

MONDAY, JANUARY 22, 2024

3:14 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

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

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the Journal of Friday, January 19th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to dispense with the further reading of the Journal of January the 19th

and that the same should stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

MRS. PEOPLES-STOKES: Thank you, sir. I want to say hello to colleagues that are in the Chambers, as well as their family and friends and guests that are here. Good to see you all back in the Chambers again. I do want share a quote on today. This one comes from Tupac Shakur, also known by his stage name of just Tupac. And he's an American rapper and he's widely considered one of the most influential and successful musicians of all times. His words for us today, *Long live the rose that grew from concrete when no one else cared [sic]. Long live the rose that grew from concrete when no one else cared [sic]*. Again, the words of Tupac Shakur.

Mr. Speaker, colleagues have on their desk a main Calendar which has 45 new bills on it. And after there have been any introductions and/or housekeeping, we will consent the new bills, beginning on page 4 with Calendar No. 223. We'll also be calling the following Committees off the floor today: Local Governments, Ways and Means and Rules. These Committees are gonna produce an A-Calendar, of which we're going to take up today. We also will look to -- begin to take up the Assembly's package on how to improve women's health care and maternal health outcomes this week. Majority members should also be aware that there's going to be a need for a conference immediately following the conclusion of our work on the floor today and, as always, we'll check with our colleagues on that

side of the aisle to see what their needs may be.

That's the general outline, Mr. Speaker. If you have any introductions or housekeeping, now would be a great time, sir. Thank you.

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

At the request of the sponsor, the following bill is recommitted back to the Committee on Agriculture: Mr. Zebrowski, Calendar No. 36, Bill No. A.1148-A.

For the purposes of a introduction, Mr. Lavine.

MR. LAVINE: Thank you, Mr. Speaker. So it gives me great pleasure to introduce my life's partner, we are married for 53 years and know each other since we were 19 years of age, Ronnie Lavine. And I am a lucky -- I am a luck -- lucky man. Ronnie was a master teacher. She taught first in the South Bronx and then in the City of Glen Cove, and one of her greatest joys is when she runs into her former students, many of whom have become teachers, as well. She's a champion of public education and a champion of human rights. She has been a major fundraiser for the Human Rights Campaign, and served 11 years as a Planned Parenthood of Nassau County counselor. And I'll share this with you, I worried about her safety and everybody else's safety there every day of those 11 years. She's a member of the Board of Directors of the Planned Parenthood of Greater New York Action Fund, and she is here with us this week because their lobby day is this Wednesday. And as extraordinary a

human being as she is, she's an even more extraordinary partner, mother and grandmother. And so I'm pleased to introduce her, and will you please afford to her all the cordialities of the House?

ACTING SPEAKER AUBRY: Certainly. Ronnie, on behalf of your husband, the Speaker and all the members, we welcome you here to the New York State Assembly. You are family, you will always have the privileges of the floor. And besides all of the championships that you've done, you're obviously a champion of tolerance because you've stayed with him all this time.

(Laughter)

Bless you, and may you know you always have friends here. Thank you so very much.

(Applause)

Ms. Fahy for the purposes of a introduction.

MS. FAHY: Thank you, Mr. Speaker. Today, I'm -- I'm here to introduce and would appreciate if you would provide the cordialities of the House to the current Executive Director of the Irish American Heritage Museum here in Albany, Dr. Elizabeth Stack. She has served here for six years, but she is unfortunately departing to take over the New York City Irish-American Historical Society. So our loss here in the Capital Region is the -- to the benefit of New York City and really to the entire State. It's a very prestigious position and, in fact, she was appointed initially to run it on an interim basis by the Attorney General, Letitia James, but now will become the permanent Executive Director there. She is a native of Listowel, County Kerry,

where my mother is from, so I'm very biased. She's also the former professor at Irish American History at Fordham University and has an expertise in Irish American history. She was instrumental in moving the museum here in Albany to Quackenbush Square just before COVID, yet she has almost single-handedly helped to keep it going. She also has really developed a strong partnership with the U.S. Department of Foreign Affairs and the Irish Consulate here in New York City. But most importantly, she's developed a monthly program to link the immigrant experience, the broad immigrant experience to that of other cultural, ethnic and racial groups, which I think we need to hear more about these days as our country faces so much divisiveness, and as Higher Ed Chair I think learning our history is more important than ever.

And again, somebody who has done the work of 12, I -- if you would give -- extend Dr. Elizabeth Stack the cordialities of the House on -- by the way, on my behalf as well as multiple members of the Irish-American New York Legislators, and that's Assemblyman McDonald, Assemblyman Burke, Assemblyman Carroll, Jones, Lemondes, McMahon, Simpson, Smullen, and Reilly.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Fahy, the Speaker and all the members, we welcome you here, Doctor, to the New York State Assembly, extend to you the privileges of the floor, commend you on the great work that you've done here in Albany and anticipate that work to be done again in New York City.

Albany will never lose you; I'm sure you will be able to bridge the gap just as we do on a weekly basis. Please know that you are always welcome here, always have friends here. And on behalf of all the Irish legislators and those who wish they were Irish, we welcome you. Thank you so very much.

(Applause)

Mr. Goodell for the purposes of a introduction.

