

THURSDAY, MAY 18, 2023

11:01 A.M.

ACTING SPEAKER AUBRY: The House will come to order.

Rabbi Moshe Taub will offer a prayer.

RABBI MOSHE TAUB: I wish to offer a prayer this morning to focus on what unites us, although passé, vitally important that is our freedoms. The freedoms of this country, which changed the world actually had its genesis here in New York State almost 50 years from when Henry Hudson sailed what is present day Albany. Peter Stuyvesant, the first -- the last Director General what would become New York State, saw the arrival of the first minorities, Jews, in 1654. A young man from Vilnius in Europe felt that it wasn't right that he was told to pay for (inaudible) the wall that was blocking the army what is today Wall Street (inaudible) wrote a letter to the Dutch for

(inaudible) the wall that was blocking the army what is today Wall Street. (Inaudible) wrote a letter to the Dutch Company and received the response, as did Peter Stuyvesant, that in these new colonies all will be judged as humans no matter race, creed, or nationality.

And this all began in New York State so we plead to Almighty God, Creator of Heaven and Earth, we open with profound gratitude from our hearts from deep within, the thanksgiving of our souls for our democracy and we beseech you, O, God, that we as a people and we here today as leaders of people shall never tire nor take for granted the gift and blessing of our freedoms and democracy. The gift of this country, the United States of America, and this State, the greatest and most diverse of all in the union, the great State of New York. We entreat you, O Lord, the one and only God that you protect her and guide her, we plead with You to bring peace both of mind, health and spirit as well as clarity of vision to our Speaker Carl Heastie, Majority Leader Crystal Peoples-Stokes, Minority Leader William Barclay, and my own representative Assemblyman David Weprin. For our esteemed Governor, Governor Kathy Hochul, we pray for God's grace to shine through her. May these hallowed halls and all of its duly-elected members be protected always, and be a lighthouse to all citizens of this State.

Just to conclude, as someone who has served Upstate and Downstate, had the good fortune to see the State's fertile farm lands to its metal jungles, we ask in this time of great division that we should be united. It is the eve of Jerusalem Day when that Holy City

became united. May we, no matter our political backgrounds and views, recognize our common goal that unites us, freedom for all. May God protect this great State and bless us forever and always, Amen.

MEMBERS: Amen.

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

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

A quorum being present, the Clerk will read the Journal of Wednesday, May 17th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move that we dispense with the further reading of the Journal of Wednesday, May the 17th and that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Colleagues and guests that are in the Chambers, it's a happy Thursday. And I have some words to share with you this morning in form of a quote from George Bernard Shaw. Many of you may remember him or know him as an Irish playwright, a critic and a political activist. He's influential in western theater, culture, and extended his term from 1880 to way beyond his death. His words for us today, *a life spent making*

mistakes is not only more honorable, it's more useful than a life spent doing nothing. Again, these words are from George Bernard Shaw.

Members have on their desk a main Calendar. We also have a debate list. After any housekeeping or introductions, Mr. Speaker, we're going to begin off of the debate list taking up the following bills: Calendar No. 111 by Mr. Dinowitz -- let me -- let me start over, okay, Mr. Speaker? Calendar -- the first one we're going to take up is Calendar No. 11 by Mr. Dinowitz; then we're going to go to Calendar No. 199 by Mr. Stern; followed by Calendar No. 156 by Mr. Dinowitz; followed by Calendar No. 135 by Mr. Jacobson; Calendar No. 71 by Mr. Dinowitz; and Calendar No. 141 by Mr. Meeks. We're going to go in that, order, Mr. Speaker, and we probably will make additional announcements regarding this work as we proceed.

That's the general outline, sir. If you have housekeeping or introductions, now would be a great time, and thank you.

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

No housekeeping, but an introduction by Mr. Weprin.

MR. WEPRIN: Thank you, Mr. Speaker. It's a great pleasure for me to welcome my neighbor and friend, Rabbi Moshe Taub, who we just heard from. He's the Rabbi of the Young Israel of Holliswood. After studying in premier yeshivas in three different countries, Rabbi Taub, who grew up in Toronto, Canada, was appointed Rabbi of the Orthodox Community in Buffalo, New York,

at the age of 24. He also ran the Buffalo Vaad Hakashru, and building it up to an international kosher council, and certified products in five continents. After 12 years in Buffalo, he moved Downstate to my neighborhood in Holliswood where he has served as a Senior Rabbi. He also serves as a weekly columnist and Chief Rabbinic Editor of *Ami Magazine*, a New York-based international weekly with a readership of over a quarter-million worldwide. Rabbi Taub has served as the Executive of the Rabbinical Council of America and many other organizations. Among his many duties outside his synagogue until last year, he was principal in Telshe Yeshiva in Riverdale, New York, a renowned and prestigious talmudic institution, and still teaches in a number of schools in the New York City area. He is also the Senior Talmudic Instructor at Shevach Girl's High School. He has lectured at various places, including Harvard Law School, and will be publishing a series on American History, the first volume to be printed this fall. He is the father of five, four girls and one boy, and his wife Nechama works in the nursing home industry. Mr. Speaker, please extend the privilege and the courtesies of the floor to Rabbi Taub.

ACTING SPEAKER AUBRY: Rabbi, thank you very much. We extend the privileges of the floor. We're glad that you could come and share those words with us. Please know that you are always welcome. Thank you so very much.

(Applause)

Ms. Walsh for the purposes of a introduction.

MS. WALSH: Thank you very much, Mr. Speaker. Today I'm very happy to welcome two teams from the Burnt Hills-Ballston Lake School District, and their team mascot, I guess it's not a mascot, it's the Spartans, so it's a great day to be a Spartan today. And I want to introduce the Boy's Cross Country Team with head coach Chip Button. They are New York State Class B Cross Country State Champions. And if they look familiar, it's because they just keep winning. We think that they pretty much know their way to the Capitol, because this is their sixth straight New York State Class B Cross Country Team Championship. They've won 11 State Titles overall, and 23 Section II Championship titles.

Joining with them today for the first time, and we're so happy to see them is the Girls Relay Team with Assistant Coach Matt Shell. These young ladies won the New York State 4x400 Relay State Championship. They broke a school record down on Staten Island on March 4th at the Ocean Breeze Athletic Complex. And this is their first-ever title at indoor State competition. Also in attendance today we have Burnt Hills Athletic Director Joe Scalise. So Mr. Speaker, if you could please extend the cordialities of the House to these great scholar athletes and their coaches.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Walsh, the Speaker and all the members, Spartans, we welcome you here to the New York State Assembly, extend the privileges of the floor. Our congratulations on your successes this year. We know that those successes will continue on in your life

because you've learned lessons about how to be competitive and to win. And I hope that continues to guide you through the rest of your lives. Know that you are always welcome here, and well-represented. Thank you so very much.

(Applause)

Mr. McDonald for the purposes of an introduction.

MR. MCDONALD: Thank you, Mr. Speaker. I rise today to introduce a group from the Huntington's Disease Society of America. Earlier this month, we passed a resolution to declare May as Huntington's Disease Awareness Month. Huntington's Disease is a devastating hereditary degenerative brain disorder for which there is presently no effective treatment or cure. Currently more than a quarter of a million Americans have been diagnosed with Huntington's Disease or at risk of inheriting the illness from an affected parent. It's imperative that there be greater public awareness of Huntington's Disease and much more to be done to increase activity at the local, state, and national level to support those afflicted as well as their families and caregivers.

Joining us today is Melissa Blok, Carol Corrigan, and Pat Schuler. Mr. Speaker, if you could please extend the cordialities of the House, it would be sincerely appreciated.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. McDonald, 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 our thanks for the work that you're doing to help those

afflicted by this particular disease. Continue that great work. Know that we'll do all we can to be of assistance. Thank you so very much.

(Applause)

Mr. McDonald again.

MR. MCDONALD: You know, Mr. Speaker, if you remember the great Cub Ernie Banks, it's a great day for two, right? Well, for those who are over 60, they understand what I'm saying.

(Laughter)

For those under 60, it's in the history books. But anyways, I rise today also to welcome a group from the Spina Bifida Association of the State of New York, as we declare later on today October 2023, as Spina Bifida Awareness Month, and to congratulate this organization on 30 years of service to our community. Spina Bifida is the most commonly permanent disabling birth defect that is associated with life in the United States. It's a type of neural tube defect that occurs when a baby's neural tube fails to develop or close properly. Spina Bifida Awareness Month is to raise awareness regarding the challenges of living with Spina Bifida and the steps that can be taken to prevent it. It's a hope that this month of awareness will also remind all New Yorkers that people with Spina Bifida are not defined by their condition.

Joining us today is their Executive Director, Julia Duff, Paul Lukasiewicz III, Jessica Ryder, Dave Wentworth, Karen Wentworth, Chris Darby King, and Bryan Darby. And I also want to do a special shout-out to the young lady with the little black turban in

the wheelchair Shameka Andrews. Shameka has been a patient of mine for probably 35 years now, and she is in my perspective, a shining example that in spite of a disease that one may have they can live a full and fruitful life. Thank you all for coming today.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. McDonald, the Speaker and all the members, we welcome this fine group here to the New York State Assembly, extend to you the privileges of the floor. Congratulate you on the work that you're doing and as individuals who are spreading the word and letting people know about this particular disease and its impact on us. And to you, my dear, thank you so very much for joining us, we appreciate it. We will always have you in our prayers. Thank you so very much.

(Applause)

Mr. Maher for the purposes of an introduction.

MR. MAHER: Thank you, Mr. Speaker. I rise today to recognize Troop 33 of Walden, New York. They are here, specifically we have Scouts Keaghan Cichon, Ayden Larue, Nicholas Zica, Donovan Davidson, Harold Bruggemann, Joseph Davis, TJ Kellner, Luke Crispell, Joshua King. Our Scout Leaders, Mr. Gabriel Gonzalez, Scoutmaster; Mr. Michael Davis, Committee Chair; Mr. Dan Zica, Treasurer; Mr. Harold Bruggemann, Assistant Scoutmaster; Mr. Pete Cocks; Mr. Adam Cichon, Mr. Jim Corbett; Mr. Tom Kellner; Assistant Scoutmaster Mr. Alfonso Larue; Mr. Raymond Crispell; Ms. Yvette Zica; Ms. Jackie Heubach. These individuals are here to celebrate and commemorate 100 years this year, and as a

former member of Troop 33 born and raised in Walden, New York, certainly am proud to have them here and to show them that if you work hard you can accomplish anything, being from Walden myself. So please extend the cordialities of the floor, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Maher, the Speaker and all the members, we welcome you here to the New York State Assembly, the People's House. Celebrate with you the 100 year anniversary. Hope that your work will continue and this organization -- this fine organization will continue on for another 100 years for sure. Thank you so very much, so happy to have you.

(Applause)

Page 9, Calendar No. 11, the Clerk will read.

THE CLERK: Assembly No. A01880-A, Calendar No. 11, Dinowitz, Joyner, L. Rosenthal, Steck, Walker, Weprin, Vanel, Kelles. An act to amend the Criminal Procedure Law, in relation to establishing the New York Electronic Communications Privacy Act ("NYECPA").

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

MR. DINOWITZ: And one will be given.

ACTING SPEAKER AUBRY: One minute. Would you -- Mr. Dinowitz, while we let the gallery in the back clear.

(Pause)

MR. DINOWITZ: The clock's running, right?

ACTING SPEAKER AUBRY: Proceed.

