Rules Report No. 425, McDonald, Gottfried, Theile, Epstein, Fahy, Barron, Cruz. An act to amend the Real Property Actions and Proceedings Law, in relation to special proceedings by tenants of dwellings outside the City of New York and certain counties for judgment directing deposits of rents and the use thereof for the purpose of remedying conditions dangerous to life, health or safety.

ACTING SPEAKER KELLES: Mr. Goodell.

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

ACTING SPEAKER KELLES: Does the sponsor

yield?

MR. MCDONALD: I'd be happy to yield, Madam Speaker.

ACTING SPEAKER KELLES: The sponsor yields.

MR. GOODELL: Thank you, Mr. McDonald. Just so our colleagues know what we're talking a little bit about, the fundamental aspect of this bill is to allow tenants to bring a special proceeding for the appointment of a receiver to take over an apartment building or an apartment complex, collect the rents and use those rents to make repairs, correct?

MR. MCDONALD: In summation, that's correct. It doesn't have to just be the tenants though. It could be the municipality, as well, but --

MR. GOODELL: Okay.

MR. MCDONALD: -- you're on the right track. And as you know, this bill basically is an expansion of what's already been in existence in law in New York City, Nassau, Suffolk, Rockland and Westchester County in Article 7-A. So 7-C just takes what's been in existence for several decades and now places it in its own Chapter of 7-C.

MR. GOODELL: I always am reassured when -- when the sponsor tells me I'm on the right track because that means I've got the right bill in front of me.

MR. MCDONALD: We're going in the right direction, absolutely.

MR. GOODELL: So if the tenants initiate the special proceeding, can the landlord bring a counterclaim against those tenants that are delinquent in their rent?

MR. MCDONALD: Yes, the landlord can. This is a very equal and fair process.

MR. GOODELL: Now, one of the grounds on which you could -- a tenant or a group of tenants could ask for the appointment of receiver is a lack of heat, electricity, sewage; basically a lack of utilities. Is it a defense by the landlord to say the reason we don't have all these utilities is because the tenants haven't paid the rent?

MR. MCDONALD: Well, no, no. The defense would be along the -- if, for example, there's no running water --

MR. GOODELL: Right, that's a utility.

MR. MCDONALD: That's a utility.

MR. GOODELL: Can the landlord say the reason we don't have public utilities is because the tenants haven't paid the rent?

MR. MCDONALD: No. I think the reality is if the public utilities aren't there and they're endangering the welfare or health of the individuals, the landlord has the responsibility to remedy that.

MR. GOODELL: So the landlord is obligated to pay the utilities even if the tenants aren't paying the rent; is that your position?

MR. MCDONALD: Well, once again, it depends on

the lease arrangement. I don't know the exact arrangements that you're talking about. Sometimes heat and light and water and sewer are all included in the rent, sometimes it's separate and apart. But I think your point is if it's the respons -- well, make your point, I don't need to make it for you.

MR. GOODELL: So on page 4, I'm looking at Section 796-G, it's on line 43, it starts listing defenses. And one of the defenses is that the condition or conditions have been caused by the tenants themselves. And, of course, that could be damage to the building, but couldn't it also be a condition caused by the tenant's lack of payment? So for example, if there's a master meter and the tenants aren't paying the utilities, the reason they don't -- the utilities were shut off may be because the tenants weren't paying, so that would be a legitimate defense under this bill, right?

MR. MCDONALD: Yes, yes.

MR. GOODELL: Now assuming that the court goes ahead and appoints a receiver to collect all the rents and then authorizes the receiver to make repairs. Does this bill require the receiver to work with the owner to make sure that the nature, extent, and cost of those repairs are consistent with the owner's objectives? I mean just for example, as you know, you can fix a leaking faucet sometimes for less than a dollar by replacing the washer, or you can put in a very expensive fixture. So does the owner have the right, under this legislation, to work directly with the administrator, or does the administrator have an obligation under this legislation to work

with the landlord to minimize the cost and make the repairs in a manner consistent with what the landlord and the owner want?

MR. MCDONALD: As you know, in this whole Chapter there's a whole process laid out on how this would come to be, and -- and your point is the administrator would order, give an order to the tenants or whoever the receiver is. It doesn't have to be the tenants, it's could be a not-for-profit that steps in this position, it could be a local government that steps into this position. But the reality is whoever has got that responsibility, the -- the administrator will say, *I want you to fix this toilet*, we'll pick a toilet, that's an easy thing, everyone uses them, and, you know, this is -- we may not get into specific brands, but they're going to say, *This is what's estimated, you can utilize the rents collected to fix that* and, by the way, if you're done and there's \$300 left over, that goes back to the owner, it's the owner's money. This is really just intended to fix the issue that unfortunately, the landlord or property manager refused to do.

MR. GOODELL: So using a simple example, let's say there's a leaking roof, and you can fix the roof for \$1,000 or you can replace the roof for \$40,000.

MR. MCDONALD: Right, right.

MR. GOODELL: If the administrator decides to replace the roof for \$40,000, can the owner sue the administrator saying, *Wait a minute, it just needed a patch*.

MR. MCDONALD: Well, once again, hopefully the -- the property owner, landlord, whoever it may be, is engaged in the

process. Most administrators, most judges are not going to go to extremes to replace a whole roof when that's not necessary. But, once again, if the property owner is engaged in the process, there's a back and forth process where, *I don't want the whole roof replaced, this is what needs to be done*, and you would like to think reasonableness will prevail.

MR. GOODELL: And I absolutely agree, and I would have hoped that the language would require the administrator to consult with the owner, but that language is not in this bill, correct?

MR. MCDONALD: Well, the process I think --

MR. GOODELL: Excuse me. That language is not in this bill, is it?

MR. MCDONALD: I think the process dictates that. Whether it says it specifically, I'm not sure.

MR. GOODELL: Okay. Now I see that this bill gives the administrator the authority to sign leases that are up to three years in length, correct? I'm looking at the top of page 7.

MR. MCDONALD: Yes.

MR. GOODELL: Is the administrator obligated to charge the rent that the owner thinks should be charged, or can the administrator set whatever rent the administrator thinks is reasonable?

MR. MCDONALD: Could you repeat the question again?

MR. GOODELL: Certainly. Must the administrator, in signing a long-term lease, charge the rent the owner thinks he

should charge, or is the administrator free under this language to charge whatever rent the administrator thinks is appropriate?

MR. MCDONALD: You know, the intention -- once again, I think we have to go back to the intention of something that's been in statute for over six decades. The intention for receivership, which I think really we should be mindful of the fact should be seldomly used, is to address an immediate issue that's a threat to public health, safety, or welfare. It's not intention -- it's not intentioned to take over and be the landlord for the next three years.

MR. GOODELL: But this gives the administrator the authority to enter into leases that are three years long, right?

MR. MCDONALD: Yes, and the --

MR. GOODELL: And it does not -- it does not -- there's no statutory language that it requires the administrator to set the rent at the amount specified by the owner, right?

MR. MCDONALD: Right.

MR. GOODELL: And -- nor does the owner have the right to say, *Hey, wait a minute. I don't want that unit rented for three years because my daughter's going to move in there next year*, right, so the -- the owner can't limit that three years, this is a statutory three-year right, correct?

MR. MCDONALD: The court can -- can approve the terms of the agreement, but I have to go back to the point that this whole process, this due process is fair for all entities. It gives the property owner an opportunity to be engaged. Unfortunately, let's

keep in mind, the reason we're at threshold is because they have been disengaged or uninterested throughout the whole process.

MR. GOODELL: No, I understand that issue, I'm just looking to make sure that, you know, when you take somebody's property that they actually own --

MR. MCDONALD: We're not taking --

MR. GOODELL: -- and put it under control of somebody else who doesn't own it, obviously the owner has a lot of stake in saying, *Hey, wait a minute. I don't want a three-year lease. I don't want to rent it for that amount. I don't rent my property to people who have pets.* I mean, there's nothing in here, though, to protect the opener from saying, *You have to meet my underwriting standards for tenants.* I mean, an owner might say, *Hey, look. This is an adult facility, we don't rent to large families with kids.* There's no -- there's nothing in this statutory language, is there, that gives the owner any control over his own property while the administrator is in charge?

MR. MCDONALD: I'm going to disagree with that. I mean, I understand you're probably saying the language isn't clear enough but, once again, the property owner has the opportunity not only to remedy the issue in the first instance, they have the opportunity to make their argument before the administrator in a -- in a well documented and noticed hearing process to not only, first of all, to refute whatever the tenant's complaints are because, as you know sometimes, you know, not every landlord is bad. There are a lot of

very good landlords. And not every tenant's great, there are some tenants who make up things, too. And there's a whole process in the beginning to allow them to refute that. So you know, but -- however, to your point, if it gets to that stage, which unfortunately sometimes it can be, then the court has the ability to define terms and, yes, go throughout the three years. I would hope that never would happen.

MR. GOODELL: Now, this also says that the court will only discharge the administrator, who is collecting all the rents, right, if the owner has paid in full or entered into a payment agreement to pay in full, all outstanding real property taxes. So my question is if you have an administrator that's collecting all the rents, how is the owner supposed to come up with the money to pay these taxes?

MR. MCDONALD: Well, first of all, I'll go back to my -- what I've been saying earlier, the property owner shouldn't let this building get to that position in the first instance.

MR. GOODELL: True, but then aren't we setting up a system where we say the administrator's on there forever until the owner can scrape up the money to pay the taxes? And then at the same time, the administrator has 100 percent control over all the rent, right?

MR. MCDONALD: The administrator does have control of the rent, the administrator can dedicate part of that rent towards paying the taxes. I would think, because this is being held, these hearings, these processes are played out in the communities that obviously the interest of the local government are also going to be

served, as well.

MR. GOODELL: Certainly. Now, looking at the top of page 8, am I correct that under no circumstances is an administrator personally liable, regardless of what they do? I mean, that's what it says, right? *He or she shall not have any liability in his or her personal capacity.* So the administrator can really screw up and there's no personal liability?

MR. MCDONALD: Correct.

MR. GOODELL: Okay. Thank you, Mr. McDonald. And as always, I appreciate your thoughtfulness and your responses to help clarify this.

Madam Speaker, on the bill.

ACTING SPEAKER KELLES: On the bill.

MR. GOODELL: I didn't discuss with my colleague, and I thoroughly appreciate his comments, the last part of this bill says that nothing in the lease or any other agreement can, for the benefit of a tenant, can waive any of these provisions. Well, there are a number of situations where owners let people come in onto their property with a lease where they waive all these provisions, they waive everything about maintenance and repair, typically because a tenant intends to buy the property. So if you have a land contract or a lease with an option, for example, or -- or what's really common is an owner is selling a property and the new buyer wants early possession. And so if the owner lets the new buyer in under an early possession

agreement, it's written so it's a lease and it says, in black and white, *You're coming in, early possession, I don't have to give you that right, I'm giving it to you, but you waive any, any claim on repairs or maintenance.* Otherwise, by the way, you wouldn't have early possession and it would really screw up the real estate market.

