

TUESDAY, JANUARY 30, 2024

2:43 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

Rabbi Rubin will offer a prayer.

RABBI ISRAEL RUBIN: Almighty God, we assemble here today as members of the New York State Assembly. We assemble at a time of the year when the Jewish calendar celebrates the New Year for Trees, Tu BiShvat. This is the time of the year when we look to the Talmud for guidance and inspiration about Tu BiShvat and the rest of the year. The Talmud tells us that the Honi haMeagel, Honi the Circle Maker, once met a farmer who was planting a crab tree. He asked the farmer, *Will you still be alive to see the fruit of your labors?* Because the farmer said, *Not really, because he -- a crab tree takes 70 years to be a fruit.* So the -- so the Honi

asked the farmer, *So why do you work so hard when you may -- we may not see what you plant?* The farmer answered, *When I grew up, when I was young, there were crab trees here that my ancestors planted for me. I plant for my children and the future.* And as we celebrate Tu BiShvat in the Year for Trees, this is when the sap begins to stir with -- stir within and trees in the line of Israel begin to blossom. It is proper to reflect our fruits and growth during this time to think of the future. Decisions made in this Chamber plant seeds for the benefit and approval of all people in this great State for now and the for the future. I will recite the blessing, Hebrew blessing for fruit, and then we'll all say amen, amen. This blessing, may all your -- may you all live to see the fruit of your labor. (Speaking Hebrew). Amen.

MEMBERS: Amen.

ACTING SPEAKER AUBRY: Visitors are invited to join the members in the Pledge of Allegiance.

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

A quorum being present, the Clerk will read the Journal of Monday, January 29th.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to dispense with the further reading of the Journal of Monday, January the 29th and that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. Colleagues and guests that are in the Chambers, this looks like a pre-COVID Tuesday Chamber. Welcome to you all, glad you're here. I do want to share a quote for the day. This one is coming from Professor Richard Feynman. Richard was a Research Assistant at Princeton for a number of years, as well as a Professor of Theoretical Physics at Cornell University. His words for us today, "Knowledge isn't free. You have to pay attention." Very simple, but real talk. Knowledge is not free, you have to pay attention.

Mr. Speaker, our colleagues have on their desks a main Calendar, and after you've done any introductions and/or housekeeping we're going to take up Calendar resolutions beginning on Page 3. I will also acknowledge, Mr. Speaker, we're going to do -- we're going to modify introductions just a little bit between myself and Mr. Goodell so that we can be very expedient in getting through our introductions. We have a lot of guests in the Chambers today, and they are welcome. Our principal work today, however, will be taking up debates from our previous Chapter Amendment -- from the following Chapter Amendments: On Calendar No. 241 by Mr. Dinowitz, Calendar No. 250 by Mr. Benedetto, Calendar No. 251 by Mr. Jacobson, Calendar No. 252 by Mr. Epstein, Calendar No. 259 by Mr. Zebrowski and Calendar No. 281 by Ms. Wallace. There may be a need to announce further floor activity, but Mr. Speaker, but right now that's -- this is where we are. I will knowledge that without a doubt the Majority Conference will be meeting immediately after our

work today on the floor to get right back into our budget conferences. And as we always do, Mr. Speaker, we'll check with our colleagues on the other side to determine what their needs may be.

That's the general outline, sir. If there are introductions or housekeeping, now would be a great time. Thank you.

ACTING SPEAKER AUBRY: No housekeeping, but we do have introductions. And to start with Ms. Fahy for the purposes of a introduction.

MS. FAHY: Thank you, Mr. Speaker. And I rise today, again, I think it's about ten years in a row to welcome Rabbi Israel Rubin. And the students had to leave, but some of his family and other colleagues, they are from the Maimonides Hebrew School -- or Day School. They're -- welcome them to the People's House. Rabbi Rubin is one of the Capital Region's most distinguished religious guests. I think it's about 45 years that he has been coming annually to -- to join us and open our Session. The Maimonides Day -- Hebrew Day School has a -- been in the Capital Region. The -- the Albany one has been here since about 1980 and he is the founding Rabbi at that school. And their motto is, A beautiful blend the Torah is and world experience [sic], and that is part of what they live by today, or the school abides by. Today they're here to celebrate Tu BiShvat, the beginning of the New Year for Trees and Fruit Bearing, the fruit-bearing cycle in Israel. That ceremony and this annual celebration is in Israel as well as throughout the United States and

around the world, and it's often in memory of a loved one. It's also a very symbolic gesture which encourages the actions of water conservation, energy efficiency and more, which we very admire and -- very much admire in this changing global climate.

Mr. Speaker, if you would please expend -- extend yet again a very warm welcome to Rabbi Israel Rubin as well as the students and family and extend the cordialities of the House. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Fahy, the Speaker and all the members, we welcome you here, Rabbi, once again to the New York State Assembly, extend to you the privileges of the floor which as someone whose been with us so often you have it automatically. And to those who have accompanied you and also your son, thank you for coming, thank you for sharing this event and this day with us. Please be well.

(Applause)

Ms. Septimo for the purposes of a introduction.

MS. SEPTIMO: Thank you, Mr. Speaker. I am proud to introduce and to congratulate the Cardinal Hayes High School Football Team, who are the 2023 New York State Catholic High School Athletic Association Champions. This team has overcome incredible adversity to win the title. Just a few examples, for the duration of their season their home practice field was unusable, so they often walked a mile to a nearby practice facility. Their coach's office experienced a fire. They had to use their weightlifting

equipment outside, rain or shine. And they finished in last place the year before. This is a story of resilience, of tenacity, of commitment and overall strength. This team, the young men on this team and their coaches represent the very best of the Bronx. They embody our strong Bronx spirit, our shared sense of family and love, and working hard to succeed against all odds. I am very proud to represent Cardinal Hayes in the 84th Assembly District, but I am even more proud of the way that these young men represent us.

So to my colleagues and Mr. Speaker, please join me in congratulating and welcoming this team.

(Applause)

ACTING SPEAKER AUBRY: On behalf of Ms. Septimo, the Speaker and all the members, we welcome these gentlemen, these scholars, these athletes. And I say that in that order because in my mind that's what's important. What we're here to do is to celebrate your achievement as winners, a lesson that you will learn in life that will help you throughout your life. We hope you understand the effort that it took for you get to where you are. Appreciate your coaches who are here with you, and appreciate your families who undoubtedly have supported you through this effort. Continue the great work, know that we look forward to your future and making the future of this State brighter. Thank you so very much.

(Applause)

Ms. Reyes for the purposes of a introduction.

MS. REYES: Thank you, Mr. Speaker. The Bronx is

most definitely in the House today. Please join me today in welcoming the Bronx Garifuna delegation. This is the third year that they join us in Albany, and I would like to welcome them in Garifuna by saying (speaking Garifuna/Karif) to all of them. The Garifuna people are the Afro-Indigenous Central Americans from Honduras, Guatemala, Nicaragua and Belize. New York is home to more than 300,000 Garifuna people with the largest concentration of course in the Bronx. Today we have with us Hondureños Contra el SIDA, which is Hondurans Against AIDS, and its founder, Miss Mirtha Colon. Hondureños Contra el SIDA is an organization operating with a dedicated corps of volunteers, board of directors comprised of leaders from New York City -- from the New York City Garifuna community. Their work ranges from HIV/AIDS prevention and education around issues of substance abuse, alcoholism, child abuse and neglect, as well as advocacy on transnational public policy and advocacy for more humane and just immigration policies. And with them is of course their Bronx-based center, Casa Yurumein, that the Speaker and the Bronx delegation have worked to fund and give resources to every year. And they didn't have a center, they had lost their center during COVID, and thanks to the efforts of the Bronx delegation and our Speaker they were able to get that back. Casa Yurumein in Garifuna means "homeland", and their center is home to many smaller Garifuna community groups whose mission is to elevate the quality of life of African decedents, Central American immigrants through culturally and relevant programs and civic

engagement, and more broadly of course since the influx of new migrants, have been working to provide mental health services and immigration counseling.

