

TUESDAY, JANUARY 31, 2023

2:41 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 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 30th.

Mrs. Peoples-Stokes.

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

dispense with the further reading of the Journal of Monday, January 30th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker and colleagues, as well as guests that are in the Chamber. I would like to start today with a quote. Again, we are still in the month that we celebrate Martin Luther King, even though they say it should only be on that one Monday, we have been celebrating him all month, sir, and just today we're going to use a quote from his wife, Coretta Scott King. And her words for us today is, *It doesn't matter how strong your opinions are. If you don't use your power for positive change, you are, indeed, a part of the problem.* Again, those words from Coretta Scott King. Mr. Speaker and colleagues, you have on -- our colleagues have on their desk a main Calendar, and after you have done any introductions and/or housekeeping, sir, we will call for the Ways and Means Committee to meet off the floor in the Speaker's Conference Room, immediately followed by the Rules Committee. These Committees will produce an A-Calendar, which we will take up today -- today on consent. While the Committees are meeting, we will begin our work on the floor by first taking up resolutions on page 3. I believe some of our colleagues would like to speak on these resolutions, and then we're going to start on page 4 with taking up the following bills on debate: Rules Report by Mr. Zebrowski, it's No. 28;

Rules Report No. 32 by Mr. Dinowitz; and Rules Report No. 41 by Mr. McDonald. If there is a need to advance further floor activity, Mr. Speaker, I will do so at that time.

That's a general outline of where we're going today, sir. If you have introductions or housekeeping, now would be a great time.

ACTING SPEAKER AUBRY: We'll go directly to introductions, Mrs. Peoples-Stokes.

And for the purposes of an introduction, Ms. Reyes.

MS. REYES: Thank you, Mr. Speaker, for allowing me an opportunity for an introduction.

Today, we welcome the Bronx Garifuna delegation to Albany. The Garifuna people are Afro-Indigenous Central Americans from Honduras, Guatemala, Nicaragua and Belize. New York is home to more than 300,000 Garifuna people, with its largest concentration in my home borough of the Bronx. With us today is Hondureños Contra el SIDA, (Hondurans Against AIDS) and its founder, Ms. Mirtha Colon. Hondureños Contra el SIDA is an organization operating with a dedicated core of volunteers and a board of directors comprised of leaders 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. With them is Bronx-based community center, Casa Yurumein. 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 descendants, Central American immigrants through culturally relative programs and civic engagement. Lastly, with them is also Alianza Americas. Alianza Americas is a network of immigrant-led organizations working in the United States and transnationally to create an inclusive, equitable and sustainable way of life for communities across North, Central, and South America. To them, I say *Buiti Achüluruni*, which means *welcome* in Garifuna. Mr. Speaker, please help me in welcoming this distinguished group of community members and extend to them the cordialities of the floor.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Reyes, the Speaker and all the members, we wish -- wish this group from the Garifuna community from the Bronx. We extend to you the privileges of the floor. We thank you for this annual trip that you have made over the years. We hope you will continue to do that and that your efforts to improve your community's life will continue. Thank you so very much to all of you.

(Applause)

Mr. Burdick for an introduction.

MR. BURDICK: Thank you, Mr. Speaker. I rise for the purpose of making an introduction. It is my honor and pleasure to welcome to the New York State Assembly the Boys and Girls Club of Northern Westchester, and I would ask that they stand up, all of our

visitors - and there they are. Today, we have leadership of the Club together with many of the young people who participate in the Club's programs. All three of my children had the good fortune to grow and learn at the Club. So I really can state from firsthand knowledge that participating in the Club can be a foundational and life-altering experience for many youth. I therefore respectfully ask that the full courtesies of the House be extended to these wonderful visitors.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Burdick, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend to you the privileges of the House and of the floor. We hope that your trip will be beneficial, that you will understand and appreciate some of what you watch today here on the Assembly floor, and that you are always welcome here and please know that you can return. Thank you so very much.

(Applause)

And purposes of an announcement: Ways and Means in the Speaker's Conference Room, immediately, please.

(Pause)

ACTING SPEAKER RIVERA: Resolutions on page 3, the Clerk will read.

THE CLERK: Assembly Resolution No. 62, Ms. Bichotte-Hermelyn.

Legislative Resolution memorializing Governor

Kathy Hochul to proclaim January 29th - February 4th, 2023, as Physician Anesthesiologists Week in the State of New York.

MS. BICHOTTE-HERMELYN: Thank you, Mr. Speaker, for allowing me to speak on this important resolution. This year marks the 9th Annual National Physician Anesthesiologist Week, which takes from -- which takes place from January 29th to February 4th. Whether during a surgical crisis, providing pain management or protecting safe anesthesia care for veterans, physician anesthesiologists are health care champions that navigate life and death moments to keep patients safe in the State and our community. The vital Physician Anesthesiologists Week is a pivotal event of advocacy and public outreach to educate key audiences that anesthesiologists are uniquely qualified to lead patient care.

Physician anesthesiologists undergo 12 to 14 years of education, and 12,000 to 16,000 hours of training, and they are recognized leaders who are committed to pro -- to providing universal access to high quality and safe patient care. Every person in New York is entitled to and should have universal access to the highest level of anesthesia care, regardless of socio-economic status. We all deserve a physician anesthesiologist leading our care, advocating for us and safeguarding us when we are under anesthesia.

It is also vital to recognize the expertise and efforts of physician anesthesiologists in combating high maternal mortality rates. In the U.S., maternal mortality consistently ranks among the top causes of death among women ages 20 to 44 years. And in the City of

New York, average maternal mortality rate among Black pregnant people more than nine times the rate of White pregnant people. I was one of these survivors and victims. The lowest care of mat -- maternal mortality is under 1 percent for anesthesia-related complications, and the expertise of anesthesiologists has garnered national attention for improving maternal health. Published recommendations include anesthesiologist expertise to review quality and safety measures, optimize care and identify the causes of maternal mortality. This week highlights the importance of patient-centered physician-led anesthesia care, and is a monumental chance to raise awareness of how anesthesiologists are made for critical moments in health care.

Today, let's resolve to raise awareness for physicians anesthesiologists serving as guardians of our patient safety and health care, and keep supporting and advocating their vital work. I am a proud -- I am proud to sponsor this resolution as an important step to do so and thank everyone who has cosponsored this resolution to equitably improve the New York -- the health of New Yorkers while recognizing the dedicated professionals behind the scene. Thank you, Mr. Speaker.