So as my colleague outlined, this bill doesn't have, in the statutory language, the checks and balances we need. It allows an administrator to collect all the rent, but doesn't require the administrator to get the reasonable approval from the owner on the nature or extent of repairs, whether it's a repair or replacing the roof is a huge difference. It gives the administrator the unfettered right to lease the building for up to three years without the owner's approval, without the owner's consent on the rent, without necessarily meeting the owners's criteria of whether it's with or without pets. It takes it over completely and it treats the owner as though he's an innocent bystander whose only job is to pay all the property taxes out of his personal property, out of his own assets because the administrator takes all the rent. When we deal with these situations, we need to make sure the statutory language is balanced and, unfortunately, this language is not and, therefore, I will not be supporting it. Thank you, Madam Speaker.

ACTING SPEAKER KELLES: Thank you.

Mr. Montesano.

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

ACTING SPEAKER KELLES: Will the sponsor yield?

MR. MCDONALD: Yup.

ACTING SPEAKER KELLES: The sponsor yields.

MR. MONTESANO: Thank you, Mr. McDonald.

I'm just a little perplexed, because I see in the -- that the bill exempts New York City, Nassau, Suffolk, Rockland and Westchester County, or in any cities, towns or villages because they're already covered by the law. So is it your position that counties in the rest of the State are not covered under this real property section?

MR. MCDONALD: Correct, yes. The Article 7-A actually addresses -- Article 7-A, which has been in place for a -- several decades in the Real Property Actions and Proceedings Law actually includes New York City and the Counties of Nassau, Suffolk, Rockland and Westchester, and obviously the municipalities within those counties. The intent of this bill is quite simple, it's not to really recreate the wheel, it's just to make sure that all municipalities and counties throughout New York State have this option available if need be.

MR. MONTESANO: Now, it provides here that a tenant in a single-family residence can go in and commence as summary proceeding; am I correct?

MR. MCDONALD: It does in a single-family situation, correct.

MR. MONTESANO: And what -- and what court

would they go into?

MR. MCDONALD: They would go -- well, the court of jurisdiction would be within that municipality.

MR. MONTESANO: All right. So does it have to be the Supreme Court, does it have to be a city --

MR. MCDONALD: It could be the city court, yup.

MR. MONTESANO: City court. Now, I know it mentions a receiver. Okay. So my understanding, having served in that capacity for a number -- a good number of occasions, is those appointments are made by a judge of the Supreme Court. Is there anywhere in the statute that gives the city court judge the authority to appoint a receiver of real property?

MR. MCDONALD: City court does, yes.

MR. MONTESANO: It does have that authority?

MR. MCDONALD: Yup.

MR. MONTESANO: And -- and I -- I heard the other speaker's comments about there is no liability to the receiver, although I heard the word *administrator* used, also. Does it provide for a receiver and an administrator?

MR. MCDONALD: Well, the -- the judge would be the administrator in this situation --

MR. MONTESANO: Okay.

MR. MCDONALD: -- and the judge would direct who the receiver would be that would be responsible for carrying out the repairs that were ordered.

MR. MONTESANO: Okay. So -- because in my experiences, when a judge appoints a receiver to manage real property, and in doing so they collect the rents and then by collecting the rents, they're responsible for covering the overhead of the property, maintaining the property, insurance, and paying the real property taxes. But also as a matter of course, the -- the appointing judge will also require that receiver to purchase a surety bond, an amount equal to the amount of rents that come in usually on a yearly basis to protect, you know, the monies or should the receiver do anything wrong. Now, with this here in your -- in your bill, the receiver is entitled to rent the property; am I correct?

MR. MCDONALD: Yes. You know, one of the intentions of the bill here, quite simply, is to make sure that tenants aren't evacuated from a building.

MR. MONTESANO: Right.

MR. MCDONALD: You know, far too often -- I've been a mayor since January of 2000 and I've dealt with a lot of the issues when it comes to code enforcement. And sometimes landlords would let properties run with the intention of tenants having to leave, which is not right, as you would guess.

MR. MONTESANO: Understood. But is there any limitation -- so again, in my experiences, if I was renting the property -- you know, an apartment in a multiple dwelling or a single-family house, I would have the authority to enter into a lease, but that lease was always subject to the approval of the appointing judge and him

being a signatory to that -- to that lease. So in your -- is it your position that the appointing judge, or administrator as you refer to him as, can tell a receiver, *I'm only going to let you rent a property for a year, or you have to rent it for two years?*

MR. MCDONALD: Yes. Yes.

MR. MONTESANO: And at what juncture would the receiver be relieved from that position?

MR. MCDONALD: Yeah, in the legislation it speaks to that. It speaks to the fact that this intended to remedy the -- the situation at hand. I give the simple example, toilet's not working. It sounds crazy to go through a process like this, but at the end of the day, the toilet's not working and they go through the process. The receiver is supposed to fix the toilet. Once the toilet's fixed, whatever resources are left over from -- collected from the rents is returned to the owner and then that -- that process has -- has ended.

MR. MONTESANO: And under this particular piece of legislation, when we say normally under current law an experience with receivers is their fees are fixed by statute generally, and it comes out of the monies that they collected. Is that the same in your bill?

MR. MCDONALD: Yes. Yes.

MR. MONTESANO: All righty. Thank you very much. Thank you, Mr. Speaker.

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 3241. 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, but of course those who support it are encouraged to call the Minority Leader's Office so we can properly record their vote. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Hyndman.

MS. HYNDMAN: Mr. Speaker, the Majority Conference is generally in favor of this legislation. If there are any exceptions, I ask Majority members to contact the Majority Leader's Office at the number previously provided and their names will be announced accordingly. Thank you.

ACTING SPEAKER AUBRY: Thank you, Ms. Hyndman.

(The Clerk recorded the vote.)

Mr. McDonald to explain his vote.

MR. MCDONALD: Thank you, Mr. Speaker. Addressing nuisance real property issues is frequently a very difficult task in the instance when a property owner and a landlord are completely unresponsive to any criminal or civil enforcement proceedings. And frequently, unfortunately, remediation may only be

achieved by having a receiver appointed who has the full legal authority to address the nuisance and unsafe conditions. As a reminder, this bill is just an expansion Statewide of what's been in law for several decades in New York City, Nassau, Suffolk, Westchester, and Rockland Counties.

The intention is simple. We want to protect tenants. We want to prevent potential blight, and we also want to preserve many of our historic properties. This bill enjoys the support of the New York State Conference of Mayors and the Preservation League of New York, and just as importantly, has been very well received by many tenants' rights groups. Thank you.

ACTING SPEAKER AUBRY: Mr. McDonald in the affirmative.

Mr. Montesano to explain his vote.

MR. MONTESANO: Thank you, Mr. Speaker. To explain my vote. I know right now that this -- this may be distasteful to a lot of my colleagues because of the current eviction moratorium that's in place until this August of 2021, hopefully it gets to expire and it doesn't get extended to complicate matters any further for tenants. But while Downstate is affected by this type of proceeding, it's only fair that tenants Upstate have the same protections and the same remedies available to them. The appointment of a receiver is not taken lightly by judges. They -- they consider all the facts and circumstances, they're not quick to do this. But when they do it, the receiver usually gets the property right back into shape and on its feet,

makes it a better income-producing property and remedies any of the conditions that may present the warranty of habitability issue to the tenants. So for those reasons, I will be voting in the affirmative.

Thank you.

ACTING SPEAKER AUBRY: Thank you, Mr. Montesano.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 16, Rules Report No. 437, the Clerk will read.

THE CLERK: Senate No. S04615-A, Rules Report No. 437, Senator Kaplan (Solages, Sillitti, Griffin, Taylor, Epstein, Dinowitz, Dickens, Galef, González-Rojas, Zinerman, Jackson, Rozic, Otis, Lavine--A05402-A). An act to amend the General Municipal Law and the Education Law, in relation to prohibiting the selling or displaying of symbols of hate.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. SOLAGES: Yes.

ACTING SPEAKER AUBRY: The sponsor yields, sir.

MR. GOODELL: Thank you, Ms. Solages. I see that

this bill would prohibit any local governments, fire departments, voluntary fire companies, police departments, looks like everyone except the State of New York, to -- to display any symbols of hate, is that correct?

MS. SOLAGES: Yup.

MR. GOODELL: -- display, sell or otherwise show any -- sell or display any symbols of hate, right?

MS. SOLAGES: Yes, you're correct; however, we passed a bill last Session that had very similar language that prohibited the sale of Confederate flags at, you know, on New York State property. So you know, we did pass similar legislation and that was passed on July 23rd and it was voted 141-0.

MR. GOODELL: So can you help me understand what a symbol of hate is? I see the statute refers to including but not limited to a Confederate flag or symbols of White Supremacy or Neo-Nazi ideology, is that correct?

MS. SOLAGES: Yeah, so you know, as I said before, it's identical language to the statute I mentioned and, you know, the Supreme Court of the United States has also held that the First Amendment provides no protection for obscene, you know, words, pornography, and it's -- it's -- formerly it's usually known as *fighting words*. So if it has a tendency to cause an act of violence by a person who individually or, you know, the remark is addressed.

MR. GOODELL: So in addition to the Confederate flag, am I correct that the German Nazi flag would be considered a

symbol of hate?

MS. SOLAGES: Yes. So the -- the language is not limited to it, it gives some examples, but it's not limited to. And I just want to remind, Mr. Speaker, I want to remind the questioner that this is, you know, for municipalities and not seen for individuals or citizens. This is -- we're talking about government property.

MR. GOODELL: Thank you for that clarification. Would it also apply to the Japanese flag? You know the red circle on a white background? I mean, that was a flag flown by the Japanese when they bombed Pearl Harbor. Does that apply to the Japanese flag because of all the atrocities they committed in China and during their Imperial Expansion?

MS. SOLAGES: You know, there are many symbols of hate and I don't want to, you know, put on the legislative record limiting our -- our opportunities to define what a symbol of hate is. But there's -- excuse me. It is presumed that an enforcement agency, whether the Attorney General or appropriate agency can make that determination. And also, an effort can go before the court so that the court can determine what a symbol of hate is. And so for us to sit here and, you know, compare and contrast, you know, there is a process to determine what a symbol of hate is.

MR. GOODELL: And what is that process to determine that the Confederate flag is a symbol of hate, but the Japanese flag, where many millions of people were killed throughout the entire Southeast Asia is not a symbol of hate, or is it a symbol of

hate, and who decides? Is it a vote by the town board or by the fire department? Do they say, *We're up on Japanese flag, but we're down on the Confederate flag?* Or, *We're up on the hammer and sickle,* even though Lenin and Stalin killed millions and millions of people in Russia, that's not a hate symbol, or is it a hate symbol? I don't know. Who decides? Is it the town board or village court, or the county legislature? Who decides what's a symbol of hate?

MS. SOLAGES: So you know, I want to ensure that we're talking about government property, you know, we're talking about, you know, fire district, volunteer companies, school districts, municipalities. So you know, we're talking about government property and -- and -- and, you know, we're using these symbols on government property. And as I said before, it's -- it's really determined by a, you know, enforcement agency, the Attorney General, appropriate agencies and, you know, individuals have the opportunity to go before a court if they feel that the flag or the symbol that they want to present is a symbol of hate. But again, we're talking about putting these symbols of hate on government property, which is -- is, you know, not acceptable.