MR. GOODELL: Thank you, Mr. Speaker. On my behalf and on behalf of Assemblyman Joe Giglio, I would like to introduce three distinguished guests from our area, which is the Western-most part of the State. Visiting us today is Emily Reynolds, who is the Executive Director of the Chautauqua County Cornell Cooperative Extension; Kelly McDonald, who is the Executive Director of the Cornell Cooperative Extension in Cattaraugus County; and Laura Hunsberger, who is the Executive Director in Allegheny County. And as many of you know, Cornell Cooperative Extension does a phenomenal job of taking the knowledge and the expertise and the research from Cornell University, including their Life Sciences and their College of Agriculture, and making it available to every single county in the State of New York, including the five boroughs. And, of course, they're active in farm-to-school programs, pesticide management, the latest technology and techniques for increasing farm harvests and improving farm workforce. They do a phenomenal job. And these three guests -- I made the mistake of telling them that we start at 2 o'clock --

(Laughter)

These three guests have traveled hours to visit us and have patiently waited to be introduced. Please welcome these three distinguished guests from Chautauqua, Cattaraugus and Allegheny County. Thank you, sir.

(Applause)

ACTING SPEAKER AUBRY: On behalf of Mr. Goodell, the Speaker and all the members, we welcome you here, ladies, to the New York State Assembly, extend to you the privileges of the floor. We beg your forgiveness for our late start, sometimes we just don't get the crops in when we're supposed to. So we hope that you appreciate this day, have learned from us and we will learn from you. Thank you so very much for being here.

(Applause)

Mr. Palmesano.

MR. PALMESANO: Yes, Mr. Speaker. Thank you for allowing me to interrupt -- introduce -- interrupt the proceedings for an introduction. I, too, have some -- also have some other guests from Cornell Cooperative Extension here who have joined us today standing in the back here. I'd like to welcome them on behalf of Assembly -- a number of my colleagues, Assemblywoman Lupardo, Assemblymember Gallahan, Assemblymember Friend, Assemblymember Angelino, Assembly -- Assemblywoman Kelles and myself, again, for the great work that Cornell Cooperative Extension does around our State and these counties to help connect and enrich

local communities and growing the farm and food economy. So joining us in the Chamber today is Tess McKinley, the Executive Director from Cornell Cooperative Extension Steuben County; Michelle Podolec from Chemung County; Melissa Schroeder from Schuyler County; Kevin Johnson [sic] from Tioga County; and Cynthia Cave-Gaetani, representing Tompkins and Broome County.

If you could please give your normal warm and cordial welcoming to these fine guests on behalf of my colleagues, we would appreciate it. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Palmesano, the Speaker and all the members, we welcome you here, ladies and gentlemen, to the New York State Assembly, extend to you the privileges of the floor. Our thanks for the work that you do ensuring the proper care of our agricultural business here in the State. Please continue that good work. Know that we will always be welcoming you here. Thank you.

(Applause)

We will go to page 4 -- oh, I'm sorry. We have a resolution, 767, the Clerk will read.

THE CLERK: Assembly Resolution No. 767, Mr. Smullen.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim January 21-27, 2024 as Medicolegal Death Investigation Professionals Week in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all

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

THE CLERK: Assembly Resolution No. 768, Mr. DeStefano.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim January 2024 as Thyroid Disease Awareness Month in the State of New York.

ACTING SPEAKER AUBRY: Mr. DeStefano on the resolution.

MR. DESTEFANO: Thank you, Mr. Speaker. Welcome to a new year of resolutions that I plan on bringing to the floor. This one is very important because my mother was affected by this. She did have thyroid cancer and it was her -- the cancer in her thyroid was removed, so it's very near and dear to me. But we're going to talk about it just briefly. The American Thyroid Association is the world's leading professional association of medical specialists dedicated to education and research to improve thyroid disease prevention, diagnosis and treatment. Improving thyroid patient care and educating the public about thyroid health and diseases' prevalence can impact thyroid disease. More than 12 percent of the U.S. population will develop a thyroid condition during their lifetime. An estimated 20 million Americans have some sort of thyroid disease. Up to 60 percent of those with thyroid disease are unaware of their condition. Women are five to eight times more likely than men to have thyroid problems. One woman in eight will develop a thyroid

disorder -- disorder during their lifetime. Most thyroid cancers respond to treatment, although a small percentage can be very aggressive.

The cause of thyroid problems are largely unknown. Undiagnosed thyroid disease may put patients at risk for certain serious conditions, such as cardiovascular disease, osteoporosis and infertility -- infertility. Pregnant women with the undiagnosed or inadequately treated hypothyroidism have an increased risk of miscarriage, preterm delivery, and severe mental problems in their children. Most thyroid diseases are lifelong conditions that can be managed with medical attention. Facts about the thyroid gland and thyroid disease: the thyroid is a hormone-producing gland that regulates the body's metabolism, the rate of which the body produces energy from nutrients and oxygen, and affects critical body functions such as the level of your heart rate. The thyroid gland is located in the middle of the neck, or the lower neck. Although the thyroid gland is relatively small, it produces a hormone that influences every cell, tissue, and organ in the body. Hypothyroidism is a condition where the thyroid does -- does not produce enough thyroid hormone. Symptoms include extreme fatigue, depression, forgetfulness, and some weight gain. Hyperthyroidism is another form of thyroid disease, is a condition using the gland to produce too much thyroid hormone. Symptoms include irritability, nervousness, muscle weakness, unexplained weight loss, sleep disturbances, vision problems, and eye irritation.