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

THE CLERK: Assembly Resolution No. 63, Mr. Cunningham.

Legislative Resolution memorializing Governor

Kathy Hochul to proclaim February 3rd, 2022, as Four Chaplains Day in the State of New York.

ACTING SPEAKER RIVERA: On the resolution, all those in favor -- Mr. Eachus on the resolution.

MR. EACHUS: Thank you, Mr. Speaker. I would like to, although I did not bring this forward, I want to thank the sponsor for it. The story of the *Four Chaplains* is a long-held story from World War II. The *Four Chaplains*, also referred to as the *Immortal Chaplains* or the *Dorchester Chaplains*, as that was the ship that they went down with, gave the lifejackets right off their backs and, therefore, their lives, as the troop ship was sinking. This occurred on February 3rd, 1943. The Chaplains, one Jewish, one Catholic, one Methodist and one Reformed Church in America, linked arms, said prayers together and sang hymns as they went down with the ship. We don't know how many folks they saved, but we do know that they tell us, a very, very different -- tell us a very true story. Three out of four these were leaders in the Boy Scouts of America, and they were all profound leaders within their communities. I proudly wear my Boy Scout of American pin underneath my Assembly pin in respect to what these men have done, and did do. It is my hope that we recognize this day, February 3rd, every year, and recognize how men of different religions can come together to help others, and that is my wish here on the floor, also. Thank you, Mr. Speaker.

ACTING SPEAKER RIVERA: Thank you.

Mr. Steck.

MR. STECK: Very briefly, and thank you, Mr. Speaker. I just wanted to point out that one of the four chaplains was the minister at the First Reformed Church in the City of Schenectady. Thank you.

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

Page 4, Rules Report 28, the Clerk will read.

THE CLERK: Assembly No. A00624, Rules Report No. 28, Zebrowski. An act to amend the State Finance Law and the Education Law, in relation to the oversight of certain contracts by the comptroller.

ACTING SPEAKER RIVERA: An explanation has been requested.

MR. ZEBROWSKI: Thank you, Mr. Speaker. Sure. This is a Chapter Amendment to Chapter 839 of the Laws of 2022. What that Chapter did was reestablish oversight for the Comptroller over a bunch of different contracts in the State, both SUNY, CUNY, OGS. This Chapter Amendment makes some slight changes to that bill we passed last year.

ACTING SPEAKER RIVERA: Mr. Goodell.

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

MR. ZEBROWSKI: Yes, I'll yield.

MR. GOODELL: Thank you, Mr. Zebrowski. And just so we're on the same page, you drafted the original bill, or introduced the original bill to restore by statute the Comptroller's oversight over various contracts and the numbers that you had, as I understand it in your original bill, are all being increased in terms of the threshold; is that correct?

MR. ZEBROWSKI: There's a variety of them being increased.

MR. GOODELL: So for example, SUNY, CUNY, that goes -- the threshold goes from 50,000 to 75,000?

MR. ZEBROWSKI: Correct.

MR. GOODELL: And OGS, centralized contracts, that goes from 85,000 to 125,000?

MR. ZEBROWSKI: Correct.

MR. GOODELL: And then SUNY Health goes from 75,000 to 150,000?

MR. ZEBROWSKI: Correct.

MR. GOODELL: So the net effect of the Chapter Amendment is to reduce the Comptroller's oversight over contracts that fall below the new proposed amounts, correct?

MR. ZEBROWSKI: It's a bunch of different things that happen. Some of the days were changed, as well. When we passed the bill, we knew it was one that executives probably wouldn't like, right, not specific to this Executive, but in general they don't particularly love having to go for pre-approvals for purchasing and

other things by the Comptroller. But we also know that that's better government. This bill had a lot of support from good government groups, around the State, and significant, strong support from our Comptroller, Tom DiNapoli.

So I, quite frankly, Mr. Goodell, always worry that it was going to meet the veto pen, but I was -- I was pleasantly surprised that this Governor did engage in negotiations. They had some arguments about efficiencies, certainly it creates a bit of work for these agencies. And also throughout this process, I probably got some of the most pushback from SUNY and CUNY campuses who don't like engaging in this sort of review. Certain members talked to me about that, had been reached out to by their SUNY campuses.

So at the end of the day, we did make some adjustments in those negotiations, and most of those did increase, as we just went through the contracted amounts. So the Comptroller won't have review under those amounts, but we do still think that it's a significant improvement over the current state of the law and, in some cases, it's actually an improvement over the old statute. For existence -- for example, like under SUNY and CUNY construction, there was no pre-audit even under the old statute, but now any procurements over the \$75,000 would have a pre-audit.

MR. GOODELL: There is one area, though, that I thought was interesting where the memorandum of understanding that was negotiated by Governor Cuomo with the Comptroller in terms of restoring his oversight authority was actually lower than the proposed

Chapter Amendment. As -- it's my understanding that OGS centralized contracts had a threshold of 85,000. Under the memorandum of understanding with the prior Governor, that \$85,000 threshold was contained in your original legislation and now the new Governor -- Governor is insisting that it go up to 125-?

MR. ZEBROWSKI: Uh, yes. I think that's the only area where the MOU had a lower amount. I think when we entered into these negotiations, tried to take into consideration inflation, the increased work and in general I would say, the bill and this Chapter Amendment is a vast improvement to the MOU. I think you do point out one area, and that's fair, but for instance like in purchase orders, they were totally exempt from any type of pre-audit, and now they'll be pre-audited going forward. So on a whole, we think it's much stronger than the MOU.

MR. GOODELL: And I appreciate that. Would any of these pre-audit requirements apply in a state of emergency?

MR. ZEBROWSKI: Well, in a state of emergency the Governor would retain their original powers, not to reenter a debate from last year or two years ago, but these are not any of augmented powers that were -- happened during COVID and then were rescinded. So under the Governor's original Executive powers, they had the ability to suspend certain laws in states of emergency. Those are all laws, and certainly this is could be something that would be subject to those Executive powers.

MR. GOODELL: As you know, there's been a lot of

controversy lately of -- over an award of a contract for several hundred thousand dollars for test kits where the price paid under that emergency purchase was allegedly double what you could buy the same test kits for on retail value. Am I correct that this legislation would not affect that?

