

TUESDAY, MARCH 21, 2023

2:30 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

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

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the Journal of Monday, March the 20th.

Mrs. Peoples-Stokes.

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

dispense with the further reading of the Journal of Monday, March the 20th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir.

Colleagues and guests that are in the Chambers, I want to continue our celebration of Women's History Month with a quote from Diane Mariechild, who is an author and a renowned speaker in a lot of various areas. Her words for us today, *A woman is the full circle. With her -- within her is the power to create, to nurture and to transform.* Again, these words are from Diane Mariechild.

Colleagues, you have on your desk a main Calendar. After any introductions -- after you've done any introductions and/or housekeeping, we're going to begin our work on the floor by taking up resolutions on page 3. After that we're going to take up the following bills on debate: Calendar No. 29 on page 8 by Ms. Paulin, Calendar No. 58 on page 9 by Mr. Dinowitz, and Calendar No. 62 on page 10 by Ms. Paulin. As we proceed there may be a need to do additional floor work, Mr. Speaker. If so I will advise you at that point. However, be clear, the joint budget subcommittees will start meeting today in their full cycle. That meeting is going to be at 4:30, so clearly we will get through our floor work by then.

That's the general outline of where we're going today, Mr. Speaker. If you have introductions or housekeeping, now would

be a great time. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mrs. Peoples-Stokes. No housekeeping, but we do have introductions.

Ms. Pheffer Amato for the purposes of a introduction.

MS. PHEFFER AMATO: Thank you, Mr. Speaker, for the opportunity to introduce a fine group of people that came here today to advocate. I would like to welcome Teach New York State Leadership, who is here today on behalf of 400,000 non-public school students across the State. There were dozens of people advocating today and a few of them have joined us into the Chamber. I'd like to welcome Sydney Altfield, David Fried, Joshua -- that's right, we met last night -- Wicentowsky, Richard Altabe, Baruch Rothman, Barry Lovell and David Morrell to the Chamber.

I would appreciate if you can grant them the cordialities of the floor and welcome to our Chamber.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Pheffer Amato, the Speaker and all the members, we welcome you here to the New York State Assembly, extend to you the privileges of the floor and hope your time here in the Assembly will be well spent and that you will be successful in your endeavors. Thank you so very much for coming.

(Applause)

An introduction by Mr. Taylor.

MR. TAYLOR: Thank you, Mr. Speaker, for allowing me to interrupt the proceedings this afternoon for a brief

introduction. Here with us in the Chamber today is a group from the 55th Assembly District represented by Latrice Walker, Assemblymember Latrice Walker, called Churches United for Worldwide Action. Churches United for Worldwide Action is an organization that seeks to develop and empower communities in Brooklyn and all across the world by uniting pastors and community leaders to work together in combatting social and economic issues and to ensure the voice of the people is heard. Please, we welcome into the Chamber Reverend Earl Chester from Greater New York Beginnings Baptist Church, Reverend Matthew Robinson from Tiberia Baptist Church, as well as Bishop Richard Whelous from Charity Baptist Church. We have Dr. -- Reverend Dr. Allen Hand from Trinity Community Baptist Church, as well as Minister Alfred Adams from Trinity Community Baptist Church, our Deacon Booker Win from Brownsville Community Baptist Church, and on the staff and Community Relations for Assemblymember Latrice Walker is none other than Reverend Eddir Karim from Bright Light Baptist Church.

Mr. Speaker, I ask that you would please extend the cordialities of the House to these guests this afternoon. Thank you.

ACTING SPEAKER AUBRY: Thank you. On behalf of Mr. Taylor and Ms. Walker, the Speaker and all the members, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Please forgive my misstatement because clearly ministers are in the House. And so

we're happy to have you. We hope that you will be successful in your endeavors and support you in the kind of work that you do to improve not only Brooklyn, but the entire State. Thank you so very much for coming. You are always welcome here.

(Applause)

We'll go to resolutions on page 3. Assembly print 207, the Clerk will read.

THE CLERK: Assembly Resolution No. 207, Mrs. Barrett.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim March 21, 2023 as Agriculture Day in the State of New York.

ACTING SPEAKER AUBRY: Mrs. Barrett on the resolution.

MRS. BARRETT: Thank you, Mr. Speaker. FDR, the famous son of the Hudson Valley, the 48th Governor of the State of New York, the 32nd President of the United States, also a State Senator in the New York State Legislature, when asked about his occupation he would always say "tree farmer." Farmers are critical stewards of our natural resources, ensuring clean water, healthy, productive soils and increased use of renewable energy with sound sustainable agricultural practices. New York farmers put fresh, nutritious local food on the tables of all of the families in every Assembly District in this Chamber. Without the cost and the climate impact of long-distance trucking and shipping, they are truly

supplying local food. I believe our New York State farms, largely small and mid-size farms, are truly the sustainable future of agriculture in our country, and I hope the upcoming U.S. farm bill will recognize this with significant support for our kinds of farms, not just the corporate farms that grow commodities in the square states.

Agriculture in New York State is made up of more than 35,000 farms, it generates over \$5 billion a year in sales and creates 196,000 jobs on and off the farm. Twenty-three percent of New York land is farmland, totaling 7.8 million acres. Though the average age of American farmers is still 57, young and beginning farmers are literally putting down roots to be the next generation to feed our families. And these include BIPOC farmers from throughout the State, more veterans and farmers in rural and urban areas. The celebration of National Agriculture Day is in recognition of farmers of all races, all ethnic and socioeconomic backgrounds, rural and urban, and the importance of agriculture as a vital industry, an enduring lifestyle and an economic driver in New York State.

So please join me, colleagues, in this resolution today to thank our farmers, something we should actually be doing every single day. Thank you, Speaker.

ACTING SPEAKER AUBRY: Thank you.

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

THE CLERK: Assembly Resolution No. 208, Ms. Walsh.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim March 21, 2023 as Down Syndrome Awareness Day in the State of New York.

ACTING SPEAKER AUBRY: Ms. Walsh on the resolution.

MS. WALSH: Thank you very much, Mr. Speaker. World Down Syndrome Day was initially observed on the 21st day of March in 2006 before being officially recognized by the United Nations General Assembly in 2012. This specific date was chosen as Down Syndrome is caused by the presence of a third copy of the 21st chromosome. So 3-21, which is today, hence the 21st day of the third month, March, has represented the genetic condition officially for more than a decade. World Down Syndrome Day strives to heighten the awareness of Down Syndrome by constantly promoting the dignity, the rights and the well-being of all those who have this genetic condition. According to the CDC, Down Syndrome continues to be the most common chromosomal disorder. Each year about 6,000 babies are born with Down Syndrome, which is about one in every 700 babies born. And between 1979 and 2003, the number of babies born with Down Syndrome has increased by about 30 percent. World Down Syndrome Day brings opportunities and celebrating diversity amongst individuals regardless of the conditions that they face. It brings an opportunity to raise awareness regarding the challenges, hurdles and issues that people with Down Syndrome may face day-to-day. The theme for World Down Syndrome Day for this

year is, *With us, not for us*. It should be a reminder to everyone that individuals with Down Syndrome have the same rights to education, employment and health care, and that they should be socially included and can make just as much of a contribution to society as anybody else. People who are differently-abled have the right to be treated fairly and have the same opportunities as everyone else, working with others to improve their lives. This year's theme reminds me a lot of the Think differently initiative that was started by our former colleague and now Congressman Marcus Molinaro, which I helped spearhead in my district to create a more inclusive environment for people living with intellectual and developmental disabilities and their families. In his first year in Congress, Representative Molinaro has introduced legislation at the Federal level that would create a single nationwide clearinghouse for Federally-supported state and local programs for people with intellectual, physical and developmental disabilities, which I think is pretty great.