Mr. Speaker, I -- I speak on resolutions because they're near and dear to me and they affect my everyday life and I hope that people in this room understand why I talk about them. I really thank you for allowing me to speak on this, and I urge my colleagues to support me in this resolution. Thank you.

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

THE CLERK: Assembly Resolution No. 769, Mr. Magnarelli.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim January 21-27, 2024 as National Passenger Safety 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.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please call the Local Governments Committee to the Speaker's Conference Room?

ACTING SPEAKER AUBRY: Local Governments, Speaker's Conference Room immediately, please.

We'll go to page 4, Calendar No. 223, the Clerk will read.

THE CLERK: Assembly No. A02615-A, Calendar

No. 223, Paulin. An act to amend the Executive Law and the General Business Law, in relation to requiring policies for the use of automatic license plate reader systems.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02656, Calendar No. 224, Walker, Clark. An act to amend the Insurance Law, in relation to permitting pregnant women to enroll in health insurance during a special enrollment period without penalty.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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. A03865-A, Calendar No. 225, Gunther, Rozic, Jean-Pierre. An act to amend the Insurance Law, in relation to coverage for prenatal vitamins.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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. A05019, Calendar No. 226, Hyndman, Gibbs, Gunther, Hunter, Santabarbara, Woerner, Colton, Zinerman, Williams, Simon, Tapia, Bendett, Gallahan, Jackson, Sayegh, Jean-Pierre. An act to amend the Banking Law, in relation to prohibiting financial institutions from charging a fee for periodic paper statements.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, will you please call the Ways and Means Committee to the Speaker's Conference Room?

ACTING SPEAKER AUBRY: Certainly. Ways and Means, Speaker's Conference Room immediately, please.

The Clerk will read.

THE CLERK: Assembly No. A05576, Calendar No.

227, Sillitti, Shimsky, Levenberg, Dinowitz. An act to amend the Public Health Law, in relation to requiring certain information about the facility to be included in the informational material provided to prospective maternity patients at all hospitals and birth centers.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05990-A, Calendar No. 228, L. Rosenthal, Glick, Fahy, Simon, Gallagher, Reyes, Levenberg, Cruz, Jackson, Taylor, Simone, Bores, Dickens, Lunsford, Colton, Steck, Shimsky, Raga, Dinowitz, Stern, Jacobson, Rajkumar, Thiele, Barrett, Kim, Hevesi, Anderson, Gunther, Jean-Pierre, Epstein, McMahon, Santabarbara, Clark, Mamdani, Seawright, Forrest, Carroll, Bichotte Hermelyn, Shrestha, Cunningham, Ra, Eachus, Burgos, Sayegh, Otis, De Los Santos, Woerner, Sillitti, Slater, Hunter, Novakhov, Weprin, Vanel, Wallace, Zinerman, Zaccaro, Benedetto, Pretlow, Rivera, Stirpe, Jones, Lupardo, Meeks, Conrad, McDonald, Lee, Ardila, Bronson, Buttenschon, Pheffer Amato,

Davila, Aubry, Dilan, Manktelow, Gallahan, Gandolfo, Ramos, K. Brown, Burke, Durso. An act to amend the General Business Law, in relation to the restriction of certain substances in menstrual products.

ACTING SPEAKER ZACCARO: The bill is laid aside.

THE CLERK: Assembly No. A06168-A, Calendar No. 229, Solages. An act to amend the Public Health Law, in relation to permitting expecting and new mothers' access to their doulas.

ACTING SPEAKER ZACCARO: The bill is laid aside.

THE CLERK: Assembly No. A07606, Calendar No. 230, Solages. An act to amend the Public Health Law, in relation to permitting doulas to be present in the operating room while a cesarean section is being performed.

ACTING SPEAKER ZACCARO: The bill is laid aside.

THE CLERK: Assembly No. A07860, Calendar No. 231, Sillitti. An act to amend the Public Health Law, in relation to access to physical copies of patient information by qualified persons.

ACTING SPEAKER ZACCARO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(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. A08232, Calendar No. 232, Paulin. An act to amend the Public Health Law, in relation to expanding eligibility for appointment to county boards of health and health services advisory boards.

ACTING SPEAKER ZACCARO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(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. A08475, Calendar No. 233, Paulin. An act to amend the Public Health Law, in relation to HIV-related testing requirements.

ACTING SPEAKER ZACCARO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(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. A08482, Calendar No. 234, Seawright. An act to amend the Public Health Law, in relation to treatments on persons born with intersex traits.

ACTING SPEAKER ZACCARO: On a motion by Ms. Seawright, 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 ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes for the purpose of an announcement.

MRS. PEOPLES-STOKES: Mr. Speaker, the Ways and Means Committee has completed their work, so would you please call the Rules Committee immediately to the Speaker's Conference Room?

ACTING SPEAKER ZACCARO: Members of the Rules Committee, Speaker's Conference Room.

The Clerk will read.

THE CLERK: Assembly No. A08490, Calendar No. 235, Magnarelli. An act to amend the Vehicle and Traffic Law, in relation to the display of green lights on the vehicles of members of mobile crisis teams.

ACTING SPEAKER ZACCARO: The bill is laid aside.