MR. DINOWITZ: Thank you. This bill would require a search warrant for access to all aspects of electronic communications, except where Federal law allows voluntary disclosure. It amends the Criminal Procedure Law to require government agencies and agents to obtain a search warrant for physical or electronic access to electronic device information, and the warrant must be described with particularity and the government agency must provide contemporaneous notice to the target of the warrant with exceptions for emergency situations. And the bill would direct all government agencies that obtain electronic communication information to pursuant to this bill to annually report the information to the Attorney General, and it also provides enforcement mechanisms if government agencies or agents fail to comply with provisions of the bill.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MR. DINOWITZ: I will.

ACTING SPEAKER AUBRY: The sponsor yields, sir.

MR. GOODELL: Thank you, Mr. Dinowitz. What scenario is this bill trying to address that you think has -- is a -- a problem?

MR. DINOWITZ: I think many of us, and hopefully most of us, would want people's privacy rights protected and that's why it would require a warrant. So to get certain information, a simple warrant would be required. And keep in mind that you know, things have changed in recent decades. It wasn't that many years ago that we didn't have computers and iPads and iPhones and all the other things that people keep important information on. But today, people do that. So right now in order to obtain certain types of evidence, if it's on paper presumably the government would have to get a warrant. So this is the next step in addressing that because people keep their information in other forms than on paper.

MR. GOODELL: Do you have any specific examples of where this has been abused in the past?

MR. DINOWITZ: No.

MR. GOODELL: Do you have any data on how much this has been abused in the past?

MR. DINOWITZ: I do not.

MR. GOODELL: Of course, in order to get a warrant, law enforcement officials have to convince the judge there's probable cause to believe that a specific individual may have committed a crime. Doesn't this legislation prohibit law enforcement officers from contacting a phone company and seeking all the pings, if you will, on a nearby cell tower where there's been a murder?

MR. DINOWITZ: Well --

MR. GOODELL: In order to identify potential

suspects?

MR. DINOWITZ: Certainly a phone company, being that they want to do the right thing could voluntarily turn over information anyway. So they're not barred from doing that.

MR. GOODELL: But this has very broad language. It says a law enforcement agency or law enforcement officer shall not compel, induce, or offer incentives of course --

MR. DINOWITZ: What page are you reading from? Where are you reading from? I want to follow.

MR. GOODELL: On page 3 starting on line 6 and 7, and then continuing on on 15 through 18.

MR. DINOWITZ: Okay.

MR. GOODELL: It says a law enforcement officer may compel, but only with a warrant, of course.

MR. DINOWITZ: Well, there's --

MR. GOODELL: And number three --

(Inaudible/Simultaneous talk)

MR. DINOWITZ: We do require warrants to get stuff from people, right?

MR. GOODELL: Well, it says the law enforcement -- starting on line 28, law enforcement agents or law enforcement officer may access without consent information only with a warrant.

MR. DINOWITZ: One second.

Shh.

Well, it outlines when you need a warrant, it also

outlines when there are exceptions. It outlines with the bill as well with much specificity talking about emergency situations, for example. So it makes clear the different types of scenarios that there are and whether you need a warrant and how -- how that warrant would be served, whether you have to inform the person at the time contemporaneously or whether it be done after the fact.

MR. GOODELL: But is there any provision in this bill that expressly authorizes a telephone company or a cell company to provide this type of information upon request absent a warrant?

MR. DINOWITZ: I don't think we have to do that in the bill.

MR. GOODELL: Okay. Now I see -- and I appreciate there's a number of provisions dealing with emergency access.

MR. DINOWITZ: Right.

MR. GOODELL: But I'm a little confused because it says if there's a -- a request for -- if there's emergency access pursuant to Section 695.10 of this law, then there's a number of procedures that can apply. But I didn't see anywhere any reference in Section 695.10 of an exception for emergencies. Did I miss it and if so, where is it in the bill?

MR. DINOWITZ: Well, I wrote a few notes down and I wrote the word "emergency" several times, so which particular thing are you talking about? I mean, there's a lot stuff here talking about emergencies.

MR. GOODELL: Sure. So if you look at page 5, line 21.

MR. DINOWITZ: Uh-huh. Okay.

MR. GOODELL: And it refers to where a law enforcement officer obtains electronic information in an emergency pursuant to Section 695.10. And it goes into various language about the emergency. The problem is when I go back to Section 695.10, 695.10, I didn't see any exception for emergency access. Did you -- did I miss it?

MR. DINOWITZ: Probably.

MR. GOODELL: Then where is it on line -- what line on page 3 which deals with -- 695.10 that talks about emergency access?

MR. DINOWITZ: Let's see. It says if the law enforcement agency -- I'm looking at line 44 now -- agency or law enforcement officer in good faith believes the device to be lost or stolen, abandoned, provided that the law enforcement agency or law enforcement officer shall access electronic (inaudible) information only for the purpose of attempting to identify, verify or contact the owner or the authorized presenter of the device.

MR. GOODELL: So that's the only exception that you intended if the -- the law enforcement officer believes the device is lost, stolen or abandoned.

MR. DINOWITZ: Well, the -- the -- the section, which is Section 3, says the law enforcement agency or officer may

access without consent as provided in this section, and then it gives various scenarios here. So I -- I think it probably covers what we need to do.

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

On the bill, sir.

MR. DINOWITZ: You're welcome.

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

MR. GOODELL: Thank you. All of us, of course, are concerned about our right to privacy, and the Supreme Court has always made it very clear that when there's a reasonable expectation of privacy, law enforcement has to get a warrant. And then the question is what's meant by a reasonable expectation of privacy? And what we've found is that when there is a horrific crime, perhaps four young teenagers murdered in an apartment, that what law enforcement will sometimes do is ask the cell company to identify the phone numbers and the identity of every call that was made near the crime scene at that time period, because it's remarkable how many suspects they can identify by knowing who was using their cell phone or whose cell phone was located at the crime scene, at the time of the crime. This bill would prohibit law enforcement from getting that information without a warrant, but a law enforcement agency can't get a warrant unless they've already identified the suspect and already have probable cause.

So this takes away from our law enforcement an extraordinary valuable tool that helps them identify suspects in the most horrific crime scenes. I think everyone here is aware that there's a great deal of concern about rising crime in New York State, and I don't think now is the right time, as a matter of public policy, to remove one of the more valuable tools that our law enforcement can access to help identify potential suspects following a horrific crime.

The second concern I have deals with on the civil side. And I -- I think it's a drafting issue that I hope we can address, and I've always appreciated working with the sponsor on these issues, but the other area where law enforcement accesses cell data is in situations where there's no crime at all and, therefore, impossible to get a warrant. And that is where the owner of the cell phone is lost. A hiker for example, or someone with dementia, or someone with a medical condition. And in those situations, law enforcement will ask the cell company to identify, if they can, where the cell phone is located, or where it was last used. And it's a lifesaving technique.

Now, there's extensive language in the bill about emergency use, but as my colleague mentioned, it appears to be only authorized where the phone is lost or stolen. I suppose you could make a leap of faith that if the individual who owns the phone is lost that maybe his phone is likewise lost. But we shouldn't be making those leaps of faith when we're dealing with life and death situations.

So while I appreciate my colleague's concern over privacy, a concern we all face, this bill I think goes too far in

restricting the ability of our law enforcement officers to solve horrific crimes and help those who are in emergency situations. For that reason I will not be supporting it. Thank you, sir, and thank you to my colleague.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Angelino.

MR. ANGELINO: Thank you, Mr. Speaker. Will the sponsor yield for a question?

ACTING SPEAKER AUBRY: Mr. Dinowitz yields.

MR. ANGELINO: Thank you, sir. I've just now realized that this was on the agenda for today and I've been trying to read through the new text, which is basically the whole section is quite wordy. So maybe you can help me. Is there anything that -- is there anything mentioned in your bill regarding search incidental to arrests when evidence is trying to be preserved or identification in exigent circumstances?

MR. DINOWITZ: I'm -- I'm not sure I know what you mean.

MR. ANGELINO: A search incidental to arrest.

MR. DINOWITZ: Oh, search incidental --

MR. ANGELINO: Yes.

MR. DINOWITZ: -- to an arrest. I don't recall reading those words, but let me just double-check. But, however, we do make -- we allude to that. Did I just read this? I thought I read this. You weren't paying attention.

(Laughter)

MR. ANGELINO: I'm sorry. I was probably reading your bill --

(Inaudible/Simultaneous talk)

MR. DINOWITZ: -- extremely familiar, but let me just read a little bit again.

MR. ANGELINO: Yes, thank you.

MR. DINOWITZ: If the law enforcement agency or officer in good faith believes the device, and it goes on, the point is in a search incidental to an arrest, the law enforcement person can, if that person believes in good faith, can conduct the search.

MR. ANGELINO: All right. Thank you, sir. I -- I appreciate that. I was trying to read it probably while you were doing your explanation.

Mr. Speaker, thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this bill. Those who support it are certainly encouraged to vote yes and we will respect their privacy until it's published tomorrow. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, the Majority Conference will generally be in favor of this piece of legislation; however, there may be a few of us that will be an exception.

ACTING SPEAKER AUBRY: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker, for the opportunity to explain my vote. I would never want to underestimate or disvalue the role that law enforcement has to play in making sure that we are safe, but as we've persistently talked of the State about the rise in numbers of crime, generally these crimes that we see increasing are not violent crimes, one, it doesn't excuse them, it just says that there are more people who have needs that we're not meeting and so they go and take things from other people and they're doing it on a regular basis. And I get that, I'm sure it must be happening in your districts as well, I know it happens in mine. But there is no rise in violent crimes and I just want to submit that I reject that constant reference to any legislation that we're doing.

However, I will say that if law enforcement has a need for some information that's on my cell phone, even though it's

my private phone, if they ask me for it, they can have it; in fact, I live on a corner property. I have cameras all around my property. They often want to come in and view my cameras, I let them. If they're investigating a crime, they should have access. But I should also have my privacy, too. If I'm not home, you can't just go in and look at it. But if you come ring my bell or you call me on the phone and say I need to see, I'm going to let you see, and I think other citizens would do the same thing.

So I respect this bill because it's protecting our privacy, which as Americans we are due to. Now I realize that some of our privacy is more valuable than others, some people don't have to worry about these things, but there are a lot of us that do have to worry about it. And I think we should always want to protect our privacy no matter how technology changes this world we live in. So I want to thank the sponsor for submitting this. It's my pleasure to vote in favor of it.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 21, Calendar No. 199, the Clerk will read.

THE CLERK: Assembly No. A02078, Calendar No. 199, Stern, Otis, Santabarbara, Pheffer Amato, Weprin. An act to amend the Insurance Law, in relation to standards for prompt

investigation and settlement of claims arising from states of emergency.

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

MR. STERN: Yes, Mr. Speaker. This is a legislative initiative that establishes claim investigation and timely settlement standards for insurance companies in the event of a natural disaster or other declared emergency.

ACTING SPEAKER AUBRY: Mr. Blankenbush.

MR. BLANKENBUSH: Will the sponsor yield, please?

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

MR. STERN: Yes, I will.

ACTING SPEAKER AUBRY: The sponsor yields, sir.

MR. BLANKENBUSH: My understanding in reading the bill is that there is a number of days that an insurer has to respond to a claim, and that's 15.

MR. STERN: Correct.

MR. BLANKENBUSH: Okay. Now, it says on completion of the application, what's that mean? What -- when does the 15 days -- when does the clock start?