So please, Speaker, on behalf of myself and the entire Bronx delegation, join me in welcoming the Bronx Garifuna delegation.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Reyes, the Bronx delegation, the Speaker and all the members, we welcome you back to the New York State Assembly, extend to you the privileges of the floor. Thank you again for joining us and for the great work that you do taking care of your community and as thus, taking care of the entire State. Please know that you are always welcome here. Thank you and God bless.

(Applause)

Mrs. Peoples-Stokes for the purposes of a introduction.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for allowing me to provide this introduction for these wonderful people who have been with us today in the Capitol, many of them have stopped into our offices all day. They are from the Boys and Girls Clubs of New York State. So, there are six youth that are with us today. I want to assume they're in the Chamber already. They may not be, but their names are Diana Aguilar (phonetic), Valentina Conez (phonetic), Casey Zinga (phonetic), Kevin Argula (phonetic), Abraham Diaz-Gomez (phonetic) and Hunter Gomez (phonetic). We

also have been joined by the Executive Director from Member Meeks' district is Dwayne Mahoney. From Santabarbara's [sic] district are some young people, Scott Hayten [sic] and the Executive Director as well as young people. And from Assemblyman Burdick's district, the youths' names are not listed but joined by two staff members, Diana Perez [sic] and Dan Beaudreault. Mr. Speaker, we also have from the Boys and Girls Club someone from Mr. Pretlow's district, Mel Campos is the CEO and Sara Patterson is the team coordinator. And Mr. Speaker, there were at least six to eight members of the Western New York community from Boys and Girls Clubs that were in my office today. These folks do great work across our State, working with our young people. Would you please greet them and provide them with the cordialities of our House?

ACTING SPEAKER AUBRY: Certainly. On behalf of Mrs. Peoples-Stokes, the Speaker and all the members, we welcome this group from the Boys and Girls Clubs here to the New York State Assembly, extend to you the privileges of the floor. I know and personally how -- what kind of great work your organization does around this State. Please continue that work. Know that you are always welcome here in the New York State Assembly. Thank you so very much for joining us.

(Applause)

Mr. Goodell for the purposes of a introduction.

MR. GOODELL: Thank you, Mr. Speaker. It is my great privilege and honor to introduce some outstanding athletes from

all around New York State that are participants and volunteers and trainers and coaches and mentors with the New York State Special Olympics. The New York State Special Olympics, as you know, was founded in 1968. It is the largest Special Olympics program in the United States. New York State leads the nation, we have over 42,000 athletes that participate in Special Olympics. Although they're headquartered here in Albany, they have nine regional offices and we are honored here in the New York State Assembly to have representatives from all across New York State, including those nine regions. The Special Olympics program, as you know, focuses on those who have intellectual challenges and disabilities. It's a year-round program. It builds character, good sportsmanship, dignity, inclusion and an opportunity to be competitive while meeting new friends. It is a phenomenal program that goes well beyond sports and includes the Athletic Leadership Council, and of course many of us are familiar with the Law Enforcement Torch Run, which has raised over \$14 million for Special Olympics which allows all their programs to be offered for free. And joining us today, we are fortunate to have with us the President and CEO, Stacey Hengsterman, with her colleagues Casey Vattimo and Kyle Massa. From the Capital Region, Chris Hayes [sic] and Bill VanEvera, as well as Alex Hengsterman, Rebecca Shook and Matt Graham. One of these days I'm going to attend their classes and find out how to actually pronounce their name, and next year we may actually pronounce their names. But from Buffalo we have Renee Snyder and Julia Harris and Dana Oliver.

And Hudson Valley, Bob Bulman and Paul Asaro, with Coach Kathi Nolan and an athlete and staff member, Will Smith. The Long Island team is led by Stacy Edgar [sic], with coaching from Ellen Schuster, with Matt Schuster and Trent Hampton. We have others from New York City, Diane Colon [sic], Dave Ritwo and Kathleen Maggi.

And what a phenomenal group of representatives who are a truly outstanding organization. Please welcome them to the Chamber. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly. Thank you. On behalf of Mr. Goodell, the Speaker and all the members, we welcome this extraordinary group of individuals here to the New York State Assembly, extend to you the privileges of the floor. I have admiration for the work that you do and the lessons that you teach us about common humanity, regardless of what place or place we may find ourselves in society. Please know that you are always welcome here, and that we will continue to support the great work and the great efforts that you put forward. Thank you.

(Applause)

Mr. De Los Santos for the purposes of a introduction.

MR. DE LOS SANTOS: Thank you, Mr. Speaker.

People wants [sic] to know that you care before they care to know what you know. That's exactly what this program is about. And on my birthday today, I have the honor and privilege to introduce one of the great program [sic] in my district, iMentor. iMentor is the largest mentorship program in the New York City public school system. Last

year I had the opportunity to meet with a lot of the mentees and learn about their self development, heard about their upbringing and some of the challenges and I have to admit, it was quite impressive. The strength that they have, that they carry with themselves, and the ability to not only create opportunity [sic] for themselves [sic], but also to give back to the community. And today I am honored to have them here in the People's House, and I ask you, Mr. Speaker, can you please extend the courtesy and the privilege of the House to this great dynamic group of young men and women?

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. De Los Santos, the Speaker and all the members, ladies and gentlemen, I welcome you here to the New York State Assembly. This is the People's House. This is a place you can always come and always be a part of. We welcome you and congratulate you on the work that you're doing with each other and your peers. Continue that work. Continue that throughout your lifetime. You will make this State a better state and this world a better place. Thank you so very much.

(Applause)

Mr. Beephan for the purposes of a introduction.

MR. BEEPHAN: Thank you, Mr. Speaker. I have the privilege to welcome students and chaperones from the Grace Bible Church Home School Co-op seated right over there to the left. With us today we have Sarah, Cristian, Florian, Rosalia, Aurora, Danielle, David, Kelli, Samuel, Madelin, Rebekah, Crystal, Kaylum,

Mathias and Kayla. So it's for the first time -- this is the first trip to Albany for many of those students, especially for baby Aurora who joins us here today. I hope it's not their last, and I hope they enjoy their tours of our Capitol and our great People's House.

Mr. Speaker, I ask that you extend the court -- cordialities of the floor. Thank you so much.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Beephan, 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 this first experience is a great experience for you, that you've learned and that you in spending your time here have taught us some things that we may not have been recognizing. Please understand that you are always welcome here, and bless you all. Thank you so very much.

(Applause)

Ms. Paulin for the purposes of a introduction.

MS. PAULIN: Thank you, Mr. Speaker. It's my pleasure to welcome Ross Frommer, Vice President of Government Relations, and students from Columbia University School -- College of Physicians and Surgeons and the Columbia University School of Public Health who are with us this afternoon. They're all up there (indicating). It's nice, knowing we have a workforce shortage, that you're all in school, going to help our -- us with all our health care. These future doctors and public health experts from across the State have come to Albany today to learn about policymaking. They

understand that the decisions that we in government make will affect their patients and the populations they serve. By spending the day with us, they are learning the importance of advocacy and also gaining skills and experience that they will later use to push for the things they believe in.

So please, Mr. Speaker, would you give them a warm welcome and extend the cordialities of the House?

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Paulin, the Speaker and all the members, we welcome you here to the New York State Assembly. Appreciate that you've taken the time to come here to learn and to teach, because as you come to learn we learn from you. Thank you so very much. Continue your advocacy. The world only changes because we participate in the way it's governed. Thank you so very much.

(Applause)

And now we will go to Page 3 resolutions. The Clerk will read.

THE CLERK: Assembly -- Assembly Resolution No. 807, Mr. Epstein.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim January 2024, as Mentoring Month in the State of New York, in conjunction with the observance of National Mentoring Month.