THE CLERK: Assembly No. A08494, Calendar No. 236, Dinowitz, Burdick. An act to amend the Multiple Residence Law and the Multiple Dwelling Law, in relation to requiring owners and agents of multiple residences and multiple dwellings to provide names and contract information of residents to emergency personnel.

ACTING SPEAKER ZACCARO: Read the last section.

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

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(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. A08495, Calendar No. 237, Hunter, Burdick. An act to amend the Private Housing Finance Law, in relation to requiring the Division of Housing and Community Renewal to provide an annual report on the New York Access to

Homes Program.

ACTING SPEAKER ZACCARO: Read the last section.

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

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, members have on their desk an A-Calendar. I'd like you to please move that A-Calendar.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you so much, sir. If we could now turn our attentions on the A-Calendar to page 5, we're going to go directly to Rules Report No. 12, followed by Rules Report No. 13, both by Mr. Thiele.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A08572, Rules Report

No. 12, Thiele, Paulin. An act to amend the Village Law, in relation to the incorporation of villages; to amend a chapter of the Laws of 2023 amending the Village Law relating to the incorporation of villages, as proposed in legislative bills numbers S.7538 and A.7754, in relation to the effectiveness thereof; and to repeal certain provisions of such law relating thereto.

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

Explanation is requested, Mr. Thiele, but we will wait because we have gatherings in all sorts of places around you. Gentlemen, ladies, please. Thank you. Deep in the corner, hello. Sir. Thank you.

Proceed, Mr. Thiele.

MR. THIELE: Thank you, Mr. Speaker. Last year at the end of Session we passed a two-bill package with regard to reforming the Village and Corporation Law. Those bills were signed by the Governor, but the Governor requested Chapter Amendments with regard to both of them. This bill is the shorter and simpler of those bills. Under the old Village and Corporation Law, the minimum population was 500. The new law would have increased it to 2,000. As part of the Chapter Amendments, that was reduced back a little bit to 1,500. In addition, in this particular Chapter Amendment, there is further clarification on how this legislation would affect ongoing village incorporations.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

ACTING SPEAKER AUBRY: Mr. --

MR. THIELE: Yes.

ACTING SPEAKER AUBRY: Mr. Thiele will yield to you, sir.

MR. GOODELL: Thank you, Mr. Thiele. I want to touch base -- thank you for your explanation, I thought it was very nice and very clear. With regard to the two exceptions, those are very, very specific. They only apply to counties that have over 990,000 residents, which is one county in the City of New York, right, and there's another limitation. So it's really drafted to deal with just two villages; is that correct?

MR. THIELE: Yeah -- yes.

MR. GOODELL: Are there any other villages in the State of New York that are in the process or were in the process of seeking incorporation?

MR. THIELE: I am aware of one other. There could be others, but I'm only aware of one other.

MR. GOODELL: And why did we amend the law with this Chapter Amendment to include those particular two in Westchester County and not the third?

MR. THIELE: Sure. And, you know, the whole concept of having a grandfather provision, that's in essence what this

is, is typically that things have gotten so far along in the process that it would be unfair to change the rules in the middle of the game. That's basically -- generally -- whether it's land use or whatever the theory. And in the case of the one village that you're speaking of, that had been -- I believe that is in Westchester County -- had been pending subject to litigation since 2017. And in addition, there was a State-funded study to study the financial feasibility of that village, which is consistent with what we were looking to do here with the new legislation.

So that was one. The other was very far down the line. I believe that one is in Sullivan County. And that one, actually the supervisors had approved the petition, notice of election and, in fact, I believe that the -- there's litigation (inaudible) -- the election was actually held but hasn't been certified, it's still before a judge. So those -- with those two very far down the line, I do not believe that was the case with the other one.

MR. GOODELL: Thank you. One last question. If our objective is to exempt incorporations that are going down the line, wouldn't it be simple just to simply provide this law will become effective for all new petitions filed after the effective date?

MR. THIELE: You know, there's a number of ways it could have been done. You know, this was the way it was chosen as part of the Chapter Amendment process. The answer to your question is could have it been done another way? Yeah, it could have been done another way.

MR. GOODELL: Why the threshold of 1,500? Why not 2,000 or why not 1,000 or 500?

MR. THIELE: Well, we originally had 2,000 and I think it was Mr. Ra and I had a conversation back last June and we talked about that and I said, you know, it was subject to some -- some discussion still and some negotiation. I think the idea was that 500 was -- was just too small and could lead to a proliferation of, you know, of -- of government. And we listened to the Minority and we said, *Well, we're gonna pull it back a little bit*, so we went to 1,500.

MR. GOODELL: Thank you very much, Mr. Thiele.

MR. THIELE: Thank you.

ACTING SPEAKER AUBRY: Ms. Shimsky.

MS. SHIMSKY: On the bill, Mr. Speaker.

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

MS. SHIMSKY: Okay. The two bills referenced by Assemblymember Thiele which were passed in June provided desperately needed modernization of our, until then, antiquated laws on village incorporation. We all know that Chapter Amendments are a regular part of the legislative process, but the Chapter Amendments here would not -- would require that the reforms that were so badly needed will not take place -- will not take effect in the Town of Greenburgh until 2040. That's 16 years from now. I don't think that anyone in Greenburgh would have been particularly shocked if there was some level of grandfathering put in a Chapter Amendment at this point. It was not unexpected, and I think most people would find it

not particularly unreasonable. But 16 years? How is the town supposed to plan for the future, a future with great uncertainty given the effects that climate change is already causing on town infrastructure and in many of its neighborhoods? And how is the town supposed to plan for the future, given the instability in Washington and whether it's going to be resolved and how it's going to be resolved if it also has the additional wildcard of a series of village incorporation efforts taking place in one of the most affluent parts of unincorporated Greenburgh for 16 years?

