

TUESDAY, JUNE 4, 2024

10:57 A.M.

ACTING SPEAKER AUBRY: The House will come to order.

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

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the Journal of Monday, June the 3rd.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to dispense with the further reading of the Journal of Monday, June the

3rd and that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir.

Colleagues and guests that are in the Chambers, I would like to share a quote. This one comes from Mattie Jones. Mattie is a Civil Rights Leader from Louisville, Kentucky, and she recently turned 91 years old. Her words for us today is, *I've got to fight until I leave here, and I hope to leave some footprints.* Again, the words from Mattie Jones.

Mr. Speaker, members have on their desk a main Calendar and a debate list. After you've done any housekeeping or introductions, we're going take up the following bills on consent: Rules Report No. 242 by Ms. Buttenschon, Calendar No. 416 by Mr. McDonald, and Calendar No. 434 by Mr. Burdick. We will then continue to consent where we left off on the main Calendar on yesterday, beginning with Rules Report No. 350, follow right the way straight through to Rules Report No. 385. After that, we are going to begin with the debate list; Rules Report No. 75 by Ms. Lee, Calendar No. 336 by Ms. Tapia, and Calendar No. 356 by Mr. Magnarelli. Later today, we will be calling for the following committees to meet off the floor, Ways and Means and Rules. These committees are gonna produce an A-Calendar, of which it is our plan to take up today. I will announce further floor activity should it be necessary, Mr. Speaker, or if there's gonna be a need for conference.

Colleagues, we have another very long day ahead of us. I know everybody has something they'd like to see get done, so it's important that we all hang in and around the Capitol so we can make sure that we are satisfying the needs. Your cooperation is appreciated and continue to be expected.

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

ACTING SPEAKER AUBRY: No -- no housekeeping this morning, but we do have introductions. First by Ms. Levenberg.

MS. LEVENBERG: Thank you, Mr. Speaker. I rise to introduce some of my friends from the Peekskill City School District. Later on this afternoon/evening/night, we will be taking up a resolution to recognize the centennial, the 100th anniversary of the Peekskill City School District, which was founded in 1923 from the merger of two school districts. And because they are not gonna be able to probably be here for those resolutions, I would like to introduce two students from the Peekskill City School District, Lenita Esteves and Jay Wilson. And also chaperones with them today are their teaching assistant and advisor Yolanda Guardino; Mr. Josh Fernandez, the school counselor; and Ms. Laura Belfiore, the Communications Director. Laura is also joined by her daughter, Liberty Dickman, and both Laura and Ms. Dickman are constituents of Assemblymember Beephan, so I also welcome them here today on

behalf of my colleague, Mr. Beephan.

And I'm just very excited to be welcoming them to recognize the school district for all of the wonderful things that they do. It's a very diverse district and they have evolved over the many years to adapt to their changing needs. They have a wonderful robotics program, a fantastic performing arts program, as well as a science -- science program, and they have welcomed all of their diverse students with open arms, and I continue to be so very proud that they are part of my district.

So, welcome, and if you could please extend to them the cordialities of the People's House, I would greatly appreciate it.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Levenberg, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. Our congratulations on your centennial for both students and advisors. I hope you will enjoy this time here in Albany. Thank you for being here.

(Applause)

Mr. Barclay for the purposes of a introduction.

MR. BARCLAY: Thank you, Mr. Speaker, for allowing me to interrupt the -- the proceedings. As the members of this side of the aisle know, I've been blessed with a tremendous staff and the person on top of that staff is my chief-of-staff, Judy Skype, and she's a lot of the reason why I have such great people to work with. And after 31 years -- I'm going to try -- Judy has told me that

she's gonna retire. And after I stopped crying after she told me that, I looked back and took some time to reflect on Judy's career here in the Assembly. And she's really done it. If I had to say - I said today at a breakfast honoring Judy - if I had one word to describe Judy, I would say a professional. She's a true professional. And I look back, the tremendous job she's done, the tremendous job she's done for me, she's done for our Conference, but I would say for the Assembly as a whole.

Of course, behind every great woman there's a great spouse and a great family, and Judy's blessed with a wonderful family and, Mr. Speaker, I would like to introduce that family here today. We have her husband Kevin, here; and we have Kody, her son; and Jenna, her daughter. If you could please give them the courtesy of the House, it would be much appreciated. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Barclay, the Speaker and all the members, Judy, so much a pleasure to have served with you, blessings that you've provided us. You have the privileges of the House because of your longstanding commitment to this House. And to your family, thank you for sharing us with you and this -- this experience. I'm sure she's had to give up many a moments at home to take care of us as we move through the legislative period. Thank you again, know that you are always with us, we will always have you in our prayers. Thank you.

(Applause)

Mr. Raga for the purposes of a introduction.

MR. RAGA: Thank you, Mr. Speaker. Today we have some distinguished guests here in the Chamber. Today we celebrate Philippine Independence Day, where in 1898 after 333 years of colonial rule from Spain, the Philippines declared independence. And today, not just are we joined by community leaders in my district in Woodside, Elmhurst and Jackson Heights, but across the State, are also blessed with an international delegation here today. I'd like to introduce -- or headed by our -- the Philippine Consul General, Senen Mangalile; Retired Ambassador Mario De Leon, Jr.; Board Member Robert De Lara; Mayor Eric Anosa (phonetic); Mayor Maraluna Abrigar (phonetic); Mayor Denato Chan (phonetic); Vice Mayor Puala Magallanes (phonetic); Vice Mayor Salvaron Claveria (phonetic). Please, Mr. Speaker, if you can give them all the cordialities of the floor.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Raga, the Speaker and all the members, we welcome you here to the New York State Assembly, to the People's House. To the delegation from the Philippines, welcome. We are so pleased that you've decided to join us here today and share this momentous occasion. To guests who are in the -- in the Gallery above me and in the back, thank you for also taking the time to come and celebrate with us this day, very important. So happy that you're here, hope that this trip is going to be memorable, and you will know that you are always welcome here. Thank you so very much.

(Applause)

Ms. Walsh for the purposes of a introduction.

MS. WALSH: Thank you very much, Mr. Speaker.

Good morning to my colleagues. It's wonderful that we have our visitors here, it feels like there's a -- there's an international flavor and a feel to the -- to the Chamber today, which is awesome. I am very proud to introduce to all of you today jointly with my colleague from the 118th Assembly District, Assemblymember Smullen. We want to congratulate the Broadalbin-Perth High School Odyssey of the Mind Team on their first-place finish at the Odyssey of the Mind World Finals on May 20th-24th at Iowa State University. Team members today include seniors Logan Aery, Lauryn Donahue, Blaine Herrick, and Jacob Hughes; as well as junior Ryan Michalski and coaches Carl and Alison Aery.

Odyssey of the Mind, if you don't know, is an international creative problem-solving program for students of all ages, promoting teamwork, ingenuity, collaborative communication and critical thinking skills, the very skills that we're all trying to apply during our Legislative Session. These students are developing a collaborative approach and a team-building and thinking approach. This team placed 1st in Division III High School Problem 2. The Problem this year was entitled "AI Tech-NO-Art", which challenged teams to design, build and operate a device that determines if a work of art is beautiful or not. The device needed to dismantle a work of art that it decided was not beautiful to create a new work of art that it believes is beautiful. The team was also one of four teams and the

only U.S. team this year awarded a coveted Ranatra Fusca Award for exceptional creativity in their problem solution. This marks the fourth consecutive time that this team has been to Worlds, and the team is the first in Broadalbin-Perth history to win a World Championship competition.

So, Mr. Speaker, would you please welcome this fantastic team of great thinkers and problem solvers to our -- to our People's House?

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Walsh, the Speaker and all the members, we welcome you here to the New York State Assembly, we extend to you the privileges of the floor. And in my eyes, you are a work of art and a thing of beauty. Continue that great work using your mind to solve the problems that you face, and ultimately you will face as adults. Continue that development, continue that growth. Thank you, advisors, for helping these young people do what they're gonna do, and know that you've made the world a better place. Thank you so very much.

(Applause)

Let's go to page 6 -- page 16, Rules Report No. 242, the Clerk will read.

THE CLERK: Assembly No. A06146-B, Rules Report No. 242, Buttenschon, Sillitti, Slater, Berger, Gunther, Dickens, Flood, Angelino, DeStefano, Sayegh, Fall, Santabarbara, Zinerman, Fahy, Eachus, Williams, Darling, Cruz, Conrad, Beephan, Woerner. An act to amend the Public Officers Law, in relation to the

disclosure of public employee disciplinary records.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 50, Calendar No. 416, the Clerk will read.

THE CLERK: Assembly No. A09621-A, Calendar No. 416, McDonald, Simon, Fahy, Kelles, McMahan. An act to amend the Public Officers Law, in relation to requiring agencies to report information about FOIL inquiries to the Committee on Open Government.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 50, Calendar No. 434, the Clerk will read.

THE CLERK: Assembly No. A09169-A, Rules -- Calendar No. 434, Burdick, Raga, Bichotte Hermelyn. An act to amend the Correction Law, in relation to establishing an annual heat mitigation plan; and directing the Extreme Heat Action Plan Work Group of the Department of Environmental Conservation to analyze the impact of extreme heat on incarcerated individuals and people working in prisons.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Burdick to explain his vote.

MR. BURDICK: Thank you, Mr. Speaker. I wish to thank the Speaker for allowing this bill to come to the floor. I also wish to thank Program and Counsel for the terrific work they did on this bill which will codify practices of the Department of Corrections and Community Supervision by providing a statutory framework for a heat action plan. And this is a bill that will greatly assist in providing safety for all that are behind the -- the walls of our correctional facilities throughout the State, not just those who are incarcerated, but all of the staff. And I'm very pleased that we're moving this ahead. I honestly feel that this will save lives and will not simply provide for a more comfortable place for people to be there, but will be a safe place

for all those behind those -- those walls.

Thank you very much and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Burdick in the affirmative.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. As you know, a lot of times when a bill comes up before us, it has a great title but there are some concerns about the language. I wanted to commend the sponsor because he listened to those concerns, tweaked the bill to address them, and I'm pleased to see that the bill, as a result, has unanimous support.

So, compliments to my colleague for listening to the concerns that were raised in Committee and tweaking the bill language to make sure those were addressed. For those reasons, I'll be supporting it along with all my other colleagues. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 22, Calendar -- Rules Report No. 350, the Clerk will read.

THE CLERK: Assembly No. A09544-A, Rules Report No. 350, McDonald, Burdick, Simon, Hevesi, Glick, Woerner, DeStefano, Davila, Reyes, Burgos, Bendett, Hyndman. An act to

amend the State Finance Law, in relation to preferred source status for entities that provide employment and services to certain persons.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A09646, Rules Report No. 351, Pheffer Amato, Colton, Fall, Kim, Hyndman, Taylor, Raga, Woerner, Santabarbara. An act to amend the Administrative Code of the City of New York and the Education Law, in relation to the transfer of Board of Education employees to the Teachers' Retirement System of the City of New York.

ACTING SPEAKER AUBRY: On a motion by Ms. Pheffer Amato, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Goodell for the purposes of a introduction.

MR. GOODELL: Thank you very much, Mr. Speaker. It's my great honor and pleasure to introduce several special guests on behalf of Assemblyman Ed Ra who are visiting us. These members are from Troop 1100, the Mineola Girl Scout Troop.

They're visiting Albany today and watching our proceedings and looking forward to joining us when they get a little bit older, perhaps. If you would welcome Lily, Erin, Audrey, Kaitlyn, Aryanna, Julie and Claire to our proceedings from this great Girl Scout Troop 1100 on behalf Assemblyman Ed Ra.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Goodell, Mr. Ra, the Speaker and all the members, ladies, welcome to the New York State Assembly. We extend to you the privileges of the floor. Our thanks for joining us here today. Hope this has been a pleasant trip, a good break from your normal. We are always pleased to have Girl Scouts in the House, and you make us even better. Thank you so very much.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A09678, Rules Report No. 352, Dilan, Burgos, Epstein, Meeks, Gibbs, DeStefano, Colton. An act to amend the Correction Law, in relation to requiring notification of an incarcerated individual's emergency contacts when such incarcerated individual attempts suicide or is hospitalized.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 30th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09705, Rules Report No. 353, Barrett. An act to amend the Tax Law, in relation to authorizing the Town of Poughkeepsie to impose a hotel and motel tax; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Home Rule desk -- Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09755, Rules Report No. 354, Epstein. An act to amend the Alcoholic Beverage Control Law, in relation to an exemption for certain property from the prohibition of alcohol sales within a certain distance from a school.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record

the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER EPSTEIN: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, will you please withdraw this bill and lay it aside?

ACTING SPEAKER EPSTEIN: Withdraw the roll call, the bill is laid aside.

The Clerk will read.

THE CLERK: Assembly No. A09785-A, Rules Report No. 355, Woerner. An act authorizing the Village of Round Lake, in the Town of Malta and the County of Saratoga, to extend the lease of certain park lands in such village.

ACTING SPEAKER EPSTEIN: Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect January 1st, 2028.

ACTING SPEAKER EPSTEIN: The Clerk will recall [sic] the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, thank you for allowing me to interrupt our proceedings for the purposes of an introduction on behalf of our colleague --

ACTING SPEAKER EPSTEIN: Sorry, Mrs. Peoples-Stokes. There's a lot of chatter in the Chamber. Can we quiet down so we can hear the Majority Leader, please?

MRS. PEOPLES-STOKES: Mr. Speaker, I would like to introduce on behalf of our colleague, Ms. Rozic, members of the BAPS Madar [sic]. They are an esteemed Hindu temple in Flushing, New York. It was established in 1974, and this temple has been very integral in resources to the Flushing community. It is a significant part of the social and cultural map of Queens.

So on behalf of our colleague, would you please welcome them to our Chambers, offer them the cordialities of the House and the privileges of our floor?

ACTING SPEAKER EPSTEIN: Thank you, Majority Leader. On behalf of Ms. Rozic, the Majority Leader and all the members in the Chambers, welcome here from Flushing, New York. We appreciate you being here and standing with us today in Albany, learning about what we're doing here in the Chambers, and we look forward to you having the cordialities of the floor, and we hope that you return sometime soon to learn more about what our State government does. Welcome.

(Applause)

Mrs. Peoples-Stokes for an introduction.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for allowing me again to introduce some guests that are in Chambers on behalf of our colleague, Mr. Steck. We have elected officials from the Village of Menands: The Honorable Brian Marsh, the Mayor; the Honorable Timothy Lane, the Trustee; the Honorable Nicholas Kalogridis, Trustee; the Honorable Molly Harbour, Trustee; and the Honorable Chris Flynn [sic], Judge. Also, a Village Clerk, Donald Henderson [sic].

If you could please welcome these distinguished guests to our Chambers and offer them the cordialities of the House and the privileges of our floor, again, on behalf of our colleague, Mr. Steck. Thank you, sir.

ACTING SPEAKER EPSTEIN: Thank you. On behalf of Mr. Steck and other members of the Assembly, welcome the elected officials of Menands, the Mayor, Trustees, Judges. We appreciate you all being here with us in Albany to learn about our proceedings, to talk about what you do in local government and how it impacts the work that we do here in Albany. We offer you the cordialities of the House and thank you being with us today.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A09888-C, Rules Report No. 356, McDonald. An act to amend the Executive Law, in relation to swimming pool enclosures.

ACTING SPEAKER EPSTEIN: Read the last

section.

THE CLERK: This act shall take effect December 31st, 2025.

ACTING SPEAKER EPSTEIN: The Clerk will record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the purposes of an introduction on behalf of our colleague, Ms. Levenberg. We have some our youthful citizens from the State of New York, we have 4th graders from Haldane Elementary School in Cold Spring. They're with their teacher, Michelle Hartford; and chaperones, amongst which is the Mayor of Nelsonville, Mayor Chris Winward; Megan McConville (phonetic), Karen Tangen (phonetic), Ilana Invego (phonetic), and Robin Morerro (phonetic).

Mr. Speaker, if you would please welcome these distinguished guests and the students into our Chambers, offer them the cordialities of the House and the privileges of our floor on behalf Ms. Levenberg. Thank you so much.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mrs. Peoples-Stokes, Ms. Levenberg, the Speaker and all the

members, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor, this distinguished group of students and mayors and parents all together at one time. What a marvelous sight. Thank you for being here. Hope you've enjoyed your day. Hope you have a great summer because summer is coming. Thank you so very much.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A09933, Rules Report No. 357, Pheffer Amato, Santabarbara. An act to amend the Retirement and Social Security Law, in relation to allowing paid firefighters to receive disability benefits for endocrine/thyroid cancer.

ACTING SPEAKER AUBRY: On a motion by Ms. Pheffer Amato, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09969, Rules Report No. 358, Stirpe. An act to amend the Economic Development Law, in

relation to extending the reporting deadline of the Advisory Panel on Employee-Owned Enterprises; and to amend Chapter 435 of the Laws of 2017 amending the Economic Development Law relating to establishing an advisory panel on employee-owned enterprises within the Division of Small Business Services, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Stirpe, the Senate bill is before the House. The Senate bill is advanced and the bill is laid aside.

THE CLERK: Assembly No. A10034, Rules Report No. 359, Shimsky. An act to amend Chapter 329 of the Laws of 2015 amending the Vehicle and Traffic Law relating to the residential parking system in the Village of Dobbs Ferry in the County of Westchester, in relation to making such provisions permanent.

ACTING SPEAKER AUBRY: On a motion by Ms. Shimsky, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10042-A, Rules Report No. 360, Thiele. An act in relation to authorizing the trustees of the Tuckahoe Common School District, County of Suffolk, to submit a proposition to the qualified voters of such district to reorganize such school district as a union free school district; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10051-A, Rules Report No. 361, Lavine. An act in relation to authorizing the County of Nassau Assessor to accept an application for a real property tax exemption from Rock Community Church, Inc.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10068-A, Rules Report No. 362, Fahy. An act authorizing the Praise Tabernacle -- Tabernacle Church of God to receive retro -- retroactive real property tax-exemption [sic] status.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10092, Rules Report No. 363, Lavine. An act authorizing the Hicksville United Methodist Church to receive retroactive real property tax-exempt status.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10111, Rules Report No. 364, Pheffer Amato, Santabarbara, Berger, Braunstein, Williams. An act to amend the General Municipal Law and the Retirement and Social Security Law, in relation to increasing the special accidental death benefit of certain deceased members.

ACTING SPEAKER AUBRY: On a motion by Ms. Pheffer Amato, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect July 1st, 2024.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10175, Rules Report

No. 365, Committee on Rules (Paulin, Sayegh, Solages, Berger). An act to amend the Public Health Law, in relation to a review and recommendations of reimbursement adequacy and other matters relating to Early Intervention.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10204, Rules Report No. 366, Committee on Rules (Barrett). An act to amend the General Construction Law, the Election Law, the Insurance Law, the Military Law, the Public Officers Law, the Economic Development Law, the Civil Service Law and the Real Property Tax Law, in relation to including members of the Space Force as being members of the Armed Forces or veterans eligible for certain credits and benefits.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record

the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10220, Rules Report No. 367, Committee on Rules (Dinowitz). An act to amend the Tax Law, in relation to authorizing the Department of Taxation and Finance to disclose certain information to the Department of Environmental Conservation or the New York State Energy Research and Development Authority for the purpose of implementing the New York State Climate Leadership and Community Protection Act.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10221, Rules Report No. 368, Committee on Rules (Woerner, Weinstein). An act to amend the Abandoned Property Law, in relation to unclaimed deposits and refunds for utility services furnished by energy services companies.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10237, Rules Report No. 369, Committee on Rules (Simone). An act to amend Chapter 549 of the Laws of 1994, amending the Public Authorities Law relating to the membership composition of the Metropolitan Transportation Authority Board, in relation to extending the effectiveness of such provisions.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10244, Rules Report No. 370, Committee on Rules (Paulin, Sayegh, Seawright). An act to amend the Social Services Law, in relation to medical evaluations for assisted living eligibility.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10263, Rules Report No. 371, Committee on Rules (Fall). An act to authorize the Honorable Joseph J. Maltese to receive compensation and service credit.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. This bill authorizes the State to pay the salary of a judge who aged out and was not reemployed by the Office of Court Administration for 10 or 11 months. And so this bill would pay him for the 10 or 11 months that he didn't work. And generally, the State Constitution Article VIII, Section 1, which I'm sure the judge is well aware of, prohibits the State from giving a gift of funds to any individual unless there's a contractual or other obligation to pay. And so paying someone while they weren't working, even if they wanted to work, I don't think provides a sufficient constitutional justification for this bill, and for that reason I'll be voting against it, although I'm glad to see that the

judge is back on the bench working hard for the rest of us.

Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10271, Rules Report No. 372, Committee on Rules (Lupardo). An act to amend the Tax Law, in relation to authorizing the City of Binghamton to establish hotel and motel taxes.

ACTING SPEAKER AUBRY: Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10281, Rules Report No. 373, Committee on Rules (Solages). An act to amend the State Finance Law, in relation to the public posting of certain contracts otherwise subject to the approval of the Comptroller.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 30th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10283, Rules Report No. 374, Committee on Rules (Conrad). An act to amend Part C of Chapter 97 of the Laws of 2011, amending the State Finance Law and other laws relating to providing certain centralized service to political subdivisions and extending the authority of the Commissioner of General Services to aggregate purchases of energy for State agencies and political subdivisions, in relation to the effectiveness thereof.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10285, Rules Report No. 375, Committee on Rules (Zebrowski, McGowan). An act to amend the Real Property Tax Law, in relation to extending limitations on the shift between classes of taxable property in the Town of Orangetown, County of Rockland.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10296, Rules Report No. 376, Committee on Rules (Weprin). An act to amend the Real Property Tax Law, in relation to the determination of adjusted base proportions in special assessing units which are cities.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10297, Rules Report No. 377, Committee on Rules (Ramos). An act in relation to authorizing Calvary Tabernacle Church of God to file an application for exemption from real property taxes for certain assessment rolls.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10312, Rules Report No. 378, Committee on Rules (McDonald). An act to amend the Highway Law, in relation to designating a portion of the State highway system as the "CW2 Casey N. Frankoski Memorial Bridge."

ACTING SPEAKER AUBRY: On a motion by Mr.

McDonald, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. McDonald to explain his vote.

MR. MCDONALD: Thank you, Mr. Speaker. We recently passed a resolution in this House honoring the life of Casey Frankoski, who died serving her country with honor and distinction as a member of the United States Army National Guard. Her dedication and bravery as a Chief Warrant Officer and Black Hawk helicopter pilot exemplified her commitment to protecting and serving others. Today, we will pass a bill to name the Washington Avenue Bridge in Rensselaer -- which, for those of you who head East when they leave Albany, it's over I-90 -- as the CW2 Casey M. Frankoski Memorial Bridge. Casey's family, both the Frankoskis and the Nardacci family, have very strong roots and deep -- deep, deep ties to the City of Rensselaer. Casey's dad served as Police Chief for the Rensselaer City Police Department, served there for over 33 years. Casey's parents and many loved ones, relatives, and friends live in the City of Rensselaer, and this tribute that will be passed will be a lasting legacy and one of many reminders of Casey's courage and heroism.

Casey Frankoski's legacy transcends her -- her

untimely passing. She leaves behind a legacy of inspiration, reminding us all to live life to the fullest, pursue our passions relentlessly, and always strive to make positive difference in the world.

Mr. Speaker, I vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. McDonald in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10342, Rules Report No. 379, Committee on Rules (Burgos, Weprin). An act to amend the Insurance Law, in relation to authorizing stand-alone business interruption insurance.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 30th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10345, Rules Report No. 380, Committee on Rules (L. Rosenthal). An act to amend the

Private Housing Finance Law, in relation to increasing the New York State Housing Finance Agency bonding authority.

ACTING SPEAKER AUBRY: On a motion by Ms. Rosenthal, the Senate bill is before the House. The Senate bill is advanced and the bill is laid aside.

THE CLERK: Assembly No. A10356-A, Rules Report No. 381, Committee on Rules (Benedetto). An act to amend the Penal Law and the Executive Law, in relation to the safe storage of firearms and child access prevention.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will -- oh.

On a motion by Mr. Benedetto, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10399, Rules Report No. 382, Committee on Rules (O'Donnell, Norris). An act to amend the Navigation Law, in relation to duty to inspect vessels operated on

non-navigable underground waters.

ACTING SPEAKER AUBRY: On a -- on a motion by Mr. O'Donnell, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Norris to explain his vote.

MR. NORRIS: Thank you, Mr. Speaker, to explain my vote. Unfortunately, last June in the City of Lockport there was a tragedy on a cave attraction ride in our city, and when it was reviewed there was some confusion to actually which authority would have proper oversight over such rides in the State of New York. And what we have found out now is that we can allocate these duties to the Inspector in the Office of Parks, Historical -- Historical Preservation and Recreation. And I think this is a very good thing for our businesses going forward, as well as for our patrons who are gonna partake on these rides. So on an annual basis, these types of rides throughout the State of New York will have proper oversight so everyone will feel comfortable going forward on these types of rides.

So again, I want to thank the Chairman of the Tourism Committee, Assemblyman O'Donnell, for carrying this bill,

and also Governor Hochul who brought this program bill forward, and my colleague on the other side of the aisle, Senator Rob Ortt in the other House, by working together in a bipartisan manner to bring this together. So again, this is a situation that needed attention. Now there will be proper oversight, and it will protect the businesses as well as the tourism going forward in our area.

Thank you very much, and I encourage all of my colleagues to please vote for this piece of legislation.

ACTING SPEAKER AUBRY: Mr. Norris in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10404, Rules Report No. 383, Committee on Rules (Bichotte Hermelyn). An act to amend the General Municipal Law, in relation to extending provisions of law relating to urban development action areas.

ACTING SPEAKER AUBRY: On a motion by Ms. Bichotte Hermelyn, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10409, Rules Report No. 384, Committee on Rules (Zinerman). An act to amend Chapter 427 of the Laws of 2017 amending the State Technology Law relating to the creation of a State Information Technology Innovation Center, in relation to the effectiveness thereof.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Blumencranz to explain his vote.

MR. BLUMENCRANZ: Thank you, Mr. Speaker. While I do -- I do support the creation and existence of the innovation technology and information center created here, we have neglected to see the report that's been provided since 2019. It is important to make sure for the sake of transparency in government that reports on programs created without specific funding allocations or line items are -- are seen by all members of our representative Body, and that we have the ability to have transparency. Because if the public can't see

what this program looks like, if online information about the program doesn't exist and reports providing what may or may not be happening here do exist, it is really important that all members here have the ability to fully understand what we're voting on.

While I still support it and I will take the -- the Speaker's Office word that -- that this is something that exists, it does bring a level of concern to myself and many of my colleagues. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Zinerman to explain her vote.

MS. ZINERMAN: Good afternoon. Thank you, Mr. Speaker, on the bill. We are a state that is replete with innovators, and with the advent of technology we are clearly 21st Century citizens and we need 21st Century agencies and organizations to bring us further into the future. And we want to make sure that we have a space that we can do that work. Now, this bill is just an extender, we have already created it with previous legislation, but we are just making sure that we're giving ourself the time to do it correctly. Technology is moving at a rapid space -- pace, as we all know, with the advent of AI, and so we want to make sure that we have the best and brightest in place to continue to do this work. The reports will be published, as you all know, as we do, sometimes a little late but they do -- they are finished at some point and they will be on and available for people throughout the State to read. But certainly, we want to make sure that once the center is up, people can actually come and visit and talk to

the personnel and know how this center will work for the next generation of New Yorkers and for those of us who use technology and want to get better at it so that it can help with our systems and our quality of life.

And so I vote in the affirmative and I encourage my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Ms. Zinerman in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10514, Rules Report No. 385, Committee on Rules (Weinstein). An act to amend the State Finance Law, the Executive Law and the Tax Law, in relation to certain false claims.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

Page 7, Rules Report No. 75, the Clerk will read.

