

**TUESDAY, JUNE 6, 2023**

**11:10 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 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 5th.

Mrs. Peoples-Stokes.

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

that we dispense with the further reading of the Journal of Monday, June the 5th 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 our Chambers today, I would like to share a quote for today on -- from Eleanor Roosevelt. Many of you know Eleanor was an infamous political figure, First Lady from 1933 until 1945. Her words for us today, "The future belongs to those who believe in the beauty of their dreams." Again, these words from Eleanor Roosevelt.

Members have on their desks a main Calendar, Mr. Speaker, and a debate list. After housekeeping and introductions we're going to be calling for the Ways and Means Committee and the Rules Committee. These committees are going to produce an A-Calendar of which we're going to take up today on consent. We're going to continue our consent work from yesterday of new bills on the main Calendar where we left off. We're going to begin with Rules Report No. 560 on page 21 and go straight through until Rules Report No. 566. We're also going to work off of the debate list, beginning with Rules Report No. 242 by Mr. Bores; Rules Report No. 277 by Mr. Simone; Rules Report No. 384 by Mr. McDonald; Rules Report No. 478 by Ms. Darling; Rules Report No. 480 by Mr. Thiele; Rules Report No. 530 and 531 by Mr. Magnarelli; Calendar No. 2 and

Calendar No. 16, Calendar No. 37 by Ms. Paulin; and Calendar No. 196 by Mr. Rosenthal. Members should also be reminded that we're going to take up resolutions again today at the end of our schedule, and if there's any other floor activity needed for today, Mr. Speaker, I will announce at that time. There may be a need for a Majority Conference, and as always we'll give consideration to our colleagues on the other side of the aisle to determine what their needs may be.

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

ACTING SPEAKER AUBRY: Thank you, Mrs. Peoples-Stokes. No housekeeping at the moment, however, we do have introductions.

Ms. Lunsford for the purposes of a introduction.

MS. LUNSFORD: Thank you, Mr. Speaker. I rise today on behalf of myself, Assemblymember Steve Hawley and Assemblymember Latoya Joyner to welcome Jim and Kathy Barber from LeRoy, New York. They are here on behalf of their son Tim Barber, who tragically passed away at the age of 35 on his second day at work on a construction site from heat exhaustion. Tim is a cautionary tale that has been cited by OSHA and other advocates for stronger regulations around heat exhaustion because of the very serious health risks this poses.

I want to thank the Barbers for their continued advocacy on behalf of their son, and I ask you to please give them the

cordialities of the floor. Thank you very much.

ACTING SPEAKER AUBRY: Thank you. On behalf of Ms. Lunsford, the Speaker and all the members, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Thank you for the work that you're doing to help others even in the tragedy of your own loss. Nothing could commend you higher to us than that you have devoted yourself to making other people safe. Thank you so very much. Continue the great work.

(Applause)

Mr. Beephan for the purposes of a introduction.

MR. BEEPHAN: Thank you, Mr. Speaker. Good morning, my fellow colleagues. Earlier last month we actually declared September 15, 2023 as Lymphoma Awareness Day in the State of New York. I thank you for your support in that unanimous resolution. As you know, with -- with situations like this we're all impacted, someone in our lives struggling with -- with these diseases. But for us it's Miss Cristal Hammond who's with us here today. She is the mother of one of our staffers that's currently battling non-Hodgkin's lymphoma. So, one, I thank you for that resolution, but I welcome Cristal and her family. She has with her her sons Paul, Sean. Sean's girlfriend Amanda is here; Nina, the sister of Cristal, as well as their friend Gina, who is also a County Legislator in the County of Ulster.

So, Mr. Speaker, I ask that you extend the cordialities

of the House, and may we all remember those struggling with these -- these diseases. Thank you all.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Beephan, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. Our really admiration for this family effort that you have, that you're being supportive. We hope that all will be well and that you will enjoy your time with us. Thank you so very much, and be healthy and be safe. Thank you very much.

(Applause)

Mr. Pirozzolo.

MR. PIROZZOLO: Thank you, Mr. -- thank you, Mr. Speaker. With me today I have Mayor Ekrem Kastrati. He is the Mayor of Malisheva, a municipality in the Republic of Kosovo. The Mayor has a very generous and patriotic family, and his activity has been committed to cooperative support between the initiatives of the American community and the Albanian community. Mr. -- Mayor Kastrati has been appointed the Secretary at the General Ministry of Education, Science and Technology, and after that he took on other responsibilities at the Republican of Kosovo after being appointed Chief Inspector of the Labor Inspectorate in Kosovo. After that he turned his sights to public service, and now he is the Mayor of his municipality.