MR. ZEBROWSKI: Well, that was -- the fact pattern you're presenting was during the state of emergency, so I'm not sure what the hypothetical would be. So yes, it would affect a contract like that under the current state of affairs. We're not under a state of emergency anymore. But if the hypothetical is in a future state of emergency for which the Governor suspended that law, then that would be still under those Executive powers.

MR. GOODELL: Thank you for that clarification. Last question, I hope. I note that the statute gives the State Comptroller 75 days to review a proposed contract and they can ask for an additional 15 days, taking it out to 90 days. Is there any -- of course, you know, if you're desperate for supplies or materials, or you're entering into a construction contract, a 90-day delay in contract review and approval can take you right outside of your construction season or create massive challenges in operations. Was there any discussion about reducing the length of time the Comptroller had to review and approve these -- these contracts?

MR. ZEBROWSKI: That was, you know, one of the main points of the Executive Branch and agencies and SUNY and CUNY during these negotiations, a worry about the time. I think the

existing law had 90 days plus 15 days, so now it's 75 plus 15 so it does reduce it by 15. But I think the Comptroller was heavily involved in these talks and negotiations, and I think the Comptroller's Office gave assurances that they will attempt to do these as quickly as possible and take into consideration any of those circumstances. And I think the parties that were involved took the Comptroller at his word and the agency at their word and were comfortable with that.

MR. GOODELL: Thank you very much. I appreciate your comments clarifying this.

On the bill, sir.

ACTING SPEAKER RIVERA: On the bill.

MR. GOODELL: Thank you. I appreciate the efforts by my colleague to reinstate by statute the Comptroller's oversight view of State contracts. This is the second time in less than a week that I'm here telling you I liked his earlier version that he drafted himself better than the one that he's been forced to defend today. Sorry, Mr. Zebrowski, but I still am a fan of your earlier work, you know. And as -- as the sponsor noted, even with the amendments it's better than where it was where we started with the exception of OGS centralized contracts, where the threshold goes from 85,000 to 125,000 up from where it was even before we acted. So I appreciate the dilemma that my colleague is facing. I -- I personally support the lower thresholds. I actually like his earlier bill better, and compliments to him, but I understand the dilemma he is wrestling with on this Chapter Amendment.

There is one other area, though, that I think we as a Legislature really need to look at, and that is the statute gives the Comptroller up to 90 days to review a contract. Three months. Look, I think it's great we have a Comptroller keeping an eye on what's happening in the State, that's great. And the checks and balances that the Comptroller brings to the table help us operate more efficiently and with much more honesty and less opportunity for corruption or fraud. But waiting 90 days to have a contract approved? I mean, no one in the private sector would ever put up with a review process that takes three months for a contract. I mean, it's mind-boggling to think that you would have to wait three months for a contract. And when you add in inflation and cost increases and supply chain issues and logistics, three months in this economy can be an eternity.

So I appreciate my -- my colleague's efforts to get his bill through without a veto. I'm voting against the amendment as a statement of confidence and support for your original legislation, sir, and I encourage your continued efforts and the efforts of the Legislature to look at increasing the efficiency of the Comptroller's review so we don't take an entire construction season to approve a construction contract. Thank you very much, sir, and again, thank you to my colleague.

ACTING SPEAKER RIVERA: Mrs. Peoples-Stokes for an announcement.

MRS. PEOPLES-STOKES: Mr. Speaker, thank you for allowing me to interrupt this debate for the purposes of an

announcement. The Rules Committee is now being held in the Speaker's Conference Room, so the colleagues who are members of Rules, please make your way in that direction.

ACTING SPEAKER RIVERA: Rules Committee in the Speaker's Conference Room.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER RIVERA: The Clerk will record the vote.

(The Clerk recorded the vote.)

Members, this is the first vote of the day.

MRS. PEOPLES-STOKES: Mr. Speaker, if I could take this opportunity to remind colleagues that this is our first vote of the day. If you are somewhere in and around the Chambers, please make your way this direction so that you might be able to cast your vote. Thank you, sir.

ACTING SPEAKER RIVERA: Mr. Kim to explain his vote.

MR. KIM: Thank you, Mr. Speaker, to explain my vote. I want to first applaud the sponsor for championing this legislation to restore the oversight role of the Comptroller's Office, which was so necessary for the last few years, but now we finally have it back. I also want to just, you know, ask my colleagues to support this measure to make sure we have accountability.

But also, I want to point out the fact that the

Comptroller, that office itself is also in the business of contracting out many of their duties, including the management of public pension funds and public retirement money that lacks transparency and accountability. When we have general partner and limited partner contracts, there's so much in there that these hedge funds, private equity establishments, they're charging 2 percent asset management fees without performing and without actually delivering on the returns that they're required to do. And if we have a little bit of transparency in those contracts, I think these, we can hold that industry more accountable.

So moving forward in addition to giving the Comptroller the -- the authority to audit and pre-audit State contracts, we should also demand that he himself is also held accountable for the contracts that he's giving out to Wall Street. Thank you.

I vote in the affirmative.

ACTING SPEAKER RIVERA: In the affirmative.

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

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker, for allowing me to interrupt our proceedings for the purposes of an announcement. Our colleague, Mr. Desmond Meeks, from the 137th Assembly District, has guests in from the Boys and Girls Club

of Rochester, New York. The Club has served the children and families of Rochester for over 50 years, Mr. Speaker. Today, they are joined by the Director, Mr. Dwayne Mahoney, and staff. There are several awesome scholars amongst the student population, including Jasmyne Floyd, who was recently nominated for the U.S. Presidential Scholars Program, one of the nation's highest honors. She's a student in high school -- a senior in high school right now, Mr. Speaker. So if you could please welcome these young folks to our Chambers and give them the cordialities of the House, Mr. Meeks and I both would appreciate it.

ACTING SPEAKER AUBRY: Certainly. On behalf of Assemblymember Peoples-Stokes, Assemblymember Meeks, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. We congratulate you on the great work you're doing with young people in your community and for you, young lady, congratulations on that high honor that you are about to receive. Thank you so very much, and please know that you're always welcome. I gather all of the Buffalo area and Rochester area are here to welcome you.

MRS. PEOPLES-STOKES: It's close.