There's no question that incorporation would have an adverse impact on the 40,000 or so Greenburgh residents who would be left behind. And those residents are speaking to me, and they are wondering what will happen to their property taxes, to their schools, because even though the -- the schools are taxed separately, the money comes from the same taxpayers. They also wonder what is going to happen to the people in their town which is much more socioeconomically diverse than the area that wants to split off. What is going to happen to the town if the funding for so many of the state-of-the-art programs they have suddenly dries up because of the financial problems caused by incorporation?

I wonder these things, too, Mr. Speaker, which is why I ask to be recorded in the negative on this bill.

ACTING SPEAKER AUBRY: Ms. Shimsky in the negative.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: A party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. For the reasons I'll mention in a minute, the Republican Conference will be generally opposed to this Chapter Amendment. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. This will be a party vote. The majority of us will be voting in favor of this; however, there may be some who would desire to be an exception. They should feel free to do so at their seat. Thank you, sir.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. First, we do appreciate the changes that met some of the concerns that were addressed by the Republican Conference last year. A lot of our concerns focused on the increase in the threshold to incorporate, which went from 500 to 2,000. And so bringing it back to 1,500 we think is a move in the right direction. But fundamentally, speaking for myself, I think it should be up to the voters and the residents of an

area to decide whether they want to be an incorporated village or not. It should be up to them. They're the individuals who get to vote on whether to become a village or not. They're the individuals who get to vote on whether they want a separate village board and trustees. They're the people who are most directly affected on whether they want an additional level of attention from a more local government.

In my county, I have 24 -- I'm sorry, 23 villages. More than half of them have less than 1,500 residents. And all of them, without exception, appreciate the fact that they have a village government. They operate very efficiently. They are very, very responsive to the concerns of their residents, and they do a great service to the local residents. We should respect and honor the desires of the local residents and not superimpose our view on what is an appropriate minimum size for a village, and for that reason, I won't support this, although I do appreciate that the threshold came down some.

Thank you, sir.

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

(The Clerk announced the results.)

The bill is passed.

Page 5, Rules Report No. 13, the Clerk will read.

THE CLERK: Assembly No. A08573, Rules Report No. 13, Thiele, Paulin. An act to amend the Village Law and the Executive Law, in relation to establishing the Village Incorporation

Commission; and to amend a chapter of the Laws of 2023 amending the Village Law relating to establishing the Village Incorporation Commission as proposed in legislative bills numbers S.7537 and A.7761, in relation to the effectiveness thereof.

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

An explanation is requested, Mr. Thiele.

MR. THIELE: Thank you, Mr. Speaker. And as I said, this is the second bill of -- of a two-bill package. As you may recall from the debate back in June, the -- the reform of the Village Law creates a State commission, a three-member commission that would review the financial feasibility study and make an initial determination as to whether or not the village is -- is financially feasible. This Chapter Amendment, again, has to include the change in -- in the population, but it also -- again, in response I think to -- to some degree to the debate that we had, much more specificity as to what should be included in that financial feasibility study, and it is outlined in great detail what has to be in that report and in that study. And in addition to that, it provides a little bit of clarity with regard to the standards that the Village Incorporation Commission would have to -- would have to utilize in making a decision. And, of course, ultimately any decision is subject to review by Article 78.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you very much. Would the

sponsor yield?

MR. THIELE: Yes.

ACTING SPEAKER AUBRY: Mr. Thiele yields, sir.

MR. GOODELL: Thank you, Mr. Thiele. And I appreciate your comments, as I mentioned on the previous bill. This one, as you noted, goes into considerable discussion on the process utilizing a three-member commission to review the feasibility of an incorporation, and that would apply even if the proposed village was far in excess of the \$1,500 -- 1,500 resident threshold, correct?

MR. THIELE: Yes.

MR. GOODELL: And so you might have, just as an example, a proposed village that might have 4- or 5,000, they would still have to go through this commission, correct?

MR. THIELE: Every petition for village incorporation, except for those that have, you know, under the grandfather clause, going forward, prospectively, would be subject to this process.

MR. GOODELL: And the commission members, one is appointed by the Secretary of State, who himself is not elected; one is appointed by the Attorney General, correct; and the third is appointed by the Comptroller.

MR. THIELE: Correct.

MR. GOODELL: And so no one on that commission is elected. This is not a Statewide election for this commission, they're all appointed bureaucrats, right?

MR. THIELE: They're appointed by those three officials.

MR. GOODELL: Now, the charge of this commission is to review the financial viability of this proposed -- does this legislation provide any criteria to determine what's meant by "financially viable"?

MR. THIELE: The standards are -- that -- that the commission has to apply are outlined in the statute. The petition and the study have to meet all the legal requirements. The proposed village is -- a basis for denial would be the proposed village is incapable of providing the services, the tax revenue collected by the proposed village would not sufficiently defray the cost of government services at that property tax rate that favorably compares to the property tax rate of the town or towns, or the incorporation would increase tax burdens on those located within the town outside the village. So those -- those are the standards.