MR. GOODELL: Well, I was looking, I see one of the things that it mentioned is White Supremacy and Neo-Nazi, and I looked it up on the -- on the Internet because to be honest with you I really don't know much about either of those -- those issues or those factions, and some of the symbols they use seem to be borrowed from like the Celtic Cross, for example, that most of us, without knowing

any better, would thought was a symbol of Christianity and Celtic heritage. How do you distinguish between a Celtic Cross that's symbol of a Neo-Nazi group versus a Celtic Cross that's a symbol of Celtic pride and -- and Christianity or -- or positive attributes? I mean, a lot of these symbols are used interchangeably by different groups. How do you distinguish between what's a hate symbol and what's a love symbol?

MS. SOLAGES: You know, again, I think an enforcement agency would have the capability to determine what it is and, if not, it can be adjudicated before the court. And this has -- this has been law. This is also, you know, New York State law that we've passed in this House and so, you know, I'm more than confident that any sort of issues can be adjudicated before the court but, you know, there's a particular balancing act that needs to be done, you know, to ensure that we're preserving the -- the interest of government -- government property. Because again, we're talking about a symbol of hate being put on government property. And for example, you know, there was, out in Long Island a, you know, a fire department that put up the Confederate flag on their, you know, fire truck and they were driving around a community. And, you know, many people were appalled by that. And so we just want to clarify in the law that that's not acceptable to be using taxpayer dollars for, you know, the display of, you know, hate symbols.

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

On the -- on the bill, sir.

ACTING SPEAKER AUBRY: On the bill, Mr.

Goodell.

MR. GOODELL: For some people when they see the Confederate flag, they associate it with racism and with the Civil War, and all the turmoil that we went through during that time period. Others see the Confederate flag in an entirely different way -- I'm not one of them, but some of them see the Confederate flag as a symbol of state rights, that the United States was a compact of states and that the states had the right to leave. And so some see it as a symbol of state rights. Many of us see the Japanese flag that's the same flag that flew over their battleships when they bombed Pearl Harbor. Is that a symbol of hate? Or the Swastika, yeah, most of us really find that really distasteful. But free speech isn't designed just to protect politically correct speech, or comfortable speech. So we go down a dangerous course when we outlaw things that we can't agree even in this Chamber, even with the sponsor saying, *I don't know, not sure if the Japanese flag is a symbol of hate*, or what about the Russian flag? Is that a symbol of hate? I mean, my gosh, they killed millions of people in the turn of the Century, millions. Or what about the Turkish flag and the Armenians and the massacres they did there? I mean what's a -- I mean in Russia and in Japan, they killed ten times more people than were killed in the Civil War. So where do we draw the line?

And so when we start to regulate speech, we go down

a very slippery slope. So likewise, this bill, as the sponsor noted, has nothing to do with the State of New York, with its own property. It relates only to actions done by local officials. Your local town board, your village board, your fire departments, maybe out of the respect and deference and humility, we ought to reflect and respect their common sense and urge them to exercise their own discretion and let their voters stand up and say if they have a symbol that they don't like, that they should throw those people out of office and not have us go down the slippery slope with vague definitions that infringe on First Amendments and leaves wide open what is or is not hate speech and who or who isn't going to decide, and what the remedies may or may not be. For those reasons, while I certainly support the desire of the sponsor and all of us to avoid any symbols of hate or discontent or division on any municipal properties, we have to be extremely careful when we go down this path. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Angelino.

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

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

Ms. Solages?

MS. SOLAGES: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you so much.

MR. ANGELINO: Does this bill, if it becomes law, does this also include State property?

MS. SOLAGES: So State property is already current law, so this would extend to, and I'll just -- I'll repeat it for the record, municipalities, fire districts, volunteer fire companies, police departments, school districts.

MR. ANGELINO: So State law is -- State property is already covered in a law that I'm not aware of that exists?

MS. SOLAGES: Yeah, Public Section Law, building 146 -- I'm sorry. Public Building Law - sorry, excuse me - 146.

MR. ANGELINO: Thank you.

Mr. Speaker, on the bill.

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

MR. ANGELINO: I bring to everybody's attention, and it shouldn't be hard to verify, I bring to your attention the second floor lobby, East side of this building, that beautiful painted ceiling includes two Confederate flags hand-painted, and I hope that's exempt otherwise it would be a shame to have to go in there and paint over those, but this very building includes that. And I think this is just going to be a terrible violation of First Amendment rights that many people have -- have upheld over the years, as disgusting as it might be at times, you still have to realize that the First Amendment is in place for a reason.

The -- I don't get the Confederate flag thing, that was a side that lost the war and that would be the equivalent of me having an Iraqi flag some place that I proudly displayed. It doesn't make

sense to me, but it does to other people and some people think that's a heritage of their -- their -- in their family lineage some place, but I just wanted to bring everybody's attention that there's Confederate flags right inside this building. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Angelino.

Mr. Byrne.

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

ACTING SPEAKER AUBRY: Ms. Solages?

MS. SOLAGES: Yes, Mr. Speaker.

MR. BYRNE: Thank you. Just a couple quick questions. One, I want to confirm something - if we have a county park, which we're blessed, attracts a lot of different people, this prohibition is applying to the municipality, as you said quite a few times. If a visitor comes in and they have a bumper sticker with an offensive sign or flag, would that be included in this?

MS. SOLAGES: No. That is personal property. This only applies to government property. And just to clarify for the record, if it's in a book, or digital media, museum or otherwise serves as an educational or historic purpose, it is exempt from this -- this bill. So you know, for example, the prior speaker mentioned that, you know, if something was a historical painting, you don't have to paint over it. That's for historical purposes, you know, some of that -- those images.

MR. BYRNE: Understood.

MS. SOLAGES: So if it's a personal car, it's private property and this is not under the purview of the bill.

MR. BYRNE: Thank you, and I appreciate that clarification from our previous speaker, as well, because we also, at parks sometimes we have Civil War reenactors, so I think that will be covered under that exemption that you just outlined, which is important to note. Folks can get offended often by different words, by different symbols. I always try to be respectful and understand where other people are coming from. Some people have been very offended by the Thin Blue Line flag. Would that be -- could be considered as a hate symbol under this bill? I would not --

MS. SOLAGES: That doesn't apply to this bill. I'm sorry, excuse me. Can you repeat your question? I'm sorry.

MR. BYRNE: So there's a lot of different symbols that people can be offended by. Some people, I'm not one of them, are offended by the Thin Blue Line flag, the American flag with the thin blue line to help remember lives lost, particularly law enforcement. It has been a flag to support men and women in blue, but some people are offended by it. Would that, or could that be considered a hate symbol under this bill?

MS. SOLAGES: So you're saying that that flag is placed on government property, on taxpayer dollar property?

MR. BYRNE: If it -- if it was, could that be -- yes. If someone had a Thin Blue Line flag at, you know, at their town hall

supporting their police department, for example, a police department has it there, or a library wants to put their local police department and they have that flag on display, is that going to be prohibited? Is that considered a hate symbol? I mean -- because -- the reason why I'm asking is you give specifics, but it's also -- it says that it could be -- it's not limited to, so it could be other things and I'm just asking, quite candidly, would that flag which, quite frankly, we have some of them on our member's desks in this Chamber, would that be included?

MS. SOLAGES: So if you deemed a flag that, you know, signifies, you know, honoring police officers as offensive, you know, and a law enforcement agency agrees with you and comes about and says the flag has to be removed, then there's a process or avenue that can be adjudicated or, you know, go before the courts to determine whether that is deemed a symbol of hate. But again, I don't want to get into the semantics of determining on this floor debate what is a symbol of hate because we could sit here all night talking about so many different symbols, so many different signs, so many different flags. You know, this is not this Legislative House's purpose, we're just clarifying that of taxpayer, you know, monies and a public building, a symbol of hate should not be placed on that.

MR. BYRNE: Thank you to the sponsor.

On the bill.

ACTING SPEAKER ROZIC: On the bill.

MR. BYRNE: Thank you, Speaker. I appreciate the clarification about the exemptions on the -- for -- for history and

education, that's very important. I'm a little concerned with the answer of how the Thin Blue Line flag, I was hoping I would get a very simple, short answer, no. The fact that that was not the answer is a bit alarming to me that this could be interpreted in other ways. People are offended by a lot of different things and, again, I respect other people's opinions and beliefs, and I certainly don't want any town hall, any county park having a Swastika, having a Confederate flag. I think just the thought of it is disgusting, but I don't want people to interpret this in a different way and all of a sudden going after our local municipalities for trying to support our men and women in law enforcement. So after that, I think I'm going to be voting no.

ACTING SPEAKER ROZIC: Mr. Byrne in the negative.

Mr. Fitzpatrick.

MR. FITZPATRICK: Yes, thank you, Madam Speaker. Would the sponsor yield for a question?

ACTING SPEAKER ROZIC: Will you yield?

MS. SOLAGES: Yes, Mr. Speaker -- or Madam Speaker.

ACTING SPEAKER ROZIC: The sponsor yields.

MR. FITZPATRICK: Thank you. Michaele, I -- I just, you know, we live in interesting times, at times very strange times. What -- let's just run through a little exercise here. Let's say for argument's sake, a municipality in New York State is, say, controlled by a group that believes the Red, White, and Blue of the American

flag is a symbol of hate and they decide we are -- you know, *This is a symbol of hate in our view, we are not going to display it in our municipality.* Would that be -- would that be acceptable under your bill?

MS. SOLAGES: It's appalling that it would be suggested that the American flag is a symbol of hate or could be deemed a symbol of hate --

MR. FITZPATRICK: No, I --

MS. SOLAGES: You know, I live (inaudible) so, you know...

MR. FITZPATRICK: Michaelle, there are people who do believe that and I'm just, you know, how would your bill handle a situation like that if a -- if a municipality -- you know, we have many municipalities in the State of New York. If -- if one group decided, took a -- you know, became a majority and said, *We are not going to display the American flag because we believe it's a symbol of hate,* that would be, obviously, controversial, but it's not beyond the realm of possibility that, you know, the organization or whoever is responsible in Albany to determine that, may agree with them. You've opened a can of worms with something like this, have you not?

MS. SOLAGES: I just, you know...

MR. FITZPATRICK: I don't think it's funny, it's a serious question.

MS. SOLAGES: Yeah, I just -- I guess my laughter is just, is the thought of that, you know, our Red, White, and Blue flag

would be deemed as a or even associated with a symbol of hate. But again, it's determined by any enforcement agency, you know, the Attorney General or an appropriate agency that can go before a court, and the court would make that determination. So if there ever is an instance, you know, there is a pathway for us to protect that Red, White, and Blue flag. But once again, you know, we're talking about fighting words, so the Supreme Court has held that, you know, there's no protection for obscene -- obscenities, child pornography, speech that constitutes widely as *fighting words*. So you know, if someone deems the flag of the United States as fighting words, you know, I just -- I don't think that, you know, a court would -- would recognize that for, remember, a government building. You know -- and my belief is that the government building is also required to have the flag flown -- the United States flag.

MR. FITZPATRICK: Okay, very well. Thank you, Michaelle. Thank you, Mr. [Sic] Speaker.

MS. SOLAGES: Thank you.