(Applause)

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes for another introduction.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I appreciate the opportunity to again interrupt our

proceedings for the purpose of introducing some people who are actually from Buffalo. We have with us today Dr. Candace Johnson. She's the President and CEO of the Roswell Park Cancer Institute, you may have heard of it. It's one of the most renowned cancer institutes in the whole country. She's joined by some of her very capable staff, Reverend Craig Pridgen, who also happens to be my nephew, and she's also joined by James Kennedy. These folks work really hard with her and I ask that you would please give them the cordialities of our House and offer them our greetings.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mrs. Peoples-Stokes, the Speaker and all the members, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Hope that you enjoy the proceedings that you have come to watch, and that your trip to Albany will be beneficial and in this State, we are all a big tent whether you're from Albany, Buffalo, Queens, it doesn't matter. We welcome you anyway. Thank you so very much.

(Applause)

Page 4, Rules Report No. 32, the Clerk will read.

THE CLERK: Assembly No. A00632, Rules Report No. 32, Dinowitz. An act to amend the Domestic Relations Law, in relation to mandatory training of a forensic evaluator in relation to court ordered forensic evaluations involving child custody and visitation when the child is living out-of-state; to amend the Executive Law, in relation to training in the prevention and intervention of

domestic violence required for forensic investigators; and to amend a chapter of the Laws of 2022 amending the Domestic Relations Law and the Executive Law, relating to court ordered forensic evaluations involving child custody and visitation, as proposed in legislative bills numbers S. 6385-B and A. 2375-C, relating to the effectiveness thereof.

ACTING SPEAKER AUBRY: Explanation has been requested.

Mr. Dinowitz.

MR. DINOWITZ: Just waiting so I can hear myself.

ACTING SPEAKER AUBRY: No problem.

MR. DINOWITZ: This bill amends Chapter 740 of the Laws of 2022.

ACTING SPEAKER AUBRY: One minute more. Sergeant-at-Arms, can you get some order? We have a group of people right in the middle right there. Please ask them to take that conversation to the rear.

MR. DINOWITZ: Or better yet outside.

ACTING SPEAKER AUBRY: Mr. Dinowitz.

MR. DINOWITZ: Yes, okay. I will say it again. The bill amends Chapter 740 of the Laws of 2022, an excellent law that we passed last year as you all know.

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

ACTING SPEAKER AUBRY: Will you yield, Mr.

Dinowitz?

MR. DINOWITZ: Of course.

MS. WALSH: Mr. Dinowitz, I do agree that last year this Body unanimously supported the bill-in-chief and that this Chapter Amendment has got two pieces to it. I'd like to focus my questioning on just one part of it. The part of it that adds the ability for a judge to allow for a remote video conference forensic evaluation in the context of a forensic custody evaluation done for Family Court or for State Supreme Court in a matrimonial case. So I guess the first question I got is prior to this amendment, was there any provision in the law that regarding virtual forensic custody evaluations in New York or was it silent previously; do you know?

MR. DINOWITZ: As far as I know it was silent. My bill certainly did not allow for remote examinations.

MS. WALSH: Okay. Yeah. I thought -- I thought it was a new thing, too, that had just been put forward. Do you -- do you know what the rationale was for adding this language to your very fine bill that was unanimously passed last year?

MR. DINOWITZ: Well, there were actually a number of changes that were suggested and I did not feel comfortable with some of those suggestions. This one -- I guess the main reason for it is for the probably very rare situation where you have somebody who is a great distance away and then it came down to the following. The choice was to have a remote examination with a qualified forensic evaluator that was trained in New York versus having

somebody from another jurisdiction who may not have been trained the way that we train ours. So it was a little bit of a trade-off but I don't really think it will matter that much in the sense that I think in almost every single case this would not come into play in the first place.

MS. WALSH: Well, you're kind of anticipating my next question which is do you know how many times this does come up on -- on average on a yearly basis in New York State?

MR. DINOWITZ: I -- I don't know but I'm not aware that it's come up at all. So it could be -- it could be that there was an anticipation that theoretically, potentially, possibly, hypothetically, it could happen, but I don't know that it has. So that's -- that's why I was not overly concerned about the change, because frankly I thought the original bill which was passed with just one (inaudible) vote was perfect the way it was.

MS. WALSH: I would attend to -- I personally believe for the reasons I'll state later that I -- I do not believe that this particular part of the chapter improves the bill-in-chief. I think it actually creates -- I believe it opens up a can of worms but I'll get to that -- I'll get to that later. So one of the things I was curious about is I know that during the COVID pandemic a lot of people in family court and just in the court system generally had to flex and adapt to not being able to -- to be face-to-face with individuals when you were interviewing them or even for court appearances. I didn't know if that played into this at all because it seems as though now we're kind of

out of the pandemic and maybe the need for remote teleconferencing like this would not be as necessary or appropriate even.

MR. DINOWITZ: I -- I couldn't say before the pandemic that the whole concept of remote anything would not have crossed my mind. And while we are hopefully soon getting out of the pandemic, things are seem to be abating, there are still that 30 New Yorkers who are dying every day so we're not quite there yet. So I guess -- I guess, you know, the reasoning for it is -- is possibly not something which anybody would've thought of, you know, four years ago, but here we are. And I -- I -- I do think that the law that we passed will have a very good impact and I am absolutely convinced that it will ultimately save some lives. We'll never know whose lives are actually saved but we can be certain that some lives will be saved.

MS. WALSH: So talking a little bit about the actual operation of the -- this portion of the Chapter Amendment. It says on line 7 that the court shall apply -- appoint a forensic evaluator who has received training in New York following the guidelines that the bill-in-chief laid out when a child is greater then 100 miles outside of New York. Question, so, does this then affectively foreclose the appointment of an out-of-state evaluator, correct?

MR. DINOWITZ: Yes. We want somebody from New York who received the training that the law that we passed, that you and I passed along with everybody else required.

MS. WALSH: And that's the case even if an out-of-state evaluator has excellent credentials and is closer to the

child?

MR. DINOWITZ: Well, we don't -- they may or may not have excellent credentials but you can't always quickly compare the credentials, but the one thing we'll be certain of is that the New York person will have the excellent credentials that we mandated.

MS. WALSH: Very good. All right. Are you familiar with the components of a forensic custody evaluation, like how they're done?

MR. DINOWITZ: I've never -- I've never been to one, I've never witnessed it.