MR. GOODELL: Well, those are the criteria, but there's no particular standard. It doesn't say it increases taxes by X percent or --

MR. THIELE: No, no.

MR. GOODELL: And of course a village -- proposed village budget is nonexistent until the village is formed, correct?

MR. THIELE: That's correct.

MR. GOODELL: So how is this commission to

determine that it's not financially feasible to pay for a village budget that has not been formed or approved or even voted on because the village itself hasn't been formed? How are they supposed to do that?

MR. THIELE: Well, as I -- going back to our debate from last -- from last summer, you know, really part of the purpose for this -- for this statute or for this change, and certainly I had two examples of this in -- in my district where none of this analysis, none of this review occurred, and those that voted to incorporate ended up having buyer's remorse almost immediately. And in the case of the -- the Village of Mastic Beach in Brookhaven, an incredible deficit that the town had -- after disincorporation had to -- had to help to deal with. So what we're requiring here -- as you said, there's not -- you know, there isn't a budget until there's an elected village board. But this requires the incorporators to at least present within these criteria how they would envision how this village would operate. And it's that vision that gets looked at, and -- and it is whether or not that is a financially feasible, fiscally responsible vision or not to be able to do that.

So again, you know, once there's an elected village board, they get to make the decisions. But this is -- there is the incorporators projecting what their vision would be. Do they -- they plan to have a highway department? Do they plan to have a police department, how big? Those kinds of things so that the voters -- you know, I agree with you that the voters, ultimately, in the area should make the decision, but it should also be an informed decision.

MR. GOODELL: Now, I appreciate the fact that in your area, in your district -- was it those two villages in your district?

MR. THIELE: Yes.

MR. GOODELL: I appreciate that you have two villages in your district that apparently suffered from very serious mismanagement or fiscal instability. In my district, I have literally 12 villages under 1,500. I have a total of 23 villages in my county, and none of them have that problem. So why are we changing State law in response to two problems with two villages where they didn't exercise fiscal responsibility when in my county alone I have two dozen that are operating in a very fiscally-responsible manner? Aren't we putting the cart ahead of the horse? Aren't we passing statutory provisions that apply to everybody --

MR. THIELE: I don't think so at all.

MR. GOODELL: -- based on a bad example?

MR. THIELE: And, by the way, I live in a village. I -- there are dozens of villages in -- on Long Island that operate and are fiscally responsible and provide good services. That's -- that's not the question. And this has -- I should say also, this has no effect on villages that are already in existence. All we're asking for is that for those that are -- are providing or want to incorporate and be a village is to tell the people that are voting what it is that they're planning to do, what kind of government are they envisioning? And having a commission look at that and just say, *Hey, does that make sense or not make sense.*

MR. GOODELL: Now, of course --

MR. THIELE: So it's the idea of just being able to make an informed decision.

MR. GOODELL: Of course this process of beginning an incorporation, you have petitioners and, in theory, you could have hundreds of petitioners, correct?

MR. THIELE: Hundreds of petitioners? Sure.

MR. GOODELL: And this bill says that you must hire a third party, independent third party, to analyze the financial impact, and that third party has to be selected jointly by the petitioners and the affected town supervisor.

MR. THIELE: That's correct.

MR. GOODELL: Is that a majority vote by the petitioners and the supervisor, or is it unanimous vote or is it the supervisor must approve and a unanimous vote of the petitioners?

MR. THIELE: It's a consensus, and if they can't reach consensus --

MR. GOODELL: No, I -- I understand but --

MR. THIELE: Okay.

MR. GOODELL: What vote is needed to have a consensus? In other words, let's say you have 1,000 petitioners and 850 love a third party --

MR. THIELE: Well, on the petition there's typically -- there are the petitioners, but there are the -- I believe there's up to three. I haven't looked at that -- this provision for awhile. But they're

-- they're the ones that are -- that have the legal responsibility. So --

MR. GOODELL: Okay, so if two of the three want Contractor A, and the supervisor says no, does the supervisor have a veto on Contractor A?

MR. THIELE: Then they would submit a list, and I believe it's the Comptroller that would pick from that list submitted jointly by the petitioners and the town.

MR. GOODELL: I apologize, I - in my ineptitude to ask the question. So let's say you have one supervisor and three petitioners.

MR. THIELE: Right.

MR. GOODELL: And the three petitioners want Company A and the supervisor wants Company B. Does the supervisor have a veto over the vote of the other three?

MR. THIELE: In that case there's no consensus, and -- and in that case, they -- the petitioners and the town would submit a list of names to the commission and then the commission would decide.

MR. GOODELL: So when you say "consensus," you mean "unanimous"?

MR. THIELE: Well, I -- I'll leave it to the petitioners to decide how they're going to do that. All I'm saying is that the petitioners and the -- and the town supervisor would have to -- if they don't agree, then they would submit a -- a group of names that the commission would pick.

MR. GOODELL: What if there's multiple supervisors? That's a possibility, right? In fact, we have --

MR. THIELE: Right.

MR. GOODELL: -- an example in front of us today, and Supervisor A wants Company A and Supervisor B wants Company B. Does that mean --

MR. THIELE: You end up back to the commission.

MR. GOODELL: Okay. And then the commission decides --

MR. THIELE: From the list provided by all the parties.