Thank you to everybody here who joined me in cosponsoring this important resolution, and I hope you will help to raise awareness today, March 21st, 2023, as World Down Syndrome Day. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you so much.
Mr. Eachus on the resolution.

MR. EACHUS: Thank you, Mr. Speaker. I rise in recognition of World Down Syndrome Day. While it should not have to be explicitly stated, people with Down Syndrome have an inherent

right to be recognized and included in our society, complete with access to resources and services to directly address their unique needs. Unfortunately, as with many other developmental disabilities, we, as a country, have been playing catchup after decades of what can be seen at best, ignorance, or at worst, active persecution of those with Down Syndrome. I have the personal pleasure of knowing a young woman, this being Women's Month also, who has Down Syndrome. Her name is Valorie Lisi. She's 32 years old. She graduated from high school in 2007. She is currently employed with the food service with our local school district. She is also employed at the local Price Chopper, and she is a consultant for the Pampered Chef company. She does a lot of volunteer work for veterans and the ASPCA Thrift Shop, so it shows that even folks with Down Syndrome can succeed if given the opportunity. It is our duty as legislators to ensure that people with Down Syndrome are uplifted and given opportunities to live healthy and independent lives rather than be cast aside.

I am proud to be a representative in the State of New York where we have many important strides -- made many important strides in this area, but there's much more work that needs to be done. I thank my colleagues for bringing this resolution forward, and look forward to continuing to push for a more accepting society for those with developmental disabilities. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Slater on the resolution.

MR. SLATER: Thank you, Mr. Speaker, on the

resolution. I just want to begin by thanking my colleague Assemblymember Walsh for bringing this forward. I couldn't let this resolution go by without recognizing an individual who has been inspiration to me and to the community that I come from. Riley Manning-Burns is a young man, a boy with Down Syndrome in the Town of Yorktown who has really inspired so many in our community. Unfortunately, Riley was a victim of bullying at a local playground when I was the town supervisor there, and working with Riley and his moms Tara and Amy we were able to start a campaign where we encouraged kids to be a superhero, not a bully, in all of our town playgrounds. Riley has been an incredible advocate and ambassador for children and those with Down Syndrome, and again, a true inspiration to myself and to our community and to the communities across the Hudson Valley. And so I wanted to take a moment to recognize Riley for his great contributions. And as was said earlier, we do have, I think, a great responsibility to ensure that all of our residents of this great State with developmental disabilities be treated fairly and are given every opportunity to thrive.

And so Mr. Speaker, thank you so much for the opportunity, and again, to my colleague Assemblywoman Walsh, thank you so much for bringing this forward.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Seawright on the resolution.

MS. SEAWRIGHT: Thank you, Mr. Speaker. As Chair of the People with Disabilities Committee, I rise today to speak

in support of this important resolution proclaiming March 21st, 2023 as Down Syndrome Awareness Day in the great State of New York. The theme for the National World Down Syndrome Day is, *With us, not for us*, simply stated to mean that people with Down Syndrome are deserving of the same human rights as all of us and not to be treated unfairly or unjust. The United Nations Committee on the Rights of Persons with Disabilities states that the organizations of persons with disabilities should be involved in all policy and decision-making. I commend the bill sponsor as well as all my colleagues for supporting and ensuring that this Body recognizes the importance of the visibility of people with Down Syndrome.

I cast my vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Thank you, Ms.

Seawright.

Ms. Giglio.

MS. GIGLIO: Thank you, Mr. Speaker. It brings me great pride and joy to rise today to emphatically support this heartwarming resolution memorializing Governor Kathy Hochul to proclaim March 21st, 2023 as Down Syndrome Awareness Day. As the Ranking Member in the Assembly Standing Committee on People with Disabilities, I've made it my mission to ensure that New Yorkers with unique abilities come first. The story behind why today is World Down Syndrome Day is not by coincidence. The date for World Down Syndrome Day being the 21st day of the third month, March, which was selected to signify the uniqueness of the triplication of the

21st chromosome, which causes Down Syndrome. According to the Centers for Disease Control and Prevention, Down is the most chromosomal uniqueness. Each year about 6,000 babies are born with Down Syndrome, which is about one in every 700 babies born. According to the March of Dimes, a recent study showed that in New York about 12.8 in 12 -- 10,000 live births were born with Down Syndrome. Legislative resolutions like these are important because they send a message to our State, nation and world that we must celebrate uniqueness and work tirelessly to empower individuals with unique abilities such as Down Syndrome with all the tools at our disposal to ensure that they reach their greatest potential, achieve their biggest dreams and feel welcome contributing their greatness to their state and respective communities. We must all rise up as leaders in our State to be one strong voice advocating for the rights, inclusion and well-being of people with Down Syndrome and all people with unique abilities.

I thank our sponsor, our Assistant Minority Leader Pro Tempore Mary Beth Walsh for putting forth this important and special resolution, and I urge my colleagues to support it and to not stop there. Let's work tirelessly to ensure a better today and even a better tomorrow for all precious New Yorkers with unique abilities. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Ms. Cruz on the resolution.

MS. CRUZ: Thank you, Mr. Speaker. I get a little

bit emotional and I -- I'm very thankful that you put this forward. I am the proud sister of someone with Down Syndrome. This little boy -- I mean well, he's 27, he's not a little boy anymore but he's always going to be my baby. When he was born we as a family were lost, trying to figure out what happened, how do we support him so that he can have all the opportunities that the rest of the kids had, and trying to find my stepmom and my dad the support that they as parents needed to make the best decisions for my brother possible. Back home in Columbia, interestingly enough we have a system that helps parents, but you have to pay for it. Here in the United States we are lucky. We, as legislators, can put money into programs like this so that when one of these beautiful angels comes into a family, the parents, the angel and all of those around them have the resources, education, understanding to help them have the kind of life that they deserve. I don't want to call it a normal life because I feel like they have even a more gracious life than we do. They're innocent, they're beautiful, they're smart, they're funny. And so I am committed to continue to work with all of you in making sure that we are giving parents the resources that they need; not that they deserve, they desperately need them to understand how to support these beautiful children into becoming the kind of adults that can live regular lives. My brother goes to school part-time at 27, works part-time and then runs around having an amazing life the rest of the time and bringing smiles to everyone. And that's what I want to see for our kids with Down, the kind of life my brother gets to have. And that only happens when we, as legislators, step up,

continue to financially support because it's expensive, and that we are sharing this kind of information and this kind of knowledge and this kind of love with everyone to make sure that whenever there is a child with Down Syndrome born, they have the chance that you and I have to have a successful life.

Thank you.

ACTING SPEAKER AUBRY: Thank you.