MR. STERN: So the -- under this bill, the claimant files the claim. The insurer then would make a determination as to the

items, a list of the information, the documentation that's required of -- from the claimant in order to do its investigation. That is a procedure that pursuant to regulation anyway, is within the control of the insurer. And so there's a determination of the list, the -- the claimant then goes through the process of gathering up these items as requested by the insurer. When the insurer, and that really is within the discretion of the insurer, to determine when that list is complete, when that request has been satisfied, it is at that time that the 15-day clock would begin. The 15-day clock in order to, for the insurer to continue its investigation to do any adjustment that might be necessary. At that point then, if it can be determined within the primary 15-day time period, then the insurer is required to make a determination. If not, within the bill, it gives the insurer the ability to -- to extend it by an additional 15 days, as long as the insurer is able to base that decision on a reasonable need for additional time. At the expiration of the additional 15-day period, if required, at that point the insurer is required to make its determination as to approve or -- or to reject the claim.

MR. BLANKENBUSH: So let's use an example. And obviously let's use Sandy. The roads were not passable. Now, we're only talking about this because of major disasters, not just a normal homeowner's claim.

MR. STERN: That's right.

MR. BLANKENBUSH: Most homeowner's claims really aren't even settled in 15 days, but this is -- now we're looking at

a -- a disaster that happens. So I'll give you another example. If I had a homeowner's claim, I pick up my phone and I dial the claim number and I could report the claim over the phone. Now, once I report the claim, I have to get a contractor to come out and give me an estimate before the -- before the adjuster comes out and takes a look at that. Now, I don't know about anywhere else in New York State, but I can't get a contractor to come out and do my work on my house in 15 days. So if we're looking at hundreds of claims - and I don't know how many claims there were in Sandy, probably thousands - how in the world can you expect even in 30 days, how do you expect the -- the company to have the client, their client, get all of that information and if they're going to pay claims without a good estimate of -- by a contractor, you're not going to have hard facts, you're not going to have the hard costs. So aren't you forcing a company to make a decision on -- if they don't have any of the hard facts on their homeowner's claim, aren't you -- aren't you forcing these homeowner's insurance policies, the insurer, to say yes or no without getting the whole picture?

MR. STERN: So first of all, in the aftermath of Superstorm Sandy --

MR. BLANKENBUSH: Yep.

MR. STERN: -- there were over 300,000 claims that were settled.

MR. BLANKENBUSH: Yep. Yep.

MR. STERN: And that process went on for, as we

know, quite some time. But whether it was adjusters that were employed by New York companies that were based in New York or elsewhere, there were over 25,000 adjusters that were brought in from out-of-state --

MR. BLANKENBUSH: Correct.

MR. STERN: -- during that time in order to process these claims.

MR. BLANKENBUSH: Correct.

MR. STERN: Ultimately they got done. But let me say a couple things in direct response to your question. First of all, during the aftermath of Superstorm Sandy, because claims had taken so long to get processed, by emergency regulation, the administration had brought a time requirement down to having to commence the process within six days, and within six days the adjusters, the insurance companies, were able to bring in those 25,000 additional adjusters from out-of-state, they were able to then much more quickly process the claims. And while so many families and so many businesses were left behind for way too long, and in many cases, well past a year, certainly in my coastal area of Long Island, even with an expedited claim process including a six-day start time, those claims were able to be processed. So I certainly appreciate the fact that it's difficult to get a professional of any type to come in particularly when we're in the midst of a natural disaster like Superstorm Sandy, but ultimately the industry was able to get it done. Let me also say this.

MR. BLANKENBUSH: Okay.

MR. STERN: Later on as a result of Ida, there was administrative directive from the Executive in 2021 which specifically stated and asked our insurance industry to play the important role that they need to in making sure that all of us as a community, as a region, as a State are able to get back on our collective feet. These are plans that in case of emergency we need to be part of any adjuster's business, any insurance company's business to be able to have a list of contacts whether they be in-State, whether they be temporary, whether they be licensed to practice in New York but are situated out-of-state to be able to come in, when needed, in the case of a natural disaster or otherwise declared emergency to be able to not just as you point out, you know, a single case while a tragic situation for a particular family or business. It's very different than a natural disaster that impacts an entire region.

MR. BLANKENBUSH: And -- and I agree that a claim shouldn't go on for a year. So the only -- the part of this bill that really -- really concerns me is the 15 days, and even the 30 days (inaudible). That's the part of this bill that I -- I -- let me ask another question. The -- the decision hasn't been made in 15 days, then we extend it to another 15 days. What's the penalty after the 30 days? Is there a penalty, or...

MR. STERN: Under Insurance Law, failure to comply with the time requirement would result in a \$1,000 fine for each offense. After notice and an opportunity for a hearing in order to make the case as to perhaps why the time requirement wasn't possible.

I would also say this, that in, you know, intervening years from Sandy until now, there have been other changes to applicable regulations that have taken into account a lot of the types of issues that you raised.

My expectation would be that if there was true impossibility to the facts and circumstances at the time, that the -- the agency would act again to ensure that we strike the right balance between making sure that right decisions are made but they're done promptly as well.

MR. BLANKENBUSH: So the \$1,000 is per claim?

MR. STERN: Yes.

MR. BLANKENBUSH: For violation?

MR. STERN: Yes.

MR. BLANKENBUSH: On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BLANKENBUSH: Thank you, Mr. Stern.

Again, I -- I'm not objecting to having companies be responsible to claims, and for claim -- especially in disasters like we have seen. It's -- it's the 15 days that bothers me, along with the fines. There's a lot of reasons why there's a claim, even during normal claims, that 15 days is -- is short. But -- and I'll give you an example. In -- a few years ago in the North Country we had a ice storm. And that ice storm, if you would look down the roads you would see telephone poles down, you'd see trees down. It looked like a war zone, to tell you the truth. There wasn't any way that adjusters or anything could be driving down some of those roads. And I was -- I personally was out of electricity for three weeks during that stay. Luckily, I had a

generator that uses the cleanest of fossil fuels, natural gas, to keep me going and having my electricity on. And some of my -- some of the neighbors in some of that county was out for six weeks. Actual insurance companies drove their trucks or vans into my area, parked in school districts and parked in banks that sat -- that stood there with their checkbooks out, trying to write checks as soon as the people came in with all their claims and all their adjustments and all of that. So they -- you didn't have to mail it in. They were right there, most of them. And as an insurance agent I really appreciated that because they were my clients, along with me, who had claims. Even then, when they brought those trucks up, it was very, very hard for them to get everything in front of the -- the company representative in 15 days. So I understand that I wouldn't want a claim open for a year. I just object to the 15 days, I object to the 30 days.

So that's the reason why I will be voting no. I also know that this bill has been around for nine years. It was a bad bill nine years ago and it's a bad bill now.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Blumencranz.

MR. BLUMENCRANZ: Thank you. Will the sponsor yield, please?

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

MR. STERN: Yes, I will.

ACTING SPEAKER AUBRY: Mr. Stern yields, sir.

MR. BLUMENCRANZ: So, my biggest concern on the bill would be the potential for fraud. I know when storms arise and there's just simply not enough adjusters, there's not enough investigators and the process can get a little hectic, especially when there's a massive event like Superstorm Sandy. You know, as someone else from Long Island you can understand and we've all witnessed what happened. Is there any stop loss to sort of help compensate for the potential for -- for fraud that could lead to higher insurance rates in the future?

MR. STERN: So, this legislation does not address fraud or the potential for fraud. But I would say, first of all, that as rules are implemented and as we go through the rulemaking process that DFS would have the responsibility at that point to take that into consideration and develop regulations that go to that issue. But I would also say that it is an expectation of the agency not just to utilize its experience, but to speak with stakeholders and professionals with the industry to be able to implement rules that would work. My guess is that in that rulemaking process that DFS would look to existing regulation that already exist, similar to that in 16 -- 26 -- 21 -- 216.5 of the existing regulations that goes to non-emergency situations, which does specifically address the possibility of fraud, how it is to be investigated and also provides for a suspension of that time period if the insurer is able to make, based upon a reasonable basis, that there's an expectation for fraud. At that point the time elements, these time

requirements are then lifted and the -- the investigation would proceed from there.

MR. BLUMENCRANZ: Now, would the high-risk pools such as, like, the New York State Property Underwriting Association, would they be under the same constraints of those groups as the private sector?

MR. STERN: I'm sorry, could --

MR. BLUMENCRANZ: Would they be under the same restrictions to pay out their claims, especially considering almost all of their claimants are, you know, on coastal Long Island at the same time having claims.

MR. STERN: Under this legislation there is no difference --

MR. BLUMENCRANZ: Okay.

MR. STERN: -- that distinguishes between carriers. Again, if that is a critical issue to be considered by the agency, that would be taken under the -- the rulemaking process.

MR. BLUMENCRANZ: Okay. I --

On -- on the bill, sir. Thank you very much, sponsor.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BLUMENCRANZ: I guess my biggest concern might not necessarily be exactly the timeline, because with modern technology we've seen especially in Florida in the past two storms, the proliferation of drones to see and assess the damage during storms, be able to process claims a little bit faster than they have in the past as

having their boots on the ground, but the priority when it comes to claims. When someone has a tree and shrubbery claim and then another person has lost their entire home, typically an insurance company would attempt to prioritize those who have a serious need for replacement, finding a new place to live, being compensated to find a -- find a new -- a new home.

So I will be in the negative because I believe that necessity should come before time, and typically, especially with the workforce as it stands where it's increasingly more difficult to find employees to work in this industry, that this might become a particularly contentious issue when the next storm arises. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: A slow roll call has been requested. The Clerk will record the vote slowly. Members should know that you must come and be in the Chamber in order to cast your vote.

(The Clerk recorded the vote slowly.)

Mr. Stern to explain his vote.

Ladies and gentlemen, shh. Thank you.

MR. STERN: Thank you, Mr. Speaker. Superstorm Sandy, Sam -- Storms Irene, Lee, Ida, Isaias, in numerous cases, months, years passed before homeowners and businesses were able to resolve their claims in order to do necessary repairs, replace property and become whole again. After a natural disaster or other declared

emergency, hopefully with no loss of life, living for so many often comes to a halt as they wait so long to go through the process, to be able to make repairs, to be able to replace belongings, to be able to go on with life as normal again. After a disaster, many of our neighbors, they experience the loss, the anxiety, the fear that comes as a result of the undue delay, and that should not be acceptable to any of us.

And so I'm grateful to my colleagues that voted in support of this legislative initiative, and thank them for support of your neighbors after a disaster strikes. Thank you.

ACTING SPEAKER AUBRY: Mr. Stern in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Can we please have the Clerk to recognize the members who are with us via Zoom?

ACTING SPEAKER AUBRY: Certainly. The Clerk will record those voters who are approved and on Zoom.

THE CLERK: Mr. Burke, for the record please state your name and how you wish to vote.

MR. BURKE: Patrick Burke, yes.

THE CLERK: Mr. Burke, yes.

Mr. DiPietro, please -- for the record please state your name and how you wish to vote.

MR. DIPIETRO: David DiPietro, I vote negative.

THE CLERK: Mr. DiPietro, negative.

Mr. Kim, for the record please state your name and

how you wish to vote.

MR. KIM: Ron Kim, I vote yes.

THE CLERK: Mr. Kim in the affirmative.

Mr. McDonough, for the record please state your name and how you wish to vote.