MR. GOODELL: So the parties --

MR. THIELE: Think about it similar like how sometimes arbitration works.

MR. GOODELL: The parties produce the list, or does the commission produce the list?

MR. THIELE: Every -- each side gets to submit names.

MR. GOODELL: I see. Now, this bill requires a third party to be hired, it has a long list of analyses that need to be done. Who pays for the commission? I mean, who pays for this third party, accounting firm or whatever to do the analysis?

MR. THIELE: The petitioners.

MR. GOODELL: The three.

MR. THIELE: The petitioners.

MR. GOODELL: And so if they don't reach agreement, then the commission selects, who does the evaluation and sends the bill to the three petitioners; is that correct?

MR. THIELE: The petitioners pay.

MR. GOODELL: And is there any limit on how much the commission can incur in expenses to be paid by the three individuals?

MR. THIELE: They -- they just select the third party. After that, I believe that that third party would then have to contract with the petitioners.

MR. GOODELL: So if the petitioners don't like that company, can they refuse to sign the contract?

MR. THIELE: Nobody can make you sign a contract.

MR. GOODELL: And then they're not liable; is that correct?

MR. THIELE: If you don't sign a contract, you're not liable.

MR. GOODELL: But even if they don't sign the contract, they're required to place a multi-thousand-dollar deposit with the commission; is that correct?

MR. THIELE: When you file a petition for incorporation, you have to -- there -- there's a fee of \$6,000.

MR. GOODELL: And then -- and so the petitioners have to raise that money or put it out of their pocket before they can

even file?

MR. THIELE: That's correct. That's the current law, by the way.

MR. GOODELL: And is any of that refundable? I mean, if the -- if the study comes in at \$3,000, do they get \$3,000 back?

MR. THIELE: That money is used for the procedures involved; notice requirements, running the election. If there's money left over, my recollection from my town supervisor days is that if there's any money left over it goes back to the petitioners.

MR. GOODELL: Now, let's say the commission comes out with a conclusion that says, *We don't think this village is feasible*. Is there a remedy for the petitioners to challenge that determination?

MR. THIELE: Yes. As always, with any government decision, Article 78.

MR. GOODELL: And the standard for an Article 78 is abuse of discretion, arbitrary, capricious; that's the standard?

MR. THIELE: Well, there has to be a rational basis for the decision. It can't be arbitrary and capricious. You also -- in an Article 78, you know, often there's a challenge on process. You have to have follow the procedures in the statute. So there could be a procedural challenge, also. But on the substance, it would be whether or not, you know, there was a rational basis, any rational basis for the decision.

MR. GOODELL: Now, let's assume that the commission comes through and says, *Okay, we think this is a -- a feasible alternative, let's put it up for a vote.* Residents still have to approve it in a referendum, correct?

MR. THIELE: Correct.

MR. GOODELL: And let's say the referendum passes. Do the petitioners -- can the petitioners then be reimbursed for their out-of-pocket expense for the study that led to the formation of the village? Can the village then reimburse the petitioners?

MR. THIELE: No, but I believe that they could put that -- if the village is incorporated, that could be an expense that could be -- the village -- the new village could impose, you know, as part of the village budget. They can pay for it that way.

MR. GOODELL: And is that specified anywhere in this law?

MR. THIELE: I believe that has always been the case.

MR. GOODELL: I apologize.

MR. THIELE: I believe that's always been the case.

MR. GOODELL: I see. Thank you, Mr. Thiele, again.

MR. THIELE: Thank you.

MR. GOODELL: I appreciate your comments.

Sir, on the bill.

ACTING SPEAKER AUBRY: On the bill, Mr.

Goodell.

MR. GOODELL: As -- as I mentioned, and as my colleague Mr. Thiele mentioned, we have thousands of very successful villages. We've heard of two examples in one district where they screwed up their finances. And, by the way, that can happen with a large city, it can happen with a county where there's a control board. I think Erie County has a control board, I think the City of Yonkers had a control board. As you know, the City of New York, the largest city, came right down to its knees back in the '70s, the financial crisis. It can happen regardless of whether it's a village or a city or a county. Mismanagement is not limited to the size of the local entity; yet, we use that argument to say we are gonna make it very difficult and expensive for any local group who of residents who want to have a village, who want that local control, who want to have a village mayor and village trustees, who want to have that extra level of service. We here in the Legislature with this bill make it difficult and expensive.

Now, let's say that you're one of those civic-minded individuals, as we all hope to be, and a lot of your friends and neighbors say, *We would be better off if we had our own village.* What do you have to do? Well, first, you have to get enough signatures, right, and then you have to ante up out of your pocket own six grand, \$6,000 cash to have a study. No, that doesn't even cover the study, I'm sorry, that's just a fee imposed by the State of New York for the privilege of getting a bill for a study, a study that you may not even agree with. That is to say you don't even agree with the company

that's doing it. So you may have a local accounting firm --

(Buzzer sounds)

I apologize, sir.

For these and other reasons, I'm still concerned about this bill. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Ra.

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

ACTING SPEAKER AUBRY: Mr. Thiele?

MR. THIELE: Yes.

ACTING SPEAKER AUBRY: Mr. Thiele yields.