(Applause)

Mr. Chang on the resolution.

MR. CHANG: Thank you, Mr. Speaker. Thank you for the sponsor for this bill. Thank you my fellow colleague, Ms. Walsh here. And this is one of those topics that I hope that my constituents would recognize, especially the Asian culture. They normally would not talk about this syndrome at home. Most of the time they would put them away in a home or some institutions, and I hope this will bring out -- out in the limelight so we can accept them, we can have these people to be a very productive in our society and accept them who they are, what they're born with. And I hope in this such small way that we can represent them and help them, and especially their family and Asian community that it's not shameful to be -- to have child with (inaudible) syndromes, but accept them, nurture them and support them throughout.

Thank you, Mr. Speaker. Thank you.

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 No. 209, Mr. Lemondes.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim March 21, 2023 as Forest Day in the State of New York.

ACTING SPEAKER AUBRY: Mr. Lemondes on the resolution.

MR. LEMONDES: Thank you, Mr. Speaker. Thank you, colleagues, for the opportunity to address you on this day in recognition of Forest Day which stems from the United Nations International Day of Forest established in 2012, and the Empire State Forest Products Association which has represented our forests since 1906 with the simple purpose of recognizing forests and forest products for their inherent beauty and essential contributions to healthy living and biodiversity, and to serve as a simple reminder for all communities from national to local to organize forest-related activities like tree planting, educational seminars and excursions so those unaccustomed to the value of forests can be exposed to their natural beauty and participate in their conservation. Forests purify the air we breathe, purify the water we drink, prevent erosion and are the most significant buffer to climate change that we have. They are home to a vast array of flora and fauna species worldwide, and provide essential human necessities from timber and food to medicinal plants. Known as the lungs of the Earth, forests are like giant sponges, taking in CO₂ and giving us back clean oxygen. They give

us wood for construction, paper and furniture, provide approximately 45 percent of the world's renewable heating energy, while sequestering approximately 26.6 metric tons of CO₂ per year, or 82 percent of all sequestration from forests, farms and wetlands alike, which equals 40 percent of all gasoline vehicular emissions Statewide. Last, specifically for New York, forests cover 64 percent of the State's land mass, totaling 19 million acres, three-quarters of which, or 14.4 million, are privately-owned by 700,000 owners. The forest industry employs nearly 100,000 people, generating \$6.2 billion in total -- total labor income and accounts for nine percent of all manufacturing employment, ranking fifth in the State in that category. The forest product industry further generates direct economic impact of 13.1 billion, with a total economic impact of 23 billion. Additionally, forest-based recreation contributes 8.2 billion for the State economy while employing nearly 32,000 people, earning an average of \$62,000 per year. Building on New York's legacy of forestland stewardship, which has generated -- which has regenerated at a rate of two-and-a-half times the harvest rate over the last 50 years, an extraordinary opportunity lies in investing more deeply in assisting private forest landowners and the forest products industry to secure and sustain the multiple benefits forests provide to multiple users. As a segment of the agricultural industry, which is the largest industry in our State, it is critically important to recognize the significance they bring to us.

Ladies and gentlemen, enjoy your State's very own

Forest Day. 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. 210, Ms. Paulin.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim March as Triple Negative Breast Cancer Awareness Month in the State of New York.

ACTING SPEAKER AUBRY: Ms. Levenberg on the resolution.

MS. LEVENBERG: Thank you. I stand in -- thank you, Mr. Speaker. I stand in support of this resolution. Triple negative breast cancer is a -- a very aggressive form of breast cancer that is not estrogen-based, so it is harder to treat and can -- and also attacks women of color. Non-Hispanic Black women are -- are more likely to suffer from triple negative breast cancer. Additionally, I just wanted to rise to speak about this because my sister actually has triple negative breast cancer which she was diagnosed with about three years ago. And of course that -- that was the first that we learned about this and knew about this type of cancer, and she's had to have a double mastectomy, an oophorectomy, and she suffers currently from lymphedema which means she has to wear something to constrict her -- her arm all day long. And she really doesn't know where she stands in terms of treatment. If she's -- she's been able to have a couple of

clinical trials, but obviously because this is a little bit less researched than other types of cancers, we really don't know yet what her outcome is going to be. We're hoping for the best and she's powering through and I'm so grateful for all of the support that she's gotten from her doctors and those experts. But I'm very grateful to -- to Assemblymember Paulin for introducing this resolution so that we can recognize this type of breast cancer and understand that we need to get more -- we actually need to support it with more research and more funding because of its aggressiveness and also to make sure that women of color are aware that this is something that they need to get support around because often they do not get the support that they desperately need around this type of cancer.

So thank you again and I will vote in favor. Thank you.

ACTING SPEAKER AUBRY: Thank you.

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

Ms. Giglio for a introduction.

MS. GIGLIO: Thank you, Mr. Speaker. It is my honor and privilege to introduce my union members, my business manager, my vice president, my business agent for the International Union of Operating Engineers Local 138, Heavy Highway in Nassau and Suffolk County on Long Island. I am happy to introduce John Duffy, Sr. as our business manager, John Duffy, Jr. as our -- as our vice president, and Dennis "Scotty" Adrian as our business agent.

And I wish for you to thank them for being here and to extend all the cordialities of the floor and the House.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Giglio, the Speaker and numerous members of the Long Island delegation, gentlemen, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Thank you for the work that you do to ensure keeping Nassau and Suffolk in great shape. Continue that great work, continue representing the workers and the companies that you do. Thank you so very much.

(Applause)

Mr. DiPietro for the purposes of a introduction. But one minute, sir, until you -- we kind of clear out behind you, okay? Pictures to the right.

(Pause)

Proceed, Mr. DiPietro. We kind of have your area cleared.

MR. DIPIETRO: Thank you, Mr. Speaker. Appreciate that. It's my honor to introduce a gentleman, a good friend of mine who's been up here a number of times. But under these circumstances, Santos Lopez, who lives about 50 minutes from here, he's -- he is -- first off, he is a -- the Public Relations Director for the United States Army for New York State. And also, you probably noticed him because he's the President of Marketing for Orange County Choppers. Paul Teutul and -- which we had Chopper Day

here a couple years ago in Albany and we brought in all those iconic bikes, FDNY, the -- the bike. What was really exciting was myself being able to put together the Vietnam Veterans bike which has become probably one of the most iconic bikes that they've built from Orange County Choppers. He's -- so it's exciting to have him here today because he spent 113 days in the hospital recently after a bad accident and it's great to see him back among the living because it was a horrible ordeal and he is recovering and it's just great to have him up moving and back being able to come visit us.

If you could give him the hospitalities of the House, Mr. Speaker, we'd greatly appreciate it. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. DiPietro, the Speaker and all the members, we welcome you back to the New York State Assembly, again extend to you the privileges of the floor. Glad that you have survived and prospered through the difficulties that you have. We hope that will continue. Know that you always have friends here in the New York State Assembly, and any time you want to come back you're more than welcome. Thank you, sir.

(Applause)

Page 8, Calendar No. 29, the Clerk will read.

THE CLERK: Assembly No. A02304, Calendar No. 29, Paulin. An act to amend the Vehicle and Traffic Law, in relation to requiring an official inspection station to post a sign or poster informing customers that it is not authorized to inspect certain

vehicles.