THE CLERK: Assembly No. A09057-C, Rules Report No. 75, Lee, Ardila, Tapia, O'Donnell, Davila, González-Rojas, Levenberg, Burdick, Taylor, Cunningham, Reyes, Bores, L. Rosenthal, Fall, Weprin, Cruz, Mitaynes, Forrest, Ramos, Raga. An act to amend the Banking Law, in relation to mandating acceptance of the New York City Identity Card as a primary form of identification at all covered entities.

ACTING SPEAKER EACHUS: An explanation has been requested, Ms. Lee.

MS. LEE: This bill, the Pro-Banking Act, requires State-chartered financial institutions, interstate branches and foreign banking corporations licensed by the Superintendent to accept the New York City Municipal photo ID card as a primary form of identification. This bill's purpose is to advance New York's goal of promoting financial inclusion, especially for the most vulnerable populations who often lack access to banking services. By requiring banks to accept the New York City ID as a primary form of ID, this bill will increase access to banking services for all New York City residents. This is crucial to reduce poverty, promote inclusive and stable economic growth, and improve the overall quality of life for individuals and communities.

ACTING SPEAKER EACHUS: Mr. Curran.

MR. CURRAN: Thank you, Mr. Speaker. Will the sponsor yield for a couple questions?

ACTING SPEAKER EACHUS: Will the sponsor

yield?

MS. LEE: Yes.

ACTING SPEAKER EACHUS: She yields.

MR. CURRAN: Thank you. So my biggest concern with this bill as it is currently structured is, you know, you made amendments which were great, but the amendments doesn't specifically clarify whether or not a bank that allows the use of a New York City ID will satisfy its legal obligations under its Federal obligations and its State obligations to make sure about anti-money laundering aspects, especially under the Consumer Identification Program, the CIP. And -- and correct me if I'm wrong, the CIP basically requires a bank to know their customers, to -- to -- to know who they're dealing with in the hope that that individual isn't laundering money through -- through illegal services. So, if you're going to allow banks or require banks to accept a New York City ID, under the Federal regulations, the minimum information that has to be obtained by a bank is a name, date of birth, address and ID number. So starting off, obviously, a New York City ID has a name, right?

MS. LEE: Yes, it does.

MR. CURRAN: And does it have a date of birth?

MS. LEE: It does.

MR. CURRAN: Now, it has -- it does have an address on there, correct?

MS. LEE: Yes.

MR. CURRAN: But that address could be for a

shelter or temporary housing, correct?

MS. LEE: That's right.

MR. CURRAN: So that specific aspect right there, do you know whether or not the Federal Government's obligations with regards to banks knowing their customers would accept a bank allowing temporary housing for a shelter address as a residence?

(Pause)

MS. LEE: So, according to the Federal law, the Federal law does permit this. It allows the consumers to provide identification, and then also to use the address simply of next of kin when opening an account. And this law provides for someone to provide their primary identification as a New York City ID, along with an address of next of kin.

MR. CURRAN: So --

MS. LEE: That -- that is what the Federal law requires.

MR. CURRAN: Okay. So just so that I understand, so that when you apply for a New York City ID you could put your shelter address, but you're also required to put the next of kin in there as well?

MS. LEE: When you're opening a bank account you would be required to provide the next of kin address.

MR. CURRAN: Okay.

MS. LEE: And that's provided for in the bill, and that is in line with the Federal requirements to open a bank account.

MR. CURRAN: Yeah, let me make sure that I understand. So when you get a New York City ID and you have to put down a residence, you put down your temporary, either your shelter address or your temporary housing address. As part of that application project -- process for the New York City ID, do you also have to put a next of kin?

MS. LEE: I don't believe so. But what is required to open a bank account is a next of kin address, so that would be satisfied in that way and it is accounted for in the bill.

MR. CURRAN: Okay. And then the fourth requirement for that minimum information is an ID number for a City ID. What ID number are you requesting, a Social Security number?

MS. LEE: The -- the New York City IDs come with an identification number, just --

MR. CURRAN: And how --

MS. LEE: -- like a driver's license does.

MR. CURRAN: Okay.

MS. LEE: You have an ID number on your driver's license, you also have an identification number on your New York City ID.

MR. CURRAN: And does the Federal Government actually accept the City designated ID number as an ID number acceptable to satisfy their obligations?

MS. LEE: So, actually, the DFS, the Treasury, the FDIC and also the Office of the Comptroller and Currency all have

affirmed that the New York City ID is acceptable as a primary form of identification to open a bank account.

MR. CURRAN: And what happen -- how long is a New York City ID good for?

MS. LEE: Five years.

MR. CURRAN: Okay. If a person's New York City ID -- well, let me ask you this: If a person moves out of New York City, say, Upstate or out to the Island, are they still allowed to use that New York City ID card to open an account either Upstate or on the Island?

MS. LEE: They may, but the Federal requirements for opening a bank account are to have a primary form of identification along with a next of kin address. So if they are -- if they are providing the form of an ID card that verifies who they are, their name and their picture, that verifies who they are, who they say they are, along with the address of the next of kin, that satisfies the Federal requirement. Even if they move.

MR. CURRAN: And obviously, they can't rely on the New York City ID card if it's expired, correct?

MS. LEE: That's correct.

MR. CURRAN: All right. Also, the next of kin information. Is there a requirement for a New York City residence for that next of kin or -- or even a State requirement?

MS. LEE: It's -- it's part of the Federal requirement and it's part of the law -- it's part of this bill as well, that that would be

required.

MR. CURRAN: No, I'm sorry. Yeah, that was a bad question. The next of kin that you have to actually say, you know, to divulge as part of opening the bank account, does that next of kin have to be a New York City resident, a New York State resident or any resident in the U.S.?

MS. LEE: It would actually have to be a New York City resident, yes.

MR. CURRAN: Okay.

Here's my last question. So, pertaining to the amendments that you made to this, you said the amendments would say that if the Superintendent of DFS says that a bank who did their utmost to try to qualify a person or to know that person and accepts a New York City ID, but later is found to have violated a Federal requirement and in -- and is found, you know, in violation and are assessed a fine which could be in the thousands, right, if they're found to have violated it?

(Pause)

MS. LEE: Keep going.

MR. CURRAN: Yeah, so the amendment says that the Superintendent can say, *Well, this bank did its best and they should not be assessed a violation*, that's basically what the amendment says, correct?

MS. LEE: I don't think there's any hypothetical situations in this bill. I mean, what we did add was a severability

clause that allows for the DFS to accommodate if a bank is not able to meet the Federal regulations, to be exempted from this -- from the bill.

MR. CURRAN: Right, but that's basically the Superintendent of DFS telling the Federal Government, *We're exempting them because they tried their best*. I guess my question is, what guarantee does this bill have to the banks that they're not going -- that the Federal Government's not gonna turn around and say to the Superintendent of DFS, *We don't care what you think, they violated our regulations and we're gonna to assess the banks thousands of dollars because of that violation*. What guarantees does this legislation give?

(Pause)

MS. LEE: So, if they have done their best to ensure that it's a valid identification -- form of identification and that they have a next of kin address, I don't see where a bank would have that issue. I will say that 12 banking institutions and -- and credit unions already accept this form of identification to be able to open a bank account, including Amalgamated Bank. They have been doing this for a -- almost a decade now and have no -- have had no issues with any identification issues with this card, ID card.

MR. CURRAN: And I can appreciate that. But the fact of the matter is you put an amendment in here specifically trying to provide some cover for the banks should there be a Federal violation, and the bottom line is you can't tell us that just because the Superintendent of DFS tells the Federal Government, *Oh, listen, they*

tried their best, they shouldn't be assessed a fine. That doesn't mean that the Federal Government has to listen to the Superintendent.

That's -- that's true, correct?

MS. LEE: I -- I mean, that's -- I don't know what Federal reg -- regulation would be for that. I can't speak to that, how a Federal agency is going to respond on that.

(Pause)

I don't think that we can -- we should stop this bill from going through just because of some speculative, you know, change that we think is going to happen with the Federal Government. I think that these hypotheticals aren't really rooted in reality. We know that credit unions and both Federal-chartered and State-chartered banks have been using this identification form and have not had any issues.

MR. CURRAN: But if I -- if -- if -- then if you're saying that these hypotheticals really don't exist, then why did you put the changes in the amendment in there to have basically a bailout or a possible bailout for banks who are found to be violated by the Federal Government and non-compliance with the Consumer Identification Program?

MS. LEE: The severance clause, it's just best practices. We have this in a lot of bills. And we also wanted to make sure that we weren't interfering -- having any issues with Federal preemption. So that is why we did that.

MR. CURRAN: Well, let me just then just get back

to my original question, that is, under the hypothetical that a bank accepted a New York City ID, did everything that was required under this bill, but the Federal Government comes in and says, *You are -- you have violated our requirements for the CIP, we're gonna assess you a \$10,000 fine --*

MS. LEE: Well, why would you think that --
(inaudible/crosstalk).

MR. CURRAN: *We're gonna assess you a \$10,000 fine* and you -- and they present a letter from the Superintendent of DFS saying, *Listen, they tried their best*, and the Federal Government turns around and says, *We don't care what the Superintendent says*. What guarantees do you have for that bank that they don't have to pay that fine?

(Pause)

MS. LEE: So, the Federal Government would provide warning and guidance if there was an issue that they -- they thought was, you know, valid to bring up with a bank. I think that that's -- I don't think that's a real concern here.

MR. CURRAN: Well, it -- and I -- with all due respect, if it wasn't a real concern, an amendment wouldn't have been put in there making sure that the Superintendent could vouch for the bank if it's violated by the Federal Government. Let me just ask you this: If a violation is found by the Federal Government that a bank, say, Chase, has violated the CIP requirements, the Federal obligation, and it's assessed a 10 -- \$10,000 violation, is the Superintendent of

DFS going to pay that fine for that bank?

MS. LEE: I -- so let me just read the language so you understand what is actually put in this clause. It says the Superintendent is empowered to exempt any covered entity subject to subdivision 2 of this section upon a demonstration that it would be unable to comply with rel -- relevant Federal laws or regulations. So what this is saying is in advance of them being -- beginning to accept identification, if a bank believes that they cannot comply with the law that the DFS is allowing them to be exempted.

MR. CURRAN: But that --

MS. LEE: This is not this hypothetical. We're -- we're not giving the DFS power.

MR. CURRAN: But that's exempting them from the State obligation. Does that language exempt them from the Federal obligation? And I -- if they can, if the -- if the Superintendent of DFS can exempt the bank from Federal legislation, I didn't know that.

MS. LEE: No, this is just an exemption from this -- from this law to accept the NYC ID. They still need to follow Federal regulation.

MR. CURRAN: I understand that.

MS. LEE: This is saying that if they cannot follow Federal regulation that by accepting the ID that they can be exempted by the Superintendent if they can demonstrate that that's not possible.

MR. CURRAN: Okay. Does this --

MS. LEE: But I think that this is -- this is a

hypothetical that has over a decade's worth of accepting the ID as a primary form of identification by banks and credit unions has not come up.

MR. CURRAN: Does this -- does this legislation require the Federal Government to accept the Superintendent of DFS exemption of a bank?

MS. LEE: This only applies to State-chartered institutions.

MR. CURRAN: Right, but that doesn't answer my question, with all due respect. I'm just asking, does this legislation, like you just said, does this legislation require the Federal Government to accept the Superintendent of DFS exemption of a bank with compliance to a CIP program?

MS. LEE: This applies to State-chartered institutions that the DFS has oversight.

MR. CURRAN: Right. But in reality the Superintendent of DFS cannot exempt a bank from Federal regulations, like you said.

MS. LEE: They're not being exempted from Federal regulations.

MR. CURRAN: You just said that they were being exempted.

MS. LEE: No, from --

MR. CURRAN: They're being exempted.

MS. LEE: -- the State law. From the State law, not

the Federal law.

MR. CURRAN: Okay. But then -- then, again, I'm gonna ask you the very same question again, then. So there's -- they have to comply with State law and they have to comply with Federal law. Your amendment deals with the Superintendent of DFS saying if they get rung up by the Federal Government saying they violated the Federal CIP regulations that the -- that the Superintendent can say, You know what? *They tried their best, they can't comply.* That's what the amendment says. But that amendment does not obligate the Federal Government to accept that exemption. That's all I'm asking.

(Pause)

MS. LEE: There would be guidance from the Federal Government before any fees are levied on a bank or any penalties levied on a bank if there was an issue like this before a bank.

MR. CURRAN: Thank you. Thank you.

Mr. Speaker, on the bill.

ACTING SPEAKER EACHUS: On the bill.

MR. CURRAN: Thank you. I -- I appreciate the sponsor's answers to the questions. Here's -- here's the thing: The amendment provides basically a note from the Superintendent of DFS to say to the Federal Government once they find a violation to say, *Listen, they tried their best, don't violate them.* But the Federal Government isn't obligated to accept the DFS Superintendent's exemption. So a bank is again going to be looking at thousands -- possibly thousands of dollars of violations by accepting an ID that

may or may not satisfy the Federal regulations. And this is just yet another example of where we're putting risks on our banks or on our businesses, and we're accepting [sic] them to accept it, which is leading to catastrophic situations throughout the State where we see in pharmacies, closing up stores, because they just can't do business here. And this is just another example of that.

So because of those reasons, Mr. Speaker, I'm gonna be voting in the negative and ask my colleagues to do the same. Thank you.

ACTING SPEAKER EACHUS: Mr. Blumencranz.

MR. BLUMENCRANZ: Thank you. Will the sponsor yield for some questions?

ACTING SPEAKER EACHUS: Will the sponsor yield?

MS. LEE: Yes.

ACTING SPEAKER EACHUS: The sponsor yields.

MR. BLUMENCRANZ: So, I'm just trying to get to the genesis of this legislation. There are many people who are un-banked who should be, but who is the -- the -- generally the individual that's supposed to benefit from this piece of legislation?

MS. LEE: You know, I would say that a lot of low-income New Yorkers would greatly benefit from this legislation. Other forms of State identification such as a driver's license or even a non-driver's license identification form -- identification card costs money, and in New York City the New York City ID is a free

identification card issued by the government.

MR. BLUMENCRANZ: So if --

MS. LEE: And I would also say in New York City many people don't drive, so the necessity for a driver's license is not there for people who don't drive but who need identification.

MR. BLUMENCRANZ: Well, I know my office provides events with -- with organizations such as DFS where we can provide identification cards on a State basis to citizens and residents here in New York State. So I just -- I'm trying to understand what the banks will be required to do. So let's say an undocumented individual enters a banking institution, requesting to open an account, right? They provide this New York State ID, which --

MS. LEE: New York City ID.

MR. BLUMENCRANZ: -- is provided to -- sorry, New York City ID, excuse me, as well as the next of kin, as you stated. So -- and -- and I just wanted to hone in on what we said last time. So that next of kin requirement, it would require to be someone else in New York City?

MS. LEE: That's correct.

MR. BLUMENCRANZ: Under the guise of what? That's the rule in New York City?

MS. LEE: Yes, that's the law in the bill and that's the law for the Federal Government.

MR. BLUMENCRANZ: So the Federal Government requires you to have a next of kin in the same city you're in?

(Pause)

MS. LEE: No. I appreciate you asking for clarification. The New York City ID requires a New York City address, the next of kin address does not need to be -- it's not stated exactly where that next of kin address needs to be.

MR. BLUMENCRANZ: So I could put the address of somebody -- I can basically come here with virtually no papers, no documentation, I can receive a New York City ID. I can then provide to them, who knows, I don't know what the verification process looks like within a bank to an individual outside the country, but then they have a next of kin who may or may not exist, who may or may not be in the United States, and as a bank I'm required to do business with this unknown individual because New York City says so?

MS. LEE: No, I mean, New York -- you cannot get -- receive a New York City ID without documentation.

MR. BLUMENCRANZ: What kind of documentation do you need?

MS. LEE: To receive a -- to get a New York City ID is actually quite high. It's based on a four-point system --

MR. BLUMENCRANZ: Uh-huh.

MS. LEE: -- and the types of identification that are required, it requires photo identification which includes driver's license, passports and those types of -- those types of identifications in order to get a New York City ID, along with evidence of proof of residency.

MR. BLUMENCRANZ: So why don't you walk me through that process, then? So I am one of the many migrants entering New York State on a daily basis, I enter a shelter. Someone providing me State services also asks if I'd like this form of identification so I can receive services like becoming a banking individual. What does that process look like for me to get that New York City ID?

MS. LEE: You have to provide a U.S. passport, a foreign passport that's valid, U.S. visa or permit, a U.S. Government ID. These are all the types of identification that would be required for a New York City ID, (inaudible/crosstalk) --

MR. BLUMENCRANZ: I can imagine many migrants and refugees who are coming here may not have U.S. identification or maybe even foreign identification, so --

MS. LEE: So they would not be -- they would not qualify to receive a New York City ID.

MR. BLUMENCRANZ: Okay, so someone with extremely limited forms of identification --

MS. LEE: Would not qualify to receive a New York City ID.

MR. BLUMENCRANZ: And I'm just curious, what process does New York City undertake when they process for these identification cards? Is it extensive? What -- are they doing background checks similar to the Federal Government when they are checking to see if a passport the person is bringing is legitimate, the

driver's license from this unknown country is legitimate? I'm just -- we have set up these guidelines surrounding the Federal regulations so that the banking atmosphere is safe not only for the bank but for the other individuals who are banking there. And I just want to make sure that if we're going to allow for this New York City ID to count the same way that a Federal ID or a Social Security Number would qualify that we understand the process there.

MS. LEE: Yeah, I appreciate that concern. The IDNYC program employs advanced data security measures to verify applicant information, and the -- the measures are secure enough that the New York Police Department accepts it as a valid form of identification. So if our law enforcement agencies accept this as a valid form of identification to verify someone's identity, I think banks also can feel confident that this is a valid form of identification.

MR. BLUMENCRANZ: So when they go through that process does it involve the collection of biometrics or fingerprinting when they get a New York City ID if they have limited documentation?

(Pause)

MS. LEE: It's comparable to the application process for State IDs like the driver's license.

MR. BLUMENCRANZ: Is there any portion of this piece of legislation that talks about educating covered entities, these banks? I'm just a little confused as to what the guidelines would look like that will be given to these banking institutions. They fully

understand what they have to and don't have to do. There's just some vague language surrounding and concern on my end regarding what these institutions will have to do when they are allowed these -- are they allowed to just open a checking account? Will they be forced to provide the same services they'd be forced to provide any other resident? Do they have the same refusal services as any other resident?

MS. LEE: They treat it like any other form of identification. They verify the validity of the identification, they make sure that it matches to -- matches the customer who is applying to open a customer account, and they go through the same process. It's a government-issued ID just like the driver's license, just like a passport. It provides a photo, it provides an address, it provides a customer -- it provides an ID -- ID number and it provides a name to -- to match the photo. So the same way that we would -- you would take a driver's license and use that to open a customer account, and the same process that a bank would go to to verify that the person on the driver's license is the person in front of them is the same thing that they would do for a New York City ID.

MR. BLUMENCRANZ: But you can understand, especially now the Federal Government is starting to require Smart-IDs because they're no longer trusting the verification processes in certain states, let alone certain cities. Do you think that this would meet the same qualifications as a smart license as required by Federal law in the coming years?

MS. LEE: I mean, that's not a requirement of -- that's not a requirement to meet the Federal standards for iden -- identity verification for bank accounts. So if the Federal law changes to -- to require that, I'm sure that we can review this legislation to make sure that it meets those requirements that the banks need to meet in order to be able to move forward.

MR. BLUMENCRANZ: So I just want to also hone in on some of the questions that I heard before. So -- so there's no -- there's -- is there any -- is there any form of check in New York City for IDNYC? The records -- there's no accessibility, we can't -- we can't FOIL those records here in New York State, so I'm just a little concerned on the -- do you find that there's transparency in the process of -- of what it looks like to undergo the -- the -- the acquisition of one of these identifications?

(Pause)

MS. LEE: You can't FOIL State IDs, either, so I don't see why we would treat that separate -- differently from a New York City ID.

MR. BLUMENCRANZ: Okay. The -- another question I had is -- is the bill seems a little bit vague with regards to the services the banks would have to provide when they now have to accept this form of ID. So if I have to accept this form of ID to provide banking services, what services is that limited to, right? Can I provide various different financial services to them or exclusively limited ones that wouldn't need information over just identification?

As you can imagine, with many of the individuals that will now be banking be undocumented and unknown individuals, then I just wanted clarity, I'm sure as the banks do, as to the language and its vagueness with regards to the specific things that the bank will have to do in conducting business with them.

MS. LEE: Well, we would never want to tell the banks what kinds of products they are going to serve to a specific -- when it comes to, like, lending and other things that require risk assessments, so that is not part of this bill. This bill allows for -- you know, calls for banks to allow customers to open bank account -- open customer accounts which are -- really what we're asking for is a checking account.

MR. BLUMENCRANZ: So if I'm a banking institution here in New York State and I feel uncomfortable with this piece of legislation, can I make a company policy to not only a require an identification and next of kin, but also in New York State specifically require a Social Security Number?

MS. LEE: Not -- not with this bill.

MR. BLUMENCRANZ: Well, of course. But my question is, is can a bank do that in order to get around the questions involved with what they may or may not be able to sell to an individual without sufficient information?

(Pause)

MS. LEE: So, I'm not exactly sure what you're getting to with what questions people would have about their identity.

I think we've already addressed a lot of those in your earlier questioning. But any process for implementation would be led by the Department of Financial Services once this bill has been signed into law.

MR. BLUMENCRANZ: My question is that if banks become increasingly uncomfortable with the language in this legislation, can they just change company policy so they'd require more than just the two pieces of information that we've talked about today in order to open an account?

MS. LEE: I -- I don't think the point is what -- why would the banks become increasingly uncomfortable with -- I'm having a hard time understanding the hypothetical situation.

MR. BLUMENCRANZ: We're -- we're facing a crisis of undocumented individuals, many of which may or may not have false documentation they're using to get the New York City ID through a process we don't fully have grip on as a State, as a Legislature. We don't have the ability to see what that process or oversight over that process, and now we're allowing and approving of that process to be a way in which we can create liabilities for our institutions that are providing banking services to all New Yorkers.

MS. LEE: I mean, the banking institutions that already accept a New York City ID do not consider this to be a liability. It has expanded their -- the number of customers that they can reach, it has enhanced their banking services to under-banked communities, and has been overall a huge positive to the banking

institutions that -- that accept the primary -- IDNYC as a primary form of identification. So I don't know where your hypothetical -- your -- I don't think your hypothetical situation is really based in reality.

MR. BLUMENCRANZ: It's not necessarily a reality as much as it is the question of whether or not a violation of this bill by creating a higher standard for doing business with someone would be a violation.

MS. LEE: Can you say that one more time? What's -- what was --

MR. BLUMENCRANZ: Would -- I'm just trying to understand, would that be a violation of this piece of legislation if they had created a higher standard so that this was effectively meaningless for them because they don't just require an ID and a next of kin to open an account, they also require a Social Security Number or another piece of information that an undocumented person may or may not have?

MS. LEE: This bill allows for someone with a valid IDNYC and a next of kin address to be able to open a bank account.

MR. BLUMENCRANZ: One more question. When it comes to digital banking, completely online platforms, would they also be required under this piece of (inaudible) or specifically brick-and-mortar? The same with cryptobanking, those with BitWallets here in New York State. Would they be required to only accept this?

MS. LEE: So, this bill pertains to State-chartered

financial institutions, interstate -- interstate branches and foreign banking corporations that are licensed by the DFS.

MR. BLUMENCRANZ: So if someone has a BitLicense under New York State law and are a financial institution, through that avenue they would also be required to accept this as a form of identification to buy and sell cryptocurrencies?

MS. LEE: We're talking about banks, not BitLicenses.

MR. BLUMENCRANZ: They're financial institutions --

MS. LEE: So they were not -- they don't (inaudible/crosstalk) --

MR. BLUMENCRANZ: -- who have those and provide online digital platforms in which you can perform those services. Will they be required, those online services, to do that?

MS. LEE: If they are a State-chartered financial institution, interstate branch, foreign banking corporation licensed by the Superintendent, they would fall under this bill.

MR. BLUMENCRANZ: All right. Thank you very much.

MS. LEE: Thank you.

ACTING SPEAKER EACHUS: Read the last section.

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

ACTING SPEAKER EACHUS: A party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. The Minority Conference will generally be in the negative on this piece of legislation, but if members wish to vote in the affirmative they can do so at their desks. Thank you.

ACTING SPEAKER EACHUS: Ms. Solages.

MS. SOLAGES: The Majority Caucus -- the Majority Conference will be voting in the affirmative, and those who wish to vote in the negative can do so at their desk.

ACTING SPEAKER EACHUS: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Curran to explain your vote.

MR. CURRAN: Thank you, Mr. Speaker. I have no doubt that the sponsor's intentions on -- on -- on helping individuals open bank accounts, make it easier here in New York State, the problem is we're not looking at the other side. The sponsor says she didn't understand why banks would be so hesitant about this legislation, and the bare bones of it is we're requiring banks to accept a lower form of ID and jeopardizing them and possibly being in violation of Federal regulations that are going to cost them thousands of dollars, and a -- and a letter from the Superintendent of DFS isn't going to get them out of that violation. So we're not looking at it on

the other side and the risks that we're placing on banks through this legislation.

For that reason I am voting in the negative, Mr. Speaker. Thank you.

ACTING SPEAKER EACHUS: Mr. Curran in the negative.

Mr. Blumencranz to explain your vote.

MR. BLUMENCRANZ: Thank you, Mr. Speaker, on the bill. I -- I also appreciate the -- the sponsor's efforts here. There are one too many un-banked individuals, and New York State loses out when those individuals can't get settled and provide the banking services they may need to -- to flourish here in New York. But we, as a State Body, do not have oversight over this New York State [sic] ID process. We are in the middle of a crisis where thousands of undocumented individuals from all over the world are entering New York State. They are more than happy at these -- these housing facilities to provide these people with IDs. I think all of us have seen that clear as day. And now we're forcing our banking institutions to accept these people on, you know, the face value of that process which we don't have oversight over and have not had a conversation about. And us in -- on Long Island in Westchester, there -- there will be concerns that these individuals will be able to settle here even faster and that's a serious concern. We already don't allow for financial institutions to see certain types of debt. We continue to make it even harder to underwrite on certain financial products in

New York State, and now we allow for undocumented individuals. It's -- it's just another step in the wrong direction when it comes to making a more secure, more free, more open marketplace with less liabilities for existing customers.

And while I have concerns, I look forward to speaking with the banks that do currently do this and I look forward to speaking with the sponsor. But in any case, I will still be in the negative. Thank you.

ACTING SPEAKER EACHUS: Mr. Blumencranz in the negative.

Ms. Cruz to explain your vote.

MS. CRUZ: Thank you, Mr. Speaker. I want to commend the sponsor of the bill. I worked on the implementation of the IDNYC and was actually part of the negotiation team that landed on the different steps that we take to secure the information to ensure that the information is accurate. We worked with the NYPD, we worked with several banking institutions. As a matter of fact, Melrose Credit Union, Neighborhood Trust Federal Credit Union, P&C Bank, which is a national bank, all accepted because the way that the information is collected, kept, is secure. The kinds of documents that are required in order to get an IDNYC are akin to what we did with Green Light several years ago here. And I just want to remind our colleagues that people could go -- who are undocumented could go get a driver's license and still open up a bank account. What this does is actually allow people who cannot afford to pay for that

identification. When we worked on the implementation, we actually had seniors, I remember specifically the story of an elderly woman from the Carolinas who lost her birth certificate, could not afford to get a new one and, therefore, could not get a regular State ID. And the IDNYC allowed her to have that possibility, and it's gonna allow thousands of people to do the same thing.

And the last thing I will say is, we want to talk a lot about the migrants and they should get a job. Well, where are they supposed to keep their money? How -- under their mattress? We want them to keep it secure. We want them to be able to contribute to our community. We want them to be able to purchase things. This is the easiest way to do it; allow them to use a form of identification that for the last ten years or so has been used at the City of New York to open up accounts and to -- and actually accepted by the NYPD in order to show us who they are, contribute to the community and allow poor people to get an identification.