MR. RA: Thank you, Mr. Thiele. And at the outset, let me say I know you mentioned you made some amendments to the prior bill and this one after some of our comments, so I appreciate that. But I wanted to ask, there was one question I asked last year and I assume that amendment hasn't been made, and that would be whether this requires the incorporation vote to take place in an even-numbered year.

MR. THIELE: It does not.

MR. RA: It does not, okay. Thank you, Mr. Thiele.

MR. THIELE: Thank you.

MR. RA: So my concern still with this on a -- on a couple pieces of it, and I want -- I want to really, because Mr. Goodell did a great job on some other pieces of it, but with regard to this exemption, so this applies in my understanding in a very specific

situation and I'm wondering, do we have any type of home rule or anything from those affected municipalities that this exemption impacts?

MR. THIELE: No, we don't. And, in fact, when it comes to the creation of political subdivisions in the State of New York, whether it's creating a new county or creating a -- a procedure for creating new towns or new villages, that is a matter of State concern. These are not home rule issues. The State decides how political subdivisions are created. We set the rules for how that happens.

MR. RA: So I want to, in particular, just ask about this language because my reading of it concerns me that, all right, it's a petition signature witness on these two dates in question are left out of this. Now, if I'm reading the language correctly, the language there seems to -- it says any village -- any village incorporation petition associated by having at least one common petition signature witness, but it doesn't seem to say that it would have to be that same, you know, municipal boundaries, would it, to be exempted?

MR. THIELE: The exact boundaries?

MR. RA: Or, you know, does it have to be in the same place? I mean, if -- if I -- the way I read this is those particular witnesses --

MR. THIELE: Does it have to be an identical map, is that your question?

MR. RA: Yes.

MR. THIELE: No.

MR. RA: Okay. Does it have to be in any way overlapping with the prior --

MR. THIELE: Well, you have to have a common petitioner. So in some way it would have to overlap.

MR. RA: Okay, but could it -- what are the requirements, I guess, legally to be a petitioner?

MR. THIELE: It -- you have to be -- yeah, basically you have to be a resident. You don't have to be registered to vote. You just have to be a resident.

MR. RA: You have to be a resident of that particular entity.

MR. THIELE: Right.

MR. RA: So, let me walk you through a scenario which is why -- which is what my concern is here because of the way it's written, and I think this language maybe modifies the incorporation petition. Suppose one of these petitioners moves to Long Island and now decides they want to be a petitioner to form a new village. Would this language not potentially allow them to be exempted from this law?

MR. THIELE: There's also a population requirement when this applies which I think happens to be Westchester County. So I -- I think the answer is no, it wouldn't apply.

MR. RA: And that's my question. Is that language in particular where it talks about essentially --

MR. THIELE: That's one of the -- one of the things that --

MR. RA: But essentially it's referencing Westchester County in terms of --

MR. THIELE: Right.

MR. RA: So is that language modifying the petition itself and its eligibility or the -- or describing the petitioner who could be somebody that could --

MR. THIELE: I think it is the identity of having a common petitioner that would allow any corporation to go forward in -- in that county.

MR. RA: So to be clear, a petitioner that stays on one of these applications, if they were to go somewhere else, they would not be able to buy their presence on that petition make it exempt from this law.

MR. THIELE: That's correct.

MR. RA: Okay. Thank you very much, Mr. Thiele.

MR. THIELE: Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: A party vote has been requested.

Mr. Goodell.

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

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Majority Conference is generally in favor of this piece of legislation; however, there may be some that would choose to be an exception, they should feel free to do so at their seats.

ACTING SPEAKER AUBRY: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Shimsky to explain her vote.

MS. SHIMSKY: Thank you, Mr. Speaker. The provisions -- the very detailed provisions requiring a study in this piece of legislation are very sound, and in addition in last year's budget there was money wisely provided to fund such a study for the sections of Greenburgh that we've all been talking about. But, this Chapter Amendment makes that study expected to be completed this year in 2024 to continue as the legally required financial fiscal operational analysis until the year 2040. It would be a miracle if the data underlined such an analysis would still be valid for six years, much less 16. But under this law, if people came back to try to incorporate in 2038 or 2039, it would still be the 2024 study and data that would be operative. That would be misleading to the voters. It would go against the intent of what this bill was designed to do in the first place, and for that reason I'm voting in the negative.

ACTING SPEAKER AUBRY: Ms. Shimsky in the

negative.

ACTING SPEAKER EACHUS: 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 EACHUS: We have no housekeeping, but we have a number of fine resolutions that we will take up with one vote.

On the resolutions, all those in favor signify by saying aye; opposed. The resolution is [sic] adopted.

(Whereupon, Assembly Resolution Nos. 770-778 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please call on Mr. Jacobson for the purposes of an announcement?

ACTING SPEAKER EACHUS: Mr. Jacobson for an announcement.

MR. JACOBSON: Thank you, Mr. Speaker. Well, just think, this is our first after-Session conference for the Majority. And it's going to be held as soon as we get out of here in Hearing Room B, so be there. Thank you.

ACTING SPEAKER EACHUS: Conference after

Session in Hearing Room B.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I now move that the Assembly stand adjourned and that we reconvene at 1:30 p.m., Tuesday, January the 23rd, tomorrow being a Session day.

ACTING SPEAKER EACHUS: The House stands adjourned.

(Whereupon at 5:12 p.m., the Assembly stood adjourned until Tuesday, January 23rd at 1:30 p.m., Tuesday being a Session day.)