(Pause)

Ms. Walker, for the record please state your name and how you wish to vote.

MS. WALKER: Latrice Walker, I vote in the affirmative.

THE CLERK: Ms. Walker in the affirmative.

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

(The Clerk announced the results.)

The bill is passed.

Page 17, Calendar No. 156, the Clerk will read.

THE CLERK: Assembly No. A00703-A, Calendar No. 156, Dinowitz, L. Rosenthal, Joyner, Colton, Cook, Peoples-Stokes, Barrett, Zebrowski, Steck, Bichotte Hermelyn, Hunter, Walker, Raga, Ardila. An act to amend the General Business Law, in relation to changes in energy service pricing.

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

MR. DINOWITZ: In this bill we would declare a change in the price or type of price for energy service to be a material

change which would require the consent of a customer. It would change the law to require consent from any customer whose terms or conditions would undergo an imperial change. The bill would also include a provision that the energy provider disclose information about the current price of services, any proposed price changes, distribution prices and information to inform the customer how they may view their past bills if there is to be a material change.

ACTING SPEAKER AUBRY: Mr. Ra.

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

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

MR. DINOWITZ: Yes.

ACTING SPEAKER AUBRY: The sponsor yields, sir.

MR. RA: Thank you, Mr. Dinowitz. So -- so -- at -- at the outset here, my -- my understanding is current law does require --

MR. DINOWITZ: Hold on. Shh. I'm sorry if I usurped your power.

ACTING SPEAKER AUBRY: An appropriate shh, sir. Thank you. Members, please, we're on debate.

MR. RA: Thank you, Mr. Speaker. So, current law does require this consent of the consumer for a material change, but what this is doing is saying that a price change -- it's explicitly saying

that a price change would be a material change, correct?

MR. DINOWITZ: Yes.

MR. RA: Okay. And when that is -- is done and we're requiring, I guess, really, like an affirmative consent by -- by the consumer. They have to basically acknowledge that they have been notified of this change? Is that what it would require of the consumer?

MR. DINOWITZ: Let me just check.

(Pause)

Yes.

MR. RA: Okay, so -- so suppose, you know, there is a change in the price that is made by the energy service provider and they notify the consumer but, say, you know, maybe it's somebody who lives in New York but, you know, spends part of the year in Florida, say, in the winter. How would this proceed if, you know, a notification is given but they're not -- but there's no response from the from the -- from the consumer? Would -- would they be prevented from moving forward with the change? Would they have to basically put the contract on hold? How would that be handled?

MR. DINOWITZ: Well, I guess they'd probably try again.

MR. RA: Okay. But without the, you know, affirmative response from that consumer they would not be able to move forward with any change in the contract, correct?

MR. DINOWITZ: Well, it says they can't do it

except if -- it says whose express consent has not been obtained to any change in material, terms or conditions or who objects. So they'd have to be able to move forward once it's clear that the consumer knows of the proposed change. Because otherwise, the utility company could say, *Well, we informed them and they just didn't answer* or something like that. I mean, that could happen any time, so that's -- that's why we want to make sure that we know that the consumer knows about it.

MR. RA: Okay. Now, in terms of, you know, price increases and I don't know -- well, I would assume sometimes in contracts could be on a shorter duration, sometimes they could be on a longer one, maybe, you know, multiple years. And, you know, the reason people utilize these types of options as opposed to, you know, the -- the utilities who maybe in the past have had a monopoly, they utilize these, obviously, to -- to save money but there may be, you know, fluctuations in -- in prices, right? So how is the energy service provider to know what the price might be -- you know, if they're signing a contract, what the price might be a year or two years, three years from now?

MR. DINOWITZ: No one knows.

MR. RA: Okay. But they -- so but under this they would not be able to make any such change without the consent of the consumer.

MR. DINOWITZ: Well, it's not so much consent as it is acknowledgement. I mean, they don't need permission to -- for a

price increase, but we want to make sure that the consumer knows. You know, in the case of ESCOs, they advertise themselves as being low cost but that's not necessarily the case. But customers have the right to know, you know, how much energy they're using, how much it's going to cost them and so on. And right now, especially if they want to, you know, make informed choices, we want to make sure we have informed consumers. We all have, I don't know, 130- or 135,000 people in our district, I assume virtually all of them are utility consumers in one way or another. Of course they would've been better off if the Governor signed rather than vetoed the bill I had last year creating a Utility Consumer Advocate's Office, but that's for another time. But we want to make sure that people are informed and that they're not ripped off.

MR. RA: And then I guess my -- the -- the last question I have is in terms of the timing of this. So, if there is a contract renewal, say, coming up or some material change that is going to be made to the contract, what is the obligation on the energy service provider in terms of, you know, how -- how far in advance are -- are they going to try to make this notification to the consumer?

MR. DINOWITZ: It must be done between 30 and 60 days prior to the renewal date.

MR. RA: Okay. And is that just the notification or would they have to have gotten the -- not the consent, but the acknowledgement from the consumer within that time frame?

MR. DINOWITZ: They have to clearly inform the

consumer in writing of the renewal terms and of the customer's option not to renew the contract no less than 30 but no more than 60 days prior to the renewal date.

MR. RA: Thank you, Mr. Dinowitz.

Madam Speaker, on the bill.

ACTING SPEAKER JACKSON: On the bill, sir.

MR. RA: Thank you. So, you know, I -- I think we all understand that energy costs are something that people throughout this State struggle with as -- as they've gone up like everything else in recent years. These are entities that people have taken advantage of to try to get cheaper energy in a space that -- that maybe for many years was, you know, controlled by one entity. You didn't really have that consumer choice. So I can certainly appreciate the concern of the sponsor on the intent of trying to make sure that the consumer is informed of things, but my concern on this -- about this is in practice. How, you know, you may have somebody who just -- I don't know, if I -- if I'm the consumer on this and I -- I can just, you know, kind of ignore what I'm being told just to make sure that the change doesn't happen. You know, you might do that to -- to avoid that. So it does put a very large burden on the energy service provider that they have to have gotten, you know, an acknowledgement from the consumer that -- that they were aware of it.

So, the other -- the other concern with it that has been raised by some of these types of entities is that, you know, at that time of -- of a termination of -- of a contract they would -- they basically

have to do so because of the notification process and the fact that they may not have gotten -- may not have gotten that acknowledgement. There -- some have even said that they feel that this could be redundant and even cause increases for -- for the ratepayers. So for -- for those reasons, I -- I understand some objections to this. I think we all need to work towards trying to help the consumer with our energy costs, but -- but this -- this bill I think has a lot of potential un -- unintended consequences both for the consumer and -- and the energy service provider.

Thank you, Mr. Speaker.

ACTING SPEAKER JACKSON: Ms. Giglio.

MS. GIGLIO: Thank you, Madam Speaker. Will the sponsor yield?

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

MR. DINOWITZ: Yes.

ACTING SPEAKER JACKSON: The sponsor yields.

MS. GIGLIO: So if the utility company were to send a certified letter return receipt, is acknowledgement from somebody at the dwelling signing the receipt considered acknowledged even if it's not signed by the person that's on the utility bill?

MR. DINOWITZ: Well, not -- not being a judge I'm not sure I could answer that, but if you ask my personal opinion I would -- I would say yes.

MS. GIGLIO: Okay. And is this applying to heating fuel companies that provide heating fuel to residences?

MR. DINOWITZ: This applies to energy service companies. Energy services by an ESCO.

MS. GIGLIO: By what?

MR. DINOWITZ: An ESCO, an energy service company.

MS. GIGLIO: Okay. So a heating fuel company is not considered an energy service company?

MR. DINOWITZ: An energy service company is an energy service company. I guess that could involve heat. I think in terms of electricity, but...

MS. GIGLIO: Okay. And we recently adopted in the budget that ratepayers that were below 75,000 of income or less would only have to pay 6 percent of their utility bills based on their income, correct?

MR. DINOWITZ: I'm sorry, six --

MS. GIGLIO: That was in the budget. So it said anybody --

MR. DINOWITZ: They would have to pay 6 percent of their bills?

MS. GIGLIO: Six percent of their income towards their utility bill.

MR. DINOWITZ: Okay.

MS. GIGLIO: So how do we know -- I mean, how

are utility companies to know that the income has been reduced and that they're now going to be having to -- the other ratepayers make up the difference in that cost that that person is not able to pay on their utility bills?

MR. DINOWITZ: Well, I don't believe that's the subject of this legislation.

MS. GIGLIO: Okay. So, what I'm just saying is it's -- it's pretty volatile. I mean, they can -- you know, you can get a lot of people saying, *Okay, we're not making enough to pay our utility bills*, so the rest of the ratepayers are going to pick up that expense, and that could fluctuate. So I'm just wondering how that's measured.

And then I guess the -- the next question that I would have is the utility companies are -- we're spending a lot of money in New York State and we have a lot of mandates on utility companies to provide renewable energy.

MR. DINOWITZ: I feel so horrible for the utility companies, those poor people.

MS. GIGLIO: I -- I know you do. But do those costs associated with the renewable energy projects are going to affect the ratepayers. So, depending on when those projects come online and when they have to start paying back the bond indebtedness and the rates are going up, it's -- it's just such a moving target, in my opinion, and I'm just wondering if you believe that on utility bills it should have a line item for renewable energies and what of that bill is attributed towards the payment that the utility companies have to

absorb or pay for in renewables.

MR. DINOWITZ: Well, if your last question was not relevant to this bill, this question is, like, not relevant squared because it has nothing do with the legislation whatsoever, with all due respect. As far as those costs, that's the subject for another debate. But of course, again, if we had, I don't know, an agency to look out for utility consumers we'd be in a much better position, but my concern are the ratepayers. I know -- nothing against the companies, but I'm sure they can fend for themselves, although I would hope - even though I know they don't do this - I would hope that their concern would be for the general public and not simply for the bottom line of their shareholders.

MS. GIGLIO: Understood. Thank you.

MR. DINOWITZ: You're welcome.

MS. GIGLIO: Thank you for answering my questions.

Madam Speaker, on the bill.

ACTING SPEAKER JACKSON: On the bill.

MS. GIGLIO: We're going to see rises in utility costs throughout the State based on the policies that this Body puts into place. And where I had one of my colleagues a couple of weeks ago that requested line items on utility bills so people would know, I think it was every week that they wanted for the whole 52 weeks as to what their utility costs were either going up or which assumingly they're all going up. But I just -- I think it's such a volatile market and -- and the

utility rates can be increased by the Public Service Commission, which we've seen often where utility companies have gone in and said, *Hey, we have this unfunded mandate, we have to raise rates.* And I -- I just think it's just going to be such a cost to the utility companies that is only going to fall back on the ratepayers and trying to keep track of who has acknowledged that they have actually received a notice that their utility rates are going up. And, you know, I'm -- I'm still undecided on this bill. I want to -- I -- I just don't see how the utility companies are going to be able to keep up, and I think it's going to be falling back on the ratepayers to send out these notifications. And that's a concern of mine because utility rates, we pay the highest in the country, especially on Long Island, and the renewable energy projects are only going to pile on to those utility bills, and it's really becoming unaffordable to live in the State of New York, especially when it comes to utilities.

Thank you, Madam Speaker.

ACTING SPEAKER JACKSON: Read the last section.

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

ACTING SPEAKER JACKSON: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker. The Republican Conference is generally in the negative on this, however,

those who support it can certainly vote yes here on the floor of the Assembly. Thank you, Madam Speaker.