ACTING SPEAKER ROZIC: Mr. Aubry.

MR. AUBRY: On the bill, Madam Speaker.

ACTING SPEAKER ROZIC: On the bill.

MR. AUBRY: So I just wanted to walk down memory lane. It was mentioned that there are the Confederate flags are shown in the ceilings of the building. When I was serving as Chair of the Black and Puerto Rican Caucus with Governor Pataki as the Governor at that time, we discovered that the stars and bars were

flying in the Flag Room, which was downstairs. And between the Governor and myself and the Senate members, we removed the flag, recognizing what it symbolized. Just to let you know that there's an amount of common sense relative to what is about -- what hate is and what hate isn't. And I think somebody said when I may not be able to describe it to you, but when I see it, I know what it is. And so I think that makes sense, and it's something that has been practiced in this State for some time ago.

I think the bill itself is merely saying, as I understand it, that they're -- at the local level, we're telling folks you should not allow symbols of hate to be displayed on public property, and that there's a way in which to determine, if there's an argument, to decide what is a symbol of hate, because it may change over time. I don't think it'll ever go to where one of my colleague's suggested that the flag is a symbol of hate, but it does allow for local discussion, judges, the same way we manage to solve the disputes in this country, it allows it to go that way if that is the case, and it would allow the current interpretation of what hate might be and what hate symbols might be. Seems logical to me that that would be the way to handle that. Would you want an automatic situation banning it period or any given thing? I don't think you would, and nor would I support it.

So I think we should back up from the idea that there may be some things that are controversial, recognizing that there is a process for determining that and that the sponsor leaves it in a logical place for that determination to be made. And I will support the bill.

Thank you, Madam Speaker.

ACTING SPEAKER ROZIC: Thank you.

Mr. Lavine.

MR. LAVINE: Thank you, Madam Speaker. Will the sponsor yield?

ACTING SPEAKER ROZIC: Ms. Solages, do you yield?

MS. SOLAGES: Yes.

ACTING SPEAKER ROZIC: The sponsor yields.

MR. LAVINE: Ms. Solages, I think this is a great bill, but I come to this with a certain bias, and I think you know that bias. But I do want to speak to you about the War Room. I was quite amused earlier to hear someone speak about the Confederate flag as being some sort of symbol of virtue, because it's depicted in the War Room in our Capitol. So Ms. Solages, it's depicted two times and in one instance, it's being held by a Confederate soldier who is being shot to death by a soldier from New York. We are aware of that, are we not? Yes.

MS. SOLAGES: Yes.

MR. LAVINE: And in the second incident -- instance, it's being depicted as a war trophy captured by a New York soldier who was fighting against slavery. States rights meant slavery; any question about that?

MS. SOLAGES: As Justice Stewart said, "I know it when I see it."

MR. LAVINE: And, Ms. Solages, I was also somewhat amused, and amused isn't the right word as someone whose entire family was butchered in the ritual slaughter of a civilian Jewish population by the most -- by the most modern Army in world history during the Second World War, but we know the difference, do we not, between a Nazi flag and another flag?

MS. SOLAGES: Yes, it's quite clear and, as I said before, there's a process that can determine whether that is, you know, considered a symbol of hate or that is considered another symbol that might be sacred to some individual.

MR. LAVINE: And my friend, you do know that to me, the Confederate flag is the equal of the Nazi flag.

MS. SOLAGES: It is -- it was treason amongst the United States so, you know, I have to agree with you.

MR. LAVINE: And, my friend, you know how disgusted I was when a Confederate flag was portrayed by some people involved in the government of Long Island some years ago.

MS. SOLAGES: Exactly. And, you know, we don't want taxpayer dollars to be used in that way. We don't want government property to be used in that way and so, you know, this bill ensures that we have this enshrined in law.

MR. LAVINE: And after January 6th, after the events of January 6th, we know how important it is to distinguish between free speech and hate speech.

MS. SOLAGES: Exactly. Well said.

MR. LAVINE: I think I'm going to vote for this bill.

Thank you.

MS. SOLAGES: I thank you.

(Pause)

MR. PICHARDO: I'm not sure if I was recognized.

ACTING SPEAKER AUBRY: You are recognized.

I'm sorry, I was off, not you.

MR. PICHARDO: No worries, Mr. Speaker. Would the sponsor yield, sir?

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

MS. SOLAGES: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. PICHARDO: Thank you, my colleague, Mr. Speaker. I know the night is long and clearly it's -- seems like it's getting longer. I'll be -- I'll be very brief. Just to make sure that we're all clear here, to the sponsor -- Mr. -- through you, Mr. Speaker, is it the sponsor's intention to delineate every single symbol of hate in this specific piece of legislation that would be potentially not allowed to be flown or displayed in any municipal building here in the State of New York?

MS. SOLAGES: No. We're just saying that, you know, we're -- we're following the pattern after the groundbreaking legislation that was signed back in 2020 that would extend the prohibition on displays and the sale of symbol of hates [sic]. You

know, we know that hate has no place in New York and so want to ensure that government, you know, municipalities, governments, fire departments, police departments, are not, you know, putting up symbols of hate.

MR. PICHARDO: And just to make sure, Mr. Speaker, through you, is it the sponsor's intention to limit an individual's -- a person's freedom of speech through the -- the First Amendment?

MS. SOLAGES: So this piece of legislation does not apply to an individual as a private citizen, it only applies to government property, as I mentioned before.

MR. PICHARDO: Okay.

MS. SOLAGES: And it exempts, you know, of course as I said before, you know, you know, books, digital mediums, museums or otherwise items that serve as an educational or historical purpose. So we're just -- just saying that, you know, symbols of hate, White Supremacy, Neo-Nazism, you know, the battle flag of the Confederacies are just -- they're not appropriate to have on government property.

MR. PICHARDO: So last question. So just to make sure that we're clear, so what this bill would do is basically limit a -- the -- someone in their official capacity or a volunteer firefighter or in those type of capacities to fly contextually inflammatory iconography. I know it was -- it was referenced certain flags during the World War II era, certain reference flags during the Civil War era, and also some

-- some modern context. But again, just to make sure that we're clear, Madam Speak -- to the sponsor, you're not trying to delineate every single instance in what should be limited, but rather create the ability and the opportunity for the municipalities to redress if there was something as egregious as, let's say, a Nazi flag flying behind a -- a fire engine in either my district or anybody's district.

MS. SOLAGES: Yes. To follow your -- your example, you know, let's say a firefighter on the job were to put up a Confederate flag on the fire truck which is considered govern -- government property, it would be -- it would be considered a violation -- not a violation of his or her First Amendment rights, but it would be, you know, a violation of the -- of this law if it were signed by the Governor. And, you know, the Supreme Court of the United States have ruled that public employees making statements pursuant to their official duties are not speaking as private citizens, but as employees which deemed, you know, government -- government agents.

MR. PICHARDO: Again, as you said, it's -- it's fair to say that these would be representatives of government effectively in saying that the government would conceptualize and allow for this type of speech in this context would not be allowed in local municipalities, is that correct?

MS. SOLAGES: That is correct.

MR. PICHARDO: That's all I wanted to ask. Thank you, Mr. Speaker, and thank you to the sponsor. I plan to support this legislation. Thank you.

MS. SOLAGES: Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 4615. This is a Party vote. Any member who wishes -- excuse me. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Majority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you. Obviously as I've spoken earlier, I have great concerns when we try to legislate speech, I -- I mentioned that concern. And during the course of the debate, I had the good fortune of allowing or asking and benefitting from my colleague, the Assistant Floor Leader, taking over while I went down to the War Room, and it's really shocking. I mean, the War Room is filled with one mural after another of absolute unmitigated hatred. I mean, it's just shocking if you look at it from that perspective. And sadly, symbols of hate are very personal. The Star of David is no doubt the symbol of hatred in Gaza, and understandably. So no one should be displaying symbols of hate, and I think it's the responsibility of all of us to be sensitive to that. And I was looking unsuccessfully in the Bible for a quote - I should have asked Crystal, she probably has it

memorized - where I think it was Paul was saying, yeah it's lawful to eat meat, but if it offends somebody, don't do it. And that's the policy we should have, shouldn't we, in government? We should be here and we should be open and respectful for everyone.

And so I'll support this, but I am extraordinarily concerned that we be very, very careful when we try to deal with what are very subjective perceptions that one person sees as a symbol of faith, like the Star of David, and another person sees as a hate symbol. And so we just need to be very sensitive to that. But as a general rule, referring to our -- all of our municipalities, we should avoid those types of symbols. Thank you, sir.

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

MS. WALSH: Thank you, Mr. Speaker. My feelings are very same similar to those expressed by this -- the previous speaker. I remember very vividly last year meeting with members of the Hindu community that are in my district, and they were very concerned because for them, the Swastika is an ancient religious icon that is used as a symbol of divinity and spirituality. It doesn't have the meaning that we associate with the Swastika which is -- which is formed in a slightly different way that was used by Nazi Germany. So again, I do think, as Mr. Goodell, indicated I -- I feel the same way. I think that none of us want to see symbols of hatred, but I think that the -- and I will support the bill, I just think that it can be very subjective and very personal. You know, my mom used to talk about things

being teachable moments. I think that sometimes, you know, I certainly learned a lot from the individuals, my constituents that met with me and educated me about something I didn't know, none of us want to see hate symbols displayed on government property or, frankly, anywhere else. But while I will support the bill, it does -- it does trouble me a little bit the way that it's worded, but thank you.

ACTING SPEAKER AUBRY: Thank you, Ms. Walsh.

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker, for allowing me to explain my vote. I -- I think that perhaps the problem is people aren't sufficiently educated maybe, but it's really clear that while a symbol that is seen in both Native American and Hindu iconography that is in the shape of a Swastika is dramatically different than a very clear Swastika, black on a white border with a red surround. It is very clear what that message is when people display that. And it is to intimidate, it is to inflame, and I think that it's quite clear that in an educated society, we can make these differentiations. And I will just say that the notion that there are things that are called, you know, political correctness, that's what my grandmother called manners. I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Mr. Lavine.

MR. LAVINE: Thank you. The artistry depicted in

the War Room shows the brutality of American history, good, bad or indifferent, that is the way it was. And that is the history that must be taught to all of our children. Many of those will vote against this will disagree with me substantially on this particular issue, but if we don't understand our history, we cannot do better in the future. And we must do better in the future. The Star of David as a symbol of hatred, interesting. It's a symbol of hatred in Gaza. It's a symbol of hatred in KKK conventions. It's not a symbol of hatred in the United States. I am somewhat appalled that that was used as an example of the lack of objectivity, of subjectivity.

This is an important bill. I am very pleased to vote for it. We must get beyond the hatred we have in this nation. There is -- this is an issue that divides us substantially, philosophically in our political parties, and I am very pleased to be part of a political party that does not believe in the defense of hatred. You cannot yell fire in a crowded movie theater, there's nothing novel or unique about that. We are at a crisis mode. We damn well better wake up. Very pleased to vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Burke.