ACTING SPEAKER AUBRY: On the resolution, all those in favor -- oh, I'm sorry, Mr. Epstein on the resolution.

MR. EPSTEIN: Thank you, Mr. Speaker. I rise in favor of this resolution. It's -- so it is as the Speaker said, it is mentoring month in the State of New York. And what does that mean? It means we need to encourage people to talk about mentoring our young people, our future leaders. And why does mentoring matter? As we heard from one of our colleagues talk about the critical needs of mentors across the State. You see, with mentors, when someone goes to a mentoring program they are 55 percent higher percentage likelihood of finishing college, finishing high school; 78 percent more likely to go to college; 81 percent more likely to engage in a sport -- sporting events or club activities. What mentors do is create pathways for people to find another way through their lives to have that adult support or that peer support to ensure they are not lost when difficult things are happening. Mentors are critical, and I know in my life some of the mentors that I've had have really helped change the course of my life. So in a moment like this when we have the opportunity, Mentoring Month, to advance the issues and the needs of people across our great State, think about how we improve mentoring options, whether it's in schools, in communities with programs to help our young people find a direction or find a path in their lives.

I really appreciate us being able to acknowledge Mentoring Month in January, and I encourage all my colleagues to support this resolution.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Keith Brown.

MR. K. BROWN: Thank you, Mr. Speaker. I first want to thank the sponsor of this resolution to bring forward everyone the idea of Mentoring Month in the State of New York. I'm very proud of the fact that he has done so, because I have been a true believer of mentoring for a long period of time now. In fact, I worked on a pilot program in my home school district to start a mentoring program in our high school, and it's now spread to two other high schools, Harborfields High School and Cold Springs Harbor. We're now working with the Brentwood High School to establish a mentoring program there. And in this day and age, mentoring is so important. With all the issues that young people are dealing with, whether it be social media or -- and whatnot, that they could have someone, a mentor, say an 11th grader if they're an incoming 9th grader. They've entered high school, they're -- they're lost in high school because the schools are so big, as was the case when I walked into Northport High School when I was a 10th grader. We walked into a room called "The Commons", and there was about 1,200 students. And I was definitely not a wallflower in high school, but I could tell you this, that it was overwhelming, the feeling I had, walking into a high school with 1,200 other students. So I got the idea from -- my son was attending St. Anthony's High School, and I wanted to spread that same thought because today, kids could go -- more likely go to a mentor to discuss issues, whether it be the fact that they're doing drugs or consuming alcohol or a pregnancy or bullying or school violence. And my hope is that we can establish mentoring

programs throughout the State of New York one day.

So, Mr. Speaker, I very much appreciate my colleague for bringing this resolution forward, and I look forward to the day that we establish more mentoring programs throughout the high schools and schools of New York State. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Zinerman on the resolution.

MS. ZINERMAN: Thank you. I, too, want to stand and thank the sponsor for this wonderful resolution. This week I had the opportunity to celebrate the 10th anniversary of Brooklyn Cares. It is an organization that was started by Susan Taylor, who you all may remember used to be the editor of *Essence* magazine. Susan traveled to Brooklyn to honor an intergenerational group of mentors who were supporting high school students and junior high school students all throughout Brooklyn, New York. It was a wonderful event, and one of the things that they wanted me to let everyone know is that where -- they're still in search of good mentors. So whether it is how we mentor the young people who come here as our interns or people in the schools in our district or maybe even members of our family, we can mentor people of all ages as well. This is something that we all, if we could just take a little bit of time, should figure out how we can fit it in and to support another person. In today's world there's so much that we have to deal with, but to have someone who truly cares about you and your issues or your problems or even just support the great work that you're doing is something that we should

all aspire to do.

So thank you, Harvey, for the resolution and congratulations to all those mentors out there and mentor programs.

ACTING SPEAKER AUBRY: Thank you.

Mr. Gallahan.

MR. GALLAHAN: Thank you, Mr. Speaker, and thank you for sponsoring this resolution, Mr. Epstein. At the urging of First Lady Laura Bush, my wife became a mentor many, many years ago, and she was a mentor until she retired. And I'm proud to say to this day that every child and mentee that she mentored is still in contact with her and are all living successful and rewarding lives. This program is so important to every community, not only in New York State but across our country. And I hope that this brings attention and many more people will become mentors and be a part of the program that my wife is so proud that she was a part of for more than 20 years.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

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

THE CLERK: Assembly Resolution No. 808, Mr. McDonald.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim February 2024, as American Heart Month in the State of New York.

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

Page 36, Calendar No. 241, the Clerk will read.

THE CLERK: Assembly No. A08521, Calendar No. 241, Dinowitz, Sayegh. An act to amend the State Technology Law, in relation to providing for the remote conduct of witnessing health care proxies.

ACTING SPEAKER AUBRY: There's an explanation been requested, Mr. Dinowitz.

MR. DINOWITZ: Sure. This bill removes an exception --

ACTING SPEAKER AUBRY: Mr. Dinowitz -- Mr. Dinowitz, I'm sorry to interrupt, but let the door close and the guests exit and I think it'd be easier for us to operate.

Proceed, sir. Thank you, I appreciate it.

MR. DINOWITZ: This bill removes an exception from the Electronic Signatures and Records Act that did not allow electronic signatures to be used in lieu of handwritten signatures when certifying a healthcare proxy.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Will the sponsor yield for just a couple of quick questions?

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

MR. DINOWITZ: Yes.

ACTING SPEAKER AUBRY: Mr. Dinowitz yields.

MS. WALSH: Thank you. So this is a Chapter Amendment to a bill that was passed last year. Is it fair to say that the Chapter Amendment really doesn't do a lot to change the essence of what that -- that original bill was? Is that fair?

MR. DINOWITZ: It actually doesn't do anything to change the essence of what the bill was, there was a teeny weeny minor technical amendment.

MS. WALSH: And -- and I -- I agree with that analysis. Thank you very much.

Mr. Speaker, on the bill.

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

MS. WALSH: Okay. So, true. This -- this Chapter Amendment really doesn't do anything in terms of changing the -- the bill-in-chief. So just as a reminder to everybody in the Chamber, the bill-in-chief said that -- well, during COVID, during the height of the pandemic, we had to make some allowances for things like -- to try to keep people so that they weren't all too close together, maybe could transmit the disease, so -- or the virus. So a healthcare proxy was allowed to be witnessed remotely, and what -- what our objection was when this bill first came up was that in 2023, it's certainly not 2020, and the sponsor had said at that time, you know, that lessons were learned during the COVID pandemic and this was something that we

wanted to continue on permanently. So it wasn't just a temporary emergency measure to allow for remote witnessing of healthcare proxies, it was gonna be a permanent thing. So this -- that bill last year passed by 98-45, and so there were some concerns because, and I argued then, that we need to make sure that when a healthcare proxy, being such an important document, is being witnessed, that there are actual eyes on the individual, that it's face-to-face. It's a little bit old school, but it's -- it -- and it might seem to be old fashioned in this day of technology, but I don't think that you can really adequately assess whether somebody is doing a healthcare proxy designation knowingly, voluntarily, willingly, without duress, over Microsoft Teams or Office Zoom. So a number of my colleagues agreed with that assessment last year; this Chapter Amendment doesn't do a lot to change it. But if your opinion has remained unchanged, then I would encourage you to vote and continue to vote in the negative, as I will be. I think that, you know, it's always a balance between, you know, efficiency and what the best practice really should be. I think the best practice in a case, whether it's a living will, a healthcare proxy, anything like that where the individual named is going to have extraordinary authority and power over making healthcare decisions for an individual, that a really minimum bar needs to be that you -- you've actually had eyes on the individual and can assess whether they really mean to select the individuals that they are on -- on their proxy. So face-to-face is best practice.