ACTING SPEAKER JACKSON: Mr. Fall.

MR. FALL: Thank you, Madam Speaker. The Majority Conference will be in the affirmative on this piece of legislation.

ACTING SPEAKER JACKSON: The Clerk will record the vote.

(The Clerk recorded the vote.)

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

MR. GOODELL: Thank you, sir. In New York State energy service companies, ESO -- ESCOs, ESCOs, have been formed to help consumers reduce the cost of their electric or other utilities. And basically, the way an ESCO works is it gets the purchasing power of a lot of consumers together, and with higher-volume purchasing they try to negotiate lower rates. As a customer of an ESCO, you can either go with a fixed rate or you can go with a variable rate. Much the same way as when you borrow money on a mortgage, you can go with a fixed rate or you can go with a variable rate. If you go with a fixed rate, typically the rate is a little bit higher because the ESCO accepts the responsibility for variations in the cost of the energy that it's producing. If you go with a variable rate it's lower, but it can go up and down. What this bill says is that no material change shall be made in the terms and conditions of an ESCO unless it has the express

consent of the consumer. And the unintended consequences of this bill is it will eliminate the ability of an ESCO to offer consumers a lower rate that's based on a variable price. And so at the end of the day, New York consumers, with this bill, will have fewer options and higher prices, which is why I can't support it.

Thank you, Mr. Speaker.

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

(The Clerk announced the results.)

The bill is passed.

Page 5, Rules Report No. 135, the Clerk will read.

THE CLERK: Assembly No. A00892, Rules Report No. 135, Jacobson, Otis, Sayegh, Gunther, Gibbs. An act to amend the Municipal Home Rule Law, in relation to the definition of "population" for purposes of providing substantially equal weight for the population of that local government in the allocation of representation in the local legislative Body.

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

MR. JACOBSON: Thank you, Mr. Speaker. This bill will update the Municipal Home Rule Law so that it is clear that when it comes to districting and redistricting for counties and local government that population means residents.

Mr. Speaker, could we have a little quiet here?

Thank you.

This is the same definition -- let me say that this -- this update will then reflect in statute what is the current case law. This is the same definition we use when we redistrict the State Legislature. Counties and local governments should -- should have no less of a standard.

ACTING SPEAKER AUBRY: Mr. Ari Brown.

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

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

MR. JACOBSON: Yes. Yes, I will.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. A. BROWN: Thank you, Mr. Jacobson. Can you explain why the wording "citizens" or "registered voters" have been stricken from lines 6 and 15?

MR. JACOBSON: That's what it will do.

MR. A. BROWN: Can you explain why, please, Mr. Sponsor?

MR. JACOBSON: Because under -- under the case law, first was the different cases that we have that we had a case that affected the Congress, *Wesberry v Sanders*, and finally, *Reynolds v. Sims*, which affected the state legislature and said that districts have to be based on population. And so that is currently the case law, because there's a very simple reason. We represent everybody in the district. We represent adults, and as we hear all the time during the debate

about the budget, we represent children and we're so happy what we're doing with the school aid. We represent voters, we represent people that decide not to register to vote. We represent those that vote, we represent those that don't vote. We represent people that are here, that are permanent residents. We represent people who are not -- who are not citizens. We represent everybody that's in the district.

MR. A. BROWN: Thank you, Mr. Sponsor, for that explanation. If that's the case, though, why is it that people in correctional institutions are not counted in the local population and illegal citizens are?

MR. JACOBSON: Well, that's not correct, totally, because we follow the New York State Constitution. In Article II, Section 4 it says for purposes of voting, no person shall be deemed to have gained or lost a residence, by the reason of his or her presence or absence, while employed in the service of the United States; nor while engaged in navigation of the waters of the State or of the United States, or of the high seas; nor while a student, or whether kept at an almshouse or other asylum or institution wholly or partly supported at public expense or while confined in any public prison. So that is in the State Constitution. It is repeated in Section 5-104 of the Election Law. So, we -- people are counted, it's just that they're counted according to the State Constitution.

MR. A. BROWN: Thank you, Mr. Sponsor. If I may ask, on lines 12 and 13 it states a population base for such a -- for such a plan of apportionment. Why has the word "apportionment" been

stricken and the words "districting" and "redistricting" inserted instead?

MR. JACOBSON: Because it's -- it's more common use, people understand that. Apportionment was the old phrase, and it's going to mean the same thing, whether you say we apportion or redistrict. But people understand redistricting. If you say to people, *We're going to apportion the districts*, they wouldn't know what we were talking about. But I guarantee you, in your district people know what redistricting means.

MR. A. BROWN: Thank you, Mr. Jacobson.

Mr. Sponsor, on the bill -- Mr. Speaker, on the bill.

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

MR. A. BROWN: Thank you. This bill looks to amend the Municipal Home Rule Law to redefine the words "population" for purposes of including any and all personage, whether legal, a citizen or registered in any way in order to, and I quote, "give weight for the population of that local government in the allocation of representation in the local legislative Body." In other words, to artificially alter the demographics of a population in order to weight the voting towards one party. Even more dangerous, the bill blatantly states that it will be used to heavily influence districting and -- and/or redistricting. First and foremost, counting illegal immigrants in the Census voting and redistricting leads to an unfair allocation of resources. Census and other data are used to determine Congressional

representation and to allocate resources such as Federal funding for schools, hospitals and transportation. By counting illegal immigrants, we'd be allocating resources to individuals who are not supposed to be in the country in the first place. Furthermore, counting illegal immigrants in any manner would give weight to a particular population, and in this case one political -- political party by allowing illegal immigrants to be counted because of this, you know, rephrasing of the word "population" undermines the nation's commitment to the rule of law and rewards those who seek to circumvent the illegal immigration system.

This -- this bill -- Mr. Speaker, this bill is a blatant power grab by one party to circumvent the rule of law by redefining the word "population" that our Founding Fathers had established and would allow for a one-party rule. For this reason, Mr. Speaker, I'll be voting in the negative.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

MR. GOODELL: Would the sponsor yield?

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

MR. JACOBSON: Yes, I will.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Mr. Jacobson. Am I correct that under this bill those who are inmates would not be counted where they're actually living, but rather would be counted

from where they were previously living or convicted?

MR. JACOBSON: Well, that's what the State Constitution says. And we just repeat the language to make it clear so that when local government is looking at the statute, they see it. They don't have to -- they don't have to know the Constitution or -- or have to have that as well.

MR. GOODELL: Actually, the section that you cited in the Constitution applied to those who were absent from the district as a result of military service, correct? Not incarceration.

MR. JACOBSON: Say that again, I'm sorry.

MR. GOODELL: The section you quoted in the Constitution referred to those who were absent from the district as a result of military service, not as a result of incarceration, correct?

MR. JACOBSON: Well, there's many clauses there, and the last one concerns while confined in a public prison, if that's what you're looking for.

MR. GOODELL: Now of course the very first section under Article II starts out by saying every citizen shall be entitled to vote. So our Constitution clearly limits voting to citizenship, correct?

MR. JACOBSON: We're going to be counting population, whoever lives in the district the same way that we do when we -- we redistrict the State Legislature.

MR. GOODELL: I see. And so from your perspective based on this bill, it makes sense to have -- in my district I

have about, I don't know, 500,000 inmates. Even though they're in my district, they're right in the community that I represent. I can visit them any time I want. I can't represent them or I'm not considered to be representing them? I mean, I thought you said just a moment ago that the purpose of the law is to make sure that we represent everyone in the district. But the result of this change is that we don't represent everybody in the district, correct?

MR. JACOBSON: No, that's how we've been counting, I believe, how we do the State Legislature, and so I don't think there'd be any change.

MR. GOODELL: Well, just as a simple example, let's say I'm a local legislator and in my district I have a housing project that houses 1,000 people.

MR. JACOBSON: Mm-hmm.

MR. GOODELL: Those people most assuredly I represent, correct?

MR. JACOBSON: Right.

MR. GOODELL: Now let's say that housing project happens to have bars on the window and a security fence around it. Under this bill I wouldn't represent those people because they're in a prison?

MR. JACOBSON: Well, this bill is not going to change the Constitution. So I think that if you want to -- what you're looking for we'd have to change the Constitution.

MR. GOODELL: Well, are you saying our current

law is unconstitutional?

MR. JACOBSON: Say that again.

MR. GOODELL: Are you claiming that our current law is unconstitutional?

MR. JACOBSON: No, what I'm saying is is how we count people that you're referring to as far as in prisons and so forth.

MR. GOODELL: Well, that was just changed by statute just a few years ago, wasn't it?

MR. JACOBSON: We just -- we're just adding the language from the Constitution into the statute.

MR. GOODELL: Okay. I thank you very much. I appreciate your comments. Thank you, sir.

MR. JACOBSON: Thank you.

MR. GOODELL: On the bill.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: For the reasons mentioned by my colleague, we take a very different approach when it comes to somebody who has been convicted of a crime and sentenced to be housed in one of our communities. For those people we say, *Oh, the local representative doesn't represent them. Oh, for purposes of deciding the size of your district we'll exclude all those people and we'll count them in some other district where they are not residing and cannot legally reside for a period of time, often, years.* Then we say, *Oh, but when it comes to people who are here undocumented or illegal immigrants, we're not going to count them from where their*

last legal residence was, we'll count them where they live. So, if Upstate is housing a number of inmates from New York City, they're included in calculating the size of Assembly Districts in New York City even though they may be living hundreds of miles from where they used to live when they were convicted of a crime. Then when it comes to counting the population in those New York cities for determining how many Assemblymembers, we'll include all the illegal immigrants even though their legal residence may be thousands of miles away. It's just obvious, as my colleague pointed out, this is one more step in trying to artificially increase the size of districts for the purpose of representation to move voting strength away from Upstate by excluding thousands of people from being counted in those districts and increasing the representation from other districts where those people no longer live and cannot legally live.

For that reason, I won't be supporting it. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Brook-Krasny.

MR. BROOK-KRASNY: Thank you, Mr. Speaker.

Would the sponsor yield for one short question?

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

MR. JACOBSON: Yes, I will, even if the question is long.

MR. BROOK-KRASNY: Thank you. Thank you,

sir. Very recently, in fact, five days ago my district received 75 new residents, migrants from the South border. So my question is, those 75 people, according to your bill would they be counted as part of the population of the district?

MR. JACOBSON: You're talking about the asylum seekers that have been bussed?

MR. BROOK-KRASNY: Yes, 75 migrants from the South border.

MR. JACOBSON: And I have some in my district as well. Well, I think when it comes time to see -- when it comes time for your local government to redistrict you would see what the population is. You want to know if they would be included? They would be -- they wouldn't be voting, but they might -- they would probably -- if they're -- if they're residents there, not just if they're -- if they're residents they're not just there temporarily. If somebody's on vacation and staying at a -- at a hotel then they're not counted. I'm not saying that they're on vacation, but they're at a hotel for a temporary purpose. So it's like -- so I would say that they would not be counted. If they're there and they're living there then I would say they would be.

MR. BROOK-KRASNY: But we're voting for this bill today, and today we don't know whether they're going to be counted or not. I'm just asking. It's just a curiosity of mine.

MR. JACOBSON: Well, if somebody is there on a temporary basis, you generally don't count people as -- as residents, right? If somebody is visiting or someone's there temporarily. If

someone is living there and they're -- and they're going to be living there, then they're residents. So that when your -- if your town has a ward system, then you would figure out concerning the residents you're going to use population. And that's what you do now, you use the population of people who live in your town. So there's going to be no change in how your town operates because I assume you're following a law now and you -- and you go by population. What this does, it just corrects something that was in the statute that should have been corrected years ago.