MR. BURKE: I just wanted to thank the sponsor for this bill. And I want to make it clear, some of the examples that were used on government property I feel as though people are -- are sort of intertwining people's personal views, their personal right to express themselves and government employees or government -- people who represent government entities, using that government entity that is

ours, that is the public's, for their own personal values, to express their values through our -- through -- through government buildings or governmentally -- government-owned property which is always inappropriate, whether you -- you know, many of these things may be subjective, but it's inappropriate to apply your beliefs and your political beliefs or symbols of hatred on government property; it's very, very simple and I'm very happy to -- to support this bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Walczyk.

MR. WALCZYK: Yeah, thanks, Mr. Speaker, just wanted to rise to explain my vote. Heard some great dialogue about symbols of hate and a lot of different opinions in this Chamber tonight about what a symbol of hate looks like. So I just -- I'm going to vote no on this bill and it's not, you know, I don't think it's appropriate for a local municipality or any governmental entity to display the flag of the losers of the Civil War or of the losers of World War II or any very clear symbol of hate that we agree as Americans is not cool as a -- as a local government or any governmental entity to display, right, those are the obvious ones. But just the dialogue around this Chamber tonight is suggestive to me that we might be opening up our municipalities to lot of different types of lawsuits because of the varying opinions about what might be considered a symbol of hate. Even the sponsor of the bill could not say the blue -- the Thin Blue Line flag, couldn't say this is not a symbol of hate, right? So leaving

the door open for your police department or your fire department that wants to be proud to be a firefighter or a police officer and show that on a flag, which I would say in my district, not a symbol of hate, somewhere else may consider it, and I just don't want to open them to frivolous lawsuits in the State of New York. So I withdraw my request and I'll be voting no.

ACTING SPEAKER AUBRY: Mr. Gandolfo.

MR. GANDOLFO: Thank you, Mr. Speaker. As much as I want to support this bill, I -- I just can't do it. It's too open-ended, it's too subjective. There are plenty of symbols in our society that we can universally agree that they're hateful. The Swastika, for one; the Confederate flag, they lost the Civil War, municipalities should not be flying their flag. We can all agree on that. But as my colleague just mentioned, the sponsor of the bill could not say that the Thin Blue Line flag was not a symbol of hate. Now, for myself, I view that as a police memorial flag, a flag that shows respect and remembrance for police officers who were lost in the line of duty, but to others some might see that as a symbol of hate. Over, I think it was just yesterday, a prominent *New York Times* columnist said she was disturbed seeing dozens and dozens of American flags flying on Long Island because she feels that the American flag has been coopted by White Supremacy. So these are wildly subjective opinions and we're just opening up municipalities to a headache of lawsuits.

Now as much as I want to -- no one should be

displaying symbols of hate, I think we could agree on that, but what we're never going to all agree on is what every symbol of hate is. So I have massive concerns with the vagueness of this and I -- I just can't support the bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker, just to explain my vote. You know, we've heard a lot of things around the -- the floor tonight and one of the things I'm concerned about, as some of my colleagues have said, is that we're -- we're going to put our municipalities in a -- in a bad situation. Being on a former town board where you have five members, if you get three of those members on that town board that view a certain flag in that community as a symbol of hate, we're going to change. They're going to change that for that town, that community. Maybe not the communities around it, without -- without really fine lines of what symbols of hate are, where we're just putting this and kicking this can down the road to put it upon our municipalities, our fire districts, our schools. And if we could have those fine lines and a -- a complete distinction of what symbols of hate are, if we're going to make the law we should given them the -- the tools to make sure they do what they need to do. So I -- I, too, cannot support this. I think it's a good bill, I don't want symbols of hate, but this is just too vague and too gray. Thank you, sir.

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

(The Clerk announced the results.)

The bill is passed.

Page 16, Rules Report No. 442, the Clerk will read.

THE CLERK: Senate No. S00133-B, Rules Report No. 442, Senator Mayer (Rozic--A05698-B). An act to amend the General Business Law, in relation to establishing a set grace period for the use of credit card reward points.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect -- take effect on the 365th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 133-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 that -- previously provided.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. I'll be supporting this bill and recommended the same to my colleague. I wanted to acknowledge that the sponsor made a couple of amendments to this bill to address concerns that were raised by the industry and by so doing, it not only made the bill better, but addressed the concerns from those who were worried about the language. And so my compliments to the colleagues who are making those changes.

ACTING SPEAKER AUBRY: 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're actually making progress here. Our next few bills that we're going to take up on debate are Rules Report No. 443, Assembly Bill No. 5837, this one is by Member Jean-Pierre; then Rules Report No. 445, Assembly Bill No. 6057, this one is by Mr. Burke; and Rules Report No. 455, Assembly Bill No. 6608, this one is by Mr. Rivera, J.D. Rivera. And lastly, Mr. Speaker, we're going to go on our -- stay on debate with Rules Report No. 527, Assembly Bill No. 1121, this one is by Ms. Buttenschon. And following our debates on these particular items, Mr. Speaker, we'll be going back to our consent Calendar from Calendar B. And so I hope the folks will stay with us as we continue to get our work done here -- Calendar A, as we continue to get our work done here. Those is -- that's the remainder of what we have before us tonight, Mr. Speaker, and so in that order and thank you very much.

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

On page 16, Rules Report No. 443. This is -- Clerk will read.

THE CLERK: Assembly No. A05837-B, Rules Report No. 443, Jean-Pierre, Lavine, Jensen, McDonald, Griffin, Barron, Woerner. An act to amend the General Business Law, in

relation to requiring publishers to offer licenses for electronic books to libraries under reasonable terms.

ACTING SPEAKER AUBRY: Mr. Jensen.

MR. JENSEN: Thank you, Mr. Speaker. Will my colleague from Wheatley Heights yield for a few questions?

ACTING SPEAKER AUBRY: Ms. Jean-Pierre, will you yield?

MS. JEAN-PIERRE: I -- I will.

ACTING SPEAKER AUBRY: Ms. Jean-Pierre yields, sir.

MR. JENSEN: Thank you, Madam Chair. When this legislation speaks of electronic books or e-books, what type of digital media is that specifically referring to?

MS. JEAN-PIERRE: Well, an electronic book means a text document that has been converted into or published into a digital format that is read on a computer, tablet, smartphone or electronic device.

MR. JENSEN: Okay. So to clarify, when the legislation references journals, does that include publications like *The Wall Street Journal* or other newspapers that are commonly published?

MS. JEAN-PIERRE: No, it does not include them.

MR. JENSEN: Okay. So no newspapers. And what is meant by *publishers*? Is there a specific type of publishers that is your intent to be covered with the legislative language?

MS. JEAN-PIERRE: Absolutely. So *publisher* means one whose business is to manufacture, promulgate, and sell books, journals or other literacy productions, including those in digital form consisting of text, imagery or both.

MR. JENSEN: Okay. And so just to clarify on that, so it's excluding newspapers as part of that digital --

MS. JEAN-PIERRE: Correct. It's your norm -- it's your normal, you know, book that you would get on a tablet that you would want to read, so it's a normal book.

MR. JENSEN: Okay, perfect. Is there anything in the legislation that addresses issues like limiting the price that a book publisher can charge a library for an e-book license?

MS. JEAN-PIERRE: No. The legislation has a good faith bargain, so it would just ensure that what they have out for the public will not -- will not overcede [sic] or be three or four times more expensive to the -- to the library itself.

MR. JENSEN: Okay. So the same under the same types of terms that they're already selling hard copy books to libraries.

MS. JEAN-PIERRE: Correct.

MR. JENSEN: Okay. And my final question, are there any book publishers that are currently not selling e-books to libraries?

MS. JEAN-PIERRE: Correct. So there's a whole list, but Amazon is one of them.

MR. JENSEN: Okay. And so this would ensure that

they would have to provide reasonable terms for libraries in the State to purchase e-books.

MS. JEAN-PIERRE: Correct. It's all about having libraries to have access -- so their patrons can have access to the literacy on e-books.

MR. JENSEN: Okay. Thank very much, Madam Chair.

On the bill, Mr. Speaker.

I just want to thank my colleague for yielding and for this legislation. Today's libraries are -- are evermore increasingly not just a place for -- for hard copy books, but certainly more of community centers where we have people of all ages enjoying media across all forums. And this is important legislation to ensure that both our oldest library patrons to our youngest are able to enjoy the products that they want to and the way they want to consume it, and making sure that these will be offered in the same way as hard copy books. So I am proud to be a cosponsor of this and will be proud to be supporting it today on the floor. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Jean-Pierre.

MS. JEAN-PIERRE: Thank you, Mr. Speaker. As the market for e-books continues to grow, some publishers are introducing practices that significantly interfere with libraries' ability to continue to provide their patrons with equitable access to these critical resources. Publishers have put place in -- placed e-book embargoes that restrict the timely availability of e-books to public

libraries, placing an unfair burden on library systems that are forced to wait eight weeks to purchase more than one license for a title. This process restricts access in ways that harm library systems and the communities they -- they serve.

The reasonable and unreasonable standards established in this statute will ensure that widely accepted and effectively industry practices remain in place while prohibiting harmful practices that discriminate against libraries and harm library patrons. Again, I will be supporting this legislation and I ask my colleagues on both sides of the aisles to support this library -- this piece of legislation as libraries are the fundamental and root of all of our communities. 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 Assembly print 5837-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 16, Rules Report No. 445, the Clerk will read.

THE CLERK: Senate No. S01783-A, Rules Report No. 445, Senator Skoufis (Burke, Colton, Stirpe, Griffin, Jacobson, Buttenschon, Bichotte Hermelyn, Galef--A06057). An act to amend the Public Health Law, in relation to directing the Department of Health to establish and implement an infection inspection audit and checklist on nursing homes.

ACTING SPEAKER AUBRY: Mr. Byrne.

MR. BYRNE: Explanation, please.

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

MR. BURKE: Sure. Good evening, good morning soon. So this bill establishes an annual infection control competency audit program for nursing homes, and I would say it's not just -- I mean, it is obviously a response to COVID-19, but -- but really, I view it as more as being proactive for -- you know, hopefully we don't deal with this in the future, but I -- I'd want this established, these -- these guidelines and protocols established so that if we do face this in the future, our nursing homes are better prepared for it.

MR. BYRNE: Thank you.

ACTING SPEAKER AUBRY: Mr. Byrne.

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

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

MR. BURKE: I'm happy to.

MR. BYRNE: Thank --

ACTING SPEAKER AUBRY: The sponsor yields.

MR. BYRNE: Thank you, sir. Just a couple quick questions. I notice in the -- well, first before I ask about the potential costs, there is going to be inspections and audits, additional audits that would be required by this bill. Who would be conducting those audits and inspections?

MR. BURKE: This will all be in the purview of the Department of Health.

MR. BYRNE: That's -- that was that was my understanding, as well. They'll be drawing up this checklist, as well. The sponsor memo says cost -- fiscal implications, none to the State. Do we have an idea as to what that cost to the State would be as far as increased, additional inspections and to draw this up? I have to think it would cost something.

MR. BURKE: You know, so -- so my hope obviously -- so it could vary significantly based on the quality of the nursing homes and if they're in compliance, it's my hope, really the goal of this is that they're in compliance, right, because the -- the true cost has been the cost of life. And so that's really what we're trying to prevent here.