I think that now that we're in 2024 there just isn't a

reason due to the pandemic to do this anymore, and certainly not to make it a permanent thing. So for those reasons I will continue to be in the negative and I would encourage my colleagues to also vote in the same manner. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Walsh.

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 very much, sir. The Republican Conference is generally opposed to this. If there's someone who would like to support it, they can certainly vote yes on the floor of the Assembly. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is going to be in favor of this piece of legislation; however, there may be some that would desire to be an exception. They should feel free to do so at their seats. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

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.

Page 37, Calendar No. 250, the Clerk will read.

THE CLERK: Senate No. S08025, Calendar No. 250, Senator Bailey (A08539, Benedetto). An act to amend the General Business Law, in relation to prohibiting residential and commercial properties from erecting or installing digital billboards or signs that use flashing, intermittent or moving lights near certain Mitchell-Lama housing; and to amend a chapter of the Laws of 2023 amending the General Business Law relating to prohibiting residential and commercial properties from operating digital billboards or signs that use flashing, intermittent or moving lights near certain Mitchell-Lama housing, as proposed in legislative bills numbers S.1931-B and A.7456-A, in relation to the effectiveness thereof.

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

MR. BENEDETTO: Okay. Yes, this is simply a Chapter Amendment to a bill that passed in this Chamber last year unanimously, and it just makes some minor altercations [sic] to that bill. This bill prohibited billboards that are digital, that use moving and intermittent and flashing lights in the small area of Co-op City. It addresses the residents and it prohibits billboards of this nature being put up there. It simply clarifies that particular law.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MR. BENEDETTO: Certainly, sir.

MR. GOODELL: Would this apply to existing billboards?

MR. BENEDETTO: No, not at all. Okay? Just a small area within 100 [sic] feet of Co-op City. Any billboards that are currently there will remain there.

MR. GOODELL: I see. And this is an absolute prohibition, right? This would prohibit any electronic digital billboard or a billboard with flashing lights within 1,000 feet of a Mitchell-Lama House? Or building, rather.

MR. BENEDETTO: This -- this is a piece of legislation that targets Co-op City. It's a housing complex in the Bronx with about 50,000 people, and only, only concerns one small triangular piece of property that's within approximately 100 feet -- excuse me, 1,000 feet of this residential area.

MR. GOODELL: And there's no billboard on that parcel now?

MR. BENEDETTO: No, there is not. There is not. There is, by the way, just outside of this law what would be -- what is the largest shopping mall in the City of New York, and certainly within that area there's an awful lot of billboards and such signs on

display.

MR. GOODELL: Is that shopping mall within 1,500 feet but outside of the 1,000-foot of this chapter?

MR. BENEDETTO: It just happens so that that is the case, yes, sir.

MR. GOODELL: I see. And so just would -- just so we're all clear, this would prohibit any of these digital billboards within 1,000 feet of those particular Mitchell-Lama apartment units, correct?

MR. BENEDETTO: In Co-op City, yes, sir.

MR. GOODELL: Thank you very much for your -- for your answers.

On the bill, sir.

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

MR. GOODELL: I appreciate my colleague's explanation. I always appreciate discussing bills with him. The concern that I have and the reason I asked for an opportunity to ask some questions is that this legislation obviously restricts speech, or at least a form of speech, any electronic billboard. And although commercial speech is entitled to a lower level of protection than other types of speech, it is still protected under the First Amendment. And the problem I had with the bill is that it doesn't restrict billboards that can be seen from this facility. In other words, it bars every billboard within 1,000 feet whether or not you can even see the billboard from

the Mitchell-Lama apartment units. And when we, as the Legislature, are drafting legislation that relates to First Amendment rights including the use of billboards, the courts require us to draft the legislation narrowly to effect the purpose.

And so, I would be voting again for this legislation if it were limited to billboards that could be seen from those Mitchell-Lama apartment units. But barring billboards that can't be seen because they're on the far side of a building or are otherwise screened so you can't see them, I think exceeds our legal authority under the First Amendment, and for that reason I can't support it. But I do appreciate my colleague's efforts, and I agree with his desire to ensure that residents of the Mitchell-Lama apartments don't have to use light-blocking curtains or whatever whenever they want to sleep. And so I appreciate the objective, but I do think we should narrow the bill to those billboards that can be seen from the apartment unit, not every billboard even if it can't be seen. Thank you, sir, and again, thank you to my colleague.

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.

(The Clerk recorded the vote.)

Mr. Benedetto to explain his vote.

MR. BENEDETTO: Mr. Speaker, thank you very

much. To explain my vote. I just want to thank my colleagues for their wisdom in passing this bill, this Chapter Amendment. And while the objections are well-taken and I understand, it certainly does not prevent billboards of other types that are not lit or have these lights that are going to destroy really the quality of life of the people. So while much appreciated and much concerned about the First Amendment rights here, they can exercise them in other methods.

So once again, Mr. Speaker, thank you very much.

ACTING SPEAKER AUBRY: Mr. Benedetto in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 37, Calendar No. 251, the Clerk will read.

THE CLERK: Senate No. S08012, Calendar No. 251, Senator Hinchey (A08542, Jacobson). An act to amend the Public Service Law, in relation to the finality of certain utility charges and the contents of utility bills; and to amend a chapter of the Laws of 2023 amending the Public Service Law relating to the finality of certain utility charges and the contents of utility bills, as proposed in legislative bills numbers S.4234-A and A.4055-A, in relation to the effectiveness thereof.

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

MR. JACOBSON: Thank you, Mr. Speaker. This

bill is major -- is a major utility reform bill. It will require and it will implement three items: First, utilities have to send out a bill within three months when it's due. So if you're billing for December and it's due January 5th, they have till April 5th to get the bill out the door. Secondly, the utilities will have to provide 13 months of prior -- of data of prior usage, and that includes a customer -- all customers. The name of the customer is not given, only the usage, that's so that when you get a bill, particularly an estimated bill, then you'll have something to compare it to. Because if you move in September 1st and you think your November bill is too high, well, you can't compare it to your own bill because you weren't there. So that's a second thing. The third thing, which has never been done before, is that these safeguards are going to be applied to small businesses, because I think that small businesses should get their bills in a timely manner. So that's -- that's the bill.

ACTING SPEAKER AUBRY: Ms. Walsh.

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

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

MR. JACOBSON: Yes, I will.

ACTING SPEAKER AUBRY: Mr. Jacobson yields.

MS. WALSH: Thank you, Mr. Jacobson. So you mentioned the three things that this Chapter Amendment does that differs from the -- the bill-in-chief, is that correct, which we took up

last year?

MR. JACOBSON: Right. The difference is I had -- we had two months, it was changed to three months to get the bill out the door. I wanted two years of back records but we ended up with 13 months, and I wanted all businesses to be covered but we ended up with small businesses.

MS. WALSH: Very good. And so the -- so basically that was a negotiation with the Governor's office to -- well, by maybe your view would be to soften the bill a little bit more than you wanted it to, you know, based on what you had started with.

MR. JACOBSON: Well, I didn't want the perfect to get in the way of the good, so I think it's important for consumers to have this bill.

MS. WALSH: Okay. So let me ask you this: Is -- is this a -- is this a big problem that you've noticed or that's been studied where the utilities are waiting many, many months before they send out a bill to a consumer?

MR. JACOBSON: Yes, it's a big problem in the Hudson Valley with Central Hudson, it's a big problem in the -- in Rochester with Rochester Gas and Electric. And I think you have to remember that if the utility sends out the bill, there's no penalty. All we're trying to do is get the utility to do their job. That's not a radical thought. We just want them to obey the law and do their job.

MS. WALSH: Okay. So if -- if -- let's say that an example is that three months goes by, they hadn't sent the -- the bill

out in that time frame. Under this bill, then, they don't have the ability to collect that money for that energy usage that the customer had. So do they -- what happens then? I mean --

MR. JACOBSON: Well, they -- they eat it. They eat the --

MS. WALSH: They eat it.