So would you please offer the cordialities of the floor?

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Pirozzolo, the Speaker and all the members, we welcome you here, Mr. Mayor. We appreciate that you've taken the time and the effort to come and share with us. You have the privileges of the floor, and really, our congratulations on an excellent career in public service that you've had, and we look forward to your future work as a public servant. Thank you so very much.

(Applause)

Mr. Brook-Krasny.

MR. BROOK-KRASNY: Thank you, Mr. Speaker, for the opportunity to make this introduction. We have here today Natalia Travilinia, founder of TraNa Relief National Association, which stands for Temporary Relief Assistance by National Association. Natalia and her team of volunteers provide assistance, resources, comfort and support to immigrants that have just arrived to the United States and those in need here already. As someone who immigrated to the United States many years ago, people like Natalia and their organizations they lead are indispensable in helping first-generation immigrants and refugees restart their lives and build a future through comfort, support, guidance and love. Many who seek asylum or refuge travel thousands of miles by air, land and sea in hopes of finding a better life and prosperity on our shores. Natalia and her organization have been instrumental in welcoming Ukrainian refugees here to the United States since the Russia invaded their homeland. In fact, in 2022 she established her own highly-respected

and widely-used telegram channel that is well-known in the Ukrainian and Russian community and a source of assistance in coming to America. Natalia is proudly dedicated to helping others enter the United States to achieve a better life, and has grown her organization into a well-respected and sought-after non-profit, and I thank her and brave refugees from Ukraine here today for joining us. With us today, Viktor Smirnov, who is no less than two-time World Boxing Champion; Robert Kural (phonetic); Victoria Vyanakova (phonetic), the honoree -- the singer, the honoree artist of Ukraine; Ala Buchanka (phonetic) and Natalia Travilinia herself.

Would you please welcome Natalia and her friends to Albany, Mr. Speaker, and award them with the cordialities -- cordialities of the House? Thank you very much.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Brook-Krasny, the Speaker and all the members, we welcome this distinguished group here to the New York State Assembly. We extend to you the privileges of the floor. Our congratulations and thanks for the work that you're doing, helping individuals who come here to our country seeking the American Dream. We hope that you will continue that work and applaud you for that effort. Thank you so very much.

(Applause)

Ms. Walsh for the purposes of a introduction.

MS. WALSH: Thank you very much, Mr. Speaker.  
Good morning -- or -- yeah, it's still morning -- to my friends and

colleagues here today as we -- as we work our long hours here in this last week of Session, it's really nice to be able to welcome some young face to the People's House. Today I'm joined by a group of fourth graders from Shatekon Elementary School, which is in the Shenendehowa School District, part of my district. And I'd like to -- oh, they are all standing up -- they're -- I just met with them and spoke with them briefly. They're very interested in this beautiful building, I'm so glad that they're here to tour it, and I -- I wanted them to come and see the People's House.

So would you please, Mr. Speaker, extend to them a welcome and offer them the cordialities of the House? Thank you very much.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Walsh, the Speaker and all the members, we welcome this fourth grade class here to the New York State Assembly, to the People's House. We also welcome those parents and supervisors and teachers who have come with you. We hope you have a great day here. This is a remarkable building, and believe me, it's a great place to come to work. One day we hope you aspire to come here and take your place here in the New York State Assembly. One in two, three of you, however many. Thank you so very much. We appreciate you being here.

(Applause)

Ms. Zinerman for the purposes of a introduction

MS. ZINERMAN: Thank you, Mr. Speaker. Good



morning, everyone, good morning. I, too, am excited today to introduce you to a group of young people from Brooklyn, New York. So today we are joined by the Civics Team from Clara Barton High School for Health Professions in Crown Heights, Brooklyn. This is a full-circle moment for me because a number of years ago, I won't say how many, I used to have an Explorer troop with the American Red Cross when I worked as the Director of Volunteers, and Clara Barton had stellar students that were a part of that troop. And so today we are joined by three young people who are doing wonderful things in their school. But let me tell you a little bit about Clara Barton. They've been serving our community for over 80 years and continues to produce certified dental and dental lab assistants, licensed practical nurses, vision technologists, nursing and medical assistants and EMTs. Today's group consist of -- well, it did -- two juniors and three seniors, all of which are participants in the Civic Seal of Readiness Program. So inviting them here today in the People's House is right up their alley. The young ladies have a commitment to their communities and a desire to be global citizens. Their compassion to their causes is evident in the various discussions we've had during their civic meetings throughout the term. As a condition for the program, the students are required to complete a mini action project. These young ladies have chosen to focus on the growing youth incarceration rates and how they can curtail it -- curtail those numbers in their district. They are accompanied today by Monique Antoine, who is one of my constituents and a member of the Youth and

Education Committee of Community Board 3, Assistant Principal of Humanities. Also, the Special Education teacher, Dwayne Smart; and the Vision Tech teacher, Miss Ciera Watford.