MR. BYRNE: Okay. So we don't know what that -- that cost would be to the State, but I do appreciate the goal obviously. We want to help prevent the spread of infectious diseases in our

nursing homes.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BYRNE: This proposal would create an additional requirement on nursing homes to complete new infection control competency audits that are established by the Department of Health, as the sponsor mentioned. The audit will use checklists that are cited in the bill and will be also used to initiate more audits. So there's actually like a scaled rating system in the bill that's outlined. And while the bill, like many, says there's no cost to the State, there obviously will be a cost through inspections and additional framework that's going to be built out, as well as likely to some of these facilities. And we can argue that those costs are merited, I would also note that this new requirement is in addition to existing prevention surveys and checklists developed by CMS and the Federal government, the Department of Health and State surveys, and concerns have been raised that this duplicate mandate could increase confusion for providers and State entities already engaged in surveying these facilities. So I think that's important to note that there's this duplication and that concern for confusion.

I thought it interesting reading the sponsor's memo that he cited the COVID-19 residential health care at facilities hearings that we hosted with the Senate in August of last year. I was able to participate in both of them. I think it ranged close to like 18 hours or something we listened to dozens and dozens of health care

professionals, facility experts, as well as a lot of people who tragically lost loved ones in our nursing homes. And I can appreciate what the sponsor's trying to do to try to make our facilities safer, listening to concerns that were raised at those hearings, but what I would say is some of the concerns that were raised were about under-preparedness, as the sponsor notes in his memo, shortages in PPE, communication, tragic unnecessary death. It also highlighted part of the confusion between some of these facilities, the health care providers, and the State of New York, particularly on controversial mandates that were initiated on March 25th that prevented nursing homes from denying COVID-19 positive patients. Now, adding on a new duplicate layer of inspections could increase more confusion.

So while I think it's a laudable effort, I have concerns. Those additional concerns were raised by groups including the Greater New York Hospital Association, the Health Care Association of New York State. And again, while I think it's laudable, we don't want to do anything that's going to contribute to any additional spread of infection in our nursing homes with our most vulnerable. I think there's a system in place that we could bolster and work with rather than putting an additional redundant system in place. And with that, I want to thank the Speaker and I want to thank the sponsor for taking the time to answer my questions. I will be voting in the negative and suggest a no vote.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 1783-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 so we can record your vote. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir. The Majority Conference is generally going to be in support of this item; however, there may be a few of us who would like to be an exception. Feel free to contact the Majority Leader's Office and your vote will be properly recorded. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mrs. Majority Leader.

(The Clerk recorded the vote.)

Mr. Burke to explain to his vote.

MR. BURKE: Thank you, Mr. Speaker. To explain my vote. You know, this program isn't something I just thought of, it's actually modeled off of what Massachusetts had done with tremendous

success. And I know that there were some concerns about duplication of efforts, and I just don't see that to be the case. We're codifying and putting in a structure so that we aren't responding haphazardly, so we are more prepared. And -- and I'd say one of the key components that maybe I think can personalize it so much is -- were the amount of people who were trying to communicate with loved ones and were getting no response from nursing homes because of that mass confusion. This clears all of that up. So codifying this in State law I think is the -- the best way to create a smooth process going forward with our Health Department. Thank you.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 16, Rules Report No. 455, the Clerk will read.

THE CLERK: Assembly No. A06608-A, Rules Report No. 445, J.D. Rivera, Conrad, Rodriguez, Benedetto, Gottfried, Dinowitz, Septimo, Simon, Richardson, Jackson, Sillitti, McDonough, Glick, Frontus, Fernandez, Reyes, Bronson, Clark, Hevesi, Seawright, Lunsford, Peoples-Stokes. An act to amend the Real Property Law, in relation to requiring the disclosure of lead-based paint test reports in real estate transactions.

Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: This bill creates a new requirement under the Real Property Law which requires a lead test, either a laboratory analysis with paint samples with all layers of paint present, or an X-Ray Fluorescence analyzer. And it requires this lead test on all sales of a residential property, including a lease with an option or a land contract, for example, or installment sale agreement. And it requires this lead test on all houses regardless of when they were built. Now, we have not used lead paint since 1978. It was banned in 1978. So if you have a house that was built after 1978, the likelihood that you have any lead in that house is extremely low. But this bill would require you to do that test before you've signed a contract for a sale. And you have to then send a copy to the Health Department and a copy to the County Clerk. These tests cost, on average, between \$224 and \$418, with the national average of \$316. So before you can even sell your house, before you can even sign the contract, you're going to incur a cost between \$200 and \$400, and you don't even know if you've got a buyer yet or what they're going to pay. Or before you sign a lease with an option to purchase, you have to spend \$2- to \$400. Or a land contract. And you have to spend that money even though the house you have was built after 1978 and has near zero probability of having any lead.

I appreciate the sponsor's desire to test for lead and if this were limited to homes built before 1978, it would be much more

appropriate. But adding \$2- to \$400 to every real estate contract before it's even signed, and to every lease with an option to purchase and every installment sale or land contract just burdens everyone who is selling a house in New York State without a justifiable return for those homes that are built after 1978. For that reason, I'll recommend against it. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell.

Mr. Jonathan Rivera.

MR. J.D. RIVERA: Thank you, Mr. Speaker. Just to clarify a few points. The first thing is if you review the bill in front of us, it's defined here under residential real property as *shall mean real property improved by a residential dwelling erected prior to the year 1978*. So it does affect homes solely that were built before 1978, before all the changes went into effect. And then regarding the cost of the inspection, the bill also speaks to a -- the ability of the seller of the property to be able to deduct \$500 towards the cost or above the cost of the inspection and review in the overall expense of the sale. So the seller is able to deduct those costs. Thank you.

ACTING SPEAKER AUBRY: Thank you, Mr. Rivera.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will

record the vote on Assembly print A-6608-A. This is a Party vote.

(Pause)

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.

Sir.

MR. GOODELL: The Republican Conference will be generally opposed to this additional cost in real estate transfers, but those who support it should certainly call the Minority Leader's Office and we'll record your vote in the affirmative. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Hyndman.

MS. HYNDMAN: Mr. Speaker, the Majority Conference will be in the affirmative on this piece of legislation. If there are any exceptions, I ask members to call the Majority Leader's Office at the number previously provided and your votes will be announced accordingly.

ACTING SPEAKER AUBRY: Thank you, both.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. First, I appreciate the -- the comments from my colleague clarifying the scope of this legislation. I think that was an important clarification and thank you

for that. As my colleague also noted, that there's a default provision and that is it costs you \$500 if you don't do the test. And for most of us who are dealing with small real estates, a \$500 penalty is fairly significant. I would point out that under current law after a contract is signed, but before closing, everyone is entitled to a lead paint disclosure form, it's a Federal form, it's filled out and accompanying that form is a detailed brochure about the dangers of lead paint and what you can do to test. And under current law, any buyer who wants to can put right in the contract that they have the right to inspect the house, including an inspection for lead. So under current law, you get the notice, you get the warnings, you get the pamphlet, the buyer, if they want to if they're worried about it, can do the inspection, put it right in the contract. And what this does is it shifts it over, adds between \$200 and \$400 to every seller and if they don't do it, it adds \$500 to the cost of the transaction. And I think it's an expense that we shouldn't have to force on every seller on every house and then clutter up the County Clerk's Office and the Health Department with these certificates. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr.

Goodell.

Are there any other votes? Announce the results.

(The Clerk recorded the vote.)

The bill is passed.

Page 22 [sic], Rules Report No. 527, the Clerk will read.

THE CLERK: Assembly No. A01121-A, Rules Report No. 527, Buttenschon, Galef, Jackson, Fall, Gunther, Abinanti, Sillitti, Jones. An act to amend the Penal Law, in relation to creating the certain offenses and provisions related to the unlawful dissemination of a personal image; and to amend the Civil Rights Law, in relation to creating a private right of action for such offenses.

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

MS. BUTTENSCHON: The purpose of this legislation is to criminalize the specific intent crime of an unlawful dissemination of personal images and create the right of privacy action for such offense for an individual to disseminate images of a crime with the intent to glorify violent actions or humiliate, demean, degrade or abuse a person who has been a victim of a crime and/or the family members. These images have no place on the Internet or social media sites, and individuals who share gruesome images with such intention should face consequences for the trauma they cause.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. BUTTENSCHON: Yes.

MR. GOODELL: Thank you very much, Ms. Buttenschon. Just so we're clear about the scope of this, am I correct

that this is not intended to cover a situation where someone is driving along and they witness a crime and videotape it and then put it up on the Internet. It's -- it's not intended to cover just third-parties who happen to come across or film a crime, or the victim of a crime, is that correct?

MS. BUTTENSCHON: It has -- it's a specific intent crime. So the -- the intent is to, again, create to glorify, demean, degrade or abuse the person, the victim or the victim's family.

MR. GOODELL: So as long as they don't have that malicious intent, the fact that they may have been an innocent witness, and we've seen that with a lot of high-profile cases, right, where there's a lot of videos of a crime that occurs and they use them and -- that's not in the intent of this bill, which is focused on the person's intent to embarrass or harm or injure a person, correct?

MS. BUTTENSCHON: Correct.

MR. GOODELL: And this would, likewise, not cover news media that's taking pictures of a crime scene, including a victim sometimes, and even though they make a profit off of that, I mean, you may have professional photographers who sell the picture, as long as it wasn't there to degrade or harm the victim, it doesn't cover news coverage of that type, is that correct?

MS. BUTTENSCHON: Correct. There are specific exemptions.

MR. GOODELL: So it's really designed in a narrow way to focus on those people that are taking a picture of a crime victim

for their own enjoyment, for profit, and with a specific intent of harming the victim, am I correct?

MS. BUTTENSCHON: Correct, or the victim's family.

MR. GOODELL: Thank you very much for those clarifications.

And, sir, on the bill.

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

MR. GOODELL: With those clarifications, I am comfortable supporting this bill and I appreciate the sponsor clarifying the nature and scope of this legislation. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

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 1121-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. Buttenschon to explain her vote.

MS. BUTTENSCHON: Thank you, Mr. Speaker. In July of 2019 a 17-year-old, Bianca Michelle Devins of Utica, New

York was stabbed to death after attending a concert with her attacker. After committing this horrendous crime, her attacker uploaded gruesome photos of her corpse onto various social media platforms. These photos were widely shared on social media sites, including Instagram, Snapchat and Twitter. The response by social media sites to -- to the spread of the photos was unacceptable as it was slow and inconsistent, and has been strongly criticized. The Devins family became aware of her death through the images being sent to them on their social media accounts, and have been harassed with these images since then. Over time, YouTube videos and Twitter and threads have been dedicated to explaining the crime and the Devins' history, with some accounts promising to post the Devins murder in exchange for likes and follows, and capitalize on her name and death. The Devins family knows this will never bring back Bianca, but they never want another family to endure what they have faced and continue to face.

I want to thank the family for their assistance and patience as we prepared this legislation and the Senate sponsor for carrying this legislation, as well as the support I received from the Assembly staff. And I urge my colleagues to join me in supporting this bill, the bill known to all as Bianca's Bill in her honor. May Bianca rest in peace.

ACTING SPEAKER AUBRY: Ms. Buttenschon in the affirmative.