ACTING SPEAKER AUBRY: Ms. Paulin, an explanation is requested. But we will wait a minute because there's a lot of movement over there behind you. So ladies and gentlemen, we are on debate. Please, members take your seats or -- and you need -- conversations can be removed to the rear or outside the Chamber.

MS. PAULIN: Ready?

ACTING SPEAKER AUBRY: Still a lot of movement.

MS. PAULIN: Still a lot of movement.

ACTING SPEAKER AUBRY: A lot of movement. There you go. It's settling down. Okay, I think we can go.

MS. PAULIN: Okay. So the explanation of this bill. The bill would require DMV inspection stations to display a sign notifying customers that the station is not allowed to inspect limousines. It instructs customers to go to the DOT instead.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

MS. PAULIN: I would be happy to.

ACTING SPEAKER AUBRY: Ms. Paulin yields, sir.

MR. GOODELL: Thank you. Ms. Paulin, I understand that this bill only applies to official inspection stations, it does not apply to registered repair shops; is that correct?

MS. PAULIN: It's only where you can actually get your car inspected.

MR. GOODELL: So registered repair shops would not be obligated to post a sign?

MS. PAULIN: If -- if they can't do an inspection, no, they would not.

MR. GOODELL: Now, according to the DMV database, and I think I read it correctly, there are currently 10,748 registered inspection stations. And it would be your intent, then, that all 10,748 inspection stations would be required to post this?

MS. PAULIN: Yes, just like they post a sign currently that they are an inspection station. This would likely be a sign they'd post right next to it.

MR. GOODELL: And according to the information I had off from the DMV database, there are 46 stretch limo companies licensed in New York. Why would we require 10,748 inspection stations to post a sign that they don't inspect limos when there's only 46 limo companies. Wouldn't it be a lot easier just to contact the 46 limo companies and say you can only have it inspected at a DOT?

MS. PAULIN: This is really to get at the bad actors. For example, in the Schoharie limousine tragedy there were -- twice it happened that the vehicle that was involved in the tragedy was inspected by a DMV inspection station instead of appropriately going to DOT. So that limo company was skirting the law, and whether it's intentional or not intentional, it caused a tragedy, potentially, because

the inspection was not up to par. So -- so I -- this is a way for regular people to see if you have a limo company that's not following the rules at an inspection station that's not following the rules like what happened in Schoharie, it would be a way to have some transparency on the system so that a regular person could say, *Ah ha*. You know, *There's something going wrong here* and perhaps we can avert the same situation.

MR. GOODELL: Am I correct that all the DMV inspections are computer-linked to the DMV database?

MS. PAULIN: Yes, they are. I get that. And they were linked at the time, but this was still skirting the system so they found a way to do that and we need to make sure that that isn't happening around our State.

MR. GOODELL: And am I correct that the inspection sticker that's issued to stretch limos is a special inspection sticker? It's not one that's normally carried by a non-DOT inspection station, correct?

MS. PAULIN: There is a separate inspection station sticker, and so one would think it would have gotten attention, but it didn't. So, you know, if one thing doesn't work you do another. And this is doing another because we saw that this was a problem during -- I mean, thank goodness we haven't had that many tragedies in New York State. Long Island, then Schoharie. And we're trying to do everything we can to make sure there isn't a third one.

MR. GOODELL: And am I correct, the sanction if a

DMV inspection station did not have a sign could result in the loss of their license?

MS. PAULIN: I think there would be a lot of warning in between, but ultimately if they -- if they didn't comply after many times of being warned, yes, that ultimately as -- as if they were doing anything improper, they would be ultimately -- potentially lose their license, yes.

MR. GOODELL: Thank you very much, Ms. Paulin.
On the bill, sir.

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

MR. GOODELL: Obviously, we've had a couple of situations where we've had tragic accidents with stretch limos, and that's a great concern, of course, to all of us. The question is whether this is the correct response. And so what this bill requires is that all 10,748 inspection stickers -- inspection stations be required to post a sign that they don't inspect limos. Now, in my county I have 114 licensed inspection stations and not one limo company. The closest limo company to my county is an hour-and-a-half drive. And so this bill requires every one of the service stations in my county and in your county to post a sign saying what they don't inspect. In fact, there's only 46 limo companies that are licensed in New York State, so it seems that the best approach is to write to the -- to the 46 limo companies and say, *Want to remind you, must have your limos inspected at a DOT inspection station.* And if that's not enough

maybe we should send a letter to the other 10,748 inspection stations and say, *This is a reminder, you are not authorized.* But to post one more sign in our businesses about what a private company can't do is -- in 10,000-plus locations is overkill. It's expensive, it's burdensome. It's unnecessary when we have readily available, less expensive, less burdensome, more effective alternatives such as contacting the 46 limo companies and sending a letter to remind the other licensed inspection stations on what they can or cannot do. And for those of us who actually operate a private business in New York State and had the privilege of paying all of the taxes and fees that go with it, I will remind you that we already have well over a dozen mandatory postings. I have an entire portion of a wall covered with postings for my one employee who I insist read it at least once every decade. Please, we don't need to re-wallpaper every private business to address one or two isolated incidences when we can do a more effective, more cost-effective alternative, and for that reason I will not be supporting this bill.

Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Pirozzolo.

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

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

MS. PAULIN: Absolutely.

ACTING SPEAKER AUBRY: Ms. Paulin yields.

MR. PIROZZOLO: I appreciate the intent, but to pick up I have a question of how will these stations know that they have to place this signage or additional signage?

MS. PAULIN: So, there would likely be a communication from DMV to the inspection stations.

MR. PIROZZOLO: Okay, so likely but unlikely?

MS. PAULIN: Um, I mean, that would be the -- that would be the way they would find out, yes.

MR. PIROZZOLO: And is there a time period which they would have to comply to this new regulation?

MS. PAULIN: So, probably the effective date is -- it says the 60th day after it shall have become a law.

MR. PIROZZOLO: Okay. And how will enforcement of this regulation be carried out?

MS. PAULIN: The -- most -- most enforcement, you know, just generally, is going to be by, you know, it -- just like public health and like most other things in -- that we legislate, it's going to be by someone who tattles on them. You know --

MR. PIROZZOLO: So someone --

MS. PAULIN: Someone who tells on them. Somebody who reports the problem. So that's how it's going to be -- it's going to be handled. It's not -- it's not the case that, you know, DMV is going to be going around, you know, to every single inspection station. They don't now, and there are lots of requirements on these inspection stations.

MR. PIROZZOLO: Is the public going to be informed of this change?

MS. PAULIN: The -- as best as we can publicize it, absolutely.

MR. PIROZZOLO: So then that brings me back to how will the public be telling on these businesses who already don't even know that they have to do this? And then let's say someone gets caught. Is there a financial penalty for them not doing something they didn't know and no one told them they had to do?