MR. BROOK-KRASNY: Thank you, Mr. Jacobson.
Thank you. Thank you very much. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: A Party vote has
been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. For the reasons mentioned by my colleagues the Republican Conference is generally opposed to this statutory amendment, but those who support it can certainly support by voting yes here on the floor of the Assembly.
Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Majority Conference is going to be in favor of this piece of legislation. There may be some -- a few exceptions, they should feel free to vote at their seats. Thank you.

ACTING SPEAKER AUBRY: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Jacobson to explain his vote.

MR. JACOBSON: Thank you, Mr. Speaker. I rise to explain my vote. This bill will update the Municipal Home Rule Law so that it's clear when local governments and counties are redistricting or districting for the first time that population means residents. That's the standard we use in -- when we redistrict the State Legislature. It's the standard now that towns use anyway. But as in many times, the statutes do not keep up with the state of the law, so this will make it clear that it is population because we do represent people and we don't -- and we don't represent trees, we don't represent cities, per se. We don't represent farms. What we do represent, we represent the residents that live in the area. They might live in a city, they might live on a farm, but we represent the residents that live in our district.

So with that, I think it's high time that we changed the law -- change the statute, but not the law, so change the statute to reflect the current state of the law so that municipalities and counties have no doubt that when it comes to districting and redistricting we use residents as the definition of population.

Thank you.

ACTING SPEAKER AUBRY: Mr. Jacobson in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 13, Calendar No. 71, the Clerk will read.

THE CLERK: Assembly No. A02188, Calendar No. 71, Dinowitz, Shimsky, Williams, Kelles, Darling, Hevesi, Jacobson, Zebrowski, Colton, Reyes. An act to amend the Public Health Law, in relation to the posting of additional nursing home ratings.

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

MR. DINOWITZ: The purpose of the bill is to provide that every nursing home facility in the State display prominently the most recent star ratings for health inspections, staffing and quality measures pursuant to the inspection rating system of the United States Center for Medicare and Medicaid Services, CMS, to allow consumers, their families and caregivers to easily compare facilities based upon their assigned ratings. These ratings will also be required to be displayed prominently on the Department of Health and in nursing homes facilities' own websites.

ACTING SPEAKER AUBRY: Mr. Jensen.

MR. JENSEN: Thank you, Mr. Speaker. Will the sponsor yield for some (inaudible).

ACTING SPEAKER AUBRY: Will you yield?

MR. DINOWITZ: I will, indeed.

ACTING SPEAKER AUBRY: Mr. Dinowitz yields, sir.

MR. JENSEN: Thank you very much, Mr. Dinowitz. So just to confirm, in this legislation the requirement to post in addition to on the Department of Health website will be on the nursing homes' website and any affiliated websites as well as in a conspicuous location at the facility itself, correct?

MR. DINOWITZ: Yes.

MR. JENSEN: Okay. These star rating data, it's already publicly available via the CMS nursing home compare website, correct?

MR. DINOWITZ: I believe so.

MR. JENSEN: Okay. Have you ever looked at any of these star ratings of the nursing homes in your district via the CMS nursing home compare website?

MR. DINOWITZ: No.

MR. JENSEN: Okay. Not your district, but I have looked quite a bit, and --

MR. DINOWITZ: I -- I'm not there quite yet so I haven't looked.

MR. JENSEN: Understood. There's a lot of things going on in the world. So in -- when you go to the website you search based on either the name of the nursing home or a geographic location. One of the detrimental aspects of the CMS web -- website is

that certain facilities and certain census numbers, the number of beds they have licenses for, do not appear on the CMS website. So they do not have a published star rating, whether it for a top line star level or for star ratings for quality measures, staffing or inspections. How would those facilities comply under this law?

MR. DINOWITZ: They are going to be required to publish the ratings that -- that exist. But very specifically, from health inspections, staffing and quality measures.

MR. JENSEN: So even facilities that don't appear on the star rating system of CMS will still be mandated to post this information?

MR. DINOWITZ: Well, there's supposed to post it. Currently it's not broken down by those categories that I mentioned, but they do have to post the ratings. So this would not only make sure that it's posted in more places, but it would also be broken down so that people, whether it's a potential resident or a family member or staff, that everybody would have access to as much information as possible so they could make intelligent decisions and choices, which I'm sure we all would want.

MR. JENSEN: Of course. I -- I had a member, a colleague mention to me yesterday that I may not -- because I'd be debating this bill I may not like report cards. And in reflecting on that it -- it occurred to me that just like in a report card, judging the 5-star rating context is key. Would you agree with that?

MR. DINOWITZ: Well, I mean, I think there are

some objective measures that are used. I personally always like report cards, but some people may not. But, you know, c'est la vie. That -- you know, we have -- we have ratings for a lot of things. In New York City we have ratings for restaurants, we have ratings for a whole bunch of things. And the reason we do it is to give people information so they can make smart choices.

MR. JENSEN: So, would you agree that it's helpful that if we have these ratings that they're as accurate as they can possibly be so that a consumer could have the most informed, up-to-date information when making a decision? Whether it's eating at a restaurant or selecting a long-term care facility to be in themselves or to place a loved one.

MR. DINOWITZ: Well, I mean, that -- that would be pretty hard to disagree with, obviously. But I can tell you that in New York City I don't make it a habit of going into restaurants that don't have A ratings.

MR. JENSEN: Understood. So, the -- and I think you mentioned, I mentioned it, that the three components that are star ratings that make up that top line star rating are quality measures, staffing and an inspection report. The quality measures are provided by the facilities themselves to the DOH and to CMS based on a data collection period, and that data collection period differs depending on what that quality measure is. The staffing data is self-reported by the facility based on a certain time frame of staffing, staffing in the building at that time. The inspection is determined on a contracted

inspection by the Department of Health with CMS. And currently under State Public Health Law it states that unannounced inspections shall - not may - shall occur not later than 15 months after the previous inspection determined the adequacy of care. Now, what we have is a situation pre-COVID where we have the DOH failing their ability -- failing in their ability to inspect nursing homes in a timely basis. Yet as of yesterday, I polled a 25-mile radius of the Center of the City of Rochester and looked at their latest inspections. There's 37 nursing homes; 46 percent of them have not been inspected within the past 15 months as per State law. Right now their star rating both on the inspection star and their overall star rating as a whole is being determined by an inspection that's out of compliance with the law. Wouldn't you agree that that's problematic?

MR. DINOWITZ: Well, they should comply with the law. But that has nothing to do with this. We will -- we want to make sure certain things happen and information is available to people; however, you're right. If they -- if they are out of date, if they're not complying with the law they must comply with the law, but that has no bearing on whether or not we want to pass this.

MR. JENSEN: And it's not -- it's not the -- the reason why I bring it up is that when you look at the way the star rating is determined, it is a combination of the star ratings from those three specific measures. However, what doesn't happen is that those star ratings aren't averaged out. So you may have a facility that has a quality rating of four stars, a staffing rating of three stars, and an out-

of-compliance with State law inspection due to DOH failures, of one star. If you average those star numbers out, that would give you an average of 2.66 stars. That's a one-star facility. Whereas you have another facility that has a health inspection star rating of three, a staffing rating of two stars and a quality measures rating of 5 stars, the average of those stars are 3.333, yet, that's a four-star facility. So what I'm saying is while having information is important in making sure that people know what they may be receiving is important, the current star rating as it's constituted, especially with out-of-date inspection reports, do not accurately show the true quality of care that somebody may receive in a long-term care facility.

MR. DINOWITZ: Well, so you're actually arguing for my bill because --

MR. JENSEN: No, I'm arguing against your bill.

MR. DINOWITZ: You want to see more specific star ratings so that we can know more detailed information.

MR. JENSEN: No, what I'm arguing, Mr. Dinowitz, is that the star rating is not an accurate assessment, because could you tell me how an average star rating of 3.33 equals a 4?

MR. DINOWITZ: I figure 3.33 probably equals 3.33.

MR. JENSEN: Right, but it's a -- it's -- in the star rating system that elevates it to a 4, yet an average of 2.66 equals a 1. So if you and I can't explain the star rating system and how it actually assigns a star rating to a facility based on the three metrics you want to add to State law, I'm not sure how the consumers of the State of New

York are going to be able to determine that when these things are posted on a website and in a building facility with zero context.

MR. DINOWITZ: Well, first of all, the consumers aren't as dumb as you might think they are; in fact, I think many -- most of them are smart. But what this does is it adds more context to the overall ratings by showing the various elements in -- in the star rating. For example, in the -- what we would do here, quality measures are calculated for the nursing home's performance on ten quality measures which are a subset of those reported on the nursing home's -- on their information. So, for example, there's information on ADL decline, mobility decline, catheter, high-pressure ulcers, physical restraints and -- and a bunch of others. And -- and by having as much information as possible, we can make a more accurate assessment of how good a nursing home is. And I'd rather have that information than just walk in there blindly, because you can't always make a good decision based on much more limited information. So this would give consumers much more information. And, frankly, when we're dealing with the population of people who would be going into a nursing home we really want to make sure we make the best choice possible, and by doing this excellent bill I think we will be in a much better position to do that.

MR. JENSEN: So, you're -- you're right in your first statement in that the -- the measures that determine a quality star rating are those things you mentioned. But it also has a lot of other different things, and it's based on short-term residents who may be

there for rehab purposes. It deals with long-term residents and it doesn't -- not just those things you mentioned, but it also talks about the rate of hospitalization per 1,000 days, the number of ED visits within 1,000 days, the percentage of residents who are on anti-psychotic medication, the percent of residents who had either new or worsened pressure ulcers -- pressure ulcers, short-term ability to move around on their own, how many people have got a flu shot, how many people have gotten the pneumonia vaccine, how many people have fallen, how many UTIs are there. How many people have a catheter? What is -- how many residents need daily task assistance, how many residents have had a loss of bladder control, who's gained weight? Who has depression? Who's on anti-anxiety medication? Who has the ability to care for themselves? Those are simply numbers. What nothing in the star rating does or the CMS website does or that this legislation would do, would provide any additional context on the level of acuity of the residents who are living in that facility, nor do they provide any additional guidance on whether or not there are speciality units. Certainly, if a nursing home that has a vent unit where you may not have residents who are ever going to be mobile again in their lifetime, are going to be more prone to some of these things like a pressure ulcer. And that's why having information is key to make sure that you have enough staff so that you can rotate a resident in their bed so they don't develop a new pressure ulcer. But context is key, and who agrees with me is CMS themselves. On their website they say that these numbers can't be taken out - and I'm

paraphrasing - they can't be taken on their own, but what's critically important is that any prospective family actually visits a nursing home. So my argument to you, Mr. Dinowitz, is that having information is key, I agree on that. But posting these star ratings without any additional context or information is going to be detrimental. And for the simple fact that in this year's budget, while I was happy to see that we increased Medicaid reimbursement rates, our nursing homes are still not fully funded for the cost of the care. Now, what happens is facilities that may have a higher star rating, they can potentially be more selective on the type of peer sources that they accept and admit as residents, and lower-star facilities may not be doing that and they may have to rely more on Medicaid recipients as the basis of their payee population.

MR. DINOWITZ: Are you asking me a question?

MR. JENSEN: No, I'm -- I'm kind of ranting for a minute.