MS. WALSH: Okay. So the Chapter Amendment also says that -- that the court will take all -- the evaluator rather will take all steps reasonably available to protect the confidentiality of the child's disclosures. But are there any steps listed in the bill about what those steps are going to be?

MR. DINOWITZ: No. It says "all" so that covers everything.

MS. WALSH: Reasonably available. Do you know, will there be a tape of the evaluation that's going to be created between the -- a videotape of the evaluator working with the child?

MR. DINOWITZ: I -- I don't know specifically how they do that but I -- I only imagine that they would, yeah.

MS. WALSH: And this Chapter Amendment doesn't speak to the discoverability of that tape if one's generated. Correct?

MR. DINOWITZ: No.

MS. WALSH: That's -- that's out there, okay. And does the Chapter Amendment speak at all to how it will be safeguarded or how it will guard against any influence during the evaluation by perhaps an adult and with the child?

MR. DINOWITZ: The -- this is a tiny change. It's almost like a chapterette. It does not go into all those kind of things that you're mentioning. It -- it does exactly what we said at the beginning.

MS. WALSH: Thank you very much.

Mr. Speaker, on the bill.

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

MS. WALSH: I appreciate the sponsor's answers. I -- I do happen to really disagree. Even -- even in the Governor's message she described this as being a minor change. In my opinion, as a practitioner in family court, this is not a minor change. This is a pretty big change. And I don't know how often it will be utilized in -- in New York State. We don't have -- appear to have any data on that at all, but for the benefit of my colleagues let me say this: That the forensic custody evaluation in a matrimonial or family court context is an extremely important tool that's utilized by the court in making determinations about who should have custody and who should have visits or parenting schedule with the child. Typically the components of the forensic custody evaluation are these: There's an interview with parent number one, there's an interview with parent number two,

there's an interview with the child or children and if there are multiple children they'll be interviewed separately and they may be interviewed together. There will then be observations done with parent one and the child or the children. There will then be observations of the parent two with the child or with the children. There's very often an MMPI; a personality test that's administered for both parents that's conducted. There are collateral resources. Other key individuals, perhaps somebody that takes care of the child. Could be grandparents, could be caregivers, teachers, neighbors, they will all be evaluated. And not so much evaluated but they'll be consulted and talked to. There'll be a review of relevant documents, school records, medical records for the child or the children. All of this information gets pulled together and a very, very comprehensive document is prepared with specific recommendations from the forensic custody evaluator as far as these very important issues of where -- where will the child live? Where will the children live? Will they be visiting with one parent? With both parents? What schedule would be most beneficial? Are there special considerations in terms of the child's age, developmental intellectual level? Are there -- are there other factors that need to be considered? It's a really important document. And these evaluations are ordered pretty frequently in contested matrimonial cases, and I have had the opportunity to read a fair number of them. That is why I was such a strong supporter of the bill-in-chief when it came up last year because it's very, very important that the evaluators that we entrust such an important tool with have appropriate credentialing and

know what they're doing because what they say carries so much weight with the family court.

The problem that I've got with this Chapter Amendment is that it introduces a completely new method really for doing this evaluation. Imagine, if you will, a child of about say five or six years old or younger, could be as young as an infant. Imagine a child like that and you're trying to over Zoom or some type of video conferencing tool, you as an evaluator are supposed to be picking up on the child's non-verbals, trying to develop a rapport with that child so that if you have to ask that child about some really difficult things in that child's life - possibly abuse, neglect, what the child has witnessed in terms of how the parents have interacted with each other, you want to be able to make observations about how the parent is -- is interacting with the child and you're having to do all of that over a screen. We know, in this Body, how hard it was to do our work over the last couple of years over a screen. How difficult it was to read each other's facial expressions, just imagine trying to do that with a child and -- and to be able to come up with really a good report based on that. I agree with the sponsor that we do want our forensic custody evaluators to be well-trained and well-credentialed, but I'm not so convinced that we could not find -- and the sponsor says rare circumstances that we would need to do this outside of 100 miles outside of New York State that we couldn't find an evaluator either we have options. We either choose a New York-trained-evaluator and have that person travel to where the child is and do that portion of the

evaluation face-to-face with that child. I think that would be the best thing. That would be the best thing. Is it the cheapest thing? No. It's not the cheapest thing. But if we want really good results and we want that child to be able to open up and talk to that evaluator about the things that really matter in that kid's life, then maybe that's the price that needs to get paid. The second option would be to have somebody appointed who is outside of New York State, outside of that 100 mile radius but who has really good qualifications and credentials. And I would say that if you take a look at the resume, the curriculum vitae, possibly talk to or interview the -- the individual over the phone, you can -- you can get a pretty good sense if that person has proper training and can conduct at least the child's portion of the evaluation out-of-state. One thing that I'm not sure about is -- I'm assuming that that out-of-state child is living with one of the parents probably who would also be part of the evaluation so I'm not sure whether the Chapter Amendment only the portion having to do with the child gets videotaped and done over video-conferencing or whether that whole part of the evaluation of the parent with the child living out-of-state gets done that way. I'm unclear about that. My experience as an attorney for the child during COVID is that sometimes I had to, I didn't have any choice, I had to FaceTime with my little clients to prepare for a family court matter, and it was really hard. Not just because I couldn't really build that kind of rapport that I'd like to build with my clients over FaceTime, but inevitably, inevitably, there was a parent that was just out of the frame -- that was just out of the frame

listening to what the child had to say. Possibly, I've had cases, believe it or not, where my adolescent clients have an iWatch or something are getting little -- little text notifications from the parent, *remember to say this, remember to say that*. There's real problems. These are important tools and because the parents know how important they are and how much the court's going to rely upon them, confidentiality is a huge, huge problem. And I understand that in the Chapter Amendment it says that the evaluator must take all steps reasonably available to protect the confidentiality of the child's disclosures. But if you take a look at some of the guidelines for virtual evaluation, evaluators are supposed to figure out, depending on the age of the child, who can be near that child, to help that child navigate the technology. Who can be around that child who's going to be making sure that nobody else that should be having influence on the child or what the child says. I know. Who's -- who's going to be managing that? We don't know. We don't know what's going to happen, if there's a tape that's generated from this video-conferencing and if that's going to be discoverable, that's a huge issue. Kids have a right to an attorney representing them and they are imported all the same rights as any other party to the -- to the lawsuit. And I think that by allowing these to be video-conferenced, you're really -- you're really just compromising the child's portion and -- and appropriate role as a party of equal footing in -- in a matter like this. I think that there's not in this bill any need for any consent to this type of evaluation from the attorney for the child. It's not good for the child because not only are

you losing rapport over video -conferencing but you're dealing with children from birth to age 18. You have a huge range of ability, ability to navigate technology, ability to -- to deal with a screen. Very often I have clients who have ADHD, who are on the autism spectrum, who have Downs, who have developmental disabilities, how are those going to be navigated over a screen? How do you even know that you're going to get a child that's going to be able to attend to this evaluation to provide the meaningful information that the evaluator needs?