I'm going to be voting in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER EACHUS: Ms. Cruz in the affirmative.

Mr. Novakhov to explain your -- your vote.

MR. NOVAKHOV: Thank you, Mr. Speaker.

Unfortunately, I cannot be in the affirmative because this legislation might have very set consequences such as a bank fraud. And because the New York City ID, New York City card, can be issued to a

homeless person and that is listed in the rules of requirements for the New York City card, by the way, without even providing the address, anyone can use the homeless person to open a bank account and then do fraudulent activity with that bank account.

So for that reason I think it's a very dangerous legislation and I'm in the negative. And I think we have to rethink this. I understand the good intentions of the sponsor of this legislation, but I think that we -- we just can't afford it right now. Thank you so much. Thank you, Mr. Speaker.

ACTING SPEAKER EACHUS: Mr. Novakhov in the negative.

Ms. Lee to explain your vote.

MS. LEE: Thank you, Mr. Speaker. In New York, some of our most vulnerable communities lack financial security because they don't have IDs that banks and other financial institutions will accept. Without traditional banking services, many vulnerable individuals have to live cash paycheck to cash paycheck, and many are forced to rely on high-interest check cashing firms where much of their hard-earned money is lost. Even worse, they can fall victim to predatory lenders and loan sharks. The IDNYC program was created to fix this. It gives vulnerable New Yorkers access to a verified legitimate form of identification. To date, it is used by over 2 million New Yorkers. IDNYC has already built a reputation as an established, trustworthy form of ID. The Federal Reserve, the Treasury Department, the FDIC and the OCC all have affirmed

IDNYC can be used to verify a customer's identity. To fully benefit vulnerable New Yorkers, however, IDNYC needs to be accepted as a valid form of ID at banks. While over a dozen banks and financial institutions in New York already accept IDNYC, many do not. This bill will help some of the most vulnerable in our communities and our State grow protected savings, access loans and credit cards, and build a better future for themselves and their families. In turn, it will also help support banking institutions by helping establish new relationships and reach new markets of emerging clients.

I will be voting in the affirmative.

ACTING SPEAKER EACHUS: Ms. Lee in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 46, Calendar No. 336, the Clerk will read.

THE CLERK: Assembly No. A08999-C, Rules Report -- Calendar No. 336, Tapia, Stirpe, Dickens, Weprin, Taylor, Burdick, Alvarez, Ardila, Epstein, Cruz, Williams, Davila, Hyndman, Lucas, Reyes, Cunningham. An act to amend the Banking Law, in relation to prohibiting fees for benefit banking services.

ACTING SPEAKER EACHUS: On a motion by Ms. Tapia, the Senate bill is before the House. The Senate bill is advanced.

An explanation has been requested.

MS. TAPIA: Thank you, Mr. Speaker. This bill prohibits banks, credit unions and ATM operators from charging service and other fees on the use of electronic benefits transfer cards, EBTs. Benefit transfer -- transfer cards are used by vulnerable New Yorkers who receive public assistance like food stamps, employ -- unemployment benefits and medical assistance, among others. Allowing fees on public assistance transactions and unemployment benefits is unfair to both the individual in need and the taxpayers who provide the funding.

ACTING SPEAKER EACHUS: Mr. Curran.

MR. CURRAN: Thank you, Mr. Speaker. Will the sponsor yield for a couple of questions -- questions?

ACTING SPEAKER EACHUS: Will the sponsor yield?

MS. TAPIA: Yes, I do.

ACTING SPEAKER EACHUS: The sponsor yields.

MR. CURRAN: Thank you very much. So, in reading your sponsorship memo, the genesis of this legislation came out of KeyBank and the problems that were associated during the pandemic.

MS. TAPIA: Yes.

MR. CURRAN: And specifically, during the pandemic KeyBank was contracted under the State to provide banking services for people with public assistance and also unemployment insurance, and at that time it was found that there was very few -- few

machines for KeyBank and that they were also charging, I believe it was \$1.50 to 3.50 in fees every time they used the -- the machines, correct?

MS. TAPIA: Yes, that's correct.

MR. CURRAN: And -- and -- and your -- I can understand why this legislation was brought forward. If I remember correctly, there was at least three or four news articles on KeyBank's failure to -- to actually, you know, provide proper service under the contract in those -- during the pandemic. So I -- so I understand that. But -- but let me just ask you this: KeyBank no longer provide -- is not the contracted vendor for public assistance and unemployment insurance right now, correct? It's a -- it's a company by the name of Conduent, if I said that correctly?

MS. TAPIA: The Conduent -- I think so.

MR. CURRAN: Yeah. And I -- I believe KeyBank's contract ran out June 2023 and Conduent is the new vendor. Now, under -- with Conduent, public assistance recipients and unemployment insurance recipients can make transfers and withdrawals with -- without any charge today, correct?

MS. TAPIA: Today?

MR. CURRAN: Yes.

(Pause)

I'm sorry, maybe -- I'm sorry, can I -- can I just -- let me just change that up. Right now they can -- they are given a card and they can access machines, ATM machines by Allpoint and

MoneyPass ATM machines, that do not charge anything in withdrawal or deposit fees, correct?

MS. TAPIA: I think that's correct, yes.

MR. CURRAN: All right. Do you know how many Allpoint ATMs there are in New York State?

MS. TAPIA: No, I don't have -- I don't have that.

MR. CURRAN: And -- and to be honest, neither do I. The best that I could find is there's 550,000 Allpoint machines U.S.-wide, but that gives you some type of context, with New York being one of its biggest areas.

Do you know how many machines -- MoneyPass machines, ATMs, there are in New York State?

MS. TAPIA: No.

MR. CURRAN: Okay. What I got was is that there is 70,000 in New York State. So I guess my point is before, when there was a very limited number of machines that public admin -- public assistance recipients and unemployed insurance recipients could use, that's still not the case under this new contractor; is that fair to say?

(Pause)

MS. TAPIA: Yeah, that's -- it might be, but I mean, this bill does require that no fees are charged. No fees at all.

MR. CURRAN: Right. Well, but under those types of machines, those machines that we just talked about, they do not get charged. So now if you expand it out, what this bill also does is it

opens up every single bank for a recipient of public assistance funds and unemployment insurance to go to any bank, use their card and not get charged any fee; is that fair to say?

MS. TAPIA: That's correct.

MR. CURRAN: All right. So, before when -- with KeyBank, the argument was that there wasn't enough machines. Now under the new contract I think we can agree that there is a significantly -- many more machines available to p -- to public assistance and unemployment recipients, correct? So that part of it is out. But we're opening this up to additional banks, other banks that currently would assess a fee if a person comes in out of their network. So if a Webster Bank person goes to a Chase Bank and used their card at the Chase Bank, they get assessed a fee. Under this bill, a -- a person that qualifies under public assistance and unemployment, they can go to any bank and not get assessed, fair?

MS. TAPIA: That's correct.

MR. CURRAN: So I guess my question is this: So if we have, since the origins of this bill, corrected the number of machines that are available to recipients of public assistance and unemployment insurance to access machines that do not charge anything, why are we expanding it out to every single bank?

MS. TAPIA: Because, I mean, there are -- there are vulnerable communities, especially in the City of New York, that don't have access to banks and they don't have the ability to get to where those banks are, those other ATM machines and banks that -- that

would charge for the benefits, yes.

MR. CURRAN: Okay. Is there -- and -- and just forgive me because I don't know the answer to this. Is there any other fees other than, say, transactional fees of being out of dis -- out-of-network? Is there any other fees that a person who is not a recipient of public assistance or unemployment insurance that could get assessed at one of these machines that under this bill a recipient of public assistance and unemployment insurance wouldn't get assessed? Say, an overdraft fee.

MS. TAPIA: Overdraft? (Inaudible)

(Pause)

Okay. This bill will also prohibit the bills -- the -- the fees for the overdraft.

MR. CURRAN: The other fees.

MS. TAPIA: Yes.

MR. CURRAN: All right. So I guess my question is this: You have a construction worker that -- that is a loyal banker at Webster Bank and goes to work and the only bank in that entire area is a Chase Bank and he takes his card and he goes to Chase Bank and he overdraws. He's gonna get assessed a transactional fee for being out of -- out-of-network, he's gonna get assessed an overdraft fee. Why is he getting assessed those fees, a guy who just got up to go to his job every day, where at the very same time a person who can use a card for public assistance and unemployment insurance would not incur the same fees?

(Pause)

MS. TAPIA: I think -- I mean, this bill is just -- is just directly to the people that are -- that are lower-income families for -- to not to get those charges. But we are not talking about the other -- the other people in the community.

MR. CURRAN: I understand. And -- and I agree with your -- the intent of the bill. I just think --

MS. TAPIA: The intent. Yeah, the intent of the bill is just --

MR. CURRAN: I think we're setting up a scheme where we're not helping -- we're not helping the people that really need it as much as we are -- we are -- we're picking and choosing people to help here.

Here's what I also would ask you: Did you have any conversations with either banks or credit unions about what type of adjustments to their ATMs would be required to accept no transactional fees on -- on either public assistance debit cards or unemployment insurance cards?

MS. TAPIA: I don't -- we have not.

MR. CURRAN: So --

MS. TAPIA: We have not received any concerns from them, no. Not yet.

MR. CURRAN: So we have no idea how much it's gonna cost a bank or a financial institution or a credit union to change over their ATMs to accept these cards?

MS. TAPIA: They haven't told us anything about it, no.

MR. CURRAN: And do we even know that it's possible for them to actually make an exception for just public assistance and unemployment insurance cards to be exempt from those ATM fees?

MS. TAPIA: Many ATMs are already -- already doing it.

MR. CURRAN: What -- what ATMs are doing it? I mean, other than the ones that I've already talked about, and that being Allpoint and MoneyPass.

MS. TAPIA: Exactly the ones that you were mentioning.

MR. CURRAN: Okay.

MS. TAPIA: Those are the ones that are doing it already.

MR. CURRAN: But -- but those are not banking institution ATMs. I'm talking about banking institution ATMs. So we have no idea how a bank, if a bank can actually modify its computer program and ATMs to exempt these specific cards?

(Pause)

MS. TAPIA: We have no evidence that that's -- this is gonna be an issue and they haven't come to us to talk about and see if they [sic] gonna have any --

MR. CURRAN: Thank you. Thank you very much.

Thank you, Mr. Speaker, thank you to the sponsor for her answers.

On the bill.

ACTING SPEAKER EACHUS: On the bill, Mr. Curran.

MR. CURRAN: So, again, I -- I -- you know, I agree with the intent of the sponsor and what she's trying to accomplish here, but what we're doing is it rises out of a certain situation and a certain problem that existed with KeyBank during the pandemic. KeyBank is no longer providing -- is not a State vendor, is not providing those services. And the two problems that they had with it was charging transfer fees every time they used it, and not having enough machines. Under the new vendor, both of those problems have been solved. As I had said and shown, there is -- there is many more machines available to public assistance -- people receiving public assistance and unemployment insurance to access their money with these cards at no transactional fees at those machines alone. Now, if you're gonna span it out to other banks, again, we are doing something and asking banks to comply with something that we have no idea whether or not they can even do. They have to actually try to amend their computer program with ATMs to exempt these specific cards, and we have no idea how much that's gonna cost banks, we don't know if they can actually even do it. And again, just the fundamental unfairness of what this brings up. In my example, of course we are going to try to make sure that people who are on public assistance or unemployment insurance should not have to incur fees,

but they don't under certain machines. But we're not stopping there. We're opening it up to other banks where a hardworking, you know, man or woman that goes off to work and is forced to actually go to a bank outside their district are gonna be incurred the very fees we're exempting from people receiving public assistance and unemployment insurance, such as the out of -- out-of-network fee, the overdraft fee. How is that fair? How is that fair to a hardworking middle-class family that -- that we're not exempting them or taking care of them or -- or actually thinking of them when passing this type of legislation?

For that reason, Mr. Speaker, I'm gonna be voting in the negative and implore my colleagues to do the same. Thank you.

ACTING SPEAKER EACHUS: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER EACHUS: A party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation for the reasons mentioned by my colleague. Those who wish to support it should do so on the floor. Thank you, sir.

ACTING SPEAKER EACHUS: Ms. Solages.

MS. SOLAGES: The Majority Conference will be voting in the affirmative. Those who wish to vote in the negative can vote now at their desk.

ACTING SPEAKER EACHUS: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Glick to explain your vote.

MS. GLICK: Thank you, to briefly explain my vote. I heard the figure of 70,000 machines in the State of New York, I believe, and I -- I just wasn't sure that we had the full distribution of where those machines are and how readily available they are to every New Yorker who may need to access unemployment insurance or SNAP benefits, and I think it's unfortunate. I want to say to the sponsor what a great job. But I think it's unfortunate to try to pit people who need public assistance benefits against people who are, quote, hardworking New Yorkers. Those hardworking New Yorkers are paying taxes that are supporting these programs, and they wouldn't want to have a slice taken off the top unnecessarily.

So I -- I applaud the sponsor and hope going forward that we won't try to pit people who are a little bit down on their luck versus people who for there but the grace of might find themselves in the same position. Despite the fact that they try to be hardworking, sometimes you lose a job, sometimes there's medical problems in the family and you are in a difficult situation. I think the bill is a great bill and I applaud the sponsor for her work and I vote in the affirmative.

ACTING SPEAKER EACHUS: Ms. Glick in the affirmative.

ACTING SPEAKER AUBRY: Are there any other

votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker, for allowing me to interrupt our proceedings for the purposes of opening -- introducing some little citizens from Lake Placid. They are here with their teachers, we want to certainly attribute them being here to our colleague Mr. Jones. But they are here with their teachers and administrators Jon Fremante, Sonja Franklin, Buffy Maiorca, Alicia Brandes, Leanne Matos. And they're fifth-graders, Mr. Speaker, and they are students at I'm told one of the most scenic schools in all of Lake Placid. And you know there's -- most things in Lake Placid are very scenic because it's a beautiful place.

So if you would please welcome these young citizens to our Chambers on behalf of Mr. Jones.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mrs. Peoples-Stokes, Mr. Jones, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. We hope that your trip has been pleasant. I'm sure you will appreciate a view of the Capitol, but maybe not as much as scenic Lake Placid, but you're welcome anyway. And to your teachers and escorts, thank you for taking care, and everybody look forward to a great summer, right? Let me hear you, right?

(Applause)

There we go. Thank you for coming.

(Applause)

Page 47, Calendar No. 356, the Clerk will read.

THE CLERK: Assembly No. A08557, Rules Report
-- Calendar No. 356, Magnarelli, Shimsky, Glick, Jean-Pierre,
Santabarbara, Davila, Thiele, Hyndman, Taylor, Weprin, Alvarez,
Sillitti, Sayegh, Levenberg, Steck. An act to amend the Vehicle and
Traffic Law, in relation to seat belts on charter buses.

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

MR. MAGNARELLI: Yes, Mr. Speaker. The bill
would require charter bus passengers to wear seat belts if the
passengers are eight years old or older.

ACTING SPEAKER AUBRY: Ms. Walsh.

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

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

MR. MAGNARELLI: Yes, sir.

ACTING SPEAKER AUBRY: Mr. Magnarelli
yields.

MS. WALSH: Thank you very much. So, what's the
-- what problem is this attempting to solve, this particular piece of
legislation?

MR. MAGNARELLI: Well, I think a good example of the problem was just past -- this past September when we had a motor coach transporting 40 high school students and four adults from a Long Island school district to a band camp in Pennsylvania. It was traveling on Interstate 84 in Orange County when it went off the road, crashed, fatally injuring two adult passengers and seriously injuring the driver, all of whom were ejected from the bus. Other passengers were also injured. So that's an example of what can happen in these bus crashes.

MS. WALSH: And I think that this -- this Body has enacted some similar legislation having to do with being seat belted in, like, a stretch limousine or in a -- a taxi, right?

MR. MAGNARELLI: Taxi cabs, exactly.

MS. WALSH: Yeah. So this is kind of an extension of some of the previous work done here.

MR. MAGNARELLI: Absolutely.

MS. WALSH: Okay.

MR. MAGNARELLI: And, you know, it's obviously -- well, I hope it's obvious that seat belts save lives. So all we're saying is you have to buckle up if you're eight years old or older.

MS. WALSH: Okay. And so just a few more questions about that. The -- so the way that the bill is worded, it says that if you're 16 or older you have to wear your seat belt.

MR. MAGNARELLI: Yes.

MS. WALSH: You -- or you can't ride on a charter

bus unless you're restrained by a seat belt. But then it says if you're eight to 16 you have to wear a safety belt, and a summons could be given to a parent or guardian if you fail to do that; is that correct?

MR. MAGNARELLI: Right. It's the passenger that is required to wear the seat belt.

MS. WALSH: Okay.

MR. MAGNARELLI: And if you're eight years old and older, then you're enough to have it on safely. If you're under eight years old, obviously you would have to have a -- a child seat and things like that, which we're not getting into in this bill.

MS. WALSH: Okay.

MR. MAGNARELLI: Eight years old and older, you have to wear a seat belt, between eight through 15 you would be ticketing the parent or the guardian of the person that is under that age, okay? Over that, a 16-year-old can be ticketed.

MS. WALSH: That's what I was gonna ask you. I just wanted to be clear about that. So if you're 16 or older, you yourself, if you're not belted, can receive a ticket, and if you're between the ages of eight and I guess 15, almost 16 --

MR. MAGNARELLI: Right.

MS. WALSH: -- in that instance if your parent or guardian is on the bus they could be ticketed?

MR. MAGNARELLI: Yes.

MS. WALSH: But what if -- what if the parent or guardian is not on the bus?

MR. MAGNARELLI: Then I don't believe there's a ticket.

MS. WALSH: Then there's no ticket. Okay. All right. And who is gonna -- I mean, do you envision that this is going to be -- like, how is this ticketing gonna come up? Is it -- are there gonna be -- is there gonna be a traffic stop where the police officer comes on or is it more like an accident reconstruction situation after, like, a horrible accident like the one that you're describing. How do you see this even coming up?

MR. MAGNARELLI: I think it could be anything, if you're stopped. If the bus is stopped for any reason and the police officer, a law enforcement officer is there you could be ticketed.

MS. WALSH: Yeah. Because, you know, I was thinking about that. I -- I pulled up some images of what charter buses look like, and I'm thinking about now when I played school sports we didn't get any kind of good buses. We were -- we were using our regular old, you know --

MR. MAGNARELLI: Yellow bus.

MS. WALSH: -- school buses that would, like, shake so much it would almost shake the teeth out of your mouth, but -- when you were going to a game or something. But now some teams get very fancy-looking charter buses where usually the windows are -- are smoked, you know, and so -- and they're higher. They're taller than, many of them, than a regular school bus would be. So I'm just wondering, like, the previous work that we had done as to a taxi or

even a stretch limo, I could see a possibility where you might pull up to a stop sign or a red light and there's a police officer there who could look in visually and see that there were people that were either on their cell phone they're not supposed to be, or their belt -- they're not belted and they're supposed to be and could do a pull-over. But is that even a -- is that even a real thing when it comes to this charter bus situation?

MR. MAGNARELLI: Well, I -- I don't have an answer directly for that, but if the bus is stopped by a law enforcement officer who sees that somebody is not belted in, they're subject to getting a ticket.

MS. WALSH: Okay.

MR. MAGNARELLI: And I think, you know, getting that word out that you must buckle up is the proper thing to do here and what the law will be calling for.

MS. WALSH: Yeah, I mean, and no -- no question, we want -- we -- we already have legislation from years ago saying that these buses need to be equipped with -- with seat belts and -- and safety restraints.

MR. MAGNARELLI: They are now.

MS. WALSH: And they are.

MR. MAGNARELLI: Right.

MS. WALSH: The -- what your bill is trying to get at is are they gonna use -- they need to use them.

MR. MAGNARELLI: Right. And I think this bill

takes a step in trying to educate the public that it's for your benefit and it's for the benefit of your children to buckle up. So that's all we're asking people to do is be conscious that those seat belts are there for a purpose, put them on.

MS. WALSH: Yup.

Now, is there any -- under your legislation, is there any liability to the bus operator or driver from the failure of passengers that may be way back on that charter bus whether they're wearing them or not?

MR. MAGNARELLI: No. No, there's not. The only thing the bus company has to do is make sure they have operable seat belts.

MS. WALSH: Okay. So for example, let's -- and -- and I hate to take that example, but you gave it earlier, of a -- of a terrible crash that occurred. Let's say that this crash has occurred and everyone's responding to the scene and it's determined that based on the ejection or more severe injury it's determined through an investigation that certain people were belted and certain people were not, and you could tell from the injuries are from where everybody was post-accident. What happens then? Is it -- is -- would there be a possibility of using this legislation as a way to bolster a lawsuit against maybe the school district that chartered the bus or the bus company itself or any liability to the -- to the operator directly? I mean, this bill seems silent about it, but what -- what do you -- what do you envision about any of that?

MR. MAGNARELLI: Well, I think the bill was asked -- is -- is requiring passengers to put the seat belts on. It is not on the bus company, it is not on the driver. It's not their responsibility. The responsibility is on the passenger, and the passenger is the individual that would be ticketed. That's all this bill does.

MS. WALSH: Okay. Now, I know that some of these charter buses, again, much nicer than the -- than the school buses I've rode in. Sometimes they're equipped with restrooms right on -- on board. If an individual needs to go and use the restroom, obviously they need to unbuckle, use the restroom. Does your -- does your bill speak to that at all? I mean, could that subject them to a fine?

MR. MAGNARELLI: I don't believe so.

MS. WALSH: Okay.

MR. MAGNARELLI: I mean, I -- I don't think that's the intent of the bill.

MS. WALSH: It would not be your intent --

MR. MAGNARELLI: No.

MS. WALSH: -- as far -- as the sponsor --

MR. MAGNARELLI: Not at all.

MS. WALSH: Okay.

MR. MAGNARELLI: When they get back to their seat, buckle back up.

MS. WALSH: Okay. All right. Well, thank you

very much for your answers, Mr. Magnarelli.

MR. MAGNARELLI: You're welcome.

MS. WALSH: Mr. Speaker, on the bill.

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

MS. WALSH: Just very briefly. I can completely empathize and understand why the sponsor would want to respond to a tragedy like the one that he described where there was this charter bus accident where there was a loss of life. We, of course, want to educate people that seat belts are in vehicles, all vehicles, for a reason and it's for their safety. If -- if I had a dollar for every time I yelled at my husband for not wearing his seat belt, I would be a wealthy, wealthy woman. I -- I usually just refuse to drive the car and put it into drive until he's -- and -- and then when he wonders while I'm still sitting there and he -- he says, *Why aren't we moving*, well, *What are you forgetting to do?* I mean, it's ridiculous. But anyway, I digress. It's very important to wear your seat belts. I just -- I don't know, really -- I -- I mean, certainly signage reminders from the driver, things like that and educational programs to remind people to buckle up, those might be maybe preferable ways than creating a ticketing process where I don't really even know how this is necessarily gonna to come up. But under the heading of it -- it is something that is being put forward to try to address a tragic situation, I'll be in support of this bill and I do thank the sponsor for his answers to my questions.

Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

Would the sponsor yield?

ACTING SPEAKER AUBRY: Ms. -- will you yield, sir?

MR. MAGNARELLI: Yes, sir.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. MANKTELOW: Thank you, sir. Thank you, Mr. Magnarelli. I just have a question. So this -- this -- this includes all schoolchildren, then, coming from schools, going on tours, doing a field trip, anybody that's on a charter bus that's that age would be required to do the seat belt, correct?

MR. MAGNARELLI: Correct.

MR. MANKTELOW: So, I know we have a lot of people that come in from out-of-State on charter buses. A lot of schools come in to see a lot of our tourist attractions, Niagara Falls, the Adirondacks. You know, maybe a baseball game in New York City. How do we handle that?

MR. MAGNARELLI: If they're stopped by a law enforcement officer and they're not wearing a seat belt they'll be given a ticket. Anybody over the age of eight. Well, excuse me, anybody between eight and 15, it would be going to the parent or guardian if they're there.

MR. MANKTELOW: So we, as the State, we, as

legislators in the State, what are we going to do to make sure these bus companies know that? What are we -- if I'm coming in from Pennsylvania, they have -- or let's -- let's -- let's -- let's go the other direction. I'm coming out of New York into Pennsylvania, they have the same law. So now everyone that's on my bus could get a ticket or their family member because they didn't know?

MR. MAGNARELLI: Well, all I can say is that some of the major bus companies like Coach USA, for example, they're lauding this piece of legislation. So I have a feeling that coaches that are running interstate are going to know what the law in New York State is about, and if they don't, we're gonna have to start educating them to that effect that this is the law in New York State, that people on these buses need to be buckled up.

MR. MANKTELOW: Okay. So you said earlier the bus companies wouldn't be liable, but the -- the family members of the young people would be, correct?

MR. MAGNARELLI: Would be liable to get a ticket, yes.

MR. MANKTELOW: And as I looked through the language, I didn't see any -- any -- any money in it, any part of getting education out to the bus companies surrounding New York State, the bus companies in New York State. How -- how are we going to get that message out? Is it going to be after the fact or are we gonna do something proactive upfront so these families don't end up getting ticketed or fined for their child not wearing a seat belt?

MR. MAGNARELLI: Well, I would -- I would hope that the bus companies and the charter bus companies will be telling their passengers that the seat belts are there to be used, it's the law in New York State to buckle up. I know that if this bill passes both Houses and gets signed into law, I'll be the first one to send out a press release to that effect, that if you're riding a chartered bus in New York State you have to buckle up.

MR. MANKTELOW: So would that -- would that press release go outside of New York State as well?

MR. MAGNARELLI: I'm sorry?

MR. MANKTELOW: Will the press release go outside of New York State as well?

MR. MAGNARELLI: I don't know. I doubt it, but we'll see.

MR. MANKTELOW: I -- I -- thank you. Thank you, Mr. Magnarelli.

MR. MAGNARELLI: You're welcome.

MR. MANKTELOW: Mr. Speaker, on the bill really quick.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MANKTELOW: I -- I understand what the sponsor's trying to do here. Again, here in New York we always tend to put these good things forward, they sound good and they are. But the practicality of it is, how are we going to notify everyone? And I don't want to see tourists coming to New York State with their family

members and their child's on the bus and all of a sudden they get a ticket and then they're gonna say, *Well, look it. I'm not coming back to New York because why should I have a ticket? I'm watching my child.*

So I agree with what the sponsor is trying to do. I just want to make sure we put an educational piece to it, and I just don't see that. So thank you, Mr. Speaker, for allowing me to speak.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Glick to explain her vote.

MS. GLICK: I -- I rise to explain my vote and thank the sponsor of the bill for this very important and reasonable measure. And I would just say that we're all obligated to know the rules of the road in whatever state we're driving in. AAA helps us, and I assume that the lawyers for the bus companies will make certain that everybody is properly notified.

I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could continue our work on our debate list, we're going to go to Rules Report 64, that one's by Mr. Dinowitz; and Rules Report 74 by Ms. Solages; and Rules Report 98 by Mr. Ardila; and then we're gonna go to Rules Report No. 107 by Ms. Glick. In that order, Mr. Speaker. Thank you.

ACTING SPEAKER AUBRY: Thank you. Page 7, Rules Report No. 64, the Clerk will read.

THE CLERK: Assembly No. A00718, Rules Report No. 64, Dinowitz, Cook, Benedetto, Colton. An act in relation to direct the Division of Housing and Community Renewal to study non-rental fees charged by landlords.

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

Mr. Dinowitz, an explanation has been requested, sir.

MR. DINOWITZ: This bill would require DHCR to perform a study on non-rental fees imposed by landlords of housing accommodations subject to rent regulation laws. The study will assist the Legislature in dealing with landlords who are using these fees improperly for various and sundry reasons.

ACTING SPEAKER AUBRY: Mr. Fitzpatrick.

MR. DINOWITZ: Mr. Fitzpatrick.

MR. FITZPATRICK: Thank you, Mr. Speaker.

Would the --

MR. DINOWITZ: It is so nice to see you back.