Ms. Hyndman.

MS. HYNDMAN: Please announce our colleagues

in the negative on this piece of legislation: Mr. Mamdani and Ms. Mitaynes.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

On the A-Calendar, page 3, Bill -- Rules Report No. 653, the Clerk will read.

THE CLERK: Assembly No. A00160-B, Rules Report No. 653, Gottfried, Dinowitz, Magnarelli, Simon, Abinanti, Epstein, De La Rosa, Seawright, Thiele, Williams, Colton, Cymbrowitz, Taylor, Abbate, Barron, Steck, L. Rosenthal, Jacobson, Ashby, McDonough, Galef, Griffin, Lupardo, Weprin, Zebrowski, Bronson, Fahy, Burdick, Clark, Paulin, Perry, Hevesi, Rozic, McMahon, Barnwell, McDonald, Quart, Otis, O'Donnell, Reyes, Stern, González-Rojas, Stirpe, Richardson, Braunstein, Mamdani, Walker, Jones, Gallagher, Anderson. An act to amend the Public Health Law, in relation to school potable water testing.

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

THE CLERK: This act shall take effect on the 365th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 2122-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. A00399-B, Rules Report No. 654, Rozic, De La Rosa, Fahy, Seawright, Otis, Simon, Hunter, Buttenschon, Steck, Montesano, McDonald, Bichotte Hermelyn, Abinanti, Griffin, Thiele, Jones, Ashby. An act to amend the Executive Law, in relation to providing for electronic notarization.

ACTING SPEAKER AUBRY: 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 on the 180th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 1780-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. Lawler to explain his vote.

MR. LAWLER: Thank you, Mr. Speaker. We had a

hearing on this very bill, and I thank my colleague from Rockland, among others, for hosting the hearing, and I thank the sponsor of the bill. I think generally speaking it's a positive, it's a good thing, I know she has worked hard on this bill; however, because the bill does not exclude elections and Election Law from being part of this, I cannot support it. I think the possibility of notaries, getting signatures for petitions, et cetera, online is not something that I can support and I don't think we should be heading towards a online petition process. And I think the fact that this bill does not exclude it leaves open the possibility that we may, in fact, start heading down that road and for that reason, I will be voting in the negative.

ACTING SPEAKER AUBRY: Mr. Lawler in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00540, Rules Report No. 655, L. Rosenthal. An act to amend the Mental Hygiene Law, in relation to annual reporting on substance use disorder in incarcerated individuals.

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 immediately.

ACTING SPEAKER AUBRY: The Clerk will

record the vote on Senate print 2209. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leaders at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02085-A, Rules Report No. 656, Dinowitz, Galef, Cusick, Cymbrowitz, Zebrowski, Englebright, Rozic, McDonald, Fahy, Griffin, Simon. An act to amend the Insurance Law, in relation to providing insurance coverage for colorectal cancer early detection.

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 2085-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 number previously provided.

(The Clerk recorded the vote.)

Are there --

(Pause)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03109-A, Rules Report No. 657, Dinowitz, Gottfried. Concurrent Resolution of the Senate and Assembly proposing an amendment to Section 15 of Article VI of the Constitution relating to the New York City Civil 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 514-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 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. A04154-B, Rules Report No. 658, Pretlow, Lupardo, Zinerman, Kelles, Stirpe, Englebright, Cruz. An act to amend the Agriculture and Markets Law, in relation to the prohibition of the slaughter of race horses and race horse breeding stock; to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to requiring race horses to be microchipped;

and to amend the Tax Law, in relation to gifts for thoroughbred and standardbred race horse aftercare.

ACTING SPEAKER AUBRY: On a motion by Mr. Pretlow, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 1442-B. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to is 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. A05418-B, Rules Report No. 659, 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. 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: On a motion by Mr. Englebright, the Senate bill is before the House. The Senate bill is advanced and the bill is laid aside.

THE CLERK: Assembly No. A05683-B, Rules Report No. 660, 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: On a motion by Mr. Zebrowski, the Senate bill is before the House. The Senate bill is advanced and the bill is laid aside.

THE CLERK: Assembly No. A06059-A, Rules Report No. 661, Salka, B. Miller. An act to amend the Tax Law, in relation to authorizing the County of Otsego to impose an additional mortgage recording tax; and providing for the repeal of such provisions upon expiration thereof.

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 6059-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 Ms. Lunsford, Mrs. Barrett, Ms. McMahon, Mr. Stirpe, Ms. Buttenschon, Mr. Dilan, Mr. Barnwell, Mr. Ramos, and Mr. Santabarbara in the negative on this one.

ACTING SPEAKER AUBRY: Thanks very much, so noted.

Mr. Goodell.

(Pause)

MR. GOODELL: Thank you, Mr. Speaker. Please report -- record my colleagues Mr. Fitzpatrick, Mr. Gandolfo, Mr. Montesano and Mr. Ra 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.

Mrs. Peoples-Stokes

MRS. PEOPLES-STOKES: Mr. Speaker, if you could record our colleagues Ms. Lunsford, Mrs. Barrett, Ms. McMahon, Mr. Stirpe, Ms. Buttenschon, Mr. Dilan, Mr. Barnwell, Mr. Ramos and Mr. Santabarbara in the negative on this one.

ACTING SPEAKER AUBRY: Thanks very much. So noted.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Please report -- record my colleagues Mr. Fitzpatrick, Mr. Gandolfo, Mr. Montesano and Mr. Ra 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. A06183, Rules Report No. 662, DiPietro. An act to amend Chapter 185 of the Laws of 2005 amending the Tax Law relating to authorizing the County of Wyoming to impose a county recording tax on obligations secured by a mortgage on real property, in relation to the expiration thereof.

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 section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 4484. 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 colleagues in the negative for 6183: Ms. Lunsford, Mrs. Barrett, Ms. McMahon, Mr. Stripe, Mr. Ramos, Mr. Barnwell, Ms. Wallace and Mr. Santabarbara.

ACTING SPEAKER J.D. RIVERA: Thank you.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following members in the negative: Mr. DiPietro, Mr. Fitzpatrick, Mr. Friend --

(Pause)

I apologize, sir. Mr. DiPietro actually supports his own bill.

I was -- I was just getting a little bit nervous. I mean, the late night may have contributed to that confusion. But let me give you a more accurate list that applies to this particular bill. Please record the following colleagues: Mr. Smith, Mr. Montesano and Mr. Mikulin in the negative. And please record Mr. DiPietro in the affirmative.

ACTING SPEAKER J.D. RIVERA: Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06232-C, Rules Report No. 663 was previously amended on Third Reading.

THE CLERK: Assembly No. A06345, Rules Report No. 664, DiPietro. An act to amend the Highway Law, in relation to designating a portion of the State highway system as the "Staff Sergeant Peter J. Blidy Memorial Bridge."

ACTING SPEAKER J.D. RIVERA: 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 Assembly bill A.6345. 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. 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 J.D. RIVERA: The bill is laid aside.

THE CLERK: Assembly No. A06511, Rules Report No. 667, Abbate, Griffin. An act to amend the Retirement and Social Security Law, in relation to establishing a death benefit for deputy sheriffs employed by Nassau County.

ACTING SPEAKER J.D. RIVERA: 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 J.D. RIVERA: The Clerk will record the vote on Assembly bill A.6511. 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. A06538-A, Rules Report No. 668, Magnarelli, Barron, Barrett, Englebright, Zinerman, Thiele, Simon, Lavine, Lupardo, Kelles, Wallace, Sillitti. An act to amend the Highway Law and the Transportation Corporations Law, in relation to agreements for fiber optic utility use and occupancy of State right-of-way.

ACTING SPEAKER J.D. RIVERA: Read the last

section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly bill A.6538. 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. A06601-A, Rules Report No. 669, J.D. Rivera, McDonald, Sayegh, Burdick, Santabarbara, Clark, Galef, Ashby, Montesano, DeStefano, Norris, Tague, Gallahan, Manktelow, Davila, Lunsford, Sillitti, Jacobson, Salka, Lemondes, Simon, Wallace, Kelles. An act in relation to establishing the New York State Aid and Incentives for Municipalities Redesign Task Force; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER J.D. RIVERA: On a motion by J.D. Rivera, 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 J.D. RIVERA: The Clerk will

record the vote on Assembly bill A.6601 [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.)

Mr. Goodell.

MR. GOODELL: Congratulations on your second bill tonight. Oh, I'm sorry. It's your first bill today, since we're now past midnight. Congratulations on back-to-back. One yesterday and one today. I am disappointed, though, however, that this task force, the Redesign Municipal Aid [sic] does not include a single representative from either the Republican Assembly or the -- or the Republican Senate Minority. And I hope in the future that we look to represent all New York on the task force by including representatives from both the Minority and the Majority parties on these appointments.

Thank you, sir.

ACTING SPEAKER J.D. RIVERA: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed. Thank you.

THE CLERK: Assembly No. A06707-A, Rules Report No. 670, DiPietro. An act to amend the Highway Law, in relation to designating a portion of the State highway system as the "Tec. 5 Edward Enser Memorial Highway.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER J.D. RIVERA: The Clerk will record the vote on Assembly bill A.6707 [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.)

ACTING SPEAKER AUBRY: Mr. Goodell.

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

ACTING SPEAKER AUBRY: That might be the last vote he gets that way.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06742, Rules Report No. 671, Montesano. An act authorizing the Village of Upper Brookville to retroactively apply for real property tax exemption for certain property.

ACTING SPEAKER AUBRY: On a motion by Mr. Montesano, 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 4700. The Clerk will -- 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. A06936, Rules Report No. 672, Abbate, Griffin. An act to amend the Retirement and Social Security Law, in relation to providing death benefits for correction officers employed by 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 4440. 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. A07030, Rules Report No. 673, Thiele. An act to amend Chapter 1001 of the Laws of 1966, confirming the authority and proprietary rights of the Trustees of the Freeholders and Commonalty of the Town of East Hampton, in relation to increasing the term of office from two years to four years and providing for the staggering of such terms of office.

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 6331. 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. A07060-A, Rules Report No. 674, Jean-Pierre. An act to amend the Education Law, in

relation to increasing the percentage of total funds appropriated to a library system that may be used to support projects receiving State aid in excess of 75 percent.

ACTING SPEAKER AUBRY: On a motion by Mr. 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 immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 5753-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. A07241, Rules Report No. 675, Gottfried, Bronson, Cruz, Fernandez, Hevesi, McDonald, Seawright, Sillitti, Simon, Woerner, Glick, Forrest, Jackson, Barron, Otis. An act to amend the Public Health Law, in relation to communicable disease contact tracing.

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 7241. 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. A07326, Rules Report No. 676, Gottfried, Brabenec, Cymbrowitz, Dickens, Englebright, Gallagher, Hevesi, McDonald, Montesano, Otis, Paulin, Simon, Taylor, Thiele, Zinerman, Lavine, Davila, Forrest, Barron, Fernandez, De La Rosa, González-Rojas, Goodell, Seawright. An act to amend the Public Health Law, in relation to protecting the confidentiality of vaccine information.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print A.7326. This is a fast roll call. Any member wishing 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. A07380-A, Rules Report No. 677, B. Miller. An act to amend Chapter 4 of the Laws of 1977, relating to incorporating the "Wallkill Hook Ladder and Hose Company Firemen's Benevolent Association", and providing for its powers and duties, in relation to the purposes thereof and use of taxes therefor.