So I ask that you extend the cordialities of the House for each and every one of them, but I want to give a special shout-out to Laury, to Carlene and to Ruth for their presence here today. So, Mr. Speaker, if you would offer them the cordialities of the House, we would appreciate your wonderful welcomes that you always give to our young people. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Zinerman, the Speaker and all the members, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Hope that your trip to Albany has been beneficial, appreciate the work that you're doing and investing in the future of our communities and reducing some of the statistics that unfortunately we have become used to. And of course, a great school you come from, one that is around even when I was in high school, so that's -- that's some tradition that you've continued. Thank goodness that you've continued that tradition, and know that you are always welcome here. Thank you.

(Applause)

Ms. Giglio for the purpose of an introduction.

MS. GIGLIO: Thank you, Mr. Speaker. I'm excited to have my daughter and her best friend from kindergarten, as well as our family dogs Tilly and Pumpkin, who have also been best friends

forever. So they are here in the Chamber today. She is probably going -- I'm going to be in a lot of trouble for introducing her because she's very shy and did not want to be introduced, but if you would please extend the cordialities of the House to my daughter, her best friend and my dog Tilly and Tilly's best friend Pumpkin. And we missed Animal Advocacy Day because they were in college, but we're having our own, kind of, here today. So thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Giglio, the Speaker and all the members, as family you're always welcome here and you always will have privileges of the floor. Thank you for bringing your best friend. Thank you also for sharing those really adorable dogs with us. We appreciate the fact that they've been quiet today. Thank you so very much. Please know that you're always welcome. Thank you.

(Applause)

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

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

ACTING SPEAKER AUBRY: Certainly. Ways and Means Committee, Speaker's Conference Room immediately, please.

Page 21, Rules Report No. 560, the Clerk will read.

THE CLERK: Assembly No. A07639, Rules Report No. 560, Thiele. An act to amend Chapter 581 of the Laws of 2005

amending the Local Finance Law relating to statutory installment bonds, in relation to extending the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Thiele, 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, which will be the first vote of the day.

(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. A07640, Rules Report No. 561, Glick, Ardila, Simon, Bores, Steck, L. Rosenthal. An act to amend the Environmental Conservation Law, in relation to enacting the Birds and Bees Protection Act.

ACTING SPEAKER ZACCARO: The bill is laid aside.

THE CLERK: Assembly No. A07641, Rules Report No. 562, Glick. An act to amend Chapter 550 of the Laws of 2013 amending the Environmental Conservation Law relating to establishing the Mercury Thermostat Collection Act, in relation to the effectiveness thereof.

ACTING SPEAKER ZACCARO: The bill is laid

aside.

THE CLERK: Assembly No. A07644, Rules Report No. 563, Pheffer Amato. An act to amend the Administrative Code of the City of New York, in relation to the rate of interest used in the actuarial valuation of liabilities for the purpose of calculating contributions to the New York City Employees' Retirement System, the New York City Teachers' Retirement System, the Police Pension Fund, subchapter two; the Fire Department Pension Fund, subchapter two; and the board of Education Retirement System of such city by public employers and other obligors required to make employer contributions to such retirement systems, the crediting of special interest and additional interest to members of such retirement systems, and the allowance of supplementary interest on the funds of such retirement systems.

ACTING SPEAKER ZACCARO: 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 1, 2023.

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. A07660, Rules Report

No. 564, Zebrowski. An act to amend the New York State Medical Care Facilities Finance Agency Act, in relation to the ability to issue certain bonds and notes.

ACTING SPEAKER ZACCARO: On a motion by Mr. Zebrowski, the Senate bill is before the House. The Senate bill is advanced. The Clerk will read -- 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. A07661, Rules Report No. 565, Wallace. An act to amend Chapter 363 of the Laws of 2010, amending the Judiciary Law relating to granting the Chief Administrator of the Courts the authority to allow referees to determine applications for Orders of Protection during the hours family court is in session, in relation to the expiration thereof.