MR. FITZPATRICK: Yes, it is great to see you, Jeff, and I'm happy to be back.

Would the sponsor yield for a question?

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

MR. DINOWITZ: Yes, I will yield.

ACTING SPEAKER AUBRY: Mr. Dinowitz accepts your --

MR. FITZPATRICK: Thank you, Mr. Dinowitz.

Currently, Mr. Dinowitz, what surcharges are permitted? I know we made some changes in the budget, but what is permitted -- what is a permitted surcharge right now in a rent-regulated building?

MR. DINOWITZ: Well, I can tell you a few things that are not permitted because of excellent laws that we passed -- I was the sponsor -- which include legal fees. They cannot automatically be put on a rent bill unless they go through a certain procedure, and also air conditioners. The law says that if a tenant buys an air conditioner, puts it in on -- on their own and pays their own electric bill, then the landlord can't charge them extra money. But aside from that there are other things that the landlord may have a right to charge for. I mean, it can be a lot of things, but just to name a

few, things like maybe they would charge more if you have a washing machine or a dryer or a dishwasher. Maybe even window guards in certain cases.

MR. FITZPATRICK: Okay. And these are all permitted?

MR. DINOWITZ: Yeah. I think in New York City, I don't know that they can charge for window guards.

MR. FITZPATRICK: So -- so I -- I read in your justification, you use an amorphous term, "most of the time". So that would -- is that 51 percent of the time, 99 percent of the time?

MR. DINOWITZ: Well, it's less than all of the time but it's more than some of the time.

MR. FITZPATRICK: So what is the most common complaint, then, for the surcharge? I mean, a number of them are permitted, so I don't understand what the problem is, what your -- what are we looking to study?

MR. DINOWITZ: Some things may be permitted, some things may not. But what we want to know is what's -- what they do now and are there abuses. And the bill, the shortest of bills, I think it's like seven lines so it doesn't say a lot but it says a lot in those seven lines, so... But I'll read it because it's only seven --

MR. FITZPATRICK: You do have a way with words.

MR. DINOWITZ: -- lines. So, DHCR shall prepare a report on non-rental fees imposed by landlords, housing

accommodations (inaudible) rent regulations. Such study shall include a description of fees commonly or frequently charged, the amounts of the fees, how the fees are determined, and any other data or information the Division deems pertinent, and they shall submit a report to the Legislature by next April 1st. So we want to get a handle on what's being done and we could also look at to see what -- if certain things are reasonable or not reasonable.

MR. FITZPATRICK: Okay. Does DHCR currently have a schedule of fees that can be charged?

MR. DINOWITZ: I don't think they -- I think what they have is information on some of the things that -- that there possibly may be charges for, like, you know, window guards. As I said, I'm not sure that -- I don't think in the City they charge it, or, you know, washing machines. I'm not sure they have a specific fee schedule, but the -- the point here is that these amounts could vary based upon, you know, who's doing the charging. Some things are more reasonable than others. So we just want to get information. This is not saying that a landlord can't impose a fee if you install a washing machine. It's not saying you can, but it's not saying you can't. That might be next, I don't know. So this is essentially to get information.

MR. FITZPATRICK: So -- so let me ask you, how does DHCR handle the situation now? I mean, there is a schedule. How do they regulate or at least govern the imposition of these fees? They're -- certainly people can complain if they're unhappy or if they

feel they're -- they shouldn't be charged for something. But there is, you know, in the law, this is what -- these are the activities or the services they can charge for. There is a schedule of how much can be charged for, whether it includes electricity or not. Would it not be better to have them, instead of spending all of this time collecting data, why don't they just apply -- use that time to better regulate or coordinate the services that they're permitted to charge?

MR. DINOWITZ: Well, I don't know that DHCR does a whole a lot in this area currently. It's not like -- you know, they just don't. They -- they do issue bulletins at various points, giving out information. And as far as complaining, I got to tell you, I was here during the budget and I can tell you which side was doing most of the complaining and it was landlords.

MR. FITZPATRICK: Right.

MR. DINOWITZ: They -- they certainly do complain. And sometimes correctly, but often not. But we just want to get -- we want to know what -- what the story is out there, and in order for us to act in a way that is helpful to everybody.

MR. FITZPATRICK: So let me ask you, who will conduct this study? Who will collect this data? How will it be collected? How many people are going to be involved? We do have a lot of rent-regulated units out there. Who is going to staff the study?

MR. DINOWITZ: Well, this would be DHCR. I don't know that they're going to be going to every apartment in the State to do the study, but they'll have to work that out and I have

confidence that DHCR is capable of doing this.

MR. FITZPATRICK: Well, gee, that's an awfully big task, I think, for an agency that is not particularly large. It seems to me, you know, if -- if we have complaints, we certainly have those on file, we know how many there are. If there is a problem, DHCR can go out and correct them, attempt to correct them. There's -- I don't see a need for this. This is a solution in search of a problem, it seems to me. Much of this has been corrected over the years by the legislation you've sponsored. I'm wondering if this isn't an attempt or a future attempt to eliminate these surcharges all together. Is that maybe a goal you have here?

MR. DINOWITZ: I don't have a specific goal. I -- I certainly wouldn't --

MR. FITZPATRICK: What is your goal for the study, then?

MR. DINOWITZ: I wouldn't be unhappy if tenants who are hit left and right, especially after some of the changes we made this year, would have fewer things for them to contend with. But in a sense I'm kind of neutral. I just want to see DHCR gather information and then we can make an intelligent decision, hopefully, as to what action, if any, we should take as a follow-up.

MR. FITZPATRICK: But we can -- you know, we can gather information about a lot of things if we're looking to accomplish something. But the information you really need is are there any complaints by tenants for any problems they're having with

the surcharges for appliances or anything else. Do you have statistics showing there is a problem out there? I mean, it says here in the justification we had, let's see, how many -- there were, what, 8 -- or 6,000 or some-odd surcharges out there. That doesn't seem to me like a lot. Is there a problem with those 6,000 or so surcharges currently in existence, and if there are, we can -- I'd rather use the labor and the effort to correct that rather than go out and look for a problem that may not exist.

MR. DINOWITZ: Well, there are nearly 7,000 complaints listed here, and this is but a small sampling of everything. I mean, don't forget, these are only perhaps some complaints. A lot of people have complaints but they don't file complaints, other people gripe. Not everybody files things with DHCR, sometimes people contact HPD or do things through other means. So there's a lot more out there. But so far it seems that DHCR seems capable since we do have some data, and they're the ones who collect data. I'm not a data collector, I'm just --

MR. FITZPATRICK: So you're telling me -- you're telling me we only have, say, 7,000 complaints out there, there may be many, many more. But you're also telling me that we're not gonna be able to survey the entire inventory of rent-stabilized and rent-controlled units to find out what those surcharges are.

MR. DINOWITZ: Well, I don't think you'd have to survey the entire inventory, I think what one would need to do if trying to get this information is to use a reasonable sampling of the

apartments out there and then that leads to certain conclusions and then we can get this report and --

MR. FITZPATRICK: Would -- would not the 7,000 or so complaints you have now be a reasonable sample out of the, say, million or so units out there? That doesn't seem to me like a problem or at least --

MR. DINOWITZ: Seven thousand, that's a lot of complaints.

MR. FITZPATRICK: -- if it's a problem. Well, it's -- to me it would seem a problem that can easily be dealt with with the staff and applying the current law. I don't know if you're gonna find that many more because if people have a problem, they will complain about it. I mean, they call your office all the time.

MR. DINOWITZ: You know who calls my office? The people who call my office. But a lot of people don't call my office, I'm sure.

MR. FITZPATRICK: All right. So maybe they call their councilman or council person. Maybe they'll call --

MR. DINOWITZ: And they have an excellent councilman, (inaudible/crosstalk).

MR. FITZPATRICK: Or they'll call the 3-1-1 line. You know, is it -- have you looked at those sources to put a better picture, maybe a more comprehensive picture together of how many problems there are? Right now, 7,000 out of the million or so units is not -- doesn't seem to me, frankly, to be a huge problem and certainly

not a problem that can't be addressed and fixed with the current staff.

MR. DINOWITZ: Well, I -- I will say this: This legislation was in large part inspired by DHCR, having met with them whenever we met with them, probably two years ago, and DHCR not only can do a sampling or a survey, but they can possibly look at other sources to gather information. But they're the agency that's in charge of housing, so I have confidence that they will do this, do it right and then we'll get information and we'll see if we need to take any kind of action. And maybe we won't, it's possible. I mean, who's to say?

MR. FITZPATRICK: Okay. Very good. Mr. Dinowitz, thank you very much.

Mr. Speaker --

MR. DINOWITZ: You're welcome. And again, nice to see you back.

MR. FITZPATRICK: Always a pleasure, Jeff.

Mr. Speaker, on the bill.

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

MR. FITZPATRICK: Again, I -- I -- I get the sense that this is a solution in search of a problem. Certainly, the number of complaints I think is a representative sample of any problem that's out there, but it's certainly a number that can be addressed and addressed satisfactorily by current staff and current methods employed by DHCR to solve these problems. What concerns me is that I'm sure if I'm a tenant I don't want to pay a surcharge for anything. We've had this

argument in the past over MCIs and individual apartment improvements, et cetera. I'm a little concerned that there's a potential attempt here to gather information to use, in a sense, as another weapon against property owners to try and force them to assume a cost, another cost, that should be borne by the tenant. If they want to put a particular appliance in, a surcharge is necessary to pay for depreciation of infrastructure, to pay for the electricity, et cetera. But there will always be people who do not want to pay a surcharge for anything, and I'm -- I fear that this information will be used in an attempt later on to say, *Look, we're gonna ban these surcharges*. You know, property owners in New York State and New York City, but now in New York State are dealing with aging infrastructure. Housing stock particularly in the City is very old. You have rising costs, whether it's solid waste removal, electricity, water, sewer, et cetera. These are all absorbed by the property owner, and the rent increases that are granted do not cover this or don't cover all of it. And now I think I fear we're gonna have another attempt to force property owners to absorb additional costs that will further jeopardize, I think, the quality of that housing infrastructure in the City and the -- and the State of New York.

And for that reason I think we should not pass this bill. Again, it's a solution in search of a problem, and the numbers out there show that we don't have a huge problem right now with complaints, and those that are out there can certainly be resolved by the DHCR today. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: A party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation for the reasons mentioned by my colleague. Those who wish to support it should vote yes on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: Thank you, ma'am.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 7, Rules Report No. 74, the Clerk will read.

THE CLERK: Assembly No. A08609, Rules Report No. 74, Solages. An act to amend the Civil Practice Law and Rules,

in relation to certification of class actions in cases involving governmental operations.

ACTING SPEAKER AUBRY: On a motion by Ms. Solages, the Senate bill is before the House. The Senate bill will be advanced.

Ms. Solages, an explanation is requested.

MS. SOLAGES: Thank you, Mr. Speaker. The bill would ensure that groups of citizens who seek to hold the government accountable for their actions will not be denied access to the court under this governmental option rule for the sole purposes that the government is subject for the complaint -- for their complaint.

ACTING SPEAKER AUBRY: Ms. Walsh.

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

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

MS. SOLAGES: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. WALSH: Thank you very much. So, tell me what the purpose is of this particular piece of legislation. It's only a couple of lines of text, but it does have an impact. So what's the reason for it?

MS. SOLAGES: You know, class action suits are like group projects, there's strength in numbers. And so the purpose of the bill is to prevent the courts from denying or withholding a class

certification solely because a lawsuit involves a governmental operation. So we're gonna be amending the law, and this is the idea that the government is not a special litigant. We've seen time and time again where, you know, people, individuals who are disproportionately lower income, disabled, are not able to access the courts in -- in numbers and strengths in a class action lawsuit because it's against the government. And so we want to make it fair. We want to say, *Look, as long as they, you know, meet all the Article 9 requirements, they can still proceed and -- and take action against the government if need be.* And this is really in the best interest of, you know, of our -- our government that we serve here because, you know, we want to be held to the highest standard, and we want to have a level of accountability and transparency in government.

MS. WALSH: Okay. Well, I mean, right now class actions are allowable against governmental entities, though, right? I mean, it's just in the sound discretion of the court.

MS. SOLAGES: So, actually it is not. A court can deny a class action lawsuit if it's against the government. And --

MS. WALSH: They can grant it, too.

MS. SOLAGES: And they can grant it as well. But this -- this shouldn't be on the discretion of a judge, it should be that if you have the qualifications of Article 9 and you have a case and you meet all of the those requirements and it's clear, you know, you should be -- you should be allowed to move forward.

MS. WALSH: But aren't we really just taking away

some judicial discretion here, and as the Legislature stepping in and really reversing very longstanding Court of Appeals case law from the mid-'70s that -- that establish kind of the way that this is all gonna get done? Why -- why do -- why do we need to change it? Why isn't that working?

MS. SOLAGES: So we just --

MS. WALSH: Is it primarily, because as you said in your Memo of Support, that you're trying to help low-income and older New Yorkers get a class action certified? Is -- is it that social justice reason?

MS. SOLAGES: Not at all, because at the end of the day in the court system every person is equal, and so we shouldn't make it that the government is a special entity that -- that cannot be sued. You know, justice is blind. You look at it, it's blind. So every individual person should have an opportunity to go before the court and have access to, you know, their day in court. So this, to me, just establishes a legal consistency that's required. It -- it -- it solidifies, you know, an established precedence and treats cases alike, regardless of whether the government's involved. We are all equal before the law, and so this just clarifies that.

MS. WALSH: Well, I mean, I -- I think that under Section 901 of the CPLR, one prerequisite is that the class certification's got to be the superior method, quote, for adjudication. And then there was that case in 1975 where the -- our State's highest court said that where governmental operations are involved and where

subsequent petitioners are gonna be adequately protected under the principles of stare decisis or legal precedent that a class action relief wasn't necessary. So, I mean, that's our State's highest court. Why does the Legislature now want to weigh in and, I mean, essentially put the thumb on the scale and limit judicial -- limit a judge's and court's discretion to figure out when a class action is appropriate and when it isn't? Because that's always the way it's been.

MS. SOLAGES: You know, class actions are a critical tool when you're taking proactive steps, especially when a remedy on lawful conditions. So, you know, class action lawsuits have been holding government accountable for the past decade. So when you talked about the failures of New York's foster care system, when you're talking about those seeking remedies against nursing homes, a failure for health standards. I mean, you talk about ensuring mentally ill prison inmates are treated with planned-upon decisions. These are all class action lawsuits that we're enabling people to have their day in court and to be able to seek justice. So this is just an opportunity for people to get justice before the law, and saying that, *Look, when we're in court everyone is equal. The government is not a special entity.* That, you know, this is -- this is just allowing us to, you know, have accountability and public trust. At the end of the day, I mean, we've seen time and time again that governments have violated the public trust, and we should give an opportunity for people to go before the court to plead their case, and if it's done in a class action lawsuit so that we can empower individuals, as long as they meet the

requirements, the case should just be allowed to move forward. We're not saying that they lose judicial, you know, discretion to take the merits of the case. All we're saying is that as long as they have the requirement, they can have their day in court. And we should allow New Yorkers to have their day in court.

MS. WALSH: I -- I don't know. I -- I guess where I'm having trouble is that it -- you're making it sound as though the governmental entities enjoy some kind of complete immunity from class action suits and they don't. Under our current law there have been a whole line of cases that have laid out on numerous exceptions, at least four that I'm looking at, that -- of cases that do qualify as class actions, such as one -- and a lot of this ties in with the examples that you gave as to why we need to make government not be unique or different from any other litigant. But among these exceptions were, one, where the governmental entity has repeatedly failed to comply with court orders affecting the proposed class, rendering it doubtful that stare decisis or legal precedent will operate effectively; two, the entity fails to propose any form of relief that purports to protect plaintiffs; three, the plaintiff's ability to commence individual suits is highly compromised due to indigence or otherwise. And let -- and focus -- and that's really -- that ties in with a lot of what you were just saying, where you're saying that certain single individuals, particularly if they're indigent, they don't have the resources to be able to bring a class action -- or -- or absent a class action to be able to have their rights preserved. That third carveout is specifically designed to -- to

address that situation. And then the fourth exception is that the condition sought to be remedied by plaintiffs poses an immediate threat that cannot await individual determinations. But, so all -- so we have the -- the New York State Court of Appeals decision that is, God, it's what, almost 50 years old, and then you've got all this whole line of cases carving out all these exceptions. You've got judicial discretion already about granting the class action or not and certifying it. I just don't see why the Legislature now has to step in and -- and by the way, not for nothing, but this bill is 30 years old. So this has been trying to get passed for 30 years and, in my humble opinion, if it was such a great idea we would have done it over the last 30 years. But why are we -- why are we still trying to do this now? Why aren't -- I mean, I have -- I have always been an staunch advocate for people who are differently-abled, for people who are indigent, for older New Yorkers. I think all of us have a great deal of sympathy and empathy for those individuals and want them to be able to and appropriately ban together in an appropriate case in a class action, but that is already very much allowable and contemplated and thought of with the cases that we've -- that we've developed over the last 40, almost 50 years.

So again, I -- I just -- and I just don't understand why we're continuing to seek to do this and -- and really take away some judicial discretion where really isn't it the judge in a particular case that's in the best position to evaluate all of those things I just mentioned and determine whether or not a class should be certified?

MS. SOLAGES: So case law has historically held

that governmental operations rules are upheld. So, you know, we see time and time again that New Yorkers are denied access to the court. We're just simply saying that we want New Yorkers, whether they're an individual or together in a class action lawsuit, have access to have their day in court.

MS. WALSH: I mean, aren't -- aren't there certain advantages to attorneys who -- who are able to get a class action certified? There -- I mean, I remember as a beginning attorney that that was like -- that was a huge payday. If you could get a -- a class action certified you were gonna get a lot of extra money as an attorney bringing it. So I can understand, for example, that God bless the trial lawyers, they support this because it's gonna mean more -- more class actions which means more money in their pockets. They want to see that. And I have nothing against people making money, but, you know, isn't that -- don't we think that with the passage -- if this bill passes and isn't vetoed this time, that we're gonna have more class actions and then that's just gonna be more cases that are gonna be more lucrative for the -- the -- the Bar.

MS. SOLAGES: So, number one, you know, this allows redress -- redress or remedy to all citizens who are harmed by governmental agencies that act illegally. So we have to remember that the governmental agency is not acting in good faith. Second, it reduces litigation expenses and the filing of multiple lawsuits challenging the same illegal conduct. And then also it provides New York State with resources as a litigant currently pursuing their class

action suit on a Federal level where the rule currently doesn't apply. So for me, we're empowering New Yorkers to get justice and making sure that we hold government accountable and making sure that they're transparent and we're having oversight. So, you know, hopefully these cases don't come about. You know, I don't want -- I, you know, to think that New York State is creating, you know, multiple atrocities and issues so much so that we have to have multiple, you know, class action lawsuits then, you know, we need to look at ourselves in the face and see how we can reform and make our government better. So we're just saying that we just want an opportunity for New Yorkers to have access to the court. So whether you are poor or rich, we are all equal before the law.

MS. WALSH: Well, if we have more class actions, right, then we have more litigation -- maybe not individual, but through the class action -- greater fees. Who -- who is it that ends up paying the fees when there's a class action that is victorious as against a governmental entity?

MS. SOLAGES: So are you saying that we should not be seeking justice and that --

MS. WALSH: That's not what I'm saying.

MS. SOLAGES: -- government should continue, you know, their misconducts because we want to save money?

MS. WALSH: No, that -- no. But what I'm saying is along the lines of what NYSAC said in their opposition memo, they agreed with the Governor's veto message from last year when the

Governor vetoed this after we passed this bill with 40 no votes out of this House. NYSAC agreed with the Governor's message. They said there would be massive costs that would bankrupt a county or any other governmental entity, for that matter, if class actions were allowed. Granting the courts the authority to continue to determine class actions is the most prudent way to continue, as is the case in existing law.

MS. SOLAGES: So I -- I just want to note that this bill does not require class action. It merely just makes it clear that a court cannot deny or withhold a class action certification solely because a lawsuit involves a governmental operation. So, you know, anyone can sue. You know, this is America. You know, anyone can file a lawsuit but that doesn't mean it has merit. So at the end of the day, litigants still have to meet the requirements of a class action provision, and also, you know, stay, you know, and -- and fight a case. So at the end of the day, we're not -- this is not gonna create an avalanche of, you know, lawsuits because lawsuits still have to be litigated. It just simply says that the government is not a special litigant, it's not special before the courts, and that we are all equal before the law. That -- that's simple as it can be.

MS. WALSH: I appreciate your responses.

And, Mr. Speaker, on the bill.

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

MS. WALSH: With all due respect to the sponsor of this legislation, this -- this is a really -- even though it's only a couple

lines of text, this could really change the way that class actions are handled as it addresses government operations. I don't see any reason for this change to be had. I haven't seen or heard of any evidence that the individuals that the sponsor says are unable to be -- unable to bring separate lawsuits are being denied access to the courts. I don't see any reason to be making such a fundamental change, and I really don't see any reason to be changing the current rule which does say that a court and a judge, they are in the best position to examine the requirements under Section 901 of the CPLR and determine whether or not in a particular case a matter should become a class action and be certified or not. This Body has had a long time to thoughtfully consider this legislation since it first came up in 1994, and it has died for many, many years, and last year it finally passed with 40 no votes and was vetoed by the Governor. And what the Governor said is -- and I didn't ask the sponsor, but I do not believe that the bill was modified in any way in response to her message. Sorry. She said -- Governor Hochul said, *The courts have prudently developed a number of exceptions to the presumption against class actions in governmental operations cases, including where the government entity fails to comply with court orders, fails to propose any form of relief to the litigants or where indigency -- if I may just finish up, I'm almost done -- or where indigency prevents a plaintiff from commencing an individual claim. When a class action may be the superior method to adjudicate such matters, courts readily certify classes when the fact of the case so warrant. That discretion should not be disturbed.* And I -- I agree

with the Governor's message, as does NYSAC and as did 39 of my other colleagues here last year.

For those reasons I'll be in the negative and I would encourage my colleagues to also vote no. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: A party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is opposed to this bill. Those who support it are welcome 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 going to be in favor of this piece of legislation. There may be a few that would desire to be an exception, they should feel free to do so at their seats. Thank you.

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

The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 8, Rules Report No. 98, the Clerk will read.

THE CLERK: Senate No. S01804, Rules Report No. 98, Senator Addabbo (A04895 - Ardila, Colton, Aubry, Hevesi, Santabarbara). An act to amend the Public Service Law, in relation to requiring gas and electric corporations to provide 60 days' notice to customers whenever there is a service rate or charge increase.

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

MR. ARDILA: Thank you, Mr. Speaker. This bill would require for gas and electric companies to provide 60-day notice for any changes or increases to their -- to consumers' rate services.

ACTING SPEAKER AUBRY: Mr. Palmesano.

MR. PALMESANO: Yes, Mr. Speaker. Will the sponsor yield for some questions?

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

MR. ARDILA: Yes, sir.

MR. PALMESANO: Thank you, Mr. Ardila.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. PALMESANO: In reading your bill, it's a very short bill and it seems like it's a simple bill but there some questions I have for you on it because it's more than that.

MR. ARDILA: Absolutely.

MR. PALMESANO: What is the genesis of this bill? Why -- why do you believe this bill is specifically necessary?

MR. ARDILA: Uh --

MR. PALMESANO: Isn't -- when a rate case is -- are you -- I'm sorry, I'll let you go ahead.

MR. ARDILA: Sure. So just to provide some context, currently the Public Service Commission, they post documents that are hundreds of pages long when it relates to utility or rate changes or rate cases, which makes it very challenging for the average ratepayer to understand what's happening, to navigate why their rates are being changed. And so it gives them a bit of a fighting chance. And so right now there is a requirement for utilities to provide notices to municipalities and local publications, but this will streamline the process and ensure that every single utility consumer will get written notice when there's a rate increase.

MR. PALMESANO: Is -- is this primarily the hit when you see the major rate increases that are being proposed by the utilities? Is this specifically really targeted and directed towards that?

MR. ARDILA: One more time, I'm sorry.

MR. PALMESANO: I'm sorry. Is -- is - is it your intention, really, with this bill to address when you see a major rate increase, like when the utilities go to the PSC for rates increases? Is that primarily what this bill is intending to address?

MR. ARDILA: I mean, part of it is that, right? We want to make sure that people understand what's happening, especially when there's a huge spike in the rate increases.

MR. PALMESANO: Sure.

MR. ARDILA: But it also provides a chance for working-class families and also vulnerable seniors to know, and gives them a bigger notice to understand what's happening because right now a 30-day notice can be challenging. It gives people a short amount -- a short window to kind of adjust their energy consumption. If you give them 60 days' notice then you can really give them a fighting chance to understand and just ensure what they're doing with their consumption of energy and how they can adjust.

MR. PALMESANO: Okay, and I understand that. But is it your intention with this bill to really be -- to address the -- the major rate increase proposals that are out there or others? Any type of increase.

MR. ARDILA: This is for all and any rate increases.

MR. PALMESANO: For all increases?

MR. ARDILA: Correct.

MR. PALMESANO: Because you're -- you're aware there are numerous adjustments and rates and charges that are put on bills throughout the cycle; is that correct? You're aware of that?

(Pause)

MR. ARDILA: Yeah, so this is all in accordance to a plan of three years in terms.

MR. PALMESANO: I'm sorry, I couldn't hear you.

MR. ARDILA: It's -- it's in accordance to a plan of three years.

MR. PALMESANO: Three years. So, for example, I

guess my question -- and I think when you say "charges", as you said exactly, an increase in rates or charges, we're not just talking about those major rate increases, the ones that get the headlines, whether it's a utility going for a 30 percent or 40 percent. We're talking about all charges, all increases, correct? Or rates or charges.

MR. ARDILA: Essentially.

MR. PALMESANO: Okay. So there are a host of different charges and rate increases. For example, I'll -- I'll list a couple of them just so you hear: Demand charges are based on time of day usage, which may result in increased charges on a daily basis; systems benefit charge to fund public initiatives through the NYSERDA; earnings adjustments and mechanism which provides potential increases based on energy efficiency and building electrification targets; transmission revenue adjustment tariff, which provides a rec -- reconciliation of base transmission revenue; value of distributed energy resources to compensate distributed energy resources; and then the rates adopted by the Public Service Commission that are temporary or rates on a sliding scale. So each one of those provisions can change on a regular basis, can be modified. Based on the language of this bill, every time one of these are changing, notification would have to be provided to the consumer not just on those major rate increases, which I think gets a lot of attention. So based on your language of this bill, it would impact each and every one of these things and a notification would have to be sent out to all the customers, right?

MR. ARDILA: Right. So, the Commission has some discretion in terms of how the ratemaking process gets made, but obviously the intention is to streamline the process as much as possible. We want to protect people, consumers, especially when it comes to the rate increases to give them ample time, and we also want to ensure that there's direct communications. So that could be done electronically, that could be done through billing statements, but again, there's some discretion in terms of how the ratemaking process will be made.

MR. PALMESANO: I -- I can appreciate the -- the discretion, but I -- I guess I'm concerned when it doesn't say that. Wouldn't it be better to lay out -- if your goal is really -- at least from our conversation, I'm kind -- unless I'm interpreting it wrong, your goal is to address these major rate increases instead of having to send out a notification for these adjustments that might happen on all specific like one, two, three, four, five, six, seven different mechanisms that could translate a rate sliding scale increase. It sounds like you want to go just on the -- the major rate increase, but based on the language of this law, utilities would be compelled to file a notification right away, correct?

MR. ARDILA: They would have to give 60 days' notice, but also, again, we have full confidence in the Public Service Commission -- Public Service Commission to just determine how that process and how that ratemaking process gets done.

MR. PALMESANO: Well, I guess just to go back,

unless I'm wrong, if you just want to focus on prime rate cases, wouldn't it be better to make the language specific to that rather than say all rates and charges? Because that, again, based on that, we're gonna have to give a 60-day notification each time we move along this process, correct?