MS. PAULIN: You know, as I said before, you know, firstly with any new law, it takes time for the public to become informed, for the businesses to become informed. So there's going to be a grace period. And, you know, I -- you know -- you know, we come back to -- I'm not sure why this is so onerous on a business. It's a sign. It's something that they can post in their window. It's a piece of paper. These days they could put that piece of paper through a computer. It's frankly less expensive than a piece of mail, which is 63 cents for, you know, first-class mail. So -- so it -- it seems that it's a cheaper option, frankly, to notify the public or notify those who are trying to inappropriately get their limousine inspected, and not that onerous on a business.

MR. PIROZZOLO: Well, it becomes onerous on a business if they don't know about having to comply and then they start getting a fine. I don't know, you know, that's the question --

MS. PAULIN: Well, it's unlikely -- you know --

MR. PIROZZOLO: I mean, most business owners, such as myself, we run our business every day, you know, and so much stuff comes in. But I think the least expensive way, I would have to agree with my colleague, would be to send a notification to the people who actually perform the service or -- or use the service.

MS. PAULIN: They -- they -- that notice goes out and D -- and yet the inspection stations, the -- the bad apples are ignoring it, right? So we had a case, a live case where on two separate occasions limousines weren't inspected at a DMV inspection site and that was a company that later caused a tragedy. So we know that this is out there. We know that there are some limousines that are going to try to skirt the law, so notifying them, if you're a good guy you don't do it. If you're not a good guy then you're to ignore that notification. So you have to find some other way of holding -- holding businesses like the limousine companies who are trying to skirt the law accountable, and like the DMV stations who know they probably shouldn't be doing this and yet are doing it anyway. So that is -- becomes a public, transparent way of trying to keep everyone above the law.

MR. PIROZZOLO: Thank you.

If I may, Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PIROZZOLO: So I would just like to say that after that conversation, I mean, I understand the purpose and it's shameful of what had happened. But again, I do think that we are

going the wrong way about fixing a problem, and I will have to agree with my colleague that it would certainly be much easier and much less expensive, much less onerous if we just work with the people who provide the service and will use the service and not bother residents of New York State and New York City who are not even involved with limousine companies. That's why I'm going to be voting no.

Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker. On the bill, just a little bit of -- just a little bit of a clarification.

ACTING SPEAKER AUBRY: Excellent. On the bill, sir.

MR. TAGUE: First of all, the DMV does not do inspections. That's either the Vehicle and Traffic Police or the Department of Transportation. So I just wanted to clarify that because we keep saying DMV. DMV does not do inspections, so folks know that. And secondly, I do question some of the facts that you brought out with regards to the Schoharie limo case. As you know, that was in my hometown, I covered it very closely, and it was my understanding that the vehicles were inspected and red-tagged and that the owner took the red-tagged vehicle out of service and ran it. And it -- I could be wrong, but I just want to clarify that, you know, moving forward.

So with that I -- I will be voting no on this only because I agree with my colleague Mr. Goodell, but I just wanted to

clarify that for the record. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Chang.

MR. CHANG: Mr. Speaker, would the sponsor yield?

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

MS. PAULIN: Absolutely.

MR. CHANG: Thank you. It's a -- it's a question here. You know, I represent Brooklyn and Brooklyn has many limousine services for many occasions, weddings and -- and whatnot. Does this limousine also include private ownerships as well for this inspection or not, or just only commercial property?

MS. PAULIN: It -- it -- it's really -- the inspection follows the vehicle, not who owns it. So yes, if a -- if a person owned a stretch limousine it would have to get inspected by DOT.

MR. CHANG: I see. Well, thank you very much.

MS. PAULIN: And -- and I just want to answer the one question, if I may take the liberty for -- and that we received the information or I can show you in the 2020 report that was done on the accident. That's where we got that data from.

MR. CHANG: Thank you.

ACTING SPEAKER AUBRY: Mr. Novakhov.

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

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

MS. PAULIN: Absolutely.

ACTING SPEAKER AUBRY: Ms. Paulin yields, sir.

MR. NOVAKHOV: Thank you very much. Do you -- do inspection stations and limo companies currently know that they cannot inspect limos?

MS. PAULIN: Um, I would hope they do. I -- I know they get informed periodically from the Department of Motor Vehicles when they send out letters.

MR. NOVAKHOV: So most likely yes.

MS. PAULIN: Hopefully, yes.

MR. NOVAKHOV: All right. Do you suppose the sign will stop them from inspecting -- inspecting limos there?

MS. PAULIN: I -- I think what they would fear, because, you know, at least most gas stations in my area, you know, the cars that they're inspecting are visible to people who are coming in for gas or, you know -- and if there was a sign that said, *Do not inspect limos* and there was a limo out there, you know, the hope is that somebody would ask a question and then that would lead to a -- a report.

MR. NOVAKHOV: Should the sign include something like, *If you see limos serviced here please call this number or write, you know, this e-mail or...*

MS. PAULIN: I'm sorry?

MR. NOVAKHOV: Will the -- would the sign -- should the sign include that the person who sees the limo being inspected in this inspection station, would it include the information to contact the authorities if someone sees the limo is being inspected there?

MS. PAULIN: It does not, and that's an interesting thought.

MR. NOVAKHOV: Okay. Because like in my area the inspection stations are pretty, you know, far away from, like, streets where most of the people walk. So there -- there's not a lot of people that -- that will see the sign. And there -- you know, I -- I -- I don't really know how many people will understand that they have to report this issue.

Another question is, will the State send notifications to inspection stations and limo companies that they need to post -- or just inspection stations that they need to post no limo service signs? Would the State send notifications?

MS. PAULIN: I -- I haven't had that conversation with the Commissioner, but I have had a conversation about the bill generally and that is my understanding.

MR. NOVAKHOV: So we will spend the money on postage anyway?

MS. PAULIN: Well, and we do now on the letter but it's not working. So that's why we came up with this other idea.

MR. NOVAKHOV: So -- okay, so we're going to send another notification requiring them posting the sign.

And the last question, will this notification include instructions on the format of the sign?

MS. PAULIN: Yes, there's the -- actually, in the bill itself it does say what the sign should look like.

MR. NOVAKHOV: All right. Thank you so much.

On the bill.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. --

MR. NOVAKHOV: On the bill.

ACTING SPEAKER AUBRY: Oh, on the bill. I'm sorry.

MR. NOVAKHOV: Yes. Thank you. Well, it's a great intent, but I don't think that the State will receive a single call or a single e-mail in regards to this situation because it's -- it's very -- you know, limo -- limo service is a very rare thing, and take into consideration there will be a format of just a small piece of paper hanging out of the window, I don't think that, you know, people who walk by even will see that. So, you know, we're -- we're just -- in my opinion, we're creating unnecessary -- you know, unnecessary expense for the small businesses and most inspection stations, our small businesses. So it's an unnecessary expense for the State sending another notification. As my colleague mentioned, it's 65 cents per letter. And their -- their potential fines for the small businesses,

because of that I will be in the negative.

Thank you very much. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Gallahan.

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

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

MS. PAULIN: Yes, thank you.

ACTING SPEAKER AUBRY: The sponsor yields, sir.

MR. GALLAHAN: Thank you, Ms. Paulin. I have a question on the sign. Currently, New York State inspection stations have a sign. Every one of them. It's 36 by 24, it's steel, it's yellow and it's black. And it announces that they are an inspection station. You mentioned earlier the sign would only have to be printed on a computer, on a piece of paper. So apparently you can just take maybe a Sharpie, write on there that you're not an inspection station and tape it to somewhere that's inconspicuous in your place of business?