ACTING SPEAKER AUBRY: On a motion by Mr. Miller, 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 6772-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. A07424, Rules Report No. 678, J.A. Giglio. An act to authorize Long Island Science Center to file an application for a real property tax exemption.

ACTING SPEAKER AUBRY: On a motion by Ms.

Giglio, 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 6207. 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. A07618-A, Rules Report No. 679, Salka. An act relating to legalizing, validating, ratifying and confirming a transportation contract of the Oneonta City School District.

ACTING SPEAKER AUBRY: On a motion by Mr. Salka, 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 396-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. A07633, Rules Report No. 680, Angelino. An act to authorize the Town of Binghamton, County of Broome, to alienate and discontinue the use of certain parklands for the purpose of accommodating equipment and serving as a training facility for the Town of Binghamton Volunteer Fire Department.

ACTING SPEAKER AUBRY: On a motion by Mr. Angelino, 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 6593. 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, can you --

ACTING SPEAKER AUBRY: Hold on, Mrs.

Peoples-Stokes.

MRS. PEOPLES-STOKES: -- record our colleagues

Ms. --

Are there any other votes?

Oh, I'm sorry, Mrs. Peoples-Stokes. It must be late.

MRS. PEOPLES-STOKES: Mr. Speaker, we do have a few of our colleagues that would like to be in the negative on this one: Ms. Weinstein, Mrs. Barrett, Mr. Colton, Mr. Englebright, Mr. Cahill, Ms. Walker and Ms. Linda Rosenthal.

ACTING SPEAKER AUBRY: Thank you so very much. So noted.

And now, are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07634, Rules Report No. 681, Cruz. An act to amend the Elder Law, in relation to establishing an Elder Abuse Enhanced Multidisciplinary Team program under the auspices of the New York State Office for the Aging.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 6528. 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. A07643-A, Rules Report No. No. 682, J.A. Giglio. An act to amend the Highway Law, in relation to designating a portion of the State highway system as the "Trooper Thomas J. Consorte Memorial Bridge."

ACTING SPEAKER AUBRY: On a motion by Ms. Giglio, 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 7139. 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. Giglio to explain her vote.

MS. GIGLIO: Thank you, Mr. Speaker. I'm truly honored to be sponsor this bill in memory of Trooper Thomas J. Consorte. Officers of the law must be held in a place of high esteem and honor if we are to maintain a safe and peaceful society. They devote their lives to protect and to serve, and in the line of duty they risk their lives for us every day. New York State Trooper Thomas J. Consorte embodied the spirit of selfless dedication. Trooper Consorte was graduated from the State Police Academy in 1985 and proudly accepted Shield Number 3592. He was first assigned to Troop K and then transferred to Troop L to be closer to his wife and young child. Born March 7, 1963 in Oceanside, New York, he is an alumnus of Comsewogue High School in Port Jeff Station. Trooper Consorte's career was highlighted in 1986 when his police actions led to the arrest of an individual who had shot a Suffolk County Police Officer. On the night of November 23, 1987 while he was policing a motor vehicle accident in the Town of Riverhead, Trooper Consorte was struck by another vehicle and killed. He was 24 years old. Reflections for a man who devoted his life to keeping us safe poured in. *Trooper Thomas J. Consorte will never, ever be forgotten*, said First Sergeant Thomas Webb of Troop D. *Thank you for your service to the State of New York and your dedication and devotion to serving your community. May your soul rest in heaven and may God bless your family, especially your son Eric.*

It's been a long time ago that I had the pleasure of meeting you, you a Trooper and I a Riverhead officer, wrote Detective

Richard Von Voigt. *It was a terrible tragedy the day you were taken from us. I'll never forget the loss to our police community. I also remember the role you played in the apprehension of the shooter of a Suffolk County Police Officer.*

And brave message from his son Eric. *Hi, Dad. It's 20 years today and the time definitely went too quick. Missing you more and more every day, but I've just got to be strong and everything will be okay, right? Well, I'm just keeping you updated and letting you know that I think about you every day. Rest easy, Dad. One good man that I have ever had the chance to meet. Love you.*

Trooper Consorte will live in our hearts, and to further honor him, I humbly sponsor bill 7643 to designate the bridge at State Route 25 and the Long Island Expressway in his memory and to erect and maintain the proper signage indicating it so. I urge my colleagues here in the Assembly as well as in the Senate to also support this measure.

Thank you, Mr. Speaker, for letting me continue.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07681-A, Rules Report No. 683, 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 AUBRY: On a motion by Ms. Fernandez, the Senate bill is before the House. The Senate bill is advanced. The bill is laid aside.

THE CLERK: Assembly No. A07686, Rules Report No. 684, Frontus. An act to amend the Mental Hygiene Law, in relation to providing crisis intervention team training, mental health first aid, implicit bias training and naloxone training to firefighters and emergency medical services personnel.

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 7686. 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. A07690, Rules Report No. 685, Abinanti. An act to amend the Mental Hygiene Law, in relation to including certain data in the Statewide Comprehensive Plan for Persons with Mental Disabilities.

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

advanced.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 6277. 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. A07694-A, Rules Report No. 686, Lunsford, McDonald, Jacobson. An act to amend the General Municipal Law, in relation to extending the Countywide Shared Services Initiative and enhancing flexibility within.

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 vote on Senate print 6445-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. A07755-A, Rules Report No. 687, Pheffer Amato, Griffin, Ra, Zebrowski, Lavine, Buttenschon. An act to amend the Education Law, in relation to authorizing the retention of Federal funds for special education programs for preschool children that are subject to tuition rate reconciliation.

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 7755-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. A07793, Rules Report No. 688, DeStefano. An act in relation to granting Kevin Moriarty

Tier IV status in the New York State Teachers' Retirement system.

ACTING SPEAKER AUBRY: On a motion by Mr. DeStefano, 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 6822. 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. A07795, Rules Report No. 689, Wallace. An act to amend the Family Court Act, in relation to the filing of objections in child support cases in the family court.

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

THE CLERK: Assembly No. A07797, Rules Report No. 690, Rajkumar. An act to amend the Court of Claims Act, in relation to allowing for dismissal of a claim based on claimant's failure to comply with pleading 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 7797. 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. A07896, Rules Report No. 691, Brown. An act in relation to permitting Brentwood Fire District to file an application for a retroactive real property tax exemption.

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 7896. 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. A07918, Rules Report No. 692, Cymbrowitz. 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 the expiration thereof.

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

THE CLERK: Assembly No. A07920, Rules Report No. 693, Hawley. An act granting retroactive Tier IV membership in the New York State and Local Employees' Retirement System to Brian Zielinski.

ACTING SPEAKER AUBRY: On a motion by Mr. Hawley, 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 6585. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleague Mr. Fitzpatrick 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. A07964, Rules Report No. 694, Simpson. An act to authorize Jaime Laczko to elect to participate in the optional 25-year retirement plan for forest rangers in the service of the Department of Environmental Conservation.

ACTING SPEAKER AUBRY: On a motion by Mr. Simpson, 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 5544. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleague Mr. Fitzpatrick 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. A08009, Rules Report No. 695, L. Rosenthal. An act to amend the Social Services Law, in relation to making vouchers available under the Family Homelessness and Eviction Prevention Supplement program in social services districts with a population of five million or more.

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 8009. 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 Mr. DiPietro, Mr. Fitzpatrick and Mr. Norris in the negative.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: We have, I am told, both, Mrs. Peoples-Stokes. First, the reso -- the housekeeping.

On a motion by Mr. Dinowitz, page 9, Rules Report No. 260, Bill No. A.7536-A, amendments are received and adopted.

On behalf of Mr. Carroll, Assembly bill recalled from the Senate. The Clerk will read the title of the bill.

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

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

The Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

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

ACTING SPEAKER J.D. RIVERA: Resolution 438, the Clerk will read the title.

THE CLERK: Assembly Resolution No. 438, Ms.

Dickens.

Legislative Resolution commemorating the observance of the 1st Annual Juneteenth Day in the State of New York on June 19, 2021.

ACTING SPEAKER J.D. RIVERA: Mrs. Peoples-Stokes on the resolution.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. It's an honor and a pleasure to have the opportunity to bring forth Juneteenth, even though we hopefully will not be in Albany at that time. Those of us who live in and around communities where there will be mass celebrations will be doing so during the Teenth Weekend. Some of us will be visiting Niagara Falls, which for the first time in history last year was lit up in the colors of red, black and green in honor of Juneteenth. Juneteenth is also known as Emancipation Day, Liberation Day, Freedom Day, and it's an annual holiday commemorating the end of slavery in the United States of America. In 1865, two-and-a-half years after the Emancipation Proclamation, General Gordon Granger, a New Yorker by birth, a career U.S. Army officer and a Union General, joined the American Civil War, arrived in Galveston, Texas and issued Order No. 3. The order read -- was read aloud to the people Texas and it essentially stated, *The people of Texas are informed that in accordance with a Proclamation from the Executive of the United States, all slaves are free. This involves an absolute equity of rights, rights to property between masters and former slaves, and the connection therefore*

existing between them becomes that between an employer and a laborer.

Juneteenth celebrates African-Americans' freedom, achievements and also a time for reflection on education, self-improvement, celebrations which include parades, public speaking events, reenactments and prayer services. The number of cities in the State creating Juneteenth committees continues to increase and several cities in the State of New York celebrate Juneteenth including Albany, Binghamton, Bronx, Brooklyn, Rochester, Schenectady, Syracuse and a host of others including the great City of Buffalo, which is lauded as having the second-largest celebration, second only to Texas. The second and the longest. It serves right now in its 46 years of celebrating Juneteenth in the great City of Buffalo. In 1980 the State of Texas was the first state to recognize Juneteenth as an official state holiday. As you know, we have joined them because our own colleague and our Assistant Majority Leader Alicia Hyndman sponsored legislation last year in 2020 to make Juneteenth a public holiday in the State of New York. And so next week as we all celebrate and honor the lives of -- the end of slavery and the lives of people in color in this great State, I would ask you all to join us in celebrating Juneteenth.

Thank you, Mr. Speaker.

ACTING SPEAKER J.D. RIVERA: Thank you.

On the resolution, all those in favor say aye. Any opposed? The resolution is adopted.

We have other fine resolutions --

MRS. PEOPLES-STOKES: I now move that the Assembly stand adjourned until 10:00 a.m. Thursday --

ACTING SPEAKER J.D. RIVERA: There's still --

MRS. PEOPLES-STOKES: We have more resolutions?

ACTING SPEAKER J.D. RIVERA: We have a number of fine resolutions that we'll take up in one vote.

On the resolutions, all those in favor say aye. All those opposed, no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 436, 437 and 439-444 were unanimously adopted.)

Now, Mrs. Peoples-Stokes.

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

ACTING SPEAKER J.D. RIVERA: The Assembly stands adjourned.

(Whereupon, at 1:06 a.m., the House stood adjourned until Thursday, June 10th at 10:00 a.m., that being a Session day.)