So I would've appreciated a -- a couple of things here. And this is through absolutely no fault of the sponsor was presented with a kind of a choice to either forfeit the really great bill-in-chief about training, making sure our forensic custody evaluators are trained properly and this -- this so-called by the Governor "minor change" that's really not a minor change at all. I would've appreciated if instead of holding the bill-in-chief hostage unless you agree to this Chapter Amendment, to have this be a standalone piece of legislation that was actual -- that actually had the guardrails incorporated that were going to be beneficial to everybody involved. And to answer some of the questions that I've been -- I've been raising as I've been trying to -- to point out my thoughts and feelings on this bill. So, I am not going to be supporting this Chapter Amendment. I would encourage my colleagues to also not support this Chapter Amendment, not at all because of the bill-in-chief. The bill-in-chief I completely agree with, we all did. But I would like to send a message

to the Second Floor that something that's this important should be its own bill and should not just be something that slid in as a Chapter Amendment. I don't believe this is a -- a chapterette amendment in any way. I think that this is a pretty significant change and one that really sets the whole field of forensic custody evaluations back and will be a nightmare to work with in practical experience. So thank you, Mr. Speaker. I'll be voting in the negative.

ACTING SPEAKER AUBRY: Thank you.

Ms. Giglio.

MS. GIGLIO: Thank you, Mr. Speaker.

On the bill.

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

MS. GIGLIO: So, I commend the sponsor for trying to make it easier for parents that decide to not live in the same state. However, with this type of bill and with mental health, it's really hard to analyze on Zoom what the person that they're interviewing is experiencing whether it's a toe tapping, whether it's a finger movement, whether somebody's standing looking at them to make sure that they're saying what they want them to say, otherwise they'll be repercussions. So I think that the videoing is -- is very instrumental in certain instances but I don't believe that this is a good thing based on everything that my colleague said and with her experience in dealing with these types of cases the protection of the child is very important to me and I believe that they can be undue -- unduly influenced by a video camera more than a 100 miles away, that the

other parent may not even know about it. So, for the protection of the child and for the spouse that is not living within the same State or within the 100 miles, I really respectfully -- respectfully to the sponsor for trying to make it easier for parents and to do these types of custody situations I will be voting in the negative. But because I don't feel like video-conferencing is appropriate when it deals with a minor or when it deals with mental health issues. Thank you, Mr. Speaker.

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.

Page 4, Rules Report No. 41, the Clerk will read.

THE CLERK: Senate No. 01334, Rules Report No. 41, Senator Cooney (McDonald A00967). An act to amend the Real Property Actions and Proceedings Law, in relation to notice of certain proceedings to convey title to abandoned commercial and industrial real property to a city, town, or village; and to repeal certain provisions of such law relating thereto.

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

MR. MCDONALD: Thank you, Mr. Speaker. This, too, is a Chapter Amendment regarding the bill we passed last year that dealt with conveying of commercial industrial properties to a city, town or village. If you don't mind Mr. Goodell I'll get into the actual changes if you don't mind. There was a little bit of concern about the fact that zoning building or property maintenance code violations for a year that was trim -- it was toned down a little bit to be more about any violation that had a potential to injure or endanger the health and safety of others. We clarified how service would be. Service as many people know is how a notice would be sent to the interested parties or parties who had an interest in the property and we clarified it would be through certified mail or overnight courier versus traditional mail, that was a request of the finance industry. We also made some minor changes in regards to the process. Before if somebody was served notice they had 15 days to respond, we moved that to 45 days to give them more time to respond. And also after this whole process is done and the property transfers over to the local municipality there's always been 90 days for the former owner to challenge the process. At their request we extended it to 120 days.

ACTING SPEAKER LEVENBERG: Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker.

Would the sponsor yield?

MR. MCDONALD: I will yield.

ACTING SPEAKER LEVENBERG: Mr. McDonald, will you yield,

MR. MCDONALD: Yes, I will.

MR. GOODELL: Thank you, Mr. McDonald and thank you for that an explanation of these Chapter Amendments. Just so our colleagues are all on board with what we're talking about, the bill-in-chief that we passed last year enabled the municipality to acquire title of a property that was abandoned or abandoned commercial or industrial rural property, correct?

MR. MCDONALD: Correct.

MR. GOODELL: And so in order for a municipality to implement this procedure they had to show that the property was either unguarded or was guarded by somebody other than the owner. And one of three other factors, correct? And those factors were that there was a vacate order or taxes were in arrears one year or there were building, zoning or property maintenance code violations, correct?

MR. MCDONALD: Correct.

MR. GOODELL: So what this did is looked at -- one of the Chapter Amendments takes a look at the third criteria which again says that even though the building is guarded and secured a municipality could take title to the property if it had a zoning, building or property maintenance code that has the potential to injure or endanger the health or safety of others or to unreasonably annoy others, correct? That's what the Chapter Amendment does.

MR. MCDONALD: That's what the Chapter Amendment says.

MR. GOODELL: So can you help me? You can have then under this language, you could have a zoning, building code violation, and we know they range from everything from minor to very serious.

MR. MCDONALD: Right.

MR. GOODELL: And you could have one that does not injure or endanger the health or safety of others but has a potential to annoy, correct?

MR. MCDONALD: Correct.

MR. GOODELL: Can you help me understand what's meant by potential to annoy? Am I correct, you don't have to show that it's actually annoying anyone, right?

MR. MCDONALD: Right.

MR. GOODELL: It has a potential to annoy someone. So is that like a sensitivity-type evaluation?

MR. MCDONALD: It's not a visual -- you know, it's not a sensitivity issue. First of all, you've been here for several years. You know what annoying is all about, right?