MS. PAULIN: Well, the -- the bill is very specific. It says a notice in conspicuous and legible 24-point type on an 8 and one-half inch by 11 inch sign or poster stating in bold print the following, and then it says what it says. So you could take a Sharpie, but it would have to conform with this -- the parameters of this bill.

MR. GALLAHAN: So there's no -- there's no

specifications as to material, colors or anything that the current inspection stations have to abide by?

MS. PAULIN: Right, there's no -- there's nothing to prevent someone from just taking, as you say, a Sharpie and conforming to the parameters of the bill.

MR. GALLAHAN: Thank you very much.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GALLAHAN: I -- I've stated in this Chamber many times, signs. I own a small businesses with my wife. We have a food trailer. And the signs that we have to post in the food trailer take up three-quarters of the window space on the side of my trailer, and I can't imagine having more signs in that trailer. I'd have to open my back door, I've said before, and take orders out the back door of my trailer because nobody can see the side of the trailer because there's so many signs that I have to have. How many signs do small businesses have to post? It's getting totally ridiculous. And I think everybody in this room over 50 years old can remember the song, *Signs, signs, everywhere there's signs*. It's making a lot of sense to me now.

I'll be negative on the bill, sir. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir. I think you should talk to your seatmates. I think they didn't make the over 50.

(Laughter)

Read the last section.

THE CLERK: This act shall take effect on the 60th day.

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed, but those who support it can put up a sign that says they support it or vote on the floor of the Assembly.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell.

Mr. Fall.

MR. FALL: The Majority Conference will be in the affirmative on this bill.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Fall.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Paulin to explain her vote.

MS. PAULIN: I just wanted to make one additional point that I thought was important to make, and that is the -- the audience. I know that in some cases when you have inspection stations that are far removed from people, you know, this -- the transparency idea that I mentioned wouldn't be the idea that might work. But, remember also there's employees who are doing the

inspections at these inspection stations, and if the employees who didn't receive the letter, it would have been the owner that received the letter, they then would know what the parameters of the law, you know, is. And they -- and they may not want to participate, you know, if -- even if the owner is suggesting that they should. So I think that the -- you have an additional layer of protection by informing the employees who would not necessarily know otherwise.

Thank you.

ACTING SPEAKER AUBRY: Thank you. Ms. Paulin in the affirmative, I presume.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. The theory underlining this bill is that if we require businesses to post one more poster that says they can't inspect limos, that somehow the public will act as DMV inspectors or vigilantes and will report any limos that are parked outside an inspection station that might have the sign. The alternative theory is that an employee who relies on that employer to keep their family clothed and fed and -- and money on the table or whatever, will report their employer even though it might result in their employer losing their license. But what's missed in that analysis is the fact that 16,000 service stations are licensed repair shops that can repair these vehicles. And so you could have a repair shop with a parking lot completely filled with limos, operating legally, repairing them, but not inspecting them. So I don't think we need to add more signs in the hopes that someone in the public might report an

inspection station not realizing they were doing lawful service and create more problems for our small businesses. We've had two situations where there have been fraudulent inspections. By the way, if you want to do fraudulent inspections you'll probably take down the sign anyway because there's no likelihood that anyone in the public is going to report the missing sign. So let's deal with the public in an honest way. Let's deal with our limo operators and let's remind people that they have to have a DOT inspection, and deal with the 46 limo companies directly rather than imposing a new burden on over 10,000 service stations that will likely never, ever see a limo.

Thank you, sir.

ACTING SPEAKER RIVERA: Mr. Goodell in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Fall.

MR. FALL: Mr. Speaker, on behalf of Assemblymember Chandler-Waterman, we have a group of clergy members from the 58th District's Clergy Task Force that are here. I want to read about a dozen names or so and we ask that you could please welcome them. They include Bishop Orlando Findlayter, Minister Nicole Langlaise, Pastor James Ose-Kofi, Pastor Patricia Malcom, Dr. Joseph Chukwu, Minister John Dickson, Pastor Eulalee Mighty, Pastor Cynthia Hurley, Pastor Louissette Florexile and

Chaplain Alisha Goodridge.

Can you please welcome them to the People's House.

ACTING SPEAKER RIVERA: Thank you very much for joining us here today. On behalf of Assemblymember Chandler-Waterman, Mr. Fall and the rest of the House, the Speaker and all the members, we welcome these distinguished guests to the Chamber, extending the privileges of the floor and hope you enjoy the proceedings. Thank you very much for joining us.

(Applause)

Page 9, Calendar No. 58, the Clerk will read.

THE CLERK: Assembly No. A00836, Calendar No. 58, Dinowitz, L. Rosenthal, Fahy, Colton, Weprin, Reyes, Cruz, Lunsford, Dickens, Jacobson, Raga, Darling, Glick, Seawright. An act to amend the Labor Law, in relation to prohibiting an employer from requesting or requiring that an employee or applicant disclose any user name, password, or other means for accessing a personal account through specified electronic communications devices.

ACTING SPEAKER RIVERA: An explanation has been requested, Mr. Dinowitz.

MR. DINOWITZ: This bill would prohibit an employer from requesting, requiring or coercing an employee or applicant to disclose login information for accessing a personal account. It would also prohibit retaliatory action by the employer for an employee's or applicant's refusal to disclose such information for accessing a personal account.

ACTING SPEAKER RIVERA: Mr. Ra.

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

ACTING SPEAKER RIVERA: Do you yield, Mr. Dinowitz?

MR. DINOWITZ: Yes.

ACTING SPEAKER RIVERA: The sponsor yields.

MR. RA: Thank you, Mr. Dinowitz. We've had the opportunity to discuss this bill before, so I'm going to try to --

MR. DINOWITZ: Please refer to my previous answers then.

MR. RA: We could do that. Maybe just play a video for everybody and then vote. So sometimes I feel like maybe we should do that on some of these bills that we've debated and voted on year after year. But I just want to go through a couple of points for the record. I'll start with the final section, which I know is an amendment that has been made over the years to this bill, and that's the exceptions. So, the provisions of this do not apply under this version of the bill to any law enforcement agency, fire department or Department of Corrections and Community Supervision, correct?

MR. DINOWITZ: Yes.

MR. RA: Okay. And were -- have you considered any other exceptions, say, like, you know, entities that are required to engage in confidential communications like attorneys, physicians, accountants?

MR. DINOWITZ: No. We have enough exceptions.

MR. RA: Okay. So I want to go through just how this -- I mean, I think the general -- generally, the provisions apply the same, right, both to a prospective employee or an existing employee of a company. Now, it talks about, though, you know, issued devices and systems that are issued by a company. That really is more so in the case of an existing employee because you presumably wouldn't have anything like that while -- while you're in the process of being -- being offered a job or ultimately coming into the employment of the employer. But I know one of the -- the examples you gave I think last year was for something that an employer could do is say, like, we have our Assembly e-mail, that that might be considered a -- something that belongs to the Assembly rather than us; is that correct?

MR. DINOWITZ: Yes.

MR. RA: So we're thinking more in terms of perhaps a password to your personal e-mail or to a personal social media network or something of that nature.