MR. JACOBSON: -- loss of it. And if -- and I'm -- and I'm sure you read the original bill and so forth that if it's due to the customer, then this deadline doesn't apply. But if it's due to their negligent -- their neglect, and then it does. So what will happen is when they go for another rate increase, this -- this -- these months that -- for which bills were not sent out in a timely manner would not be considered as a reason to get a rate increase.

MS. WALSH: Okay. Thank you very much.

Mr. Speaker, on the bill.

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

MS. WALSH: And I understand what the -- what the sponsor is saying. Fundamentally, though, I mean, it is an issue of fairness. I think that really what we're talking about here is -- is fairness. So whenever we tell a utility that they can't charge a customer who used its services or its product, the result is that other ratepayers are going to bear the cost. Now, the sponsor is saying that when they come back in front of the PSC, right, and look for a rate increase that that won't be a factor that can be considered. But the

idea that the utility is just going to eat that cost, I don't -- I don't really think that that is -- I don't believe that. I think that in the end it's the other consumers who are going to end up bearing the costs because the costs are going to be shifted onto them. I don't believe that it's gonna be eaten by the utility. So I don't know why it would be fair that a customer would have to pay for electricity that's used -- or whatever the product is that's used by somebody else.

So for that reason, I won't be supporting this Chapter Amendment. I understand that the big difference -- well, one of the big differences is, as the sponsor said, you're moving from not being able to back-charge after two months, the Chapter Amendment says three months, but I -- I don't agree with the concept. I think that -- I think that there are other ways to try to hold the utility companies responsible. I don't believe that this is the way to do it, so I'll be voting in the negative. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Walsh.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. I'm not here to speak on behalf of anyone else, but I will share with you that

in my district, my neighbors and friends and customers would rather have lower utility rates than higher utility rates. And so every time my local utility comes up with a new way to save money and reduce our rates, we all do a little happy dance. And so in the past, the utility company that I'm associated with, they would send me a postcard and I could fill it out so they didn't have to send somebody to read my meter and it would reduce the cost of reading the meter. They also engaged in estimated billing, and they wouldn't actually read my meter but maybe once every three or four months and make an adjustment. And all those efforts to streamline billing helped keep my rates a little bit lower. And so while I appreciate the sponsor's desire to have prompt billing, the remedy is that if somehow the utility doesn't get a billing out in three months, the utility doesn't eat the price, you do. We do. It's added into the cost of the utility. And look, I'm reasonably happy paying my own utility bills. I'm not really enthusiastic about paying other people's utilities bills, and that's what this bill says. This bill says if they don't bill your neighbor within three months, congratulations, you can pay a higher utility rate to subsidize the neighbor. And that's not fair, and that's why I'm voting against it. But there's another aspect to this. Every year for the last two or three years we've been talking about the need to eliminate natural gas and go with all-electric buildings and go with all-electric cars, all of which require massive investments by utility companies to upgrade the infrastructure. Yet this bill says that if they don't bill within three months they're going to have that much less to do exactly

what we're asking for which, ultimately, will hit our pocketbooks, and for that reason I'm voting no.

Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Jacobson to explain his vote.

MR. JACOBSON: Thank you, Mr. Speaker. Utility bills should be timely and transparent. This will do that. And I would love to think that a utility would just get up in the morning and say, *I'm gonna to obey the law. I'm gonna to obey all the rules of the Public Service Commission*, and they do that. But they didn't. They didn't do it in my area, they didn't do it in Rochester. People did not get a bill for six, eight, over a year, six, eight months, more than 12 months. Some places didn't get it over 18 months. So what this does, it does the only thing that the utility responds to and that's a financial incentive. And it's just very simple that what this will do is this will ensure that bills will be sent out on a regular basis. It's not that hard. And I did ask the CEO of -- of Central Hudson about getting the smart meters, they said it would cost too much and gave me the numbers of how many customers and how long it would last. It would cost them about \$2.50 a month. So they could do this if they want to. If Central Hudson wants to do this or all the other utilities want to do it, they can -- they can get the bill out and I think they will now.

So I proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Jacobson in the

affirmative.

Mr. Beephan.

MR. BEEPHAN: Thank you, Mr. Speaker. I understand the concerns of my colleagues, but living and representing much of the Hudson Valley alongside the -- the sponsor, I completely understand the concerns and why this bill exists. We had numerous residents, a majority of our residents who did not receive an electric bill for months and months and months at a time, and when they finally received the bill it was for upwards of \$5- to \$8,000 and they had no proof of usage for months prior. And I know you can say, *Well, they can go take a picture of their -- their utility or their meter for months*, but people don't think about doing that. They had no proof to go back on and they had no argument to stand up to the utility companies such as Central Hudson. So this bill will prevent something like that from happening ever again, at least in our district. And while I understand that it's not fair, per se, to apply this to every utility company across New York, I think the trauma experience in the Hudson Valley should be a learning lesson for all.

So thank you and I vote affirmative.

ACTING SPEAKER AUBRY: Mr. Beephan in the affirmative.

Ms. Lunsford to explain her vote.

MS. LUNSFORD: Thank you very much. I want to commend the sponsor of this bill and speak for my neighbors and constituents in Rochester. While I'm sure everyone would like to have

a slightly lower utility bill, my neighbors don't like having \$3,200 utility bills nine months after they received their last bill. They don't like getting \$1,200 automatically debited from their accounts. They don't like suddenly discovering that their utility's been shut off when they haven't received a bill in seven months. Three months seems like more than an adequate amount of time for a major corporation to get through their accounts payable. I don't think that's unreasonable.

Thank you to the sponsor. I hope that this saves people in my district thousands of dollars and a lot of heartache. I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Ms. Lunsford in the affirmative.

Mr. Eachus to explain his vote.

MR. EACHUS: Thank you, Mr. Speaker. I want to thank the sponsor also for this bill. Being a neighboring district to his, my constituents have suffered through exactly the same as his. It was actually brought on by a change in billing, and one of the threatening things I have is that the other utility company in my district is planning on using the same billing system. One of the interesting things I think in talking about money and that the folks will be charged for other people's electricity, this same company just recently came to us for a 28 percent increase in utility rates. So I don't believe that what we're asking for them to do, which is their -- their duty, is unfair, especially when they're asking for those types of situations.

So I'm voting in the affirmative. Thank you. Mr.

Speaker.

ACTING SPEAKER AUBRY: Mr. Eachus in the affirmative.

Mr. Burdick to explain his vote.

MR. BURDICK: Thank you, Mr. Speaker. The incidents which have been described by some of my colleagues are not at all unusual. I hear it with regularity in my district. And yes, you know, we can have those who handle our constituent services try to unravel the mess that so many of our constituents are faced with with incredibly high bills, and we can do that one-on-one or we can take a global approach as the sponsor has proposed here. And this is exactly what we should be doing to be responsive to our constituents and the people whom we serve.

So I vote in the affirmative and thank the sponsor for his work in bringing this forward. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Burdick in the affirmative.

Ms. Shrestha.

MS. SHRESTHA: Thank you. I also want to reaffirm that that has been the experience in my district as well, and it's not just residential customers. We had a commercial customer who did not receive a bill - and this was just a few weeks ago - who had not received a bill for over a year and they did not know how much to expect. And when the bill arrived, of course it was thousands of dollars more than what it was supposed to be. And we were able to

get it adjusted, but it's really not fair that we have to intervene on so many people's utility bills when it's the utilities who are charged with that responsibility.

I want to vote yes on this bill, of course, and I also want to point out that in our district the utility arrears have increased by over \$1,000 and it is -- sorry, over 1,000 percent and it is really not sustainable, especially for seniors who are on fixed income. Thank you so much.

ACTING SPEAKER AUBRY: Ms. Shrestha in the affirmative.

Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker. I'm also gonna be voting in the affirmative on this bill. To me, you should only be billed for what you use, and you should be billed in a timely fashion. If this bill here is to help hold the suppliers accountable, then I'm all for it.

So I thank the sponsor. I normally wouldn't be in support of a bill like this, but I can tell you that it's a very big issue in my district along with many of my colleagues. And as the speaker before me said, this affects a lot of senior citizens and most folks that are on fixed incomes, and I can't in my right mind not support this bill.

ACTING SPEAKER AUBRY: Mr. Tague in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 37, Calendar No. 252, the Clerk will read.

THE CLERK: Senate No. S08037, Calendar No. 252, Senator Persaud (A08543, Epstein). An act to amend the Public Authorities Law, in relation to requiring one voting member of the Metropolitan Transportation Authority be a transit-dependent individual; and to amend a chapter of the Laws of 2023 amending the Public Authorities Law relating to requiring one voting member of the Metropolitan Transportation Authority be a transit-dependent individual, as proposed in legislative bills numbers S.5069-A and A.4504-A, in relation to the effectiveness thereof.

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

MR. EPSTEIN: This is a Chapter Amendment. It just amends requiring that a transit-dependent person be appointed by the -- on the MTA Board. Initially the bill required that the Governor do it; it will now amend it to say the Governor shall do it or the Mayor shall -- the Mayor of the City of New York shall do it.

ACTING SPEAKER AUBRY: Mr. Mikulin.

MR. MIKULIN: Will the sponsor yield?

MR. EPSTEIN: Happy to yield.

ACTING SPEAKER AUBRY: The sponsor yields, sir.

MR. MIKULIN: Just one clarifying question here. How does this affect the appointing authority of the County

Executives of, say, Nassau, Suffolk and Westchester?

MR. EPSTEIN: Sorry, it was hard to hear you. Can you repeat that?

MR. MIKULIN: How does this affect the appointing authority of the County Executives of, say, Nassau, Suffolk and Westchester?

MR. EPSTEIN: It does not affect their authority.

MR. MIKULIN: It does not. So they still have the same authority to appoint as they once did?

MR. EPSTEIN: Yes.

MR. MIKULIN: So then what does this bill specifically -- because it only mentions the Governor and the Mayor, so can you just clarify how that --

MR. EPSTEIN: Yeah, so it -- initially it was only the Governor, but the Chapter Amendment requires that the Governor doesn't have a vacancy to fill, that the Mayor of the City of New York shall fill it with a transit-dependent person.

MR. MIKULIN: Okay. And the County Executives still -- still have their authority that they have now.

MR. EPSTEIN: That is correct. That is exactly my understanding of the bill.

MR. MIKULIN: That's all. Thank you.

MR. EPSTEIN: You're welcome.

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.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 38, Calendar No. 259, the Clerk will read.

THE CLERK: Assembly No. A08552, Calendar No. 259, Zebrowski. An act to amend the Public Health Law and the General Business Law, in relation to establishing a registry for children's non-regulated camps; and to repeal certain provisions of the Public Health Law relating thereto.

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

Mr. Goodell.

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

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

MR. ZEBROWSKI: Yes, I'll yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you. I understand that this bill relates to those summer camps that are not regulated already by

the Health Department, correct?

MR. ZEBROWSKI: Well, it's a Chapter Amendment we -- to the bill that we passed last year that dealt with that, yes.

MR. GOODELL: And included within that would be, for example, a day -- a day care -- or a day program, not a day care, but a day program that operates at least three hours for at least one week. That would be included, correct?

MR. ZEBROWSKI: There's a few other requirements they would have to hit in order to be regulated. In the bill, first page, starting on line 24 is also any time between June 1st and September 15th, and thereafter, going on to Page 2 is a few other things. But presumably your hypothetical would, yes. If it was in that time frame, day camp, right?

(Pause/speaking with staff)

Yeah, good point. Sorry. But also -- and this is part of the Chapter Amendment -- we -- we wanted to, and the Executive wanted to make sure it did not encompass other things that were already regulated by other entities. So if it was an entity already regulated by the Office of Children and Family Services, then it would not be. So a day care probably isn't the right example because I think they're all regulated by the Office of Children and Family Services.

MR. GOODELL: But, for example, a privately-operated sports camp --

MR. ZEBROWSKI: Yeah.

MR. GOODELL: -- or as long as there are more than

ten kids and it operates for at least a week, right, three hours a day.

What other examples would there be other than sports camps that you would envision falling within the scope of this law?

MR. ZEBROWSKI: Well, it's kind of the point of the law is that we don't really understand who is out there operating. Just thinking about things I've seen adver -- advertised in my own district there's sometimes like environmental camps and art camps and arts and crafts. And the fact of the matter is -- and there are these sports camps. You know, these are entities that children are going to for a pretty long period of time, and they're not subject to much regulation. I think if you probably asked a parent who was dropping their kid off there they might be surprised that they're not regulated in any way. So this doesn't go all the way in terms of, like, fully putting these entities under a regulatory structure, but it starts the process at least understanding what is out there around the State that our kids are in.

MR. GOODELL: So just as a simple example, in my county the Audubon has a -- a summer program for environmental and awareness for young kids. If there were more than ten and it went for more than three hours a day for week that would be subject to this, right?

MR. ZEBROWSKI: So it's three or more hours a day at least five or more days in a two-week period, right?

MR. GOODELL: Yeah.

MR. ZEBROWSKI: And it's between those time periods?

MR. GOODELL: Yeah.

MR. ZEBROWSKI: Presumably, I don't know much about the Audubon, but assuming it's not regulated by one of those other entities and also assuming that it's not for charitable -- it's not -- well, it's not during the traditional school year and it's not for a charitable purpose, then yes.

MR. GOODELL: And so that it would also apply to Boy Scouts and Girl Scouts?

MR. ZEBROWSKI: I would tend to think they're all regulated -- already regulated in some ways, but if they meet all those standards, then yes.

MR. GOODELL: Now, I saw that you said that the purpose of this was so that we would have a database, and this doesn't actually regulate anything, right? I mean, it's just a database, although it does have a warning we'll talk about in a minute. And then it has a \$250 fee. Now, at least in my county that's a pretty hefty fee for sending in a probably one-page sheet with information. Why isn't it a nominal fee like, you know, \$10 to cover the cost of that data entering that information? Why \$250?

MR. ZEBROWSKI: I think it's, number one, the same fee that the regulated camps are required to pay, so I don't think you should be disadvantaged if you are a regulated camp.

MR. GOODELL: Of course regulated camp means they're regulated, that means they're inspected, there's supervision. But this only calls for someone to send in a one- or two-page

information sheet. Why are we charging \$250 just for the privilege of notifying the government that you're there?

MR. ZEBROWSKI: Well, there's going to be some work required by the State agency in order to, you know, run this program. And I'll be honest, you know, we may want to take additional steps in future years as we learn exactly what's going on out there, exactly how many kids and how many of these there are, and I think this will help in -- in that process. I mean, these are entities that are making money.

MR. GOODELL: They hope, anyway.

MR. ZEBROWSKI: Well, yeah, you -- you would hope. Although if you're a charity you're not -- you're not subject to this, so it's, you know, for-profit entities.

MR. GOODELL: So we're charging the Audubon, we're charging sports camps, we're charging maybe Boys and Girls depending on how they're structured, \$250 a year so we can build a database to determine whether or not we ought to impose more regulations on them. Is that where we're headed?

MR. ZEBROWSKI: I certainly recognize the jest by which you -- you say that, but unfortunately, you know, we have seen instances of kids that are in situations which are dangerous or -- or worse. And this was first brought to me by some of the regulated camps, to be honest with you.

MR. GOODELL: But this doesn't regulate those, right? I mean, it doesn't address any of the perceived problems, it's

just a registration, correct?