MR. ARDILA: Again, it is a 60-day notice. It does require more work, but the whole goal of this is to give that direct line of communications to, again, working-class families, vulnerable citizens, vulnerable seniors --

MR. PALMESANO: Sure.

MR. ARDILA: -- rather -- in both of our districts.

MR. PALMESANO: Sure.

MR. ARDILA: So it creates a streamlined process and, again, you get to understand what those rate -- rate increases look like and it gives you ample time for adjustments (inaudible/cross-talk).

MR. PALMESANO: So let's say, like, the major rate increases we talk about it. It goes through -- the -- the first is the public awareness where the utility goes to the PSC saying they want to increase their rates (inaudible). Then there's like a back-and-forth, there's public hearings, there's -- there's negotiations and ultimately, then there's a settlement and then that announcement comes out, correct?

(Pause)

MR. ARDILA: So, it is -- it is a concern, but again, that settlement allows room for flexibility so we are going to work to

adjust it.

MR. PALMESANO: So I'm just saying, so once that -- once that's finalized, the PSC says it can be in October, *Okay, you can begin your rate increase in November.* And that has happened. But based on the language of this bill, that would not be able to take effect. They'd have to delay that implementation of that rate increase for 60 days versus what the PSC ordered after a year of negotiation?

MR. ARDILA: They -- typically it -- it is 60 days.

MR. PALMESANO: But it has happened recently where after going through negotiations it was, you know, the PSC came through with a temporary increase in October but then saying it would take effect for November. But in this case, under this bill, that would not be able to take effect, then, correct? So 60 days are passed?

MR. ARDILA: Not without (inaudible).

MR. PALMESANO: So it would delay that. So basically, the PSC was saying to the utility, *Okay, beginning November 1st you can increase your rate based on this negotiation.* Now they would have to wait 60 days from that notification instead, right?

MR. ARDILA: Yeah, essentially.

MR. PALMESANO: Okay. Now what -- how -- how does it deal with someone who becomes a customer within that 60-day period if -- how does that impact them or how do you view that impacting them?

MR. ARDILA: One more time.

MR. PALMESANO: So say I'm a -- a customer of NYSEG right now and I move -- and I move into a customer of Ni -- National Grid and I move in within that 30-day -- 60-day period. What happens? What responsibility is there from that perspective? Just -- just curious from that --

MR. ARDILA: For sure. I mean, I think it's a bit of technicality and also there's a way to navigate it and I'm sure the Public Service Commission can come up with a streamlined process for those -- those specific type of cases where, you know, if you're coming in within that window frame they can adjust to see what's the best way to move forward when it comes to notifying people for their utility changes and any increases in their rates.

MR. PALMESANO: So the notice provided for this bill, which is 60 days prior to an increase in rates or charges which we've been discussing, what type of notice do you contemplate or is that basically left to the discretion of the PSC to implement that?

MR. ARDILA: It's gonna be up to their discretion. They're -- they're gonna determine how that -- that rate increase -- the rate increase process is taking place. But again, it's still a work in progress, they can do that through billing statements or implemented within the billing statement that goes directly to the consumer. There's also electronic ways of communication as well. So again, the goal is not to -- for example, we're not trying to increase the rate or put that fee on ratepayers, but rather streamline that process and then look for -- work with the Commission to determine what's the best

way of moving forward so that people can get direct communication when it comes to their energy consumption.

MR. PALMESANO: Are -- are you aware of the, as they refer to it as the "make whole" provision, by chance? And if not that's okay.

MR. ARDILA: You can -- you can enlighten me.

MR. PALMESANO: Well, the make whole provision -- and I know you have staff there that will tell you if I'm probably wrong, too -- the way I understand it is when they go through this long period of negotiation and contemplation between the utility and the PSC to determine that rate, and then sometimes it goes -- sometimes there's extensions, month-long extensions negotiated during that period of time before they settle on a rate which allows the utility to capture that delay. So in the instance that I -- I gave you earlier where the rate was approved in, like, say, October and a month later they were supposed to go into effect. If that would have had a delay, I mean, we're talking several hundred thousand dollars a day in an adjustment, and then if you have to extend it out for 45-plus days you're talking about an additional \$20-plus million in charges. Wouldn't that ultimately be borne by the ratepayer for those delays because of this make whole provision? Isn't that a concern that should be alleviated? And how does the PSC have discretion when this is statutory?

MR. ARDILA: I mean, it could still be made whole, but it would just have to be after the 60 days.

MR. PALMESANO: But that would ultimately be paid by the ratepayer, correct?

MR. ARDILA: It is now.

MR. PALMESANO: One other -- one other question on this. How does it really -- how does it apply with the supply cost increase? Because utilities, I mean, there -- there's rate cases but the -- the supply cost is increasing, you know, on -- on a monthly basis. So we have those other areas that are -- there are adjustments we talked about. So if the supply is increasing, you know, from month to month, how -- are they supposed to notify the customer that their supply is increasing this much and it has to be a notification for that or is it just a PSC rate -- rate carrying procedure?

MR. ARDILA: That -- I mean -- the Public Service Commission can determine what's the best factor to calculating that. But again, I don't foresee drastic changes in -- in energy consumption. Hopefully when -- with the 60-day notice people will get ample time to just adjust because again, I mean, I'm sure you see this in your district, too. Cost of living is increasing especially in New York City and in my district in Queens. It give them a bit ample time to adjust their energy consumption, notifies them what's the best way to navigate with their finances, and just gives them a fighting chance to really understand how their energy consumption is being --

MR. PALMESANO: Sure. And I think -- and I'll probably go back to this when I go on the bill, too. I just think the -- and I understand your intention, and I think if you narrow it really just

to the rate, the major rate increases, per se, I think you might have a little bit of a not as complicated -- it's still is complicated because we gave examples. Because you would agree that the systems are -- our rates and charges is a extremely complex process with a lot of moving parts and change on a regular basis, right?

MR. ARDILA: Sure, absolutely.

MR. PALMESANO: So that's why the PSC needs that discretion. And you don't feel like right now this bill will -- it seems like it will take discretion away from the PSC. If the PSC feels that it needs a better job now, they can act on that and make actions accordingly through a proceeding with the utilities, too. If they wanted to make these changes that you're recommending, they could address this on their own, under their own discretion if they felt it was necessary, correct?

MR. ARDILA: Correct.

MR. PALMESANO: Okay. Well, Mr. Ardila, thank you very much for you time. I appreciate it.

MR. ARDILA: Thank you.

MR. PALMESANO: Mr. Speaker, on the bill.

ACTING SPEAKER ZACCARO: On the bill, Mr. Palmesano.

MR. PALMESANO: Yes. I can appreciate the intention of the sponsor, I know what he's trying to get at. He wants to provide more transparency and I understand that. The problem is this bill as written is very broad and very, very problematic. First of all,

and I think from our conversation he was really interested in -- unless I'm wrong, I don't think I am -- getting at the major rate increases that we see that are in the catch -- capture the headlines and is on the news. This utility going for a 30 percent increase, this utility go for that. That's what I think he wants to address. The problem is the language of this bill says rates or charges imposed. And there are more -- there's more to it than just these general rate increases, the -- the big ones. We're talking about -- again, there's -- demand charges are based on time of day usage which may result in increased charges on a daily basis. Two, there's a system benefits charge to fund public initiatives through the New York State Energy Research and Development Authority. Three, there's an earnings adjustment mechanism which provides potential increases based on meeting energy efficiency and building electrification targets. Four, there's a value of distributed energy resources to compensate distributed energy resources. And five, yes, the rates adopted by the Public Service Commission which may be temporary or those rates may be sliding rate increases. This is a very complex field. This is a very complex structure, as we know. And I appreciate what the sponsor is trying to do. This language -- the -- the broadest of this language is going to be very, very problematic. The make whole provisions of the law which allows the utility when you delay an implementation of a major public rate case after it was negotiated, it was public from the beginning what they wanted, goes through the process, takes months, over a year sometimes. They come up with a date, then the utility doesn't know

when it's approved until it's that day, and then they have -- it might take effect -- in one case they got the notification in October and then it was supposed to take effect in November. Under this legislation that would not be able to take place, but what it would do by delaying the implementation of that would cost millions and millions of dollars more to implement it, and what would what happen in that -- those millions and millions of dollars more would be a heavier lift and a bigger expense to the ratepayer who are gonna have to pay for this. I think in many instances we see bills like this asking the -- the PSC to do this, the PSC to do that. I've seen it. The one thing the PSC should really do if they were really serious, if this Body was really serious, we should have a line item on the bill to tell the public what it's gonna cost them to implement the CLCPA, the Green New Deal for New York. The PSC doesn't wanna do it, the Governor doesn't wanna do it and the Majority doesn't wanna to do it. Why? Because it's so costly you don't want your constituents to know how much it's gonna cost them. If it's such a good thing to fully electrify our economy, our energy grid, to put on these costs and challenge reliability of the grid, if it's so important, if it's such a good thing, then stand up for it and let the consumers know what it's gonna cost them. Unfortunately, this bill doesn't do that. I know what he's trying to do, the sponsor's trying to do. We have other legislation -- we passed Cap and Invest last year in the budget. We turned it over to the -- the DEC to implement these provisions. Now why can someone on the other side of the aisle or this Governor say why would you not want whatever the DEC comes

up with to implement Cap and Invest? Why would you not want that to come back to our House to take ownership of it, to have accountability and transparency of it and say hey, to our businesses, to our residents. My colleague mentioned the senior citizens and families. Why not bring that up for an up or down vote in this House to take ownership and responsibility for it? But unfortunately, nobody wants to do that because you know it's so costly. Then you can point the finger and say it wasn't us. Well, it was this House, this Governor who implemented it. There should be transparency and accountability when it comes to that. It's so costly. One of -- the costs of this already are out there. If we don't change the methodology of how we measure greenhouse gas emissions in the State of New York to a 100-year methodology to measure -- match every other state in the country, to match the United States, to match international code, it will increase prices at the pump for New York State residents by 63 cents a gallon and increase natural gas home heating costs by 79 percent. That's gonna happen, that's your own numbers. But yet, you're gonna implement this Cap and Invest program and we'll come up with legislation to say we need to be more transparent, but when we truly can be transparent and truly be accountable, I just hear crickets from the other side and that's unfortunate. I understand what the sponsor is trying to do to this legislation. We have a major runaway freight train heading down the tracks at the -- the residents of the State, at the businesses, the manufacturers of this State. They don't know what's coming. You don't want to let them know what's coming because you

don't want that transparency and accountability. We should bring back -- and I spoke to former Commissioner Seggos about the implementation of Cap and Invest. We talked about it on the floor with the Ways and Means Chair. If it's a tax, yes, we'd have to take it on. If it's a fee or an assessment, no, it can be done right through the regulatory process. That's passing the buck, ladies and gentlemen. That is kicking the can down the road so the public doesn't have an awareness. And the Commissioner of the DEC said to me, he goes, *We believe we have full authority to implement this*. Who cares how much this is gonna increase prices at the pump for our customer -- our constituents. Who cares how much it's gonna increase utility rates. So we can do bills like this. And I -- I respect the sponsor. Nothing against him, what he's trying to do. But it just comes up to this whole process of utility and energy policy in this State that is gonna have a -- a damning impact on not just the constituents I represent, but the constituents you represent. And at some point you're gonna have to be accountable and you're not gonna be able to say, *Well, it was the PSC's fault, it was the DEC's fault*. You guys gave power to them to do this. And to think that 63 cents a gallon and a 79 percent increase in natural home -- natural gas home heating costs is okay to take place, again, for climate change. And let's be realistic, New York's only 0.4 percent of total global emissions, .4. But yet China is 30 percent, has 1,000 coal plants and building more each and every week. And in fact last year China announced they were expanding their coal-generating capacity by 70 gigawatts. Seventy gigawatts. Our

total generating capacity in New York State is 41 gigawatts. That includes wind, solar, hydro, natural gas, nuclear and others. So we're not gonna make the impact. And we -- I haven't even talked about reliability, the challenge to the grid that the NYPA who is tasked with powering the grid to make sure the lights stay on, the power stays on. If you talk to businesses, they'll tell you, when you talk about energy prices or energy they care about two things: Affordability and reliability. Unfortunately, the policies we continue to advance in this House continue to put affordability and reliability on the back burner. You don't tear down a bridge before you build a new one, but that's exactly what we're doing with the energy infrastructure in this place. We want to totally dismantle the natural -- the affordable and reliable natural gas infrastructure supply and delivery system. The plan is really to take away consumer choice on how you heat our home, cook your food, power your buildings and the vehicle you drive. It's gonna challenge, it's gonna jeopardize reliability grid -- grid, lead to blackouts and continue the mass exodus of more New York families, farmers and businesses leaving this State.

So we can -- and I didn't even talk about child labor in the Congo, did I? Not here. But that's the another part of it. We don't want to talk about that, we don't wanna talk about energy or water pollution in African countries to mine for lithium. We talked about the child labor in the Congo time and time again.

There's so much wrong with the energy policy in this State, but all I ever hear is supposedly clean and green, and it's not

clean and green, and for that reason, Mr. Speaker, and for a lot of other reasons, I appreciate the sponsor and what he's trying to do with this legislation, but for the reasons I mentioned, the problems with the bill itself and then the general broad energy policy of the State, I'm going to be voting no and I would urge my colleagues to do the same. Thank you.

ACTING SPEAKER ZACCARO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZACCARO: A party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation. Those who support it should vote yes on the floor. Thank you, sir.

ACTING SPEAKER ZACCARO: Mr. Fall.

MR. FALL: The Majority Conference will be in favor on this piece of legislation. For those that would like to vote no, they can do so at their desk.

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Ardila to explain his vote.

MR. ARDILA: Thank you, Mr. Speaker. I want to thank you and my colleagues for helping me push this legislation

across the finish line. Let today be a day of reckoning to the fossil fuel industry as we hold them accountable, as well as the -- all electric companies accountable to the people. We're blazing the trail for -- to -- for a transition to a more just renewable economy that gives working-class families and vulnerable seniors a fighting chance when it comes to energy efficiency. And for that, I'm voting in the affirmative.

ACTING SPEAKER ZACCARO: Mr. Ardila in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 8, Rules Report No. 107, the Clerk will read.

THE CLERK: Assembly No. A08027, Rules Report No. 107, Glick. An act in relation to expanding eligibility for the cooling assistance component of the Home Energy Assistance Program.

ACTING SPEAKER ZACCARO: An explanation has been requested, Ms. Glick.

MS. GLICK: Certainly, Mr. Speaker. We all know that the low-income Home Energy Assistance Program provides supplemental support for people around heating, but not everybody realizes it does the same around cooling. And this -- this program, this -- well, the bill would change the program in that it would codify the waiver from COVID around the requirement that there be a

certified medical condition that is exacerbated by heat in order to be eligible for assistance. The assistance is to purchase and install an air conditioner or a fan, and this is the only change to the -- there are ten qualifying possibilities for being eligible, and this would remove one of them which during the COVID years, there didn't seem to be any misuse of the opportunity to get this, and as we all know, especially been in the LOB, we're experiencing more heat during warm weather, and it does have a negative impact on people's health. So this would just allow people to apply. The program doesn't guarantee, it's on a first-come, first-serve basis; doesn't guarantee assistance, but it would at least require that people -- low-income people would not have to first see a doctor in order to qualify, just removes that one element.

ACTING SPEAKER ZACCARO: Mr. Goodell.

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

ACTING SPEAKER ZACCARO: Ms. Glick, do you yield?

MS. GLICK: It would be my pleasure, Andy.

ACTING SPEAKER ZACCARO: It'll be her pleasure, Mr. Goodell.

MR. GOODELL: Thank you, Ms. Glick. It was my understanding that the State of New York uses all or almost all the HEAP funding that's available to the State under the current statutory framework; is that correct?

MS. GLICK: Yes. And I should note that the bill

wouldn't take effect until OTDA got a certification from the Feds that this wouldn't negatively impact our eligibility for the program. But it does, as I said, we do use all, we should spend more money, but we are -- I would suggest that if people have -- who are low-income who experienced exacerbated health conditions as a result of heat, we might, as taxpayers, be spending more than ameliorating their condition with air conditioning.

MR. GOODELL: Now, the effect of this amendment would be to increase the number of people that are eligible for cooling assistance under the program, correct?

MS. GLICK: Yes, as it did throughout the COVID years when this provision was waived, presumably because it was understood that people weren't going to be able to get an appointment with a doctor in any timely fashion during the COVID emergency. And during that time, we certainly didn't see any misuse or abuse. And yes, I agree with you that we should spend more money to provide for this program but at the moment, that shouldn't undermine people's ability to get assistance because they haven't -- don't have the ability to get a doctor's note.

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

Sir, on the bill.

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

MR. GOODELL: As my colleague noted, New York

State currently uses all -- all the funds that we have available for us through the Home Energy Assistance Program. And as my colleague also noted, the program currently operates on a first-come, first-serve basis. So under the current program when we're talking about cooling assistance, the cooling assistance component we, by statute, give a preference to those who have a medical condition that would be exacerbated if they didn't have air conditioning. So under the current system, if you have a medical condition, you get a preference.

This bill eliminates that preference, which means no longer would we give a preference to people have a medical condition who are at most risk for excess heat, and instead, without increasing any of the funding and knowing that there's not enough funding already, those people whose lives are at risk will now have to compete on a first-come, first serve basis with everyone else. As a matter of public policy and as a matter of public health, we should always give a preference to those whose life and health are dependent on this assistance before we open it up for everyone else.

And so with the absence of increased funding, I'm not willing to support legislation that would jeopardize the funding that's currently limited and currently given on a priority basis to those who have a medical condition. For that reason, I won't be supporting it. Thank you, sir.

ACTING SPEAKER ZACCARO: Ms. Glick.

MS. GLICK: Just to clarify for the Body, it was part of the requirement, but it was not a preference. It is a first-come,

first-serve and did not -- there's nothing in the program that actually provides for a preference to people who have a medical documentation. And I will just say that according to OTDA, the information provided is that 4 percent of the HEAP funds go to the cooling program, therefore 96 percent go to the heating program.

So I just want to clarify for the Body that requiring people, and in particularly a warming climate, particularly in many communities, low-income communities where they don't have sufficient funds for an air conditioner, or a fan, that this require -- this additional requirement of getting a -- a doctor's note adds a burden that makes it impossible for people, perhaps, to actually in any timely way get access to the program. So this just opens it up in a reasonable way, and many people don't realize that there are many basic conditions that are exacerbated by higher heat, but one need not have to be forced to see a doctor in order to get access to the program, but I certainly look forward to a bill that provides preference to people with a medical condition. And I urge a yes vote.

ACTING SPEAKER ZACCARO: Read the last section.

THE CLERK: This act shall take effect on the 30th day.

ACTING SPEAKER ZACCARO: A party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican

Conference is generally opposed to this legislation. Those who support it should certainly vote yes on the floor. Thank you, sir.

ACTING SPEAKER ZACCARO: Thank you.

Mr. Fall.

MR. FALL: Thank you, Mr. Speaker. The Majority Conference will be in favor of this piece of legislation. For those that would like to vote no, they can do so at their desk.

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Fall.

MR. FALL: Mr. Speaker, could we now turn to Rules Report No. 109, Rules Report No. 109 by Ms. Solages; followed by Rules Report No. 114 by Ms. Cruz; then Rules Report No. 136 by Ms. Jean-Pierre.

ACTING SPEAKER ZACCARO: Page 8, Rules Report No. 109, the Clerk will read.

THE CLERK: Senate No. S08372, Rules Report No. 109, Senator Parker (Solages, L. Rosenthal, Thiele, Simon, Colton, Otis, Lupardo, Santabarbara, Shrestha, Kelles, Epstein, Seawright, Septimo, Reyes, Simone, Jacobson --A08611). An act to amend the Public Service Law, in relation to utility intervenor reimbursement;

and to amend the State Finance Law, in relation to establishing the Utility Intervenor Account.

ACTING SPEAKER ZACCARO: An explanation has been requested, Ms. Solages.

Ladies and gentlemen, please keep it down.

MS. SOLAGES: The purpose of this bill is to establish a utility intervenor reimbursement account, and to authorize the Department of Public Service to reimburse certain parties for the cost of participating in proceedings.

ACTING SPEAKER ZACCARO: Mr. Palmesano.

MR. PALMESANO: Yes, Mr. Speaker. Will the sponsor yield for some questions?

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

MS. SOLAGE: Yes.

ACTING SPEAKER ZACCARO: Sponsor yields.

MR. PALMESANO: Thank you, I appreciate it. I know we talked about this last year, we had a debate on it. The Governor vetoed this bill two years ago, one of the phrases she used was that it would provide a blank check reimbursement for customers and a third-party represent patient with no cap. And then she vetoed it again last year saying it's duplicative, so it's been vetoed twice. Has the language of this bill changed at all to address the concerns the Governor raised, or the comments we debated on the floor last year and the year before?

MS. SOLAGES: Well, the two Houses agreed that this legislation is what New Yorkers need and so we felt that the language does not need to be changed and maybe we might change our advocacy, but we are looking forward to pushing this the same language.

MR. PALMESANO: Okay, that's -- that's fair. So no changes?

MS. SOLAGES: No changes.

MR. PALMESANO: Okay, all right. And so really from your perspective, the fact we have a -- the Public Service Office of Consumer Affairs; the Utility Intervention Unit of New York State Department of State; Division of Consumer Protection who represents consumers at utility rate increases. We also have Consumer Frauds and Protections at AG, none of them are sufficient to address that they're being paid for by, you know, through tax dollars and others. None of them are sufficient to address (inaudible) concerns?

MS. SOLAGES: So I have to, you know, really disagree with the veto message because, you know, this is not a blank check. This actually creates a process where groups can apply for reasonable recovery of expenses, and also it creates a dynamic where community members, community-based organizations can be a part of the process and advocate for a reduction in utilities. We've seen this dynamic exist in other states and it's -- it has been beneficial as we saw that, you know, the -- the ratepayers were able to starve off, you know, an increase. And so, you know, we are hopeful that a broad

range of groups can have a say in the process.

MR. PALMESANO: No, I understand that. And also, another one, the Special Council for Ratepayer Protection was created in October of 2020 by our former Governor. That position is specifically charged with representing interests of residential and commercial customers of New York State's regulated electric, gas, and telecom companies with the ability to participate in public service proceedings. So that special position that we created that's being paid for by taxpayers, that's not enough either, correct, in your opinion?

MS. SOLAGES: You know, it's -- it's important that we have multiple entities fighting for the ratepayers. And we've seen that many of these community-based organizations are now helping ratepayers with arrears and other issues that they have with utilities. So they might be, excuse me, spread thin and so, you know, we need to make sure that there's support and that when these proceedings happen, that organizations have the opportunity to advocate for the residential and small business ratepayers. And so, you know, this just makes sure that we are, you know, providing enough support for advocacy for the ratepayers, we're putting ratepayers first instead of shareholders.

MR. PALMESANO: Sure. Is there anything, specific language to limit the definition of a participant to preclude any of the following entities to seek reimbursement from the ratepayers from this intervenor fund: The New York State Attorney General; the Utility Intervention Unit; New York State Energy

Development Authority, NYSERDA; New York Power Authority; any municipalities, net metering, customers or community choice aggregate programs, is there anything in this language in this bill that would preclude them from seeking intervenor funds to make advocacy?

MS. SOLAGES: As we said before, this creates a process so the Commission would have to approve those entities that were seeking reimbursement. And, you know, it's unlikely for, you know, the Commission to approve a State agency to get reimbursement. So for -- for the few that you mentioned I think would not qualify.

MR. PALMESANO: What about other intervenors that receive public funds? Would they be qualified or eligible for additional funding? Like one, not that, you know, like the Public Utility Law Project, they get State funds. Would they be eligible for these intervenor funds on top of that?

MS. SOLAGES: So PULP would be eligible but, again, the Commission would have the say of who is eligible or not. And so, they would have to meet a threshold.

MR. PALMESANO: Okay. And is there any cap on what one of these intervenors, if you have a bunch of intervenors now coming in for different interests, from different angles, whether it's, you know, advocating, for, you know, like when we have a lot of projects that are going before, you know, like wind and solar, you know, the offshore wind which was very controversial off the shores

of Long Island. Would those agencies advocating on behalf of that be eligible for intervenor funds, and would those individuals who were advocating against that be eligible for intervenor funds? How would that work exactly? Because they're obviously advocating for a wind and solar project, that's going to increase rates, but now they're going to get intervenor funds that could also increase rates further on top of that, correct, or am I wrong?

MS. SOLAGES: So we're creating a process, so right now we're just saying within this legislation that groups can apply for reasonable recovery of expenses, and the Department would have discretion over the level of intervenor reimbursement and their role would be a check to -- would be checked to -- would be a check and balance. So it would not be just a free-for-all. It would actually be a streamlined process that's done.

MR. PALMESANO: Okay. Thank you for your time. We don't need to belabor this anymore.

Mr. Speaker, on the bill.

ACTING SPEAKER ZACCARO: On the bill, Mr. Palmesano.

MR. PALMESANO: Sir, yes. Again, I appreciate the sponsor's intention. Obviously, she's concerned about the ratepayer. The concern I have is this bill has been vetoed twice. I mentioned one -- paraphrased part of it from last year where the Governor mentioned the cap, specifically last year's bill, her message says, *This bill is identical to legislation I vetoed last year and would*

lead to additional costs borne by utilities, which would be passed on to the ratepayers. Additionally, advocacy on behalf of ratepayers exist in a multitude of venues, including the Department of Public Service Consumer Advocate, the Department of State's Utility Intervention Unit, State funding for intervenor groups that participated in proceedings on behalf of consumers before the PSC, and reimbursement for intervenors at PSC proceedings regarding transmission and electric generation facilities siting. The existing venues for ratepayer advocacies are robust and well-funded, making this legislation duplicative and unnecessary while also -- while also likely imposing significant costs on the consumer.

The bill was vetoed twice, no changes. We're here again, maybe third time's a charm, hopefully third time leads to another veto. Again, I understand the intentions behind the legislation. There's already sufficient oper -- well, organizations in place that advocate on behalf of the ratepayer. Again, one of the most recent ones was a special counsel of ratepayer protection in October 2020, on top of the other ones that I mentioned, specifically charged to advocate them on behalf of ratepayers at ratepayer hearings. But to think that other groups could come in, we know we've seen, like, the offshore wind, the fight there, so those advocating on behalf of it can go to the proceeding to possibly get intervenor funds for that, they can advocate on behalf of the project they might be interested in, or the people who are opposing that have that same protection. I think also this is going to lead to, especially

when you talk to the telecom industry, it's going to lead to a lot of private sector dollars that would be used to help develop and install broadband and help provide internet access to some of those areas, that's diverting money from that to these other things that are not needed, that are duplicative. We could talk about this time and time again. I mean, the Governor had vetoed it twice. If we want to talk about our rates, we can talk about that. Last year the PSC approved \$43 billion in future ratepayer increases to meet the mandates of the Green New Deal, the CLCPA. Will there be rights for people to tap into that to fight that? The cost to fully electrify your home and to change off natural gas, (inaudible) estimates both by the Climate Action Council, the Consumer Energy Alliance, and another said it would cost homeowners \$35,000 to convert their homes over from natural gas. Costs are going up and up and up, and we continue to see bills that say we are looking out for the ratepayer, but when it comes to transparency, again, I said it in the last debate, the Cap and Invest program that the DEC's getting ready to roll out after Session ends and implement without any feedback, without any stamp of approval, without any up or down vote from this Legislature, in my opinion, is unacceptable. That's not accountability, that's not transparency. The reason it's not going to come back for a vote is because you don't want to take that vote.