ACTING SPEAKER ZACCARO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07665, Rules Report No. 566, Taylor. An act to amend the Real Property Tax Law, in relation to income requirements for certain real property tax exemptions in a city with a population of one million or more.

ACTING SPEAKER ZACCARO: The bill is laid aside.

(Pause)

Page 10, Rules Report No. 242, the Clerk will read.

THE CLERK: Assembly No. A05295, Rules Report No. 242, Bores, Aubry, Hyndman, Darling, Dinowitz, Glick, McDonald, Simone, Simon, Hevesi, Tapia, Jacobson, Reyes, Alvarez, D. Rosenthal, Gibbs, Cruz, Steck, Zinerman, Rozic, Taylor, Bronson, Sillitti, Burgos, Colton, Lucas, Brabenec, Carroll, Lee. An act to amend the Labor Law, in relation to inventions made by employees.

ACTING SPEAKER ZACCARO: On a motion by Mr. Bores, 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.)

Mr. Bores to explain his vote.

MR. BORES: Thank you, Mr. Speaker. A long time ago in a law firm office far, far away, an enterprising attorney designed what became the standard contract -- employment contract in the tech industry, and it said anything that an employee invented while working at a company belongs to the company. And though I wasn't in the room, I'd like to assume that another lawyer turned to the first and said, *Are we really going to go after people who write novels on the weekend or do something not related to the company*, and the first probably said, *No, but it's safer for us, let's write it this way*. And while very well-intentioned, what that ended up doing was having a chilling effect on employees exploring new ideas and eventually building the next businesses. And so we've seen a number of states build protections into their law. California did this in 2011. If anything, it actually encouraged innovation in the tech industry, so we've now had eight states in addition adopt similar protection for employees. So if you do something in your spare time, you have the right for that, go ahead and keep it.

I'm proud that this bill has support from both industry and from labor unions, from Democrats and from Republicans, and I'm most proud to finally bring this overdue protection to all 20 million New Yorkers. I vote yes.

ACTING SPEAKER ZACCARO: Mr. Bores in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)



The bill has passed.

Mrs. Peoples-Stokes for the purpose of an announcement.

MRS. PEOPLES-STOKES: Mr. Speaker, will you please call the Rules Committee to the Speaker's Conference Room?

ACTING SPEAKER ZACCARO: Rules Committee to the Speaker's Conference Room.

Page 11, Rules Report No. 277, the Clerk will read.

THE CLERK: Assembly No. A06940, Rules Report No. 277, Simone, Zebrowski, Bores, Seawright, Lee, González-Rojas, Cunningham, Lucas, Levenberg, Pheffer Amato, Gibbs, Shimsky, Simon, D. Rosenthal, Tapia, Rozic, Zinerman. An act to amend the Not-for-Profit Corporation Law, in relation to authorizing non-membership not-for-profit corporations to classify board of directors in the by-laws.

ACTING SPEAKER ZACCARO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 14, Rules Report No. 384, the Clerk will read.

THE CLERK: Assembly No. A06568-B, Rules Report No. 384, McDonald, Buttenschon, Thiele, Zaccaro, Gunther, Benedetto, Zebrowski, Otis, Rozic, Fahy, McDonough, DeStefano, McGowan, K. Brown, Joyner, Wallace, Sayegh, Colton, Slater, Angelino, Davila, Woerner, Flood, Gallahan, Bores. An act in relation to establishing the New York State Organized Retail Crime Task Force; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER ZACCARO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. McDonald to explain his vote.

MR. MCDONALD: Thank you, Mr. Speaker. And I want to thank all my colleagues for their across-the-board support for the establishment of this New York State Organized Retail Theft [sic] Task Force. Retail theft is happening at an organized level throughout this country. Any day you can pick up a newspaper and read about it in Florida, in Texas, sadly, here in New York and across the country in California and, therefore, it involves a comprehensive approach. This is why I appreciate the opportunity to move this legislation forward. It's moving forward as well in the Senate from what I understand, and hopefully the Governor will find a positive

consideration because at the end of the day, yes, it's about supporting our businesses, but also just as importantly, those individuals who are working on the front lines in many of these retail establishments and those consumers who shop there as well. It's about making sure they, too, are protected in this process.

So I obviously support this legislation and thank my colleagues for their support as well.