MR. DINOWITZ: That's right.

MR. RA: Okay. So, the -- the employer would not be able to say, you know, *I need -- I need your password for Facebook or Twitter or Instagram?*

MR. DINOWITZ: That's right. If -- if the employer wants to find out about you they could, you know, Google you but they can't demand that you turn over to them your passwords for your private personal accounts.

MR. RA: Okay. But the specific prohibition is on your -- basically your login information to these services, correct? They -- they wouldn't be prohibited from, you know, viewing your social media, assuming it's publicly viewable. Sometimes obviously there are privacy settings you could set so people in the public can't seem them.

MR. DINOWITZ: I mean, if it's public, it's public.

MR. RA: Okay. And then what about, you know, when somebody is engaged in, you know -- I'm talking about an existing employee. Suppose this person as part of their job does the company's Facebook page or -- or something like that as part of their employment and somebody -- and the employee -- the employer, I'm sorry, wanted to access their -- you know, maybe they're the sole person that's able to -- to administer that account. Would that be permissible to ask for that login information?

MR. DINOWITZ: Well, if it's -- if it's the company's Facebook page then it's the company's Facebook page. It's not the individual's Facebook page.

MR. RA: But there are -- they are -- I believe you have to have, like, an individual login to get into something like that.

MR. DINOWITZ: Still, if it's the company's then that would not be prohibited.

MR. RA: Okay. Thank you.

And then I guess lastly, with respect to a prospective employee. So obviously, and I'm sure others have done this, you

know, you interview somebody and sometimes you want to see who they are, you Google them like you said. Certainly you might want to -- particularly I would think any of us in the Assembly, we probably try to take a look at any social media they had because this person's going to be representing your office, whether it's in public or in meetings, and you'd want to make sure they do so appropriately. You want to make sure, you know, they didn't have, you know, terrible hateful posts up or anything like that. So suppose, you know, you go -- you can look at that information, as we said, if it's public, but what about if you were to, you know, send them a friend request to -- so that they could -- you could see what they've posted that maybe isn't public. Would that be permissible?

MR. DINOWITZ: I mean, there's nothing to stop you from sending a friend request, but a friend request could be ignored.

MR. RA: Do you -- would -- do you believe it would be a violation if you told them, *I'm going to send you a friend request. You need to accept it so that I can make sure you don't have anything on your page that would be objectionable that would be a problem with you being hired.*

MR. DINOWITZ: Yes. I think that would be a violation.

MR. RA: I'm sorry?

MR. DINOWITZ: Yes, that would be a violation.

MR. RA: Thank you. I apologize, it's a little noisy --

MR. DINOWITZ: It's noisy over there.

MR. RA: -- with the door open back there.

MR. DINOWITZ: Here's an idea, why don't we close the doors?

MR. RA: Yes. That's what I just asked. All right. That is -- that's better. That's better.

The one other piece of this that I wanted to ask you about is there is in Section 4 very quick language, very simple language, really, that it should be -- shall be an affirmative defense to an action under this section that the employer acted to comply with requirements of a Federal, State or local law. Do you know of any, you know, State or local or Federal laws that would require such action by an employer?

MR. DINOWITZ: No, but -- not offhand, but, like, if -- if for whatever reason a -- a court orders something, that would be a way that you would have to comply with a law.

MR. RA: Okay. So -- so that's more designed in that type of instance, say, when there's a court order issued or presumably if a -- if a law were adopted but we don't know of any.

MR. DINOWITZ: Yes.

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

MR. DINOWITZ: You're welcome.

MR. RA: Madam Speaker, on the bill.

ACTING SPEAKER DARLING: On the bill.

MR. RA: Thank you. So as -- as I said earlier, you

know, there have been some amendments made to this bill over the years, you know, which is why I -- I actually did support it last year. The exceptions for law enforcement I think are -- and for Corrections and -- and fire departments I think are important. You want to make sure in particular there's a sensitivity towards making sure there's not something when you're putting somebody in that type of position might -- might be a concern in putting it forward. But I do think, you know, we -- we may want to think about some other situations where that might be the case, but I think by and large we're trying to strike a balance here between somebody's privacy, but also we live in a different world. There's a lot of information out there on people, for prospective employer -- employees as well as current employees that they may be putting out into the world that at least if they're putting it out in public, I think allowing the employer to be able to view that and take appropriate action if need be is important as well.

So thank you, Madam Speaker.

ACTING SPEAKER DARLING: Mr. Reilly.

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

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

MR. DINOWITZ: Yes, I'll yield.

MR. REILLY: Thank you, Mr. Dinowitz. So, one question I have is if there's a -- if you could just...

ACTING SPEAKER DARLING: Quiet in the

chamber, please. We're on debate.

MR. REILLY: Thank you, Madam Speaker. So, if you have a private company that has an investigation going on due to maybe an employee who posted something on their social media account and it was screenshot and sent to the -- to the organization and they are -- and they are conducting an internal organization -- internal investigation, can they ask the employee who is the target of that investigation, can they ask them, *Is this your username and did you post this?*

MR. DINOWITZ: Very good question. I don't know the answer. They -- if it's publicly accessible then they can ask if it's their username, but nonetheless they still can't get access into the account.

MR. REILLY: So for clarification, just in the heading of the bill it says, *prohibits an employer from requesting that an employee or applicant disclose any means for accessing an electronic personal account*. So reading that on face value, I would take it as any means would -- it's a two-part system; your username and your password. So by asking if they had a screenshot of something they posted and ask them, *Is this your username, did you post this*, would they be violating this statute if it becomes law?

MR. DINOWITZ: Well, first, of course the employee doesn't have to answer that question. But they wouldn't -- the -- the information that you're referring to is out there, so it's -- it's not as if they're getting any information that they don't already have.

MR. REILLY: So if they -- if they're on Facebook, say, and the employee posts and it's only friends of friends can see it, so it's not an open-to-the-public post. So none of their fellow colleagues or employer are friends with them so they would see that post, but someone else saw it and sent it in. That's the question. Can they use that information to request from the employee, *Is this your username, did you post this because it's contrary to our values and our employee policies?*

MR. DINOWITZ: Well, let me answer it this way: If I was the employee I wouldn't answer the question.

MR. REILLY: Okay. So -- so that's fine. They have the right not to answer it. The question becomes, during that investigation can the employer ask that question?

MR. DINOWITZ: Well, I -- I think the operative question, if I -- if you don't mind, is can the employer force the person to answer the question and if the person does not answer the question can the employer retaliate against a person, and the answer in that case would still be no.

MR. REILLY: So even though they're not looking to get access to the account, they're just verifying whether that person is using that username, that would fall into this?

MR. DINOWITZ: Well, that kind of sort of is asking for access to the account to a certain degree, don't you think? I do.

MR. REILLY: Well, no, because access -- if you get access to an account, would you think that that means that you're able

to post on their account, then? Wouldn't that be access?

MR. DINOWITZ: I don't really know how that works.

MR. REILLY: So -- so what -- what do you define as access -- access to a social media account? Would you think just being able to view it is access?

MR. DINOWITZ: Well, that's part of what access is, sure.