The fact of the matter is if we make no changes, prices at the pump are going up 63 cents a gallon, natural gas home heating costs are going up 79 percent, one thing after another, after

another. We also talked about the mother of all unfunded mandates with the electric school bus bill mandate that starts taking place in 2027, and the hypocrisy of that legislation, aside from the cost, to say that the State of New York has to convert their whole energy fleet -- their whole -- no, excuse me, that school districts have to convert their whole entire bus fleet to electric by 2035 with no off ramp for feasibility, whether it could be done regardless of the cost, but we have to have our school districts be the guinea pig for this experience and to put this in place, a full five years before the State of New York has to convert their medium and heavy duty fleet. One policy after another policy, but yet the State of New York does have an out clause if it's not feasible to do so, but yet our school districts are going to bear the brunt of this. We don't talk about the reliability of this getting our school buses from, you know, especially in very large geographical areas. We had two superintendents up here that talked about the cost. Forget the cost of electric school buses, 4- to 450,000 versus 125- to 150,000 for a near zero-emission school bus, forget that it's going to cost billions of dollars to convert over to electric versus the replacement of diesel, \$8- to \$15 billion by one estimate, billions of dollars to do the charging infrastructure, but then millions and millions of dollars on local property taxpayers because one school superintendent I believe at Shenendehowa said they would have to build a \$30 million substation to bring the power, to power that school and electric school bus. Worse, that school district said \$5- to \$10 million, totally borne by the ratepayers, the property taxpayers there.

But yet, as we develop more wind and solar, we should be putting Upstate lands to bring the power Downstate, our ratepayers are expecting to subsidize that cost to bring the power Downstate when 90 percent of our generation Upstate is already emission free, 90 percent Downstate is fossil fuel, it became worse after shutting down Indian Point. So I know you're sick of hearing me talk about this stuff, stop bringing these bills up and you will see less of me talking about it on the floor, that I assure you. Start taking some action that's going to look out for the -- the ratepayer, the taxpayer, the consumer. These bills aren't doing that. All this is going to do is increase the cost to the ratepayers. And when I talked about the emissions before, increasing -- if we don't change to 100-year methodology, both Basil Seggos and Doreen Harris, co-architects of the Climate Action Council Plan, last year when they tried to advocate for this, which landed with a thud, unfortunately, said if it doesn't work for the customer, it doesn't work for the ratepayer or the business, it's not going to work. It's not going to work because when you talk to businesses and you ask them what they think about when they talk about energy costs, affordability and reliability.

Unfortunately, this bill is a step, and I understand what the sponsor's trying to do like the previous sponsor, the energy policy being advanced in this House and by this Governor is -- is a -- is a -- is a runaway train going down the tracks that the public really has no idea. The costs are exorbitant. The reliability challenges are -- are -- are significant according to NYISO, but we don't want to talk

about that. It's kind of like dismantling an affordable and reliable infrastructure before you build a new one. I said it before, you don't tear down a bridge before you build a new one. But that's what -- exactly what this House is doing with the energy policy you continue to talk about, you continue to advocate and continue to push down the throats of New York families, businesses, farmers and small businesses everywhere. And I don't know when it's going to change, probably not because it's all under this Green New Deal, clean deal, and it's not clean, it's not green, and I won't even get into that because you know where I'll go with it. So it's up to you. If you don't want to hear me keep talking about this, don't bring up these bills that make me talk about it.

So Mr. Speaker, I will, again, for the third year in a row be voting in the negative on this bill, and it's my hope that the Governor vetoes this bill for the third year in a row, and I urge my colleagues to vote no, too. Thank you.

ACTING SPEAKER ZACCARO: Read the last section.

THE CLERK: This act shall take effect on the 30th day.

ACTING SPEAKER ZACCARO: A party vote has been requested.

Mr. Goodell.

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

support it should vote yes on the floor. Thank you, sir.

ACTING SPEAKER ZACCARO: Mr. Fall.

MR. FALL: The Majority Conference will be in the affirmative on this piece of legislation. For those that would like to vote in a different direction, they can do so at their desk.

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Jacobson for an explanation.

MR. JACOBSON: Thank you, Mr. Speaker, to explain my vote. I want to thank the sponsor for bringing this bill. Sometimes good bills do get vetoed first, but the purpose of this bill is to bring balance to the process, for the rate increase process. I'm not worried about the downtrodden utility companies being overwhelmed by intervenors. What I would like to see is a little balance in the process because it is a difficult process, it's very complicated. And by having intervenors being reimbursed, it'll make it -- there'll be a better chance that consumers will be represented more fairly and get their point across before the Public Service Commission.

So I wish to thank the sponsor again for bringing this bill and I gladly vote in the affirmative.

ACTING SPEAKER ZACCARO: Mr. Jacobson in the affirmative.

Ms. Solages to explain her vote.

MS. SOLAGES: Thank you, Mr. Speaker. Now

more than ever residential and small business utility customers need an equal seat at the negotiation table in matters that affect the affordability and reliability of essential utility services. We've seen intervenor -- we've seen utilities increase by double digits while they use millions of dollars in ratepayer funds to pay for their advocacy and their policy changes. But we are leveling the playing field with this legislation. Intervenor programs have saved billions of dollars in rate hike since the 1980s, and we've seen in other states it's a paradigm that works. So why not apply it to here New York State? So I'm voting in the affirmative and I encourage my colleagues to do so because we need to put the ratepayers first, and that legislation does that.

ACTING SPEAKER ZACCARO: Ms. Solages in the affirmative.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, Mr. Speaker. I agree with my colleagues on the other side of the aisle that we need to put the ratepayers first; unfortunately, we've been putting them last. New York's electric rates are 50 percent higher than the national average according to Federal Energy Information Agency, you can look it up yourself. And why is it higher? Well, we've shut down cost-effective, clean burning natural fuel plants, and we replaced them with unreliable, extremely expensive wind and solar power that's unreliable. We then impose massive billion dollar surcharges on all of our residential bills. In the City of Jamestown, which by the way, is 100 percent hydro, they pay well over, I think it's \$2- or \$3 million in

just surcharges, which is passed on to the consumer. We expect our utilities to dramatically expand transmission lines. Yet, at the same time this bill would charge the utility company customers, the ratepayers, because that's where all the utilities might come, it doesn't come from some magic cash tree in the backyard, all the money from the utility comes from the customers. And so now this bill says, let's charge the customers to pay for people to challenge how much the customers are paying, and guess what? All that does is raise the cost to all the customers. And so if we're serious about reducing the cost of electricity, let's cut back on the programs that force our utilities to buy electricity that's several times more expensive than what they could buy. Let's eliminate these billion dollar subsidies and let's focus on really making New York affordable rather than driving everyone out to the states that have, actually have, affordable electricity. Thank you, sir.

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

(The Clerk announced the results.)

The bill is passed.

Page 8, Rules Report No. 114, the Clerk will read.

THE CLERK: Senate No. S08110, Rules Report No. 114, Senator Martinez (Cruz, Colton, Burdick--A09015). An act reconvening the New York State Sea Level Rise Task Force; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER ZACCARO: An explanation

has been requested, Ms. Cruz.

MS. CRUZ: Not all at once, guys.

This bill would reconvene the Sea Level Rise Task Force, which last time met in 2010, to update and publish a report to reassess the anticipated impact of sea level rise, and interrogate climate change adaptation strategies, and dissolve the task force after the publication of such report.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Would you recognize Mr. Simpson?

ACTING SPEAKER AUBRY: Mr. Simpson.

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

MS. CRUZ: Of course.

ACTING SPEAKER AUBRY: Ms. Cruz yields, sir.

MR. SIMPSON: So I looked back, and you referenced a 2010 convene --

MS. CRUZ: That's right.

MR. SIMPSON: -- they convened. I thought it was 2007 when it was -- and then they issued a report in 2009.

MS. CRUZ: The records that we have is 2010. They first met in 2007, the report is from 2010.

MR. SIMPSON: Say that again.

MS. CRUZ: They first met in 2007 and the report is from 2010.

MR. SIMPSON: Okay, thank you. So where are we at with that report?

MS. CRUZ: The report came out and there were several recommendations that, some of them were implemented including a funding of the Bond Act, as well as supporting natural infrastructure changes in considering the rise in sea level when making certain decisions.

MR. SIMPSON: There were actually 14 recommendations.

MS. CRUZ: Well, if you -- I'm not going to read all of them, I'm giving you a few.

MR. SIMPSON: Well I mean, I'm bringing that up because I think it's pretty significant that we, you know, had this convene -- convenor -- had all these people come together, people with expertise that expended resources, shaped policy and, you know, made a recommendation that 14 specific actions get taken. And so my question is, you talked about a few. I'm wondering where we are. Essentially, basically, what's the score card? Where are we at? I mean, because there was -- there was, you know, when I bring this up, it's pretty specific and detailed.

MS. CRUZ: So I don't have specifics on every single one of the 14, but as you can imagine when it comes to legislating, you can implement the bill and ten years after, things change. The political climate can change. The -- and here it's actually our atmospheric and the things that have been happening can change and

certain things we update. So many of those recommendations may even be outdated. So we want to make sure that we are convening the group again to provide whether it's updates to those, whether it's ensuring that they were implemented the way that we intended them to be, and if there's new recommendations that need to be made, that we make those as well.

MR. SIMPSON: Well, my -- my concern, and basically my question, let me go back to it again is, I mean, they were so specific that, you know, they -- like here's number five, reduce vulnerability in coastal areas at risk from sea level rise and storms. That's so specific. I mean, that to me as a representative of --

MS. CRUZ: Which number was it that you were saying?

MR. SIMPSON: Number five.

MS. CRUZ: Mm-hmm.

MR. SIMPSON: It's pretty specific, it's dealing with infrastructure that is required, being recommended to address the data that these people that were convened came together and said, *This is what we support*.

MS. CRUZ: And I agree with you. It's actually, I think, one of the more -- most important reasons why we need to reconvene them. There is not a particular body that exists out there that is looking at the recommendations to see if they were implemented correctly, if there are updates that are needed, if there are changes that are, frankly, sometimes in legislating we make

mistakes, was something here not appropriate and needs to be updated.

MR. SIMPSON: So essentially we're going to assess

--

MS. CRUZ: A little bit of both, yeah. There's going to be assessment and there's -- as well as a -- new recommendations. We have to take a look at advancements in science. We have to take a look at what has government actually done to supporting infrastructure as well as prevent damage from -- from whether it's rains, whether it's storms, et cetera, and see if we did it right and what else we need to do.

MR. SIMPSON: Okay. Also in this bill, it's specific about when this report, if should this bill pass, should become available --

MS. CRUZ: Oh, it's going to, but okay.

MR. SIMPSON: -- 2025.

MS. CRUZ: Mm-hmm.

MR. SIMPSON: The first report took two years. We don't know where we are with its implementation, whether it was taken seriously, whether it shaped policy in New York in 20 years, and --

MS. CRUZ: Well, I wasn't here -- I wasn't here for the last one. I tend to be one of those legislators that actually is on top of bills that I pass, so I intend to work with the agency to make sure that it's done in a timely fashion and if it's not, to hold them

accountable, which I think many of my colleagues often do when we really care about a subject.

MR. SIMPSON: So it seems like a year is probably going to be inadequate to assess something as impactful, something as important that took two years, wasn't implemented, maybe, wasn't 100 percent implemented, was largely put on a shelf --

MS. CRUZ: So part of the work that are going to be doing is assessing and updating. Part of it is going to be a brand new look at some of these items. I suspect that it's not going to take the three years because we don't have to reinvent the wheel.

MR. SIMPSON: Well, I think, you know, when it starts having language, you know, this bill has language, that -- you know it's looking at shoreline erosion, damage mitigation, post-storm approaches, that's significant study work when you look at the coastline of New York. You take into account the science behind what we're assuming is causing this damage or issue or threat to New York, you've got 16 -- in this bill there's 16 members, I mean there's scientists here --

MS. CRUZ: Including members of the Minority, which I'm sure that makes you guys very happy.

MR. SIMPSON: Correct, and that -- I don't want to forget about the question about that, before I forget, the Minority Leader was not included, even though we have a Minority appointment, in receiving the report --

MS. CRUZ: Well, we can't make you happy all the

time, so we're trying. But go on, you were asking about the length of time that it would take --

MR. SIMPSON: So this is -- so when you look, you know, we're -- we're -- Commissioner of Transportation, Commissioner of Health, Commissioner of Environmental Conservation and designee, Secretary of State. So a year to convene and assess this threat to New York that we've heard is, you know, I've heard the extreme of, you know, we're all going to be gone here in a short period of time if we don't take drastic changes. That was said back in 2009 but nothing was changed. We don't even know, as legislators. And here we are again creating another study, which I'd like to know, we need a study on how many studies we've done and where we've ended up with at the end, whether we've improved New York or whether we've just created headlines.

MS. CRUZ: I have a feeling we've come a long way and probably have improved many aspects of New York. But on this particular issue, again, we're not starting from scratch. Those three topics that you mentioned were part of the original study. So they're going to -- the idea is to go back and look see what was proposed was done, was it done correctly, and do we need to update it based on a number of factors. So it's not going to start from scratch where you're going to have everybody coming in and trying to figure out for three years what to do. And in the event that something happens, knock on wood, some sort of emergency, another pandemic, which I'm not hoping for, but there are things that happen that delay a process. I'm

not going to be -- we're not going to be in a position where if it's an extra six months, the world's falling apart. You know, the idea is let's get this done by 2025 and if we need a little bit of extra time to get it right, I don't think any of us are going to oppose that.

MR. SIMPSON: Okay. So I have a question, also. So I mentioned, you know, at sea rise, but as you well know in the western part of New York, you know, we've had significant flooding. I'm not in Western New York, but Western New York experiences extreme flooding, you know, Lake Ontario and the Great Lakes, we have the St. Lawrence Seaway; is that included in this study?

MS. CRUZ: Can you repeat that question?

MR. SIMPSON: I -- I mentioned, you know, the title of the sea rise or the commission, is it going to take into account the flooding in Western New York?

MS. CRUZ: So this is -- the way that it was set up, it's not just for the coast, but also along the Hudson River, but there are other studies, from my understanding, that look at that specific issue that you're asking about.

MR. SIMPSON: And it also includes terrestrial, you know, impacts, impacts to, you know, basically plant life and all that, native plants. So it's the entire State I would assume, or is it just coastal plants?

MS. CRUZ: It's -- it's the impact that - sorry - it's the impact that the coastal flooding would have on not just coasts, but the entire State.

MR. SIMPSON: Okay. And then as I said, and you correctly pointed out that there is Minority representation on this, but the report is not being forwarded to the Minority Leader.

MS. CRUZ: I mean, it's made public, it's going to the Legislature. I would assume him being the Minority Leader he would get it.

MR. SIMPSON: Well, I just wondered why it was left out when it's certainly highlighted, it goes to the Speaker, it goes to the Senate President, but doesn't go to the Minority Leader, but we have a Minority representative.

MS. CRUZ: I will make sure he gets a copy.

MR. SIMPSON: And, you know, I didn't -- I wasn't aware of this until this bill was entered in this system. I don't know how many New Yorkers realized that there was actually a study back in 2007, report came out in 2009, and now we're proposing to do it again. So as I said, it seems like a lot of this stuff ends up, you know, we make a big push to do it, but then the follow-through becomes an issue.

MS. CRUZ: I can't answer as to what has happened in the past. I can tell you that my goal is to make sure that we take this seriously, that we come up with a review of whether we did this the right way, if we need to improve any of the recommendations, giving you the extra time to implement them, and -- and actually to get an answer. Did we do it right or not? And then make sure that it's in a timely manner and that we are actually following through because

I think you're correct in that if we're going to be asking, whether it's government or an entity to study a subject, an issue, and tell us if we did it right and implement something, then we've got to follow through.

MR. SIMPSON: And that's my point, because in that 2009, or -- yeah, 2009 report, they cite the 1.5 percent -- or 1.5 degree temperature rise.

MS. CRUZ: Mm-hmm.

MR. SIMPSON: We're still talking about the same 1.5 degree temperature rise --

MS. CRUZ: That should tell you a lot.

MR. SIMPSON: -- 20 years later.

MS. CRUZ: And that should tell you a lot. We have not done everything we can to make sure that we are watching for all of these threats to our State.

MR. SIMPSON: My point is, we're still talking about the same projected increase, that, you know, our has --

MS. CRUZ: It's per year, yeah --

MR. SIMPSON: -- per, yeah.

MS. CRUZ: It's -- it's not an increase of, like, overall. The way that I'm reading it, if it's the same one that you're talking about, it's this is a steady increase every year. It's the same thing with the level of flooding, it's a steady increase every year. And so it can get to the point where it can create a real danger if we don't actually implement a lot of these in the right way, a lot of these

recommendations.

MR. SIMPSON: So it's your contention that over 20 years, our temperature -- average temperature has risen 1.5 degrees per year?

MS. CRUZ: I'm not a scientist, I'm a lawyer. I'm just saying that if we're reading the same one, that that's probably where it's going.

MR. SIMPSON: All right. Well, thank you for answering my questions.

MS. CRUZ: Thank you.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. CRUZ: Sure.

ACTING SPEAKER AUBRY: Ms. Cruz yields.

MR. GOODELL: Thank you, Ms. Cruz. I read an article recently that suggested that with all the skyscrapers in New York City that New York City itself is sinking. Is that within the scope of this study?

MS. CRUZ: Potentially it could be. I guess it would depend on the reasoning given in your article. I haven't read that article so I don't know.

MR. GOODELL: And to follow up on my

colleague's question, how much has the sea level risen since 2010?

MS. CRUZ: Hold on one second because I actually do have a number for that.

(Pause)

It's about a foot since the year 1900, but it's about 1.2 inches per decade. So you would think about 1.2 inches because it's almost ten years since that -- that study was done, since that conversation.

MR. GOODELL: I see. Now, I note that the membership on this -- this task force, it's Commissioner of Environmental Conservation, appointed by the Governor; Secretary of State, appointed by the Governor; Commissioner of Transportation, appointed by the Governor; Commissioner of Health, appointed by the Governor; Director of State Emergency Management, appointed by the Governor; Superintendent of Insurance, appointed by the Governor. Is there any reason why the Governor's cabinet can't work together to address a serious issue like this?

MS. CRUZ: Well, two things. That sounds more like a political answer --

MR. GOODELL: No, I'm just wondering --

MS. CRUZ: Hold on, hold on; you asked me the question.

MR. GOODELL: I'm just wondering why we need to tell them to work together.

MS. CRUZ: Mr. Goodell, Mr. Goodell, if you ask

me a question, I get to answer it the way I want it, not the way you need to hear it, right?

MR. GOODELL: Of course. I'm waiting for the second reason.

MS. CRUZ: I'm not going to miss this at all.

Mr. Goodell, the way that you're asking the question, it's framed in a way that would require a political answer, which I'm not going to give. But what I will tell you is that it is the same composition that the last time the task force was convened.

MR. GOODELL: I see. I wasn't here in 2007, so I was unable to ask that question then. But certainly, there's nothing in statute, law, rule or regulation that would preclude the Governor's cabinet from working together, correct?

MS. CRUZ: That's correct.

MR. GOODELL: Now, since 2007 when we first set this up, there had been serious issues with sea water flooding, right, in New York City, for example.

MS. CRUZ: That's unfortunately correct, yes.

MR. GOODELL: Am I correct that that caused substantial damage to the New York City subway system and a lot of their infrastructure.

MS. CRUZ: Yes. People died, it was -- it was a couple of terrible times, yes.

MR. GOODELL: Is there any reason why there's representatives from Nassau and Suffolk County on Long Island but

no representative from the City of New York?

MS. CRUZ: That -- that's not correct.

MR. GOODELL: Okay. Who's the representative from the City for New York?

MS. CRUZ: A member appointed by the Mayor of the City of New York.

MR. GOODELL: I'm sorry, what line is that? Oh, I see; okay, great. And is that City of New York working on its own to harden its infrastructure and prevent --

MS. CRUZ: It's the what, I'm sorry?

MR. GOODELL: Is the City of New York working on its own to protect its own subway system and its own infrastructure in the last 14 years since this report was last issued?

MS. CRUZ: I will answer anecdotally because I'm not 100 percent sure of the ins and outs of what they're doing, but my understanding from having seen the news is there -- over the last ten years there has been a number of things implemented, but they don't always work. As we saw during Ida, there are -- and this is again, more anecdotally in the trains, they installed -- the MTA, some sort of crates or grates to make sure there was no flooding and it still happened. So while they are doing some of the work, it is unclear if it's working the way that it needs to.

MR. GOODELL: Now, of course we have a State of Emergency Management Office, headed up by a cabinet-level appointee whose sole responsibility is to protect the State from this

type of situation, isn't it? Have they themselves moved forward with analyzing and making recommendations to protect New York State residents from rising seawater?

MS. CRUZ: Mr. Goodell, I believe that that's beyond the scope of what this bill does.

MR. GOODELL: I see. Thank you very much.

MS. CRUZ: Thank you.

MR. GOODELL: On the bill, sir.

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

MR. GOODELL: As my colleague has pointed out, we had a special commission, but in 2007 they issued a report in 2010, not sure how much that report has been implemented in the last 14 years and so our response is to, again, by law, direct the Governor's cabinet to meet and work together. I actually have a fair degree of confidence in the Governor's staff. I actually think that the State Emergency Management Office is doing its job in considering this. I actually think that the City of New York, having suffered millions and millions of damages from a storm surge, that they're doing their job. In fact, I think all these folks are doing their job. What I don't think is it's our job to tell them to do their job. And for that reason, I don't think the legislation, I hope the legislation is not necessary, and if it is necessary, we have a lot more serious problems going on with the executive branch. And for that reason, I will not be supporting it. But thank you to my colleague. Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: A party vote has been requested.

Mr. Goodell.

MR. GOODELL: I certainly hope that we're not all wet, but the Republican Conference is generally opposed to this task force -- for the need for this task force. Those who support it should vote yes. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples- -- Mr. Fall, I'm sorry.

MR. FALL: Thank you, Mr. Speaker. The Majority Conference will be in favor of this piece of legislation. For those that would like to vote no, they can do so at their desk.

ACTING SPEAKER AUBRY: Thank you both.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: Ways and Means,

Speaker's Conference Room, immediately. Thank you.

Page 9, Rules Report No. 136, the Clerk will read.

THE CLERK: Assembly No. A10336, Rules Report No. 136, Committee on Rules (Jean-Pierre). An act to amend the Transportation Law, in relation to the membership of the Republic Airport Commission.

ACTING SPEAKER AUBRY: On a motion by Ms. Jean-Pierre, the Senate bill is before the House. The Senate bill is advanced.

Ms. Jean-Pierre, an explanation has been requested.

MS. JEAN-PIERRE: This bill is an act to amend the Transportation Law in relation to the membership of the Republic Airport Commission, to simplify the nomination and appointment process for the Republic Airport Commission.

ACTING SPEAKER EACHUS: Mr. Goodell.

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

ACTING SPEAKER EACHUS: Will the sponsor yield?

MS. JEAN-PIERRE: I will yield.

ACTING SPEAKER EACHUS: She yields.

MR. GOODELL: Thank you, Ms. Jean-Pierre. Is there -- is there anything wrong with the current composition?

MS. JEAN-PIERRE: Well, this bill would just extends the -- just changes the pool of options for us to have

candidates for the Commission.

MR. GOODELL: Now, I see the original Commission had specific representation from the Town of Babylon, that's been eliminated; is that correct?

MS. JEAN-PIERRE: Correct.

MR. GOODELL: And it had specific representation from the most affected school district, that's been eliminated as well, correct?

MS. JEAN-PIERRE: So -- so they're not eliminated, they just -- it's just an expansion on to what -- they would still qualify.

MR. GOODELL: But the membership hasn't increased.

MS. JEAN-PIERRE: I'm sorry, I just can't hear you.

MR. GOODELL: So the original required three residents of the Town of Babylon and three residents from Farmington School District, so six representatives were from those two entities. Any reference to those two entities have been removed, right, from this bill, as members, as guaranteed having representation, correct?

MS. JEAN-PIERRE: They don't need -- they don't -- they're not disqualified, it's just -- there's just no requirement for the list. It just expands the pool of options from candidates within not only in the Town of Babylon or the school district, it expands to Nassau and Suffolk County.

MR. GOODELL: I see.

MS. JEAN-PIERRE: That's all we're doing.

MR. GOODELL: And is there any reason why there's no Minority appointments at all, or even recommendations from the Minority? I see there's, what, four from the Speaker but none from the Minority Leader; why is that?

MS. JEAN-PIERRE: Well, it appears that all of these authority boards that's just not a normal practice, it's just not normal for authority boards to have them. So you would have to question all the boards -- authority boards.

MR. GOODELL: Now, am I correct that the majority of representation on Long Island is Republican?

MS. JEAN-PIERRE: I'm not sure (inaudible). That's not in this bill.

MR. GOODELL: No, I understand. But my question is if the majority of Long Island is represented by Republicans, how come there's no recommendation for membership on this commission from the Republican Minority leadership?

MS. JEAN-PIERRE: Nothing is stopping leadership from appointing any -- it doesn't have to be -- this is not a Republican or Democratic board, but nothing is stopping Republican officials elected to communicate with the Speaker to appoint a candidate.

MR. GOODELL: I see. We're just not going to allow the Republicans to make recommendations --

MS. JEAN-PIERRE: I think you were just saying that we're allowing the leadership to make that appointment and our current leadership is our Speaker, so you can communicate with our

Speaker and he can make that appointment.

MR. GOODELL: And has been for over 50 years, right?

MS. JEAN-PIERRE: That's the way the bill is written, but that's not the way the bill -- this is not what we're -- it's not in that context. But if you have an appointment, you can reach out to the leadership and you can consult the leadership with your candidate, like any other authority board.

MR. GOODELL: I see. So this bill provides that the Democratic leadership in the Senate and the Democratic leadership in the Assembly can make recommendations to the Democratic Governor and if they want to, they could actually recommend a Republican, that's not going to be illegal, but we're not taking any recommendations from any Republican leader. It's just part of the bill; correct?

MS. JEAN-PIERRE: Is that a question? You're asking me a question in another way? It's the same question?

MR. GOODELL: Yes, is that correct? I mean, I'm reading this bill right, correct?

MS. JEAN-PIERRE: This bill is just saying that we're opening up the pool of candidates for the Commission so we can expand and we can fill up some of the seats. It's not talking about any parties.

MR. GOODELL: Okay, thank you.

MS. JEAN-PIERRE: Thank you.

MR. GOODELL: Sir, on the bill.

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

MR. GOODELL: Isn't it amazing that you can have an area that has excessive Republican representation and then pass a bill that doesn't give them any recommendation on the Commission for the Republic Airport? I mean, really. Even if we didn't represent a large portion of that area on Long Island, it would seem that maybe the leadership that represents a third of the State residents ought to be at least given the opportunity to make a recommendation. And, keep in mind, it's just a recommendation to the Governor who's a Democrat anyway. I'm just saying, hey, let's start looking at being bipartisan and open to new ideas, especially when it comes to a commission like this. So I'm disappointed that partisanship trumps policy, and for that reason I won't be supporting it, but some of my colleagues might. Thank you, sir.

ACTING SPEAKER EACHUS: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER EACHUS: A party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this new point of process, but some of my colleagues may support it, reflecting the fact that they

need new leadership and new life. So in general we'll be in the negative, but there may be some that want to support it. Thank you, sir.

ACTING SPEAKER EACHUS: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Democratic Conference is going to be in favor of this piece of legislation. There may be a few that would desire to be an exception, they should feel free to do so at their seats. Thank you, sir.

ACTING SPEAKER EACHUS: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes for an introduction.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. It's my honor and pleasure to on behalf of our colleague, Ms. Reyes, to introduce Bruce McIntosh/ he's a representative from Fania Records. Fania Records is a New York-based record label that has made significant contributions to the Latino music industry over the past 60 years. Fania Records has played pivotal roles in bringing the vibrant sounds of Latino music from the streets of New York City to the global stage. If you would please welcome Mr. McIntosh to our Chambers, offer him the cordialities of the floor and the privileges of

the floor, as well. Thank you, sir.

ACTING SPEAKER EACHUS: Certainly. On behalf of Ms. Reyes, Mrs. Peoples-Stokes, the Speaker and all the members of this Assembly, we welcome you here to the Assembly floor. I certainly hope you brought some samples with you, we would love to listen to them. But we extend the privileges of the floor to you and we hope you enjoy your day and you have a great experience. Thank you for joining us today.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: We're going to continue our work on our debate list. If we could go to Rules Report No. 109 -- no, I'm sorry, we're not going there, we're going to 141, that one's by Ms. Rosenthal; then we're going to 143, that one's by Ms. Bichotte-Hermelyn; and 146 by Ms. Zinerman. In that order, Mr. Speaker. Thank you.