ACTING SPEAKER ZACCARO: Mr. McDonald in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 19, Rules Report No. 480, the Clerk will read.

THE CLERK: Assembly No. A07558-A, Rules Report No. 480, Thiele, Pheffer Amato, Smith, Solages. An act to amend the Legislative Law, in relation to the Legislative Commission on the Future of the Long Island Power Authority.

ACTING SPEAKER ZACCARO: On a motion by Mr. Thiele, 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.)

ACTING SPEAKER AUBRY: Are there any other

votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 20, Rules Report No. 530, the Clerk will read.

THE CLERK: Assembly No. A06686, Rules Report No. 530, Magnarelli, Hunter. An act to amend the Vehicle and Traffic Law and the Public Officers Law, in relation to owner liability for failure of operator to comply with traffic control indications in the City of Syracuse; and providing for the repeal of such provisions upon expiration thereof.

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

THE CLERK: This act shall take effect in 30 days.

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference will be generally opposed to this bill for reasons I will explain shortly. Of course, those who support it are encouraged to vote yes here on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is going to be in favor of this piece of legislation; however, there may be a few that would desire to be an

exception. They do have that as an option.

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. Over the last several years we've had a number of local bills that have authorized cities to impose or put up speed cameras, and throughout that time period we've recognized and brought to the attention various concerns about the process and how it's run. And just as an example, with this bill as an example, it's clear that it doesn't matter who's driving the car, the owner is responsible. The photography system used on the speed camera specifically cannot take a picture of the driver, which makes it almost impossible for the owner to establish that somebody else was driving. This imposes liability on the owner even if the car was stolen, unless the owner reported the car as being stolen before it ran the speed zone. So if someone steals your car and they're driving it at a high rate of speed away from the police and you haven't had a chance to report it as stolen yet, it's adding salt to the wound because you'll be facing strict liability for -- for the stolen car going through a speed zone. This bill requires that if the car is leased from a leasing company, the leasing company can avoid liability but only upon providing an actual copy of the lease for the municipality. There -- this requires a report, an annual report on this demonstration program, but the report is only sent to the Majority, even though as -- as I

mentioned, the Minority has raised concerns in the past. The last speed camera bill that we approved was Minority in the negative. It was adopted by the local municipality after it passed here. There was such outrage in the community that the city council actually went in and revoked the authorization and shut down the program. So there's a lot of concerns. We have proposed language to address the due process issues, but that language has not been advanced in this bill and for that reason I will be opposing it.

Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker, briefly to explain my vote. I'm very much in support of the use of speed cameras. We cannot have police officers everywhere. We know speeding kills people, and the driver is in control of whether or not the vehicle is speeding or not. And as far as the cameras only capturing the license plate and the owner of the car being liable, that is the same thing as every parking ticket people have ever been given. They are based on the owner of the car. And it's important if, in fact, you're the owner of the car and it turns out that at the time you had given the car to a friend, a neighbor or your child, you have the ability to go back and explain to them exactly why you're never giving them use of the car again. Or, it's an opportunity to discuss proper use of the vehicle.

So I think this is an important measure for safety for

pedestrians and other people who are driving. So I withdraw my request and urge a yes vote and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Mr. Reilly to explain his vote.

MR. REILLY: Thank you, Mr. Speaker, to explain my vote. We've seen this demonstration program enacted in New York City. Back in 2014 it was enacted with 20 cameras. Before the pilot program actually came to a completion, the cameras were increased to 120 and then to 140 zones. All before the demonstration program was completed. Fast forward to today, we're looking at 2,500 cameras across New York City. And the transparency is not there. We've seen these cameras issue tickets and they're flawed. But because they're treated like a parking summons then they're sent to the registered owner. There really is no way of fighting those summonses, those notice of violations. And the cameras that are currently used, they have a calibration. It's done once a year by an individual, and then every day self-calibrating. That is where the issue becomes, because you don't have somebody attesting to whether the camera was operational correctly. Just as if you had a New York City Police Officer or a State Trooper, they would give testimony saying that the camera was operational before and after the notice of violation was issued for the summons in an actual stop. Therefore, we're looking at this happening with this program, going down the same path as New York City and, unfortunately, it has become a

revenue generator.