MR. DINOWITZ: Yes, you are.

MR. JENSEN: You can sit down if you'd like.

MR. DINOWITZ: I -- I could stand, I could sit down.

I just want to know exactly what we're doing. I'm sorry.

MR. JENSEN: Thank you, Mr. Dinowitz. I appreciate your answers.

Mr. Speaker, on the bill.

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

MR. JENSEN: Thank -- thank you, Mr. Speaker. I appreciate Mr. Dinowitz's answering my questions, but I think this is symptomatic of what we've seen in the Legislature over the past three years where we're looking at the results of the COVID pandemic and what happened in our nursing homes across the State. By relying blindly on the five-star rating to give a true and accurate assessment of the quality of care in a nursing home takes away from the consumer's ability to accurately and understandably judge what's actually occurring in that nursing home. When you provide information without context you give -- you ensure that we're relying on a blindness that I don't think is beneficial when you're making a very serious and important decision for a loved one or for yourself. There are many nursing homes that if you go on their nursing home compare website and you look for additional information on star ratings, you may see a one-star quality inspection. And you go back and you try to find that health inspection and you try to download the report and it doesn't download from the website. A facility may get a one-star inspection, but you can't see the report, it only says that there was five citations referenced in that inspection. Over a week-long period, five citations that you don't know what they are determine a one-star rating, and you have no idea what the context of those citations were. Additionally, citations can be adjudicated. A nursing home or a long-term care facility can challenge the results of a citation. While that citation's being adjudicated, that demerit on their star rating stays in place. But even if they're found to not be at fault, it is up to DOH to

determine whether or not that the merit on their star rating is, in fact, removed.

So while I understand the need for information, I don't think this is the best way to do it by using an antiquated lack of context format. But we should be encouraging people to actually visit a prospective nursing home to ask questions, and ensure that the Department of Health is actually inspecting nursing homes per New York State law. Certainly in the Rochester area having --

(Buzzer sounds)

I'm going to take my extra, 15, Mr. Speaker. To have -- to have 46 percent of Rochester's nursing homes to currently be out of compliance with State law because of no fault of their own, but because of DOH's failures to fulfill State law and that affects their star rating, that's problematic. And the worst example is there's a facility that has not been inspected since October of 2020. Fifteen months ago, it was February 18, 2022, and that facility has not been inspected since October of 2020. Certainly, things have changed in that time. But if you're going to go based on the star rating in the midst of the pandemic, certainly there are going to be things that are currently not the situation in long-term care.

With that, Mr. Speaker, I don't believe that this is the best bill moving forward. I will vote no and I would advocate to my colleagues that they vote no but work with Mr. Dinowitz to -- to refine this and make sure that all of our State's residents have as much information as they need, when they need it, how they need it. Thank

you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Novakhov.

MR. NOVAKHOV: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. NOVAKHOV: There are few nursing homes in my district and neighboring districts, and there's a great tool; it's Google reviews. So I'm holding my phone right now and I'm seeing Seagate Rehabilitation and Nursing Center has 4.3 stars and 162 reviews. The other one, Shore View Nursing and Rehabilitation Center has 4.3 stars and 241 reviews. You can read all the reviews and, you know, make a decision for yourself.

So coming out of that I have a question to the sponsor of this bill. Would the sponsor yield?

ACTING SPEAKER AUBRY: Mr. Dinowitz, you've been asked to yield, sir.

MR. DINOWITZ: Okay, I will.

MR. NOVAKHOV: Thank you, Mr. Dinowitz. So, we already have a review system in -- in the Google review. Why do we need additional star system for the nursing home and why don't we use it for -- for restaurants, for other businesses, for medical offices, for hospitals? Everything is already on Google. Why do we need this system particularly for the nursing homes and why the Google review is not enough?

MR. DINOWITZ: I don't know, it wasn't so long ago that many people here were complaining a lot about the nursing homes, particularly during the pandemic. But I believe in standards, I believe in objectivity, and one way to have objectivity to make intelligent choices is to have information, and this system would give information. And with this bill, this star system would be much more specific, have, you know, have smaller categories within the overall. And I -- I'm actually surprised that there would be concern about it. We -- we do have a number of areas where we -- we look at ratings. It is like a report card. I believe in report cards, I believe -- heck, I believe in standardized tests so, you know, shoot me for that. But I also believe in this kind of objectivity and -- and -- and using that information to make smart choices. There's nothing wrong with having more information. Is it perfect? Probably not, but it's -- it's a lot more perfect than anything else out there, which is nothing else. And because there have been so many issues with some nursing homes, especially in recent years, I would think and I would hope that we would want to do -- do the best we can for the people in the nursing homes as well as -- as their families and staff, and I think this gives us a greater opportunity to do that.

MR. NOVAKHOV: Thank you so much, Mr. Dinowitz. Well, I don't have anymore questions, but I just would like to continue on the bill.

ACTING SPEAKER AUBRY: You want to go back on the bill?

MR. NOVAKHOV: Yes. Thank you very much.

So, I have no doubts about the good intent of the bill; however, taking as an example, let's say, restaurants in -- in New York City which are rated A, B, C, D depending on their cleanliness, depending on how they probably perform, I don't know. But I know several owners of the restaurants, they state that those ratings are not fair, and who does the rating. How they, you know, count the stars and stuff like that. So this is what I'm concerned about, that this is what I'm afraid of, that those ratings would not be fair. And I think that the ratings that we have on Google is the best you can get. There are reviews you can read and make your choice.

And for this reason I will be in the negative. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

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

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The Republican Conference is generally opposed to this bill, but those who support it are certainly encouraged to vote yes on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Majority Conference is generally going to be in favor of this consumer-friendly piece of legislation. However, those who would like to be an exception should feel free to sit at their seat and take a vote such as.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. I join with I think every colleague here on the floor on both sides of the aisle, hoping that consumers make a thoughtful, informed decision. Certainly, if they want to review these ratings they can look them up on the web page without this bill. And so in that regard I think the bill is unnecessary. But we also need to recognize, as my colleagues have pointed out, that if you don't know what you're looking at you run a real risk that you will actually come away with the wrong impression of a facility. And as one of my colleagues mentioned, the Google review with hundreds and hundreds of people giving you their response, gives you a lot more insight than a Federally-based inspection that might be many years old, and with a rating system that most consumers would probably never know or understand. And so while we are all in accord that we want consumers to make the best decision they can, several of us have deep concerns over whether this

particular approach is the best approach, and for that reason I will not be supporting it.

Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Ms. Shimsky.

MS. SHIMSKY: Thank you, Mr. Chairman. Private reviews, whether they're Google or Yelp for restaurants or other things are nice, but they also have problems. Sometimes we know that the -- the reviews are populated by people who unfairly have an axe to grind against a facility. We also know that sometimes they're boosted by the businesses themselves, and when it comes to something as complex as to how good a nursing home is, you can end up with a situation where you're reading excellent or terrible reviews about people whose knowledge of what to look for is less than perfect. That's why we need something more standard to give people a fighting chance in picking the right nursing home for their loved ones, and that's why I will be voting in favor of this bill.

ACTING SPEAKER AUBRY: Ms. Shimsky in the affirmative.

Mr. Meeks to explain his vote.

MR. MEEKS: Thank you, Mr. Speaker, for the opportunity to explain my vote. I want to commend the sponsor of this legislation. It's definitely overdue. As one who worked with the nursing home industry for over ten years, these challenges that we see

did not just come about by way of the pandemic, the COVID-19 pandemic. So I think it also helps relatives make better decisions for their loved ones, and one may be making a decision whether to place someone in a nursing facility or to keep them at home. But I think they need to know exactly what's going on in these facilities, and what better way then to have immediate access to the star ratings. Thank you.

ACTING SPEAKER AUBRY: Mr. Meeks --

MR. MEEKS: In the affirmative.

ACTING SPEAKER AUBRY: -- in the affirmative.

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, you know, listened to the conversation during the course of the debate and it really actually recalled for me a really challenging time for my entire family. Just finding the right place for my mother to go for rehab, not even to stay in a long-term nursing home was really difficult. And for us it was more a process of where do you know some people who have used this particular facility that appreciated the services that they received. I have nursing homes in my district and I know some of them clearly would never be -- could serve my mother or anyone that I knew they could not serve. But there are nursing homes that provide really great skilled service, and we were able to find them not just through word-of-mouth but by literally sitting down on the phone and

calling them up and asking them questions. Every consumer is not going to have that kind of time or be emotionally prepared to put that kind of work into find the right place for their loved ones to go, and so I do think this is an appropriate piece of legislation. And I think people should put themselves not only in their own space with their comfort level, but put themselves in a space where people are not comfortable with the systems and finding the right place to send their loved ones and allow them the opportunity to feel comfortable in what they're doing in the same way that you feel comfortable already in what you're doing.

So I think this is a good bill. I think people should be supporting it and I thank you for the opportunity to explain that, sir.

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

Mr. Dinowitz to explain his vote.

MR. DINOWITZ: You know who thinks ratings are unfair? People who get bad ratings. I vote yes.

ACTING SPEAKER AUBRY: Mr. Dinowitz in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 6, Rules Report No. 141, the Clerk will read.

THE CLERK: Senate No. S00214-A, Rules Report No. 141, Senator Myrie (A02105-A, Meeks, Kelles, Cruz, Taylor,

González-Rojas, Clark, Simon, Jackson, Jean-Pierre, Gallagher, Hevesi, Zinerman, Darling, Gibbs, Paulin, Fall, De Los Santos, Burgos, L. Rosenthal, McMahon, Cunningham, Walker, Stirpe, Anderson, Dickens, Carroll, Weprin, Bichotte Hermelyn, Aubry, Reyes, Lucas, Rivera, Pretlow, Otis, Peoples-Stokes, Kim, Benedetto, Ardila, Bores, Lavine, O'Donnell, Epstein, Raga, Simone, Glick, Steck, Seawright, Forrest, Shrestha, Shimsky, Burdick, Zebrowski, Thiele, Septimo, Zaccaro, Eachus, Fahy, Davila, Tapia, Mitaynes, Conrad, Cook, McDonald, Mamdani, Sillitti). An act to amend the Executive Law, in relation to expanding eligibility for victims and survivors of crime to access victim compensation funds by removing the mandatory law enforcement reporting requirement, providing alternative forms of evidence that would show that a qualifying crime was committed and the confidentiality of certain records.

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

MR. MEEKS: Thank you, Mr. Speaker. This bill would expand eligibility for victims and survivors of crime to access victim compensation funds by increasing the length of time a victim or survivor may file a victim compensation claim with the Office of Victim Services from one year to three years, removing the mandatory law enforcement reporting requirement and providing alternative forms of evidence that may show that a qualifying crime has occurred.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir. Would the sponsor

yield?

ACTING SPEAKER AUBRY: Mr. Meeks, will you

yield?

MR. MEEKS: Yes.

ACTING SPEAKER AUBRY: Mr. Meeks yields,

sir.

MR. GOODELL: Thank you, Mr. Meeks. And I think you accurately described the -- the three major changes that this bill would do, so let's talk about them. Why -- why are we extending the reporting deadline from one year to three years?

MR. MEEKS: We're extending it --

MR. GOODELL: (Inaudible) of this bill.

MR. MEEKS: We're extending it based upon some research that has been done that show that in certain circumstances people just tend to need a bit more time depending upon the level of trauma experienced by an incident that may have taken place.