MR. ZEBROWSKI: No. And -- and -- and in all honesty, when I first started having these conversations -- this bill has been around for a long time -- I think folks wanted to go a lot further in terms of -- of these camps. And I and others who, you know, helped me craft this bill, though, felt that we weren't yet ready to do that. I do think there's a problem that we have entities that are around the State that we don't really have any idea who they are, that are taking care of kids not just for like an hour here and there, but three or more hours a day, five or more days a week for two or more weeks during the summer. So I think we were dealing with a lot of anecdotal situations; *Well, I know of this, you know, situation and, you know, these kids are put in a dangerous scenario.* So I thought the halfway is I think you're right. Let's register all these -- let's find out who is out there, let's really get a handle on this. It may lead to more regulation in the future to keep our kids safe, but I don't think we're there yet.

MR. GOODELL: Now, in addition to charging the \$250 fee to every sports camp and possibly Boys and Girls events, Girl Scouts camps -- or not camps, but events, and certainly in my county the Audubon does great programming during the summer for kids. This also mandates that those organizations send any -- send a notice out that says, quote, "This camp is not required to follow Department of Health regulations including minimum staff-to-child ratios, hiring medical personnel or reporting injuries or illnesses to the Department of Health." Right? It's a statutory warning that has to be

sent out; is that correct?

MR. ZEBROWSKI: That was already in the law, that statutory warning, so all this bill does is add the -- the words "registered with but not regulated." So previously, the -- the notice was, "This camp is not regulated", now it'll say, "This camp is -- new language -- registered with but -- and then the old language -- not regulated."

MR. GOODELL: So I appreciate that clarification, but let me ask you this: What if the camp does maintain minimum staff-to-child ratios, does hire medical personnel and does report injuries perhaps to the county Health Department under a local agreement? Do they still have to say, *We don't* if they actually do?

MR. ZEBROWSKI: Well, I think nothing's preventing them from giving additional information.

MR. GOODELL: So they would have a notice to the parents that says, *This camp is not required to maintain minimum staffing or report injuries or medical personnel*. Next sentence, *This camp -- but this camp does*.

MR. ZEBROWSKI: *But we do*.

MR. GOODELL: *But we do*.

MR. ZEBROWSKI: Well, how else -- how else would you notify parents, you know? I -- I -- it would probably be even more onerous for me to have them list a whole bunch of -- of stuff. I mean, look, when -- when I -- I'll be doing this this summer, quite frankly, my kids will be going to camp. Something I should be

considering, and thankfully I'm in this job and -- for a little while anyway -- and, you know, I get to see these things. But it would give me pause if I knew my kids were, like, eating a snack and all this stuff I would say, *Well, wait a minute*. You know, I might ask more questions.

MR. GOODELL: By the way, are they going to a regulated or unregulated camp?

MR. ZEBROWSKI: Well, we didn't sign them up yet. Two of them will be going definitely, like, to where they go to day care so that will be OCFS, and one will be going to, like, the JCC which I assume is regulated but I guess I'll ask that question.

MR. GOODELL: Yeah, I sure -- surely hope so. I didn't mean that as a disparaging mark on either you or the camp. But this law goes on to say no person shall enroll or allow participation in one of these programs if the unregulated camp hasn't submitted this information. No person would include, obviously, the parent. And so we have a statutory language that says, in essence, no person -- that presumably wouldn't include the parent -- shall enroll because who else would enroll their kids other than the parent -- or allow participation -- that's obviously the parent because only the parent allows participation -- in an unregulated camp. How would the parent even know --

MR. ZEBROWSKI: You're referring to --

MR. GOODELL: -- whether the camp has filed all this information? I'm referring to Page 2, line 22.

MR. ZEBROWSKI: You're referring to, you know, prior -- previous statutory language. So had I been drafting this from scratch, maybe I would have listed that differently but that was already the language. There's certainly no penalty in there. So for whatever reason, when this was drafted in 2019 maybe, I don't know how far this section goes back, it's not in here, they drafted it that way. But you probably could've achieved the same result by just saying, you know, no -- no camp shall operate without dot, dot, dot.

MR. GOODELL: Thank you very much for your comments.

On the bill, sir.

ACTING SPEAKER ZACCARO: On the bill.

MR. GOODELL: So we have this bill that is a Chapter Amendment, so my colleagues want to keep in mind that you may like or oppose the original and you may like or oppose the Chapter Amendment because it's better or worse than the original. From my perspective, we in New York seem to enjoy taxing everything that moves, doesn't move, might move, should move or will never move. And so we have a number of activities for our children that in my opinion, certainly in my county, have been very beneficial for our kids; sports camps, for example, for a week. Great. We have a nature program in our Audubon Society puts on. Fabulous, fabulous program. We have Boy Scouts and Girl Scouts that go camping for maybe a week. Great experience for them to experience the outdoors. Now, if you run a one-week program you have to pay a

\$250 fee so that you can send in a one-page document that says who you are and what your address is and what your contact information is. Now, in my county you can hire a lawyer to fill out that form for less than \$250. Why do we charge \$250? Is this about a money grab? I mean, you can submit it online, it would cost nothing. Why \$250? So what we're saying is every organization that provides summer programming for our kids that's not a church or a charitable organization has to charge an additional \$250. And a trigger is if there's more than ten kids. So if you've got ten kids then you charge them an extra 25 bucks for that week. Now, if you're wealthy maybe \$25 bucks a week doesn't make any difference, but for a lot of parents it's a factor. And then what do we do? We require every one of those organizations and services that go for our kids to send out a notice that says, *Hey, by the way, we're not regulated. We don't have to maintain minimal staffing, we don't have to have medical personnel here. We don't even have to report injuries.* We require that statement even if they do maintain high staffing ratios. Even if they do have medical personnel. What are we trying to put out the Audubon Society, put them out of business? We want to put out sports camps by sending a notice to the parents and then we top it all off by saying the parents have liability under this language if by mistake they send the kid to an unregulated camp that doesn't register.

My friends, we have enough regulations, fees, charges, taxes and burdensome government. We don't need another layer. For that reason I won't be supporting this, but thank you to my

colleague for answering all those questions.

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.)

Mr. Flood to explain his vote.

MR. FLOOD: Thank you, Mr. Speaker. Recently and over the years you see -- you see polls and you see statistics that New York is ranked either worst or second-worst in the nation in business climate. New York also has the highest percentage of outmigration in the client -- in the -- in the country. These types of bills cumulatively, it's just death by a thousand cuts. How as a state can we take more money out of our residents' and businesses' pockets? This is why New York is failing as a state, these types of bills.

I vote no and I encourage my colleagues to do the same.

ACTING SPEAKER ZACCARO: Mr. Flood in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 39, Calendar No. 281, the Clerk will read.

THE CLERK: Senate No. S08064, Calendar No.

281, Senator Scarcella-Spanton (A08541, Wallace). An act to amend the General Business Law, in relation to access to certain restroom facilities by employees of a utility entity.

ACTING SPEAKER ZACCARO: An explanation has been requested.

MS. WALLACE: So, this bill is a Chapter Amendment to a bill that we passed last Session which requires businesses that are open to the public to allow utility workers to use the employee bathroom while performing a utility-related service on the premises.

ACTING SPEAKER ZACCARO: Ms. Walsh.

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

ACTING SPEAKER ZACCARO: Ms. Wallace, will you yield?

MS. WALLACE: Yes, I'll yield.

ACTING SPEAKER ZACCARO: The sponsor yields.

MS. WALSH: I would like to say that I'm delighted to be talking about this topic once again. It's so fun. So what exactly did the chapter do that differs from the bill that was passed last year?