MR. GOODELL: I -- I know what annoyance is.

MR. MCDONALD: We deal with this --

MR. GOODELL: Yeah, it happens almost every day here.

MR. MCDONALD: I know. So that's not the case here. As you know municipalities actually don't really like to go through this process. It's actually the last thing they would want to do.

This House passed several years ago the ability to convey title to residential properties because of blight in neighborhoods. But unfortunately there have been some commercial and industrial properties that have also unfortunately been neglected and have become a blight to the community. Case in point, and many of you know this because you work here, this is your second home. It wasn't a couple months ago when the Central Warehouse building, an 800,000 square foot Goliath that sits on top of the railroad tracks that connects Rensselaer to the western part of the State, pieces of building started to fall down and we lost rail service in Upstate New York for at least a good week. That's annoying to me. It's annoying to everybody. So that's kind of the example I would give in that circumstance. It's not because I don't like the color Chartreuse, you know, salmon color they painted on the building by any stretch of the imagination. It's more about does it have a potential to cause disruption to individuals in the community? And being a former mayor who worked very closely with our code enforcement department, we know that our resources are very thin. We're not going to go down that road unless it's become an extreme nuisance to the community. I don't know if that clarifies it but...

MR. GOODELL: Yeah. So, just so we're all on the same page, am I correct that you could have a commercial building that's sealed and guarded by somebody other than the owner and has no vacate order and has no violations and the municipality could still seize that if the taxes were in arrears by one year?

MR. MCDONALD: I'm sorry. I got distracted.

MR. GOODELL: Madam Speaker.

MR. MCDONALD: Could you ask the crowd to --

MR. GOODELL: Could you ask our colleagues to keep it down a little bit?

ACTING SPEAKER LEVENBERG: Mr. Jackson, could you please ask our colleagues to quiet down? Thank you.

MR. MCDONALD: Please repeat the question.

MR. GOODELL: So even with this Chapter Amendment, am I correct you could have a commercial or industrial building that's sealed and guarded by someone other than the owner, that has no vacate order, that has no zoning, building or property maintenance code violations which has no potential to injure or hurt anyone or even a potential to annoy anyone and you could still seize the property if the taxes were in arrears by a year, correct? Even with this Chapter Amendment.

MR. MCDONALD: If that's what the bill had than that's the case, yes.

MR. GOODELL: Okay. And then this bill says that even if the taxes are paid up, even if there's no vacate order, even if the building is sealed and guarded by a third-party, a municipality could seize the property if there is a potential that it might annoy someone, correct?

MR. MCDONALD: That's your interpretation, I understand where you're coming from. I don't necessarily -- that's not

what the intention of the bill was. The intention of the bill was very clearly that if a building is a potential danger to a community, if it's neglected, our intention is if the local government has the gumption to exercise what's been established in law for a significant period of time to take title of the property but it's in the best interest of the community.

MR. GOODELL: Well, I understand your intention and I appreciate it.

MR. MCDONALD: Yeah, yeah.

MR. GOODELL: And by the way, I would support that intention but the Chapter Amendment, insisted upon by the Governor, would allow a municipality to seize a property if there is a potential that it might annoy someone even though -- I mean this was her Chapter Amendment.

MR. MCDONALD: It's not mine.

MR. GOODELL: It's not yours for sure and not mine -- that you could seize a private property and using the Governor's language, if it had a potential to annoy someone even though the taxes were current, the building had no vacate order and it was secured and guarded by someone other than the owner, correct?

MR. MCDONALD: That's what you've said, yes.

MR. GOODELL: I'm not quite sure what constitutional class our Governor went through when it came to seizing private property. Did the original bill or the amendment require the municipality then to pay fair value -- fair market value to

the building?

MR. MCDONALD: Good question. I'm sorry. I got interrupted.

MR. GOODELL: Does either the original bill or the Chapter Amendment require the municipality to pay fair market value for the building that is being seized?

MR. MCDONALD: No.

MR. GOODELL: I'm sorry?

MR. MCDONALD: No, not that I recall.

MR. GOODELL: No, okay. Again, I always appreciate it, Mr. McDonald and when we're dealing with these Chapter Amendments I know it's always challenging to defend sometimes language insisted on by the Governor, but I certainly appreciate your efforts.

On the -- on the bill, Madam Chair.

ACTING SPEAKER LEVENBERG: On the bill.

MR. GOODELL: You know, a fundamental premise of both the State and the Federal constitution is protection of private property, right? Government can't just come in and seize your property and say *hey, we want it and we don't have to pay you for it*. So any standards that would allow a government to seize private property for their own use should have clear and strong safeguards, because we are dealing with a fundamental property right enshrined in our New York State Constitution and in the Federal Constitution. And so let's look at the chapter language. The Chapter Amendment

allows a municipality to seize private property with no statutory obligation to pay for it, even though, as my colleague noted, the property is secured and guarded by somebody other than the owner. Even though there's no vacate order, even though their -- the taxes are current. And so the Chapter Amendment language allows the government to seize this private property if the property has any zoning, building or property maintenance code that would be triggered if it weren't properly painted, for example. That has the potential of unreasonably annoying someone. Is there anyone in this room that seriously thinks that the seizure of private property can be met by a standard that's based on the potential - not that it actually is, but the potential of annoying someone. If you think that's the standard that should be used in protecting your private property from being seized make sure your neighbors like the color you paint your house. I appreciate the dilemma that my colleague is in trying to defend indefensible language and he's done an admirable job, thank you very much, Mr. McDonald, but I cannot support legislation that would allow the government to seize property because it has a potential to annoy someone. Thank you, Madam Speaker.

ACTING SPEAKER LEVENBERG: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER LEVENBERG: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. McDonald to explain his vote.

MR. MCDONALD: Thank you, Mr. [sic] Speaker and just a clarification because I always love the discussions with Mr. Goodell but he spent a lot of time talking about the word "annoying" to give the perception that painting a coat of paint might be annoying and someone may not like the color. So I do want to share the language prior to this phrase. The property has a zoning, building or property maintenance code violation. Those are violations of the local government. Whether it's their own zoning, whether it's the building department, whether it's the Department of State's building code violations. It doesn't get into paint color. It may get into parts of the building missing, that's a code violation. So I just want to be a little bit clear because it was going down an avenue I don't know if it was really necessary and, once again, this is another bill brought to us by the local governments, by the mayors, by the counties, by the towns, because the reality is unfortunately for a multitude of reasons people get upsidedown on properties. These violations are noticed for a full year. They are carefully documented and property owners still refuse to acknowledge those violations. This is a tool that local governments can use that is not eminent domain that is basically preventing blight and making sure that many of the treasures that we have in our communities do not become tomorrow's tragedies. Therefore, I continue to support this bill.