MR. GOODELL: I see. You would agree with me, though, that if a crime is not even reported until three years later it's extraordinarily difficult for the police to solve the crime; is that correct?

MR. MEEKS: Yeah, but this doesn't necessarily call for the police to solve the crime. This is access to resources that individuals who are victims of crimes will have access to. So it doesn't call for a crime being solved.

MR. GOODELL: Well, as a matter of public policy

don't we want to encourage victims of crime to promptly report the crime so we can catch the criminals and reduce the overall crime rate?

MR. MEEKS: That -- that would be helpful as it relates to reducing the crime rate, but the reality of it is upwards of 40 percent of victims of crime do not report those crimes for whatever reason.

MR. GOODELL: It certainly makes it much more difficult for us to reduce the crime rate in New York State, right, if we don't encourage people to report the crime promptly, and this eliminates any obligation to report the crime whatsoever, correct?

MR. MEEKS: They're not required to report the crime; however this is not pertaining to solving crime.

MR. GOODELL: Okay. Thank you very much, Mr. Meeks. I appreciate your clarifications and your comments.

MR. MEEKS: Thank you.

MR. GOODELL: Sir, on the bill.

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

MR. GOODELL: According to a -- a *New York Times* article that came out in January of 2023, just a few months ago, the *New York Times* reported that major crimes rose 22 percent in New York City last year. A 22 percent increase in major crimes. Now, the good news is murders were back to where they were in 2019. That's the good news. The bad news is that major crimes excluding murder were up 22 percent. Now, as a matter of public

policy, do -- don't we as a State want to do everything we can to address this 22 percent increase in crime in New York City? And isn't the best way to reduce crime is to encourage victims of crime to cooperate with law enforcement? If we're serious about reducing crime, we need to be serious about encouraging victims to come forward in a timely manner and report the crime and cooperate with law enforcement so we can catch the perpetrators and stop that violent cycle. This bill does the opposite. This bill says that you can be paid by the Crime Victim Compensation Board even if you refuse to cooperate with law enforcement, even though you refused to report the incident at all. At all. And you can wait up to three years before you submit your claim for compensation, at which time it's going to be virtually impossible for law enforcement, even if you did report it, to be able to catch the perpetrator and stop that cycle of victimization and injury and pain that occurs when you are the victim of a major crime. When we're seeing a huge 22 percent increase in major crimes, we as the State, as a matter of public policy, should encourage cooperation with law enforcement so that we can reduce that crime rather than do the opposite, as this bill does, and eliminate any responsibility or even incentive to encourage victims to cooperate and stop the violence.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell.

Mr. Meeks on the bill.

MR. MEEKS: On the bill. The most victimized groups are often not the primary beneficiaries of victim compensation programs. This is attributed to certain barriers including law enforcement reporting, a limited window of time to file a claim, and a lack of awareness of the availability of these resources. This legislation attempts to address those barriers.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect on the 365th day.

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this bill. Those who support it are certainly encouraged to vote in favor here on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. This bill is going to be supported by the Majority Conference; however, there may be a few that would desire to be an exception. I personally hope not because this is good legislation. You should feel free to vote so at your seat.

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

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Anderson to explain his vote.

MR. ANDERSON: Thank you, Mr. Speaker. I want to take a moment to commend the sponsor of this critical piece of legislation. The -- there was a report that was conducted last year that found that 17.5 percent and 16.4 percent -- percent of minorities, specifically African-Americans respectively, were less likely to be eligible for victims compensation or even apply for victims compensation. So what this bill does is it makes it easier for those individuals, those groups and all across the State individuals to apply removing those barriers.

I'm proud to be a cosponsor of this bill and I again commend the sponsor for this legislation. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Anderson in the affirmative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Very often, as a Body we require agencies within the State to provide us with reports. Well, we've received one from the Victim of Crime Victim Services [sic] and it has noted, as was stated by my colleague, that there are some concerns about how these services are being received by New York State residents. Now, I'm almost

confident that most of the victims and my colleagues on the other side of the aisle, they always get attention and they always get what they need. But some people do not want to apply for something that they're not going to get anyway, and then they become victims again by the original perpetrators. And so we have to figure out a system that serves everybody. The agency and the advocates around the State have advocated a way to do that, and I'm grateful that Mr. -- our colleague Mr. Meeks has put this legislation in to address those issues.

I vote in support of it and I would encourage all of my colleagues to do the same.

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

Ms. Walsh to explain her vote.

MS. WALSH: Thank you very much, Mr. Speaker. So, we -- we took up this bill last year and it was in that mad rush at the very end of Session and the bill actually passed unanimously last year. So I think I want to just kind of talk a little bit about why you're seeing some no votes this year that you didn't see last year. The first thing is that it's earlier. We're not getting hit with hundreds of bills an hour, whatever it's going to be in the next week or two. We've had a chance to kind of take a closer look at the bill. The reason I'm voting no on this bill is not that I don't want to see crime victims be compensated and assisted, I do. I think that the safeguards, though, that are in the existing legislation are important. I think that under the bill the way that it -- it's worded right now, an individual could come

-- come in with allegations of something, of a crime having been committed, without having filed a formal police report, without cooperating with police. And when they do that, if there's a victim's advocate that puts forward a written statement supportive of what the person is saying or if there's been even just a temporary order of protection granted, that would enable the person to come in even three years after the fact and be able to receive compensation. I think that that's taking the law a little bit too far. I think we need to -- I would be willing to allow for more time to have the individual come forward, with the understanding that they may be traumatized and they need some additional time legitimately to come forward and report the crime. But I think the way that it's worded right now it goes a little bit too far for me, and that's why I and some of my colleagues will be in the negative on this.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Walsh in the negative.

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 introduction. We have been graced with the presence of young ladies from across the State of New York who are engaged with Girls

Rules the law -- Rule the Law, Incorporated, and its founder, Mirna Martinez Sant -- Santiago. This organization works to get underrepresented and underprivileged middle and high school girls interested in the legal profession. The organization facilitates meetings with successful lawyers, school mock trials and hosts the annual Youth Conference in New York City. We are thrilled to have them here, but I would also acknowledge today that they spent time visiting the New York Court of Appeals. They had lunch with Justice Jenny Rivers [sic] and of course Chair Joyner, and also on behalf of the Chair of our -- our Labor Committee, Latoya Joyner and as well as our colleague Marianne Buttenschon, would you please welcome these young ladies to our Chambers as they celebrate Women in Law Day in Albany?

ACTING SPEAKER AUBRY: Certainly. On behalf of Mrs. Peoples-Stokes, Ms. Joyner, Ms. Buttenschon, the Speaker and all the members, ladies, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor, applaud you on your interest in law. We know that it will take you far, as it has many of our colleagues here in the Assembly. Maybe one day we'll be looking at you, watching you pass laws for the State of New York. Thank you so very much. Continue your great work.

(Applause)

Mr. Goodell for the purposes of a introduction.

MR. GOODELL: Thank you very much, Mr. Speaker. We are honored here today to have a number of fifth graders

from St. Michael's School in Penn Yan. And Penn Yan is in our colleague Phil Palmesano's district. It is a beautiful community, and it's a great opportunity for these fifth graders to see the New York State Assembly in action.

If you would extend warm hospitalities to these great fifth graders and their teachers and chaperones, I'd appreciate it.

Thank you, sir.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Goodell, Mr. Palmesano, the Speaker and all the members, we welcome these fifth graders here to the New York State Assembly. To your parents and your teachers, thank you for joining us here today, we extend to you the privileges of the floor. Hope that this trip has been beneficial and that you had both fun and learned some things about the State government here in Albany. Thank you so very much. You are always welcome here. Thank you.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could now take up Calendar resolutions on page 3.

ACTING SPEAKER AUBRY: Calendar -- resolutions, page 3, starting with Assembly No. 500, the Clerk will read.

THE CLERK: Assembly Resolution No. 500, Mr. Lemondes.

Legislative Resolution memorializing Governor

Kathy Hochul to proclaim May 20, 2023 as Armed Forces Day in the State of New York.

ACTING SPEAKER AUBRY: Mr. Lemondes on the resolution.

MR. LEMONDES: Thank you, Mr. Speaker. As we know, Armed Forces Day was established by President Truman on February 27, 1950 in recognition of all currently serving military members. In addressing the significance of this, there are several aspects that should be mentioned. First, historically most Americans alive today have never lived in an America where their -- in their -- where their country or way of life were existentially threatened. The last time was World War II. This binding fabric that has unified us many times over the last 250 years is oftentimes forgotten. However, it has not been forgotten by those countless souls that have served, bled, died, or their families, the importance being that there is a cost to be free, and that cost is paid every single day by our serving military members. What many don't realize is that the sphere of influence of our military with respect to our security is ever-present 24/7. Recognizing that this pillar of external security is the first of the three imperatives necessary to have and maintain a free society is the first step in understanding how vital it is. The second being internal security, or our police forces in the law enforcement infrastructure, and the third being a functioning economy which is dependent on the other two first. Whether operating in the air above or below the sea or on the ground in as many as 30 countries at any given time, your, our

military members are out there oftentimes in miserable conditions, willing to sacrifice everything so that our republic may live to see another day. This level of commitment by so few for so many is often taken for granted as so many enjoy the benefits of our society, but don't -- don't even know, understand or participate in its obligations. Our military members have more responsibility at a younger age than those of any other segment of our society.

In their honor, on this day, please join me in recognizing the significance of their service on our behalf. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

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

(Applause)

Assembly No. 501, the Clerk will read.

THE CLERK: Assembly Resolution No. 501, Mr. Ra.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 20, 2023 as Transatlantic Flight Day in the State of New York.

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

THE CLERK: Assembly Resolution No. 502, Mr. Simone.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 14-20, 2023 as Family Physician Week in the State of New York.

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

THE CLERK: Assembly Resolution No. 503, Ms. Rozic.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 2023 as Tennis Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 504, Mr. K. Brown.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim August 31, 2023 as Overdose Awareness Day in the State of New York.

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

THE CLERK: Assembly Resolution No. 505, Ms. Buttenschon.

Legislative Resolution memorializing Governor

Kathy Hochul to proclaim September 21, 2023 as Day of Peace in the State of New York.

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

THE CLERK: Assembly Resolution No. 506, Mr. McDonald.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 2023 as Spina Bifida Awareness Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 507, Mr. Jensen.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim November 10, 2023 as NET Cancer Day in the State of New York.

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

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: We do have a piece

of housekeeping.

On behalf of Mr. McDonald, Bill No. A.5477, on behalf of Mr. McDonald the Assembly bill recalled from the Senate. The Clerk will read the title of the bill.

THE CLERK: An act to amend the Real Property Tax Law.

ACTING SPEAKER AUBRY: Motion to reconsider the vote by which the bill passed the House. The Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

The bill is before the House and the amendments are received and adopted.

We do have numerous other resolutions, Mrs. Peoples-Stokes. We will take them up with one vote.

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

(Whereupon, Assembly Resolution Nos. 508-511 were unanimously adopted.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I now move that the Assembly stand adjourned until Friday, May the 19th, tomorrow being a legislative day and my grandson's birthday, and that we reconvene at 2:00 p.m. on Monday, May the 22nd, Monday being a Session day.

ACTING SPEAKER AUBRY: The Assembly will reconvene on May the 22nd and now stands adjourned.

(Whereupon, at 2:00 p.m., the House stood adjourned until Friday, May 19th, that being a legislative day, and to reconvene on Monday, May 22nd at 2:00 p.m., that being a Session day.)