MS. WALLACE: So, the chapter -- I think the two primary changes to the Chapter Amendment, or maybe three, first of all changed the word "restroom" to toilet, and that's a conforming change to make it consistent with other provisions of other laws. It

changes the liability threshold. If you recall the original version, businesses could not be held liable for any injuries resulting from using their toilet. This Chapter Amendment provides that -- that -- that the businesses can be held liable if there's gross negligence or willful or malicious failure to warn. And then the third change was to just change the definition of a utility company -- I'm sorry, an employee of the utility company, to again make it a little bit more expansive so that, for example, employees of National Grid or National Fuel or Con Edison or LIPA, you know, municipal utility workers would all be covered under this.

MS. WALSH: Thank you. That -- that's what I noticed, too, as far as the -- it appeared to be the Governor's desire to broaden who's -- who's actually covered by -- by this legislation. So I guess I'm still having difficulty, though, with the language in -- in the chapter and in the legislation as far as, like, even during your explanation you talked about if they're on duty on the premises, but where does it say that? I've read this bill, like, I don't know how many times. Where does it specifically say that they have to be on the premises? Doesn't it just say that they have to be on duty?

MS. WALLACE: Yeah, it says individual who is -- line 9, I'm sorry, of the first page under Section -- yeah, Section 1, an individual who is lawfully on the premises of such place of business during normal business hours. And -- and then on line 17 it says who is providing utility-related services at the time of the request.

MS. WALSH: Right.

MS. WALLACE: So I believe that that clarifies the point that you were making earlier.

MS. WALSH: Yeah, not to me it doesn't because what was struck from -- it was struck from line 10 "while performing a utility-related service" right there. And then it just says on line 17 on the first page that they have to be on duty. Yeah, they do have to be, to your point, lawfully on the premises, line 9, but lawfully, "on the premises" could mean, you know, it doesn't necessarily mean that there's got to be a nexus between being on the premises and performing work on the premises, like in that building, to me. But maybe I'm being too much of a lawyer here, but to me -- I mean, I just think that it's so important that we use precise language that we know who exactly is covered, because if the business that's be -- that's getting the request made to them guesses wrong, they can get hit with a penalty of up to \$500, right?

MS. WALLACE: Well, so I -- I guess I'm saying is so let's say they're performing -- let's say it's a big building, right, and there's a cafe in the building and you're saying well, they might be working out -- in the building in another part, not in that cafe, and should the cafe make them -- allow them to use the bathroom. That's your question?

MS. WALSH: Kind of. I mean, yeah --

MS. WALLACE: I would say the bill says yes.

MS. WALSH: Could it be like a -- along that road, along that stretch of road they're doing work and they just walked into

that cafe.

MS. WALLACE: No, I think it's pretty clear it has to be on the premises. And, you, know I -- I think that in the building would be on the premises, maybe right outside the building on the premises. But down on the street would not be on the premises. And I think you just have to use a little common sense with this.

MS. WALSH: Well, I mean, yeah, I mean, we all try to apply common sense, but we also need precise language in legislation to be able to know who -- who it really applies to. Like I said, because if you -- if you guess wrong --

MS. WALLACE: Yeah, I guess I'm -- it -- it seems to me -- I'm just not understanding why it's not clear. It seems to clear to me that you have to be on the premises, you know, how do you -- is there's a definition of premises itself? No, but, you know, we -- we often use premises in other statutes without actually defining premises. We all kind of know generally what that means.

MS. WALSH: Well, all it says is "who is lawfully on the premises." It doesn't say that they're working on the premises --

MS. WALLACE: But then later on --

(Indiscernible/cross-talk)

MS. WALSH: They're just there on the premises.

MS. WALLACE: It -- it -- let me just -- it does later on qualify that they have to be providing a utility-related service at the time of the request. So --

MS. WALSH: Right.

MS. WALLACE: So, on the premises providing a utility-related service when they have to use the bathroom.

MS. WALSH: Yeah. Well, okay. I mean, I guess we should just -- we will agree to disagree on that. I don't -- I don't think it's -- I don't -- personally, I don't think it's clear. I mean, because a utility worker -- and yes, the -- the Governor in this and well, you, in this chapter did define under Section 1 sub 4, I think, if I'm reading that right, defined the employee of a utility entity to be more, you know, expansive as you had said in the explanation. But, so utility workers could be, like, electric, gas, steam, telecommunications, water utilities, cable industry. Is it fair to say that all those individuals would be -- would be covered under that?

MS. WALLACE: I think that's fair to say, yes. And but I think it's more precisely as long as they're defined as such in Section 2 of the Public Services [sic] Law, a municipal corporation, a public utility service. So yes, I would say all of those would be covered.

MS. WALSH: Okay. And there were no changes made to the other kind of requirements that are in place as far as there have to be two or more employees.

MS. WALLACE: That's right. The conditions remain the same. The same six limiting conditions --

MS. WALSH: Gotcha.

MS. WALLACE: -- apply, which is considerable.

MS. WALSH: Yeah, including the last one being

that a public restroom is not immediately accessible to the requesting individual, which I remember talking about last time that, you know, if someplace, I don't know, next door, we don't know, I don't know exactly where, but if there's a public restroom that was nearby, the utility worker making the request could get directed to say, *Hey, you know, there's a -- there's a public restroom, you know, right over there.*

MS. WALLACE: That's correct.

MS. WALSH: Okay. And -- and I think we discussed this last time, but if that restroom is insufficient for whatever reason, is -- is broken or is, like, you know, then they -- then the person would come -- maybe come back and ask if they could use the one that's inside the cafe, for example.

MS. WALLACE: Right, because then it wouldn't be -- you know, there wouldn't be one immediately accessible.

MS. WALSH: Okay. So if the -- if the utility worker has been wrongly refused access to the -- the toilet accommodations, there's this -- there's this possibility of a fine that would be assessed. Who -- who assesses that fine and who enforces that provision?

MS. WALLACE: It would be the Attorney General in her discretion.

MS. WALSH: Okay. All right. Well, there would have to be a significant, I guess, pattern or practice --

MS. WALLACE: I would imagine.

(Indiscernible/cross-talk)

MS. WALSH: -- for the Attorney General -- I would hope, for the Attorney General to spend her time or her office's time on that.

MS. WALLACE: I would agree.

MS. WALSH: Tend to agree. All right. Thank you so much.

Mr. Speaker, on the bill very -- very -- so very briefly.

ACTING SPEAKER AUBRY: Ms. Walsh on the bill.

MS. WALSH: Thank you. So, I -- I just feel that this Chapter Amendment does make changes, but I don't think it provides the clarity that we discussed last year when we debated the bill. I'm still having difficulty understanding exact -- and if I am having difficulty understanding it, I don't -- I always feel that I'm probably not the only one. So I think that if businesses have got to try to figure this out and figure out what they need to instruct their employees to do or not to do or risk getting a fine, I just think it's important when we're drafting legislation to have precise language and -- and clarity. And I -- I still find the clarity lacking even with this Chapter Amendment, with all due respect to the sponsor. And thank you very much.

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.

(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, do you have any further housekeeping or resolutions?

ACTING SPEAKER AUBRY: We have numerous fine resolutions which we can take up with one vote.

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

(Whereupon, Assembly Resolution Nos. 809-818 were unanimously adopted.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could call on Mr. Benedetto for the purposes of an announcement.

ACTING SPEAKER AUBRY: For the purposes of an announcement, Mr. Benedetto.

MR. BENEDETTO: Indeed, Mr. Speaker. The Democratic Conference will have a conference immediately after Session. That means immediately; not ten minutes from now, not a half-an-hour from now, but immediately. Thank you, sir.

ACTING SPEAKER AUBRY: And I presume we'll be in Hearing Room C.

MR. BENEDETTO: In Hearing Room C.

ACTING SPEAKER AUBRY: We don't want you to miss your beat. Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I now move that the Assembly stand adjourned and that we reconvene at 10:00 a.m., Wednesday, January the 31st, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 4:31 p.m., the House stood adjourned until Wednesday, January 31st at 10:00 a.m., that being a Session day.)