ACTING SPEAKER EACHUS: Page 9, Rules Report No. 141, the Clerk will read.

THE CLERK: Assembly No. A00038-A, Rules Report No. 141, L. Rosenthal, Seawright, Raga, Bores, Weprin. An act to amend the Insurance Law, in relation to providing health insurance coverage for scalp cooling systems for the preservation of hair during cancer chemotherapy treatment.

ACTING SPEAKER EACHUS: Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER EACHUS: On the bill.

MR. GOODELL: This bill is fairly straightforward.

It requires every policy issued in the State of New York that's for commercial or major medical to provide coverage for scalp cooling systems. And the hope is that by authorizing this coverage, people who are going through chemotherapy would have insurance coverage for scalp cooling. And the theory is that if you cool the scalp when you're doing chemotherapy, it reduces the size of the blood vessels and, therefore, reduces the amount of chemo chemicals from reaching the hair follicles and reduces hair loss. The problem is that the process is fairly expensive and unfortunately it's only effective just over 50 percent of the time.

Now, I'm very much aware that people's identity is often affiliated with their looks, and certainly hair is a major part of that. And I have had relatives and friends, including my chief-of-staff who went through chemo and lost all their hair, and it's -- it's an emotional issue for a woman to lose all her hair. So there's a lot of empathy and support. My concern is, and I'll just mention it, it will be a fast vote. I anticipate we'll have broad support because of the compassion we feel for chemo patients, but you cannot buy a basic insurance policy in New York, you simply cannot buy one. And we now have well over 60 mandated coverages, and each one by themselves is great, and when you put them all into a package you end up with unaffordable health insurance. And for many of our residents,

they simply cannot afford to buy insurance policies. And you can't walk in and talk to your insurance agent and buy a policy that doesn't cover all 60-plus benefits. So you can't buy a policy after this law goes into place that doesn't cover hair cooling, even if you don't like your hair, nor can you buy coverage that doesn't include abortion, even if you may be philosophically opposed to it. And as a result, we end up with people who can't afford any policy.

There's a second thing I'll mention to you that's going on. Over half of the commercial policies in New York State run by larger corporations are self-funded. And by being self-funded they're regulated under the Federal Employee Retirement Security program and not State law. And so when we pass a mandate here, it doesn't affect any of them, they custom design their own plan. And so we're ending up with a two-tier. Well, three-tier. We've got Medicaid that apparently nobody likes, including the providers and the patient. We ended up with a private plan, self-funded, that about half of all commercial policies are now private pay, self-funded outside our regulatory scope, and then we end up with a third category which covers almost everything under the sun and is unaffordable for many of our small businesses and individuals. And we keep perpetuating that unaffordability with well-meaning but expensive options, in this case, that are only about 50 percent effective.

So I caution my colleagues. We need to exercise restraint. Having personally experienced with very close friends their -- their pain, if you will, of losing their hair, I'm going to support this

particular one, but we need to be sensitive. Thank you, sir.

ACTING SPEAKER EACHUS: On a motion by Ms. Rosenthal, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER EACHUS: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Rosenthal to explain your vote.

MS. ROSENTHAL: Thank you, Mr. Speaker, to explain my vote. Many types of chemotherapy result in alopecia or hair loss because they target fast dividing cells. This includes cancer cells but also some types of normal cells such as hair follicles. And one of the most feared side effects of cancer treatment for many patients is the fear of hair loss and that, in fact, can discourage some people from undergoing treatment. But what many of them say is that the loss of privacy, the fact that someone can look at them and (inaudible), *Oh, you don't have hair, you must have cancer.* And that is among the things that we're trying to ease with this bill that would allow people who have solid tumors and receive chemotherapy would be allowed to get the scalp cooling, which has been approved by the FDA since 2017 and is legal -- is covered in 30 countries. Let's have some compassion for people in New York State who have to undergo this, and it actually just lifts their mood and makes them feel more

hopeful and not like a "cancer patient" who anyone can identify. So I vote in the affirmative.

ACTING SPEAKER EACHUS: Ms. Rosenthal in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 9, Rules, Report No. 143, the Clerk will read

THE CLERK: Assembly No. A01035-B, Rules Report No. 143, Bichotte Hermelyn, Dickens, Taylor, Gibbs, González-Rojas, Simon, Lee, Steck, Jacobson. An act to amend the General Business Law, in relation to prohibiting the use of social media platforms for the purposes of collecting debts.

ACTING SPEAKER EACHUS: An explanation has been requested.

MS. BICHOTTE HERMELYN: Yes, thank you, Mr. Speaker. For the explanation, this bill prohibits principal creditors and debt collectors from using social media platform as a means to collect on consumer debt. And what it does, it also -- it adds a new Subdivision 12 to Section 601 of the General Business Law and it defines social media platform in the subdivision. It prohibits principal creditors and their agents who are using the social media platforms as a means to collect on a consumer debt.

ACTING SPEAKER EACHUS: Mr. Mikulin.

MR. MIKULIN: Will the sponsor yield?

ACTING SPEAKER EACHUS: Will the sponsor yield?

MS. BICHOTTE HERMELYN: Yes.

ACTING SPEAKER EACHUS: She yields.

MR. MIKULIN: A few quick questions. Why are we doing this? Is this a -- is this an issue that we have discovered or any example?

MS. BICHOTTE HERMELYN: Yes. So the internet has made it possible to interact with people in ways they were previously unimaginable, while the benefits of technology and the internet are numerous. Several news report [sic] have revealed that debt collectors use social media websites as a mean to communicate with debtors and to try to collect on debt. So this is like a form of invasion of personal privacy and we should not allow that in New York.

MR. MIKULIN: Well, how about if let's say they are -- they receive a message from -- from somebody via Facebook Messenger.

MS. BICHOTTE HERMELYN: Can you say that again, please?

MR. MIKULIN: Let's say if the creditor uses Facebook Messenger to contact the person that's in debt.

MS. BICHOTTE HERMELYN: Yeah. So the --

MR. MIKULIN: Would that be allowed?

MS. BICHOTTE HERMELYN: So this would

prohibit that, yes.

MR. MIKULIN: So this would prohibit that.

MS. BICHOTTE HERMELYN: Right. So we're adding a subdivision that would prohibit debt collectors from using like a Facebook, an Instagram.

MR. MIKULIN: Even though that communication is private, this would prohibit that.

MS. BICHOTTE HERMELYN: Well, it's not necessarily private. I mean you have an e-mail platform that you can use for that and it still allows the debt collector to use e-mails, so we're not taking that away. But, you know, typically when you're using social media, you know, it's there to kind of look at the news, or to kind of share pictures and -- and some of your life events with your close friends and families and, you know, we just don't want to use that platform to get harassed, you know, by debt collectors.

MR. MIKULIN: What if the person that's in debt moves? They change their phone number, they have a new address. This is the only way for the person who is collecting the fee to get in contact with them.

MS. BICHOTTE HERMELYN: Well, there's ways of finding out where the person moved to. I mean if it's a move, you know, their mail will be forwarded to the new place of home --

MR. MULKIN: But not always.

MS. BICHOTTE HERMELYN: Not always but most of the time. I mean there's ways to look and find people. I mean

usually when you move, your e-mail doesn't move, right? So your e-mail is with you wherever you are.

MR. MIKULIN: Yeah, but that doesn't mean that they can track where you are in your e-mail, I mean.

MS. BICHOTTE HERMELYN: I mean, but that's why we're keeping e-mail as still a platform to still communicate with folks.

MR. MIKULIN: Now are there already regulations that New York that has to deal with electronic mail?

MS. BICHOTTE HERMELYN: How they -- I'm sorry?

MR. MIKULIN: Are there already regulations within New York that has to deal with this?

MS. BICHOTTE HERMELYN: There's regulations but this is specifically for social media. There's no specific subdivision that defines the social media platform.

ACTING SPEAKER EACHUS: Mr. Mikulin, sorry for the intro -- interruption.

Mrs. Peoples-Stokes for an announcement.

MRS. PEOPLES-STOKES: Thank you, sir. Could you please ask the Rules Committee to go immediately to the Speaker's Conference Room.

ACTING SPEAKER EACHUS: Rules Committee to the Speaker's Conference Room immediately.

I'm sorry. Go ahead.

MR. MIKULIN: Perfectly all right. So looking back to -- how does this conflict with Federal law?

MS. BICHOTTE HERMELYN: How does it --

MR. MIKULIN: Does this conflict with Federal law?

MS. BICHOTTE HERMELYN: No, it doesn't. We would -- we would not write bills that conflict with Federal law.

MR. MIKULIN: Because within the Federal law, isn't a debt collector allowed to use social media platforms?

MS. BICHOTTE HERMELYN: Right, but the State law reserves the right to write laws that will prohibit some of the things that the Federal law has. And it's laws, so not everything is codified --

MR. MIKULIN: It this in conflict, though, with the Federal law?

MS. BICHOTTE HERMELYN: It's not in conflict. I mean in State law we're making it more strict. So Federal law allows when State use stricter laws to protect consumers.

MR. MIKULIN: Thank you so very much.

On the bill.

ACTING SPEAKER EACHUS: On the bill, Mr. Mikulin.

MR. MIKULIN: This legislation is precarious because of the Federal law with the Fair Debt Collection Practices Act. I do believe that this can conflict with that. Also, I do believe that when, you know, when a creditor has the only option of

contacting via a social media platform like Facebook Messenger or any other that they should be allowed to do so, especially because that's private and due to that I will be in the negative.

ACTING SPEAKER EACHUS: Mr. Blumencranz.

MR. BLUMENCRANZ: Thank you, Mr. Speaker.

Will the sponsor yield, please?

ACTING SPEAKER EACHUS: Will the sponsor yield?

MS. BICHOTTE HERMELYN: Yes.

ACTING SPEAKER EACHUS: She yields.

MR. BLUMENCRANZ: Thank you. So I see this is a -- the inprint was -- you are allowed to use e-mail again now --

MS. BICHOTTE HERMELYN: Yes, yes.

MR. BLUMENCRANZ: -- and you are allowed to use text messaging again now, correct?

MS. BICHOTTE HERMELYN: You are allowed to use e-mail, yes.

MR. BLUMENCRANZ: And text message? You can text someone?

MS. BICHOTTE HERMELYN: You can text.

MR. BLUMENCRANZ: Okay.

MS. BICHOTTE HERMELYN: Although, I -- I -- I would prefer to also include that as well, but as this bill does not include text.

MR. BLUMENCRANZ: Yes. I think in reference to

the argument my colleague was making. But I am curious, certain platforms such as Telegram or WhatsApp are very popular or only -- or sometimes the sole way in which particular individuals, especially those who are new to this country, use as their messaging platform. But it could also be considered as social media platform if I wanted to use WhatsApp to try and collect a debt owed. Is that still allowed?

MS. BICHOTTE HERMELYN: That's a very good question and you're right, many people use WhatsApp as a form of communication. And if it's another way of people sharing news and sharing life events and pictures, then WhatsApp will probably be included under the umbrella of social media.

MR. BLUMENCRANZ: Okay. So to clarify then, I cannot use WhatsApp under the guise of this bill, that would be considered social media?

MS. BICHOTTE HERMELYN: It can be argued either way because WhatsApp is by phone number, so you can text. You can certainly text, but you may not be able to use WhatsApp. It depends on how WhatsApp is -- is defined.

MR. BLUMENCRANZ: Yeah, I struggle with the slippery slope here because the same can be said about Messenger which a sub app of Facebook, right, and that is often also used as a sole phone number linked application but it's still on --

MS. BICHOTTE HERMELYN: Yeah, but it's not straight directly out of -- like Facebook, Instagram, other social media, you can link your phone number, but you don't necessarily -- you

know, that's not the primary platform. You know, your computer --

MR. BLUMENCRANZ: Do you define that in the bill, the definition of a social media platform?

MS. BICHOTTE HERMELYN: Yes. It's defined in the bill.

MR. BLUEMCRANZ: Can you just read that definition for me?

MS. BICHOTTE HERMELYN: Yes. It is -- so it's an internet-based service or application that needs to follow the criteria. A substantial function of the service or application is to connect users in order to allow users to interact socially with each other within the service or application. The service or application allows individuals to construct a public or semi-public profile for purposes of signing up and using the service for application, create a list of other users with whom they share a connection within the system and create a post content viewable or audible by other users.

MR. BLUMENCRANZ: Okay. You see where my -- my issue with the fact that many platforms that are phone connected and sole forms of communication with some of these individuals could very well be defined as social media platforms. Again, especially with certain communities, WhatsApp is a primary or sole form of communication and considered like their cell phone number or texting because they don't, you know, have a plan to do otherwise (inaudible) internet. I just want to make sure for, you know, legislative intent here that you were intending to block applications

like WhatsApp, correct?

MS. BICHOTTE HERMELYN: Right. So applications are not -- applications are different. They're not like phone -- it's not a phone user service that comes with a phone line. So if you have your Verizon and your Sprint --

MR. BLUMENCRANZ: So you're saying I have to physically dial the number for it to be phone or text, right?

MS. BICHOTTE HERMELYN: It comes with -- it comes with your -- your phone, your telecommunication service provider. So I would say I would want to differentiate that.

MR. BLUMENCRANZ: So if I'm using a third-party app to communicate I guess colloquially via text, but it is a via social media platform, I'm no longer allowed to use that as a solicitor to collect this -- this debt.

MS. BICHOTTE HERMELYN: If it's defined with it, right. If it falls into this definition of social media, yes. And most apps would probably fall in that social media.

MR. BLUMENCRANZ: And is social media defined differently in the law in other -- other pieces of legislation or this is the same definition of social media platform?

MS. BICHOTTE HERMELYN: This is the same definition, right?

(Pause)

MR. BLUMENCRANZ: It is.

MS. BICHOTTE HERMELYN: I believe it is.

MR. BLUMENCRANZ: Okay, all right. You also mention prohibits the contacting of people at unusual times or places. So how do you define that in the bill, an unusual time or place?

(Pause)

MS. BICHOTTE HERMELYN: Unusual time or place?

MR. BLUMENCRANZ: Yeah. It could've been in the A print. I might be looking at an old piece of information but...

MS. BICHOTTE HERMELYN: Let's see.

(Pause)

I don't see that.

MR. BLUMENCRANZ: Okay. That could've been removed.

MS. BICHOTTE HERMELYN: Yeah, maybe it was a little amended.

MR. BLUMENCRANZ: Yeah. Okay. So just a few more questions. What happens if someone is using a third-party collector or if someone is -- so first with the third-party, they would always be listed under as qualified under this piece of legislation, but let's say I'm a doctor's office soliciting a bill to be paid, right. I might not necessarily be in the debt collection phase, but I'm still looking to find someone who came in for services, has not paid. I haven't spoke to a debt collector yet, but I look on social media to see oh, this is this individual connecting names, information. Can I still use it as an information gathering tool in debt collection?

MS. BICHOTTE HERMELYN: Well, you might. It depends on the definition of debt collector. So I don't know if the doctor's office would be considered a debt collector.

MR. BLUMENCRANZ: Do you define debt collector in this piece of legislation?

MS. BICHOTTE HERMELYN: It's defined -- it's referred to somewhere.

(Pause)

Debt collector is defined in the General Business. I don't have it here in front of me but, yes.

MR. BLUMENCRANZ: Okay. All right. Thank you very much. That's all my questions.

MS. BICHOTTE HERMELYN: Mm-hmm.

ACTING SPEAKER EACHUS: Ms. Bichotte Hermelyn.

MS. BICHOTTE HERMELYN: Yes, on the bill. Thank you, Mr. Speaker.

ACTING SPEAKER EACHUS: On the bill.

MS. BICHOTTE HERMELYN: Thank you. This bill which prohibits the use of social media website for the purpose of debt collection is a very good bill. We already have debt collection laws in place that serve as safeguards to protect New Yorkers from harassment, misinformation and bad actors. These laws are meant to stop debt collectors from deceiving and defrauding New Yorkers legally onerous interest rates and outright scams to collect money that

isn't even owed. However, in the age of social media, our antiquated debt collection laws aren't delivering for New Yorkers. Social media by its nature is social. It's a space where we connect with friends and family, share our lives and build communities allowing debt collectors to invade the space undermines its very purpose. Right now debt collectors are allowed to collect debt using social media platform with little restriction. On Instagram, for example, a debt collector could target anyone in a private message. This presents a huge risk because many of us don't use our real names on social media. In the age of phishing, this could easily confuse less tech-savvy New Yorkers, debt could easily be collected from the wrong person and there are many cases of scammers and fraudsters preying on anyone with a similar name. Instagram alone has 169 million users in the U.S. Mr. Speaker, there are countless accounts that go by Carl H, just to give an example. We also have existing protections preventing harassment from debt collectors preying on the vulnerable; yet, these protections are undermined when debt collectors use social media to reach out to individuals. Social media should remain a space for personal and social interactions, not a platform for debt collection. Debt collectors should use formal, more established modes of communication that they have used for decades such as mail or official e-mails which provide a clear and documented trail. By allowing debt collectors to send threatening messages through social media, we expose New Yorkers to a potential of abuse and harassment. And as the Assembly Majority Whip, I have cosponsored this bill to ensure all New

Yorkers, especially our most vulnerable like those in financial troubles or our seniors are protected. Thank you, Mr. Speaker.

ACTING SPEAKER EACHUS: Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER EACHUS: On the bill.

MR. GOODELL: What seems to be lost in this discussion is if you borrow money you ought to pay it back. I mean if you're borrowing money you have a -- particularly a contractual and I would say a moral obligation to pay it back. Now there's exceptions there, of course. That's why we have bankruptcy and we have better protections. But if you buy a product on an installment plan, you ought to make the installments if you can. And if you borrow money from a bank, you ought to make the payments on the bank. If you borrow money on a credit card, you ought to make those payments. And when you don't, the money that was borrowed by you should be subject to collection. Here's the problem that comes about. We want to protect the debtor's identity, we want to protect them from harassment, we want to protect them from fraudulent means and collection and we do. New York has very comprehensive restrictions on what can be done by a debt collector to prevent harassment, but we're not alone. The Federal Government also has detailed an extensive restrictions on what can be done to prevent unfair or inappropriate action. So what's this bill say? This bill says that even if you can communicate with somebody in a private manner like on

Facebook Message [sic], it can't do it. Now why would a debt collector want to use Facebook? Well, I'll give you some simple examples. Because the debtor doesn't want you to contact them at all. And so what they do is they change their phone number, they change their address, they change their e-mail, all of which is very simple to do. They don't tell you a forwarding address, and the only way a debt collector can find out where they are is they look on their social media. Because even though they're hiding from the debt collector, they're not hiding from their friends. And so the debt collector looks on Facebook and says hey, this is the person, that's their data, I'll send them a private message. This bill would prohibit a private message leaving it to the debt collector to try to figure out how to get a hold of a person who is trying to hide. And that's not appropriate.

Now there's another aspect of debt collection that sometimes we forget about and that is sometimes the failure to pay your debt has consequences that are bad for the consumer. For example, the debt collector might foreclose on your car loan and then he asks somebody to go around and look for your car and pick it up and in the middle of the night you wake up the next morning and there's no car. A debt collector who is not being paid notifies the credit bureau and then the next time you want to borrow from somebody else the credit report comes up and says you didn't pay the last guy, but sometimes your insurance policy might be terminated because you're not making the installment payment. And then if you're driving your car not realizing your insurance has been

terminated, you're facing a very serious charge. Or your lease might be terminated if you're not making your monthly payments. So we should be facilitating confidential communication between debtors and creditors. We should be facilitating and encouraging people to be responsible, personally responsible for their debts. In so doing, their credit score will be higher, everyone's interest rate will be lower and we will operate in a much smoother manner in New York State. And unfortunately this bill is too broad because it would prohibit confidential communications on such platforms as Facebook using private message options. And for that reason I won't be able to support it. Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: A party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. For the reasons mentioned by my colleagues, the Republican Conference is generally opposed to this. Those who support it should certainly vote yes on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Democratic Conference is going to be in favor of this piece of legislation; however, there may be a few that would like to be

an exception, they should feel free to do so. Thank you.

ACTING SPEAKER AUBRY: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Lunsford to explain her vote.

MS. LUNSFORD: Thank you, Mr. Speaker. I want to commend the sponsor of this bill because I think that something we didn't quite get at in the debate here is the value this bill will have in preventing fraud. I have family members who have been solicited in direct message through Facebook, through Instagram, by people posing as creditors, posing as the IRS, posing as banks, trying to get their personal information, phishing for identifying information. One of them went so far in this process that I, as someone who knew them, got solicited and it was only after I started asking some very poignant questions that the potential scammer backed off. If I could tell seniors in my district no one is allowed to contact you through this means, I feel like it would really simplify what could be a complex and confusing issue for people that's leading many, many of our more vulnerable New Yorkers to be scammed.

So I commend the sponsor. I think this is an excellent bill and I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, sir. First of all, I want to commend the sponsor for introducing this piece of

legislation and bringing it to the floor because honestly, there are sometimes we want to look at the people who are in debt as somebody who is trying to run from their debt. Many times and most times that is not the case. In fact, there are people who are scamming them to take advantage of what they have, and unbeknownst to a lot of people there are tons of senior citizens who use Facebook all the time and they are being abused on a regular basis through these means. And so I think at some point probably ten years ago we should've looked at this technology as it was ensuing to figure out how to not allow scammers to take advantage of people but we didn't do that. So now we have to go backwards and figure out how do it, so it's time. And so I'm pleased to vote in favor of this and thank the sponsor for introducing it.

ACTING SPEAKER AUBRY: Thank you. Ms. Lunsford and Mrs. Peoples-Stokes in the affirmative.

Mr. DiPietro to explain his vote.

MR. DIPIETRO: Thank you, sir, to explain my vote. I have a good friend who's in debt collection, owns a debt collection company and I've talked to him over the years about this. They are very trained on harassment issues. They have -- they can in no way harass anyone on the phone when they're collecting a debt. They try to work with the person. If after two calls they stop calling. There's different ways for these debt collectors. So when you make it sound -- when they try to make it sound like these debt collectors are scamming people, there might be one but just like in anything. Look,

when we talk about Facebook, you can block anybody, same with Twitter, same with X, if you don't want somebody -- you get a bad -- I get them all the time, I get texts everyday on my phone and I hit the stop button or I opt out or I delete, I report junk. You can -- everyone can do that. To make it sound as if we're so helpless that we fall prey to these people and we have no recourse is ridiculous. You have all sorts of means. And when you talk about Facebook, you're talking about gee, did we just forget that Facebook has been censoring people for the last five years on their political views, so now we stick up for Facebook? Give me a break. The fact is, especially with students loans, pay your loan, I did and I have no sympathy for those who don't pay your student loans when I've got hard working people in my district that didn't go to college and now they're being asked to pay for their -- for other people student loans by the government if that ever comes to fruition. I don't believe in it and I'll be voting against this bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. DiPietro in the negative.

Mr. Novakahov to explain his vote.

MR. NOVAKHOV: Thank you, Mr. Speaker. The problem is that the scammers are not following the rules created by this Body. Same as the drivers are not following the rules the drivers that drive, I don't know 50, 60, 90 miles an hour with a fake license plate or no license plate, they don't pay the fines for the red light or the speeding cameras, it's the regular people. Same thing here. So

this legislation is -- if we're talking about scammers and I hate scammers, same as everybody does, right. We are not protected -- by this legislation we're not protecting the social media users from scammers, but we're closing the doors for the legal debt collectors and collection companies to collect the debt. And for this reason unfortunately -- I understand the good intent of the sponsor, but unfortunately I won't be able to support this legislation. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Novakahov in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 10, Rules Report No. 146, the Clerk will read.

THE CLERK: Assembly No. S07503-B, Rules Report No. 146, Senator Cleare (Zinerman, Aubry, Hyndman, Otis, Lee, Weprin -- A1910B). An act to amend the General Business Law, in relation to requiring retailers of micro mobility devices, bicycles with electric assist and limited use motorcycles powered by lithium-ion batteries, and lithium-ion batteries intended for use in such devices or bicycles to provide customers with an operating manual.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Zinerman.

MS. ZINERMAN: Yes. So this is a simple safety bill. We all are aware of the impacts of lithium batteries if they are

not -- if they are not cared for and this bill would simply require retailers to provide an operation manual in several languages to ensure that the users know how to properly store them and care for them while using them to power their bicycles.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. ZINERMAN: Yes.

ACTING SPEAKER AUBRY: Ms. Zinerman will yield.

MR. GOODELL: Thank you, Ms. Zinerman. I understand the purpose of your bill which is certainly a laudable purpose to encourage those who have e-bikes to charge the batteries properly and identify when the battery might be malfunctioning to avoid those very violent fires that can occur, and I appreciate that. I just had some questions, though, on the scope of the bill and what happens if somebody doesn't comply. So the bill starts out and says no person, firm, corporation, business or anything else. But it says no person shall sell or offer to sell retail to any bicycles with electric assist unless they provide the manual. So am I correct that when you said no person, you meant no one? I mean not a retail, not an individual, not a business, no person, right?

MS. ZINERMAN: Anybody who is going to sell the

batteries must provide the operation manual.

MR. GOODELL: Okay. So if I, for example, as an individual bought an e-bike a couple years ago and I now want to sell it and maybe I put it up on Craigslist or Facebook, I would have to provide the manual in order to it sell it, correct?

MS. ZINERMAN: You would take that manual to the seat and sell it, yes.

MR. GOODELL: Now what if the manual that I have is not in three languages?

MS. ZINERMAN: I'm sorry?

MR. GOODELL: Because this bill requires that the manual must be in three languages.

MS. ZINERMAN: Yes.

MR. GOODELL: What if my manual is only in English? Can I still send it to somebody who only speaks English or must I provide them with a manual with three languages?

MS. ZINERMAN: If you -- so most of the languages that -- most operation manuals nowadays usually come in multiple languages. So I think it would be highly unlikely in this day and age that you would have an operation manual that did not. But in the case that it -- that it did, you would be responsible for handing over the manual that you did. I would say that you could probably at that point also supplement that by going online and finding instructions to further supplement it, but I don't think that that would be the major issue here. Our major concern here is saving lives. And as you know

we've lost over 150 people to e-bike fires and we want to make sure that everyone who uses one knows how to use it safely and that they could receive that in multiple languages.

MR. GOODELL: Now you mentioned 150 lives. That's nationwide, right?

MS. ZINERMAN: No, no, no, no, no. Actually, in New York City.

MR. GOODELL: Over what time period?

MS. ZINERMAN: So I actually -- this is from 2023. So I actually introduced this bill in 2023, because in 2022 there were 92 New York City fires. And so in 2023 there were 267 fires, 18 deaths, Mr. Goodell, 150 injuries and then now we're also dealing with the loss of property as well. There was a fire in the Lower East Side where two youth died and as you know, our City is very dense, very, very dense and if one shop catches on fire, because these are very fast burning fires, the likelihood that it would spread very quickly to other businesses and put other small businesses out of business is likely, and so we want to make sure that we prevent these fires from happening.

MR. GOODELL: Now, this in addition to requiring that the manual be in the three most common languages also has a list of things that the manual has to cover that are battery specific.

MS. ZINERMAN: Mm-hmm.

MR. GOODELL: Like how to store and charge it, what to do if the battery overheats or leaks, looking for strange odors

or colors. What if the manual that you have doesn't cover those items, because certainly before this occurred, I would guess that most e-bike manuals said this is how you plug in the battery and doesn't go into that detail, what happens then?

MS. ZINERMAN: Well, this is the great State of New York. And I think that we are always very interested in the quality of life of all of our residents and I think that that's something that we could probably post on our consumer affairs so that businesses could download that information for free and then supplement it with the manual that comes with the very old battery.

MR. GOODELL: Now, this also required that the manual that you provide have a link to a manufacturer maintained database with the 12 most common languages, correct?