ACTING SPEAKER LEVENBERG: Mr. McDonald in the affirmative.

Mr. Brown to explain his vote.

MR. A. BROWN: Thank you, Madam Speaker, to explain my vote. I think the sponsor's correct. It's certainly not eminent domain, it's actually a lot worse. Eminent domain you have to pay not even full value but any potential losses of profit. This is simply just a land-grab where people will literally go into the inner-cities into communities of hardship and do a land-grab because a developer wants to take a home and do a major development. I'm actually surprised at my colleagues that they don't see the blatant and obvious affect this will have on our poor disadvantaged communities. A developer goes to his friend, the mayor, and says *this is just annoying me. You know, do the land-grab. You're not going to pay anything for it and I'll give you top value.* This will hurt our communities, our disadvantaged communities from the get-go and we'll be here next year and we're going to be saying, *what the heck did we do?* This is shocking beyond shocking. Yes, it's definitely not eminent domain. It's free land for whoever wants it. That's why I'm voting in the negative, Madam Speaker.

ACTING SPEAKER LEVENBERG: Mr. Brown in the negative.

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

MR. FLOOD: Thank you, Mr. Speaker. So prior to my time here I was a prosecutor from one of the largest towns in the State of New York and it was the town of Brookhaven. We would

regularly prosecute minor offenses such as cracks in the fencing, minor chips to windows. We would have -- you know, if the house wasn't painted property, absolutely. Siding offenses and this was both commercially and residentially. So to -- to stand up in here and say -- say that it has to be a town code violation and we're only talking about major things, many minor things are absolutely town code violations and this bill does nothing to protect against that so that is why I'm going to vote in the negative. Thank you.

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

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker for the opportunity to explain my vote. I actually want to appreciate the efforts of the sponsor on this one. I understand the direction that this bill is designed to deal with. I live in Western New York in and around multiple municipalities that have ownership of people who own property who do not live in the area where they own the property at. In fact sometimes they don't even live in the State of New York. And if they had to follow code violations, we would not have abandoned buildings sitting in our communities or abandoned land sitting in our communities for 30 years that people consistently will pay taxes on and if they receive any violations they'll take care of that, too, but they'll still keep the property vacant and/or abandoned. And so I do think that there needs to be some opportunity to push these folks into compliance. If you own property in and around a

municipality that is trying to bring itself up by its bootstraps - I won't name the specific municipality, Mr. Speaker, but I can tell you they do need some opportunities to force people who own property in their municipalities to get the work done or either move on. Thank you, sir.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, our colleagues have on their desks an A-Calendar. I would now like to advance that A-Calendar.

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

Mrs. Peoples-Stokes.

On the A-Calendar page 3, Rules Report No. 56, the Clerk will read.

THE CLERK: Assembly No. 00608, Rules Report No. 56, McDonald. An act to amend the Education Law, in relation to medications approved by the U.S. Food and Drug Administration and administered by pharmacists.

ACTING SPEAKER AUBRY: 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? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00629, Rules Report No. 57, Bronson. An act to amend the Elder Law, in relation to clarifying the meaning of the phrase "greatest social need" for purposes of the administration of programs under the Federal Older Americans Act of 1965.

ACTING SPEAKER AUBRY: On a motion by Mr. Bronson, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect 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.

THE CLERK: Assembly No. A00630, Rules Report No. 58, Carroll. An act to amend the Elder Law, in relation to increases in income limiting eligibility under the program for elderly pharmaceutical insurance coverage.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote. If you are in your seats in the Chamber please vote now.

(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. A01002, Rules Report No. 59, L. Rosenthal. An act to amend the Public Health Law and the Agriculture and Markets Law, in relation to food allergy awareness in food service establishments and online food ordering services.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01007, Rules Report No. 60, McDonough. An act to amend a chapter of the Laws of 2022 authorizing the Bellmore Fire District to file an application for exemption from real property taxes, as opposed in legislative bills numbers S. 6035-A and A. 6950-A, in relation to making technical corrections thereto.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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. A01008, Rules Report No. 61, Ra. An act to amend a chapter of the Laws of 2022, relating to authorizing the assessor of the county of Nassau to accept from the Mineola Union Free School District an application for exemption from real property taxes, as proposed in legislative bills numbers S.8940-A and A. 9981-A, in relation to making technical amendments therefor.

ACTING SPEAKER AUBRY: 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.

THE CLERK: Assembly No. A01009, Rules Report No. 62, Paulin. An act to amend the General Business Law, in relation to providing notice of potential scams when selling gift cards.

ACTING SPEAKER AUBRY: 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.)

There's a vote on the board, members. If you're in your seats, please vote now.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01285, Rules Report No. 63, Fahy. An act to amend the General Business Law, in relation to the sale of digital electronic equipment and providing diagnostic and repair information; and to amend a chapter of the Laws of 2022 amending the General Business Law relating to the sale of digital electronic equipment and providing diagnostic and repair information, as proposed in legislative bill numbers S. 4104-A and A. 7006-B, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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 resolutions or housekeeping?

ACTING SPEAKER AUBRY: No housekeeping,

but we have numerous fine resolutions which we will take up with one vote.

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

(Whereupon, Assembly Resolution Nos. 64-81 were unanimously adopted.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I now move that the Assembly stand adjourned until 9:30, 9:30 a.m., Wednesday, February the 1st, tomorrow being a Session day.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, wait a minute, we need some quite. Shh. The Majority Leader said 9:30, everybody got that?

MRS. PEOPLES-STOKES: Nine-thirty, yes.

ACTING SPEAKER AUBRY: Good. Just wanted to -- I didn't want you to make a mistake, 9:30.

MRS. PEOPLES-STOKES: Nine-thirty a.m., a.m.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 5:05 p.m., the House stood adjourned until Wednesday February 1st at 9:30 a.m., that being a Session day.)