MR. REILLY: Okay, so -- so we don't have clarification on whether asking if someone has a username that's come to the attention of the employer would be access?

MR. DINOWITZ: I don't think under this bill that the employer should be asking that question.

MR. REILLY: Do you -- do you think any other State agencies should be asking for that information?

MR. DINOWITZ: State agencies?

MR. REILLY: Like, say, State agencies, not just -- not just private employers, but other State agencies maybe like New York State DOT, maybe, you know, a whole host of State agencies or city agencies. Do you think --

MR. DINOWITZ: I don't think State agencies are exempt under the terms of the bill.

MR. REILLY: So they're not allowed to ask for that?

MR. DINOWITZ: The employer is not allowed to ask, under this bill, the information outlined in the bill.

MR. REILLY: Okay. All right.

So going back to my first question, just to clarify, so the employer wouldn't be precluded from asking if this username is theirs or would they under this law?

MR. DINOWITZ: As -- as I said, the -- if the information is out there then it's out there.

MR. REILLY: So -- but that's what I mean. If it wasn't intended to be shared with the employer or a fellow colleague could see it, but a screenshot was taken and it made it to that employer. Are they prohibited now --

MR. DINOWITZ: It just goes to show, you don't post something that you don't want anybody else to see.

MR. REILLY: I agree. I agree. Think before you click. I say it all the time, right? You're creating your digital footprints. But the question remains, can an internal investigation by a private company, will it be hindered by them asking that question, *Is this your username because you now have put our company in a bad light?*

MR. DINOWITZ: I don't think that the person has to answer that question.

MR. REILLY: Okay. And they could -- and by refusing they wouldn't be allowed to be terminated in a private company?

MR. DINOWITZ: They don't have to answer the question and, therefore, there could be no retaliation.

MR. REILLY: No retaliation for cooperation in an investigation in their company?

MR. DINOWITZ: If the person wants to answer the question that's their business. But that doesn't mean they can be required to or become the object of any kind of retaliation.

MR. REILLY: And that -- and that would -- and this would apply to State agencies as well that aren't exempt.

MR. DINOWITZ: It would apply to anybody who's not exempt.

MR. REILLY: Who is not --

MR. DINOWITZ: Who is not exempt. So, I think Mr. Ra read the list of those that are exempt, including police, but others, firefighters among others.

MR. REILLY: Okay. Thank you, Mr. Dinowitz.
On the bill, Madam Speaker.

ACTING SPEAKER DARLING: On the bill.

MR. REILLY: So I think this is going to raise some issues about private companies conducting internal investigations when employees do things that put the company in a bad light, maybe go astray from their values and what the company is trying to do in a community. We are restricting their ability, potentially, from carrying out how they handle those discrepancies in their businesses.

On another note, this Legislature has passed that we who have firearms licenses now will have to give up their social media accounts. We talk out of both sides of our mouths in the

Legislature, it appears. And it's time that we speak with one voice. What's good for the goose should be good for the gander. That's not the case here. So let's get this right. Let's stop, let's pause, and let's not take away the rights of those organizations, those private companies, that are trying to do the good work and represent their values in a positive way. This legislation just by this debate shows that we're taking away their responsibilities to hold themselves accountable and their employees accountable.

So with that, Madam Speaker, I will be voting in the negative. Thank you, Madam Speaker.

ACTING SPEAKER DARLING: Mr. Curran.

MR. CURRAN: Thank you, Madam Speaker. Will the sponsor yield just for one quick question?

ACTING SPEAKER DARLING: Mr. Dinowitz, do you yield?

MR. DINOWITZ: I'd be happy to.

MR. CURRAN: Thank you, I appreciate that. Just one quick question. I'm not exactly sure if I understood your answer to this. So if a private company starts an internal investigation, has the employee come in because they have a screenshot and they -- they ask the simple question, *Is this you, is this your screen name*, and that employee either answers affirmatively or refuses to answer and the employers says, *You know what? That may be grounds for -- to terminate you and decides to answer*, does that create a cause of action for that employee if he decides to answer but then later it turns

out that he didn't have to? Does that create a cause of action for him to later sue the employer?

MR. DINOWITZ: Well, I -- I hate to give legal advice, but I would think the answer could be yes because that person was -- would have been intimidated or pressured in an -- in an inappropriate way to disclose information that would otherwise not be something that had to be disclosed. You know, there are many different reasons, political reasons even, why we want to protect people. For example, if somebody, say, worked for the -- I don't know what the name of that company is, the pillow thing, the pillow guy -- and the person who worked for them happened to be somebody who was, I don't want to use the wrong words, I'll just say normal, and had -- had beliefs that were different than the prevailing policy of that company, should the possibility exist that they would be forced to reveal information that could conceivably result in them being fired because they had a political -- political difference? Or the shoe can be on the other foot, by the same token. So there -- there are reasons why we want to protect people. And in this day and age when we have, you know, you know, all these social media accounts that people have, there are more ways that people can try to, you know, look into people in ways that they shouldn't and we want to protect them. So I would say, again, not giving any legal advice here, but I would think that could arise in a cause of action.

MR. CURRAN: And just one other thing. Take out the pressuring part and this employee answering willingly, thinking

that they had to. Would it still establish a cause?

MR. DINOWITZ: I don't -- I don't believe you can anything is willing. The mere fact of asking the question could be the pressure even if you don't say, *If you don't answer I'm going to fire you*. Just by asking it somebody could feel that they may have no choice. So you don't want people to be put in that position in the first place. That's, hence, the reasoning for the bill.

MR. CURRAN: All right. Thank you very much for taking the time. Thank you.

MR. DINOWITZ: Thank you.

ACTING SPEAKER DARLING: Read the last section.

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

ACTING SPEAKER DARLING: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker. The Republican Conference will be generally opposed, although last year our Conference was split for reasons mentioned here on the floor. Some of our members appreciate the additional privacy and some are very concerned about the impact on an employer doing an investigation. So I expect my Conference will be split, but as a matter of running the numbers from last year the Republican Conference will be generally no. Those who support it should vote yes.

Thank you.

ACTING SPEAKER DARLING: Thank you.

Mr. Fall.

MR. FALL: The Majority Conference will be in the affirmative on this piece of legislation.

Thank you, Madam Speaker.

ACTING SPEAKER DARLING: The Clerk will record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, do you have any resolutions or further housekeeping?

ACTING SPEAKER AUBRY: Well, Mrs. Peoples-Stokes would be amazed to know that we have neither resolutions nor housekeeping. But in the back I do believe we have a former member, Roger Green, who is visiting us today so we'd like to welcome him. Remember, once a member, always a member. Roger, it's so good to see you, my friend. Thank you so much, and we give you the privileges of the floor.

(Applause)

And his gift to us is no resolutions and no

housekeeping.

MRS. PEOPLES-STOKES: Thank you for that introduction, Mr. Speaker. It's great to see our former colleague here.

ACTING SPEAKER AUBRY: Yes.

MRS. PEOPLES-STOKES: But I now move that the Assembly stand adjourned until 12:30 p.m., Wednesday, March the 22nd, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The House stands adjourned.

(Whereupon, at 4:04 p.m., the House stood adjourned until Wednesday, March 22nd at 12:30 p.m., that being a Session day.)