MS. ZINERMAN: Yes.

MR. GOODELL: But what happens if the manufacturer does not have that manual translated into 12 different languages?

MS. ZINERMAN: Well, I think they need to -- if they're going to sell in the great State of New York, they have to understand that we are a multi-lingual state and we need to be able to communicate with people who come here. As you know that most of the people who are engaged in this type of work, they come from all places in the world. Some of them don't speak English but they're able to work, which is what we -- which is what we like and what we encourage. So we want to make sure that, you know, for the obvious

reasons those individuals can understand the proper care for those batteries.

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

On the bill, sir.

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

MR. GOODELL: I absolutely appreciate my colleague's desire to ensure that e-bikes when someone buys them they can get a manual on how to properly take care of them and charge the battery, I think that's a great idea moving forward. The concern I have is that this would apply to all e-bikes that are out there including e-bikes that people have already bought. And many people, myself included, toss the owner's manual if it's very simple. So if the owner manual just says here's how you plug in the battery and here's how you turn it on, I don't store those owner manuals and I doubt most people do. But even if I do get a manual and I keep it, the manuals I keep, I typically toss the portion of the manual that's in a foreign language because I don't need to know how to plug in my battery in French or Korean or Spanish or Chinese. Since I'm not that literate in all those different languages, I just keep one copy in English. This bill assumes that the manufacturer will have a link where you can look at your manual in 12 different languages. What happens if the manufacturer doesn't? Does that mean you can't sell the bike and the answer is yeah. If your manufacturer whom you cannot control

doesn't publish their manual in 12 languages, you can't sell your e-bike. Now even if you have an English language manual and you sell it to somebody who can only speak English, you can't sell your e-bike to them. You're facing a \$250 fine if you do, because even though the person you're selling it to can't read Spanish or -- or other languages, this bill prohibits you from selling it unless you give them a manual with at least three languages. So I support the intent of my colleague. I think you're absolutely right, we need to start getting that information out, we need to focus on battery safety. But I would recommend we do it in a way that's easier for our consumers to comply with that doesn't subject them to a \$250 fine. And the exceptions I would suggest if this goes through an amendment is that you provide a manual that's in the language used by the buyer. And that you provide a link to the manufacturer for whatever they have if you don't have such a manual, but that otherwise you be able to sell your e-bike to your friends or your neighbors or someone else without having them have access to the world's 12 most common languages for a manual that they can't read.

For that reason, while I appreciate the bill sponsor's objective, I think this bill goes too far and it's too restrictive to the consumers in New York State that want to buy an e-bike on Craigslist or on Facebook or wherever or want to sell one and don't have a multi-language manual on how to plug it in and make sure the batteries working. Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: A party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you Mr. Speaker. The Republican Party is generally opposed. Those who support it should vote yes on the floor.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Democratic Conference is going to be in favor of this piece of legislation; however, those who would like to be an exception should feel free to do so at their seats.

ACTING SPEAKER AUBRY: Thank you both.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Palmesano.

MR. PALMESANO: Yes, Mr. Speaker, my colleagues, to explain my vote. I figured I do the two minutes instead of longer just to give you a break -- but I appreciate it. You're cutting into my time. No, but I appreciate that.

ACTING SPEAKER AUBRY: Trying to cut a favor with us, Mr. Palmesano?

MR. PALMESANO: I appreciate the comments of the sponsor. I heard what she said about the concerns reacting to the

tragedies, the deaths, the fires and (inaudible) and I agree. My concern is moving forward on other issues because all these bills are dealing with e-bikes and we see the tragedies. We need to be positive, we need to be proactive on the other issues, our electric vehicles. Certainly our electric school bus mandate is coming down the pipeline, EV battery storage, nothing is being done to address the safety on that measure, no action is being taken from that perspective and I think that desperately needs to be addressed by this House. These bills continue to pop up because of the tragedies. What we're going to be on this floor in a few years with this EV school bus mandate, once one of those school buses go up in fire and kids die, then people are going to want to do something and it's going to be too late then. I think we should be taking proactive steps now to do it. We can talk about the EV mandates, you know, from this -- from many different ways. I talked about the -- the human rights and the child labor violations in the Democratic Republic of Congo. We talked about the environmental impacts of the mining and lithium on water, rivers and streams are being poisoned and polluted in African countries. We also talked about the fires that continue to happen and that's what I'm worried about as well. So if we're going to do this, let's do it more thoroughly because we've had three battery storage fires happening already. There's a proliferation of them going up across the State of New York, three in New York last year. And when these EV school bus accidents happens it's just going to be very problematic. So if we're going to do this, let's be more thorough about it, let's be

more proactive and let's not be reacting to a tragedy in a couple years from now when we're going to be able to say we've been talking about this but no action was taken.

So I appreciate the comments of the sponsor. I think what she's trying to do, but until we can start taking more meaningful action across the board on the bigger things like electric vehicles, electric -- electric school buses and battery storage, I'm going to continue to vote no and I'll keep continuing to sound the alarm on these failed policies. Thank you.

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

MR. LAVINE: A couple of things. I think it's pretty clear that the Earth is heating up. And it's astounding that anybody would deny that. With respect to these battery-operated vehicles or cycles, whatever they are, the debate might lead somebody to believe that anyone who sells one of these things without the prescribed manual is going to be hit with a fine of \$250 and for a second and subsequent offense -- offenses \$1,000. But the way I read Subdivision 4, it seems to say pretty explicitly that the fine provisions apply only to retail entities, and I think that we ought to make sure the record is -- is clear and explicit with respect to that. I'm voting in the affirmative and I want to commend the sponsor. I think this is a great idea.

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

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: Mr. Jacobson for the purposes of an announcement. If the gentleman in front of you will get down. Thank you, sir.

MR. JACOBSON: I know everybody wants a break so we're going to have -- the Majority will be having a Conference in Hearing Room C when we decide that we're at ease. So thank you very much.

ACTING SPEAKER AUBRY: Conference, Hearing Room C.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, will you please stand the House at ease?

ACTING SPEAKER AUBRY: The House will stand at ease.

(Whereupon, the House stood at ease at 6:02 p.m.)

(Whereupon, Acting Speaker Aubry called the House back to order at 9:23 p.m.)

ACTING SPEAKER AUBRY: The House will come to order.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Members have before them an A-Calendar. I'd like to move to advance that A-Calendar.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir. Directly to page 3 and begin with Rules Report No. 386, and hopefully we'll go straight through the entire A-Calendar, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Page 3, Bill No. 1489-A, Rules Report No. 386, the Clerk will read.

THE CLERK: Assembly No. A01489-A, Rules Report No. 386, Thiele, Williams, McMahon, Burke, Rivera, Dickens, Peoples-Stokes, Wallace, Zebrowski, Sillitti, Gunther. An act to amend the Real Property Tax Law, in relation to delinquent tax interest rates.

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

THE CLERK: Assembly No. A01533-A, Rules Report No. 387, Buttenschon, Epstein, Hevesi, McDonald, Sayegh, Simon, DeStefano. An act to amend the Executive Law, in relation to providing minimum basic training related to handling emergency situations involving individuals with any physical and/or

developmental disability to all firefighters.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02583-A, Rules Report No. 388, Hevesi, González-Rojas, Walker, Burdick, Shimsky, Burgos, Steck, Gunther, Paulin, L. Rosenthal, Simon. An act to amend the Social Services Law, in relation to authorizing certain shelters to be reimbursed for housing a single individual in a room intended for double occupancy.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03155-A, Rules Report No. 389, Zebrowski, Simon, Forrest, Wallace, Eachus,

Simone, Levenberg, Burdick. An act to amend the General Business Law and the Civil Practice Law and Rules, in relation to protecting private education loan borrowers and cosigners.

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

THE CLERK: Assembly No. A06867-B, Rules Report No. 390, L. Rosenthal, Lunsford, Jacobson, Shrestha, Glick, Epstein, Davila, Reyes, Bores, Kelles, Weprin, Raga. An act to amend the Insurance Law, in relation to prohibiting certain restrictions as it relates to dog breed.

ACTING SPEAKER AUBRY: On a motion by Ms. Rosenthal, the Senate bill is before the House. The Senate bill is advanced. The bill is laid aside.

THE CLERK: Assembly No. A07017-A, Rules Report No. 391, Simon, Thiele, Gunther, Zinerman, Sayegh, L. Rosenthal, McDonough, K. Brown, Colton, Otis. An act to amend the Environmental Conservation Law, in relation to enacting the monarch preservation plan.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07052-C, Rules Report No. 392, Sillitti, Bores, Dickens, Lunsford, Glick, McDonald, Bichotte Hermelyn, Epstein, Cruz, Burgos, Weprin, Paulin, Shrestha, Meeks, Taylor, Simon, Clark. An act to amend the Election Law and the Vehicle and Traffic Law, in relation to joining multistate voter list maintenance organizations.

ACTING SPEAKER AUBRY: On a motion by Ms. Sillitti, the Senate bill is before the House. The Senate bill is advanced. The bill is laid aside.

THE CLERK: Assembly No. A07491-B, Rules Report No. 393, Bronson, Carroll, Shrestha, Lunsford, Woerner, Reyes, Gunther, Aubry, Seawright, Bichotte Hermelyn, Williams, Ramos, Burdick, Epstein, Brabenec, K. Brown, González-Rojas, Maher, Simone, Mamdani, Colton, McMahon, Kelles, Clark, Gallagher, Burgos, Davila, Bores, Rozic, Otis, Blumencranz, Raga. An act to amend the Environmental Conservation Law and the Labor Law, in relation to prevailing wage requirements applicable to brownfield remediation work performed under private contract.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record

the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07515-B, Rules Report No. 394, Levenberg. An act to amend the Public Service law, in relation to requiring corporations and municipalities to notify property owners prior to beginning certain services.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07657-A, Rules Report No. 395, Magnarelli. An act to amend the Civil Service Law, in relation to unclassified civil service of the state; and authorizing the Syracuse Hancock International Airport to hire and promote employees on a permanent basis.

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

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07693-A, Rules Report No. 396, Pheffer Amato. An act to amend the Retirement and Social Security Law, in relation to permit certain twenty-five year retirement program dispatcher members to file elections not to participate.

ACTING SPEAKER AUBRY: Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07820, Rules Report No. 397, Jean-Pierre. An act to amend the Executive Law, in relation to the establishment of an insurance liaison on the disaster preparedness commission.

ACTING SPEAKER AUBRY: On a motion by Ms. Jean-Pierre, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect on the 120th day.

ACTING SPEAKER AUBRY: The Clerk will record

the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08168, Rules Report No. 398, Paulin, McDonald, Reyes, Shimsky, Levenberg, Simone, Burdick, Seawright, Tapia, Epstein, Meeks, Sayegh, Clark, Sillitti. An act to amend the Social Services Law, in relation to providing Medicaid coverage for remote ultrasound scans and remote fetal non-stress tests.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08582-B, Calendar -- Rules Report No. 399 was previously amended and is High.

Assembly No. A08837-C, Rules Report No. 400, Cruz, Barrett, Burdick, Thiele, Hevesi, Morinello, Tague, Sillitti, Walsh, Zaccaro, Zinerman, Seawright, Simone, Burgos, Clark, Cunningham, Bendett, González-Rojas, Epstein, Pheffer Amato. An

act to amend the Veterans' Services Law, the Military Law, and the Executive Law, in relation to establishing the Alex R. Jimenez New York State Military Immigrant Family Legacy Program.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 150th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Cruz to explain her vote.

MS. CRUZ: Thank you, Mr. Speaker. I'd like to thank our former colleague, now-Senator Ashby, as well as the Speaker, and our Program and Counsel and the current and former Chair of Veterans' for their support in getting this bill through. It is our fourth attempt, and I'm hoping this will be the last one. Unfortunately, last year we passed it unanimously and it was vetoed by the Governor. My hope is that the amendments we have made strike a good balance between her concerns and what we believe veteran immigrants deserve and need. This is named after a kid from Corona, Queens who died while serving our country while his wife was facing deportation without the resources and on her own, and we are hopeful that this program will provide for people like him and for other families, veterans and their families with the resources so that they can get to that covenant citizenship without having to sacrifice it all. It is the least that we can do for veterans and it the least that we

can do for their families, and I urge everyone to vote in the affirmative, and I'll be doing that same thing.

ACTING SPEAKER AUBRY: Ms. Cruz in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08907-A, Rules Report No. 401, Bronson, Levenberg, Steck, Shrestha, Seawright, Simon, Lupardo, O'Donnell, Brabenec, Otis, Shimsky, Glick, Tapia, Ardila, Hevesi, Burdick, Burgos, González-Rojas, Eachus, Cruz, Rozic, Santabarbara, Hunter, Davila, Taylor, Kelles, Reyes, Raga, Braunstein, Dinowitz, Cook, Colton, L. Rosenthal, Lucas, Jacobson, Ramos. An act to amend the Labor Law, in relation to establishing the warehouse worker injury reduction program.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A09035-A, Rules Report No. 402, Bichotte-Hermelyn, Gunther, Ardila, Aubry, Davila, Lucas. An act to amend the Public Health law, in relation to doula friendly work spaces.

ACTING SPEAKER AUBRY: On a motion by Ms. Bichotte Hermelyn, the Senate bill is before the House. The Senate bill is advanced, and the bill is laid aside.

THE CLERK: Assembly No. A09076-A, Rules Report No. 403, Santabarbara. An act to amend the Education Law,

in relation to state aid eligibility for library construction and making technical corrections thereto; to amend Chapter 498 of the Laws of 2011 amending the Education Law relating to the public library construction grant program, in relation to the effectiveness thereof; and to repeal certain provisions of the Education Law relating thereto.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Santabarbara to explain his vote.

MR. SANTABARBARA: Thank you, Mr. Speaker, for allowing me the opportunity to explain my vote. This is a bill that's important to our communities. It enhances State aid eligibility for library construction. This legislation recognizes the financial challenges that many public libraries face, especially in economic -- economically-disadvantaged areas. By providing up to 90 percent of project costs, we ensure everyone, regardless of economic status, can access quality library services. Secondly, this bill simplifies existing rules making it easier for libraries to utilize their construction aid more effectively. By removing unnecessary caps, we give them the flexibility to allocate funds where they are needed the most. Lastly, removing sunset provisions provides stability for our libraries, enabling long-term planning without regulatory uncertainty. Libraries aren't just buildings, they are vital community hubs offering

invaluable resources to all of our communities. Passing this bill will empower our libraries, support our communities, and uphold our commitment to education and equity and I urge all of my colleagues to support this legislation. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you. Mr. Santabarbara in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09232-B, Rules Report No. 404, Weinstein, Peoples-Stokes, Lavine, Dinowitz, Glick, Aubry, Bichotte Hermelyn, Braunstein, Burdick, Burgos, Burke, Carroll, Clark, Colton, Cook, Cruz, Dickens, Dilan, Epstein, Fall, Gibbs, Hevesi, Hunter, Hyndman, Jacobson, Jean-Pierre, Kim, Lunsford, Magnarelli, McMahon, Meeks, Mitaynes, Norris, Paulin, Reyes, L. Rosenthal, Santabarbara, Shrestha, Simon, Solages, Steck, Stern, Stirpe, Taylor, Weprin, Zebrowski, Raga. An act to amend the Estates, Powers and Trusts Law, in relation to the payment and distribution of damages in wrongful death actions.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Blumencranz to explain his vote.

MR. BLUMENCRANZ: Thank you, Mr. Speaker. I know this is not the first time we've seen this piece of legislation. One of the major issues of why it keeps getting vetoed and sent back --

ACTING SPEAKER AUBRY: One minute, Mr. Blumencranz. Hello, please; your colleague.

Go ahead, sir.

MR. BLUMENCRANZ: Is because we continue to see the inclusion of the medical malpractice being susceptible to this piece of legislation. New York continues to suffer from what is literally a crisis when it comes to the medical malpractice space. Areas of New York, particularly areas like the Bronx will soon become deserts of private practices because the sheer cost of insurance, the cost of the payouts when there is a medical malpractice incident are staggering. It is around \$200,000 a year in premiums for a single private practice for an OB/GYN right now in the Bronx; in comparison in LA, it's around \$50,000.

It is by far and large the largest payouts in America, and it is something that is continuing to increase year over year. I believe in the last year, that number has risen to over an annual of about 170 million and counting, and we continue to see the State struggle to actually come up with solutions to this problem and to mitigate the risk, and if we don't see changes to this legislation to remove those provisions, this bill will cause just as much harm as it does create hope for the victims of serious crimes like that in my district with a drunk driver and two wonderful young boys. So I hope

that we will get serious about changing this bill sufficiently so we can see it across the finish line. I'll continue to support it this year, but I really hope to see us make serious movement in the years to come.

Thank you.

ACTING SPEAKER AUBRY: Mr. Blumencranz in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09340-A, Rules Report No. 405, Lee, Otis, Glick. An act to amend the General Business Law, in relation to peer-to-peer mobile payment service security; and to amend the Financial Services Law, in relation to authorizing the financial frauds and consumer protection unit to enforce such provisions.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09381, Rules Report

No. 406, Pheffer Amato. An act to amend the General Municipal Law, in relation to disabilities of deputy sheriffs in certain cities.

ACTING SPEAKER AUBRY: Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Fitzpatrick to explain his vote.

MR. FITZPATRICK: Thank you, Mr. Speaker, to explain my vote. I have no objection to improving benefits, but a benefit like this it can and will be very expensive. I do not believe it is unfair or unreasonable to ask the union for something in return to help offset the costs to taxpayers. This should be done at the negotiating table through the collective bargaining process and not done through the Legislature. Thank you. I'll be voting no.

ACTING SPEAKER AUBRY: Mr. Fitzpatrick in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09403-A, Rules Report No. 407, Santabarbara, Gunther, Davila, Manktelow, Tague, Otis. An act to amend the Not-for-Profit Corporation Law, in relation to the use of property in a land bank for the creation of a community

garden.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Santabarbara to explain his vote.

MR. SANTABARBARA: Thank you, Mr. Speaker, to explain my vote. This bill recognizes the potential urban farming to help address the food insecurity issue in our communities. The alarming rise in food insecurity shows the need for innovative solutions, and what this bill does is it specifically allows land banks to use a portion of their property for community gardens, offering more opportunities for fresh, locally grown food and produce in our communities. It helps reduce food deserts, and it helps revitalize urban areas. Passing this bill is a step forward in creating a more food secure, sustainable and resilient New York State, and I urge my colleagues to support this bill to help address food insecurity, but also to promote environmental sustainability in our communities. Thank you, Mr. Speaker. I cast my vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Santabarbara in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09442, Rules Report No. 408, Wallace, Burke. An act to authorize the City of Buffalo to offer an optional twenty year retirement plan to firefighters Rhiannon Maguire and Jeffrey Brett.

ACTING SPEAKER AUBRY: Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09444-A, Rules Report No. 409, Cruz, Jean-Pierre, Seawright, Stern. An act to amend the Public Service Law, in relation to call centers for gas and electric corporations.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A09447-A, Rules Report No. 410, Hyndman. An act to amend the Not-for-Profit Corporation Law, in relation to retiring cemetery indebtedness.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09636-A, Rules Report No. 411, Anderson. An act to amend the Banking Law, in relation to creating a banking development district working group; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A09706, Rules Report No. 412, Santabarbara. An act to amend the Public Officers Law, in relation to the residency requirement for assistant district attorneys in Schenectady County.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09943-A, Rules Report No. 413 was previously amended and is High.

Assembly No. A10060, Rules Report No. 414, Burgos. An act to amend Chapter 544 of the Laws of 2022,

authorizing the City of New York to discontinue a portion of real property in the County of the Bronx as parkland and to grant easements for improvements to the railroad right-of-way to bring Metro-North railroad service to four new stations in the Bronx and to Pennsylvania Station in the County of New York, in relation to discontinuing additional parkland and granting additional easements.

ACTING SPEAKER AUBRY: Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10105-B, Rules Report No. 415, Berger, Lunsford, Shimsky, Barrett, Simon, Cunningham, Eachus, L. Rosenthal, Sillitti, Aubry, Rivera, Hunter, Reyes, Septimo, Lavine, Rajkumar, Buttenschon, Alvarez, Hyndman, Santabarbara, Thiele, Glick, Zinerman, Fahy, Tapia, McDonald, Jacobson, Davila, Cruz, Steck, Solages, Pheffer Amato, Gunther, Weprin, Stern, Sayegh, Bores, Rozic, Zebrowski, Stirpe, Conrad, Hevesi, Woerner, Ardila, Anderson, Kim, Lupardo, Wallace, Cook, Dinowitz, Bronson, McMahon, Pretlow, Taylor, Gibbs, Epstein, Paulin, Levenberg, Vanel, Jones, De Los Santos, Burdick, Simone,

González-Rojas, Morinello, Clark, Dais, Bichotte Hermelyn, Braunstein, Ramos, Walker, Otis, Zaccaro, Kelles, Colton, Benedetto, Maher, Fall, Burgos, Dilan. An act to amend the Penal Law, in relation to expanding the definition of mental health care provider for purposes of certain sex offenses.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

Mr. Berger, I normally say that you only get that once. It appears you've broken that and gotten it twice. Congratulations.

The Clerk will read.

THE CLERK: Assembly No. A10140, Rules Report No. 416, Committee on Rules (Glick, Burdick, Weprin, Simon.) An act to amend the Environmental Conservation Law, in relation to prohibiting the taking of horseshoe crabs for commercial and biomedical purposes.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10173-A, Rules

Report No. 417, Committee on Rules (Thiele, Otis.) An act to amend the Local Finance Law, in relation to the electronic open auction public bond sale pilot program.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10208, Rules Report No. 418, Committee on Rules (Paulin). An act to amend Chapter 471 of the Laws of 2023 relating to authorizing the City of White Plains to alienate property owned by the City of White Plains and operated as the former Galleria of White Plains public parking garage, in relation to the relevant parcels.

ACTING SPEAKER AUBRY: On a motion by Ms. Paulin, the Senate bill is before the House. The Senate bill is advanced. Home rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect on the 30th day

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10286, Rules Report No. 419, Committee on Rules (Rosenthal). An act to amend the Public Housing Law, in relation to requirements for certain contracts for materials, supplies, or services.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10319, Rules Report No. 420, Committee on Rules (Paulin). An act to repeal Section 3372 of the Public Health Law.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10376-A, Rules Report No. 421, Committee on Rules (Kelles). An act to amend the Alcoholic Beverage Control Law, in relation to an exemption for certain property from the prohibition of alcohol sales within a certain distance from a church.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10400, Rules Report No. 422, Committees on Rules (Braunstein). An act to amend the Coordinated Construction Act for Lower Manhattan, in relation to extending the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Braunstein, the Senate bill is before the House. The Senate bill is advanced and the bill is laid aside.

THE CLERK: Assembly No. A10401, Rules Report 423, Committees on Rules (Braunstein). An act to amend Chapter 322 of the Laws of 2014 relating to joint bidding on contracts for public work projects, in relation to extending the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Braunstein, the Senate bill is before the House. The Senate bill is advanced and the bill is laid aside.

THE CLERK: Assembly No. A10457, Rules Report No. 424, Committee on Rules (Woerner). An act to amend the Private Housing Finance Law, in relation to permitting certain home repairs to be financed in conjunction with accessibility improvements through the access to home program.

ACTING SPEAKER AUBRY: On a motion by Ms. Woerner, the Senate bill is before the House. The Senate bill is advanced and read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10462, Rules Report No. 425, Committee on Rules (Fall). An act to amend Chapter 306 of the Laws of 2011 authorizing owners of residential real property in high risk brush fire areas in the borough of Staten Island to cut and remove reeds from their property, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record

the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10470, Rules Report No. 426, Committee on Rules (Davila). An act to amend the Alcoholic Beverage Control Law, in relation to providing for a license to sell liquor at retail for consumption on certain premises.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10482, Rules Report No. 427, Committee on Rules (Kelles). An act to amend Chapter 152 of the Laws of 2020 amending the Environmental Conservation Law relating to authorizing hunting big game by rifle in the County of Tompkins, in relation to extending the effectiveness thereof.

ACTING SPEAKER ZACCARO: On a motion by Ms. Kelles, the Senate bill is before the House. The Senate bill is

advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10518-A, Rules Report No. 428, Committee on Rules Mr. (Bronson, Meeks.) An act to amend Chapter 698 of the Laws of 1991 amending the Public Authorities Law and the Education Law, relating to the construction and financing of facilities by the dormitory authority for private schools approved pursuant to Article 89 of the Education Law, in relation to including Mary Cariola Children's Center Inc.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could now please go back to our main Calendar on page 3 for our Calendar resolutions.

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

THE CLERK: Assembly No. 2370, Rules at the request of Mr. Lavine.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 4, 2024, as Cancer Survivors Day in the State of New York.

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

THE CLERK: Assembly No. 2371, Rules at the request of Mrs. Peoples-Stokes.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 2-8, 2024, as Hidradenitis Suppurativa Awareness Week in the State of New York.

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

THE CLERK: Assembly No. 2372, Rules at the

request of Mr. Zebrowski.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 12, 2024, as Philippine Independence Day in the State of New York.

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

THE CLERK: Assembly No. 2373, Rules at the request of Ms. Barrett.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 2024, as Farmers Market Appreciation Month in the State of New York.

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

THE CLERK: Assembly No. 2374, Rules at the request of Mr. DeStefano.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 2024, as Great Outdoors Month in the State of New York.

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

THE CLERK: Assembly No. 2375, Rules at the request of Ms. Glick.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 2024, as Gay Pride Month in the State of New York.

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

THE CLERK: Assembly No. 2376, Rules at the request of Ms. Solages.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim July 2024, as Fibroid Awareness Month in the State of New York.

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

THE CLERK: Assembly No. 2377, Rules at the request of Ms. Paulin.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim August 2024 as Ambulatory Surgery Center Month in the State of New York, in conjunction with the observance of National Ambulatory Surgery Center Month.

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

THE CLERK: Assembly No. 2378, Rules at the request of Mr. Cunningham.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim September 2024, as Peripheral Arterial Disease Awareness Month in the State of New York.

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

THE CLERK: Assembly No. 2379, Rules at the request of Ms. Reyes.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim September 2024, as Blood Cancer Awareness Month in the State of New York.

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

THE CLERK: Assembly No. 2380, Rules at the request of Mr. Bronson.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 11, 2024, as Coming Out Day in the State of New York, in conjunction with the observance of National Coming Out Day.

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

THE CLERK: Assembly No. 2381, Rules at the request of Mr. Maher.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 20-26, 2024, as Respiratory Care Week in the State of New York.

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

THE CLERK: Assembly No. 2382, Rules at the request of Ms. Chandler-Waterman.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim November 30, 2024, as Barbados Flag Day in the State of New York.

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

THE CLERK: Assembly No. 2383, Rules at the request of Ms. Rosenthal.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim November 2024, as Pancreatic Cancer Awareness Month in the State of New York.

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

THE CLERK: Assembly No. 2384, Rules at the request of Mr. Eachus.

Legislative Resolution memorializing Governor

Kathy Hochul to proclaim December 3, 2024, as International Day of Persons with Disabilities in the State of New York.

ACTING SPEAKER ZACCARO: 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 ZACCARO: We do have housekeeping and resolutions.

On a motion by Ms. McMahon, page 13, Rules Report No. 194, Bill No. A9478, the amendments are received and adopted.

On a motion by Mr. Epstein, page 23, Rules Report No. 354, Bill No. A9755, the amendments are received and adopted.

And Mrs. Peoples-Stokes, we have a number of fine resolutions which we will take up with one vote.

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

(Whereupon, Assembly Resolution Nos. 2385-2404 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I now move that the Assembly stands adjourned and that we reconvene at 9:30 a.m., Wednesday, June the 5th, tomorrow being a Session day.

ACTING SPEAKER ZACCARO: On Mrs.

Peoples-Stokes' motion the House stands adjourned.

(Whereupon, at 10:48 p.m., the Assembly stood adjourned until Wednesday, June 5th at 9:30 a.m., Wednesday being a Session day.)