Therefore, I am in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Reilly in the negative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. You know, as a person who was trained to drive by my parents years ago, one of the things I was taught about driving is when you start pulling up to a yellow light, once you get to it you should stop. I don't know if that's still in the driving books now, but I do know that I very often sit at my light and it's green. I should be going across the intersection but I can't because cars are still going through. Now, I don't want to imagine why that happens. People are in a rush. I -- I don't know, people just learned how to drive, people don't follow the same rules as they used to follow. But one thing I do know is that it has increased the number of accidents because everybody's not as cautious as I would be. I don't know if your cousin may be riding down the street through a red light, but it happens all too often, Mr. Speaker. In every neighborhood in my Western New York community, I see that on a regular basis. And so if it's happening there it's happening in other places. And I know some people who head up local governments, they don't like this. They feel like somehow it's a municipal money grab, and all these things that are absolutely wrong. If you just follow the rules, when you get close to a



yellow light before it turns red, stop. You don't have to worry about the camera, it's not going to take your picture. But until that happens I'm going to have to support this because the number of accidents I see are on the rise. The number of new drivers, not just younger drivers, but new Americans that are driving, we need to make sure that our roads are safe, and I guarantee you if you are way too often going through that red light, you'll receive one of these tickets in the mail on a regular basis. Whether you can afford to pay it or not, you will stop because it's unaffordable to do something that you know is not right.

Again, Mr. Speaker, I know it's challenging, it's difficult for people to handle, but sometimes you have to do difficult things in order to get people to react in the right way. So I'm glad to be supporting this legislation and I thank the sponsor for introducing it.

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

Mr. Novakhov.

MR. NOVAKHOV: Thank you, Mr. Speaker. Well, while red light -- right light cameras really make sense often, the speeding cameras are moneymaking machines and we all know that. It's another legalized ripping off. People of New York suffer enough financially, so I think it's a shame to have so many speed cameras working 24/7 in our cities.

Thank you, Mr. Speaker. I'm against this bill. Thank you.

ACTING SPEAKER AUBRY: Mr. Novakhov in the negative.

Mr. Pirozzolo to explain his vote.

MR. PIROZZOLO: Thank you, Mr. Speaker. I, too, being a member from Staten Island, would have to be opposed to voting for any sort of legislation allowing speed cameras anywhere in New York. When these speed cameras were first sold to us on Staten Island they were told, you know, they would only -- we were told they would only be in school districts, next to schools and they would only be operational for school time. Well, now they're farther and farther away from schools, they're 24/7, and they really don't have anything do with safety but they have an awful lot to do with revenue. So I would caution the City of Syracuse or at least the residents who live there that your taxes just went up because you are going to paying these fines. And I don't care what the new law says as far as where they're going to be placed, that is going to do nothing but expand and I speak from personal history.

So I can never vote in favor of speed cameras. I think it's a bad idea, there has to be another way. I just think it's a way of picking the pockets of citizens. Thank you, sir. I'll be voting no.

ACTING SPEAKER AUBRY: Mr. Pirozzolo in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 21, Rules Report No. 531, the Clerk will read.

THE CLERK: Senate No. S06632, Rules Report No. 531, Senator May (A06687-A, Magnarelli, Hunter). Act to amend the Vehicle and Traffic Law and the Public Officers Law, in relation to authorizing the City of Syracuse to establish a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with posted maximum speed limits in a school speed zone; and providing for the repeal of such provisions upon expiration thereof.

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

THE CLERK: This act shall take effect in 30 days.

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference will be generally opposed to this legislation for reasons I hope to explain in a moment. Those who support it are certainly encouraged to vote yes on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Fall.

MR. FALL: Thank you, Mr. Speaker. The Majority Conference will be in the affirmative on this piece of legislation. Those would like to vote in the negative would have to come to their seat to vote in the negative. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. This is another speed camera bill that applies just to school zones, and in addition to all the concerns that I expressed earlier on the prior speed camera bill, this one has some unique characteristics. As one of my colleagues mentioned, speeding kills and it's particularly dangerous in school zones. And the problem with this bill is that the fine for blowing through a school zone is only \$50, a maximum of \$25 surcharge. It's not nearly enough to have an impact. Second, this camera only takes your picture if you're going more than ten miles above the speed limit in a school zone. Most school zones are normally ten miles or less, which means you can just blow right through a school zone without slowing down at all, and this system doesn't even issue a ticket. The next problem, though, is for innocent drivers who may not realize that the cameras are on a half-an-hour before and a half-an-hour after any school event. Who has a calendar of school events, after-school activities? You have to know when the school play is in order to know when the cameras are on? It's completely impossible to evaluate. As noted before and one of my colleagues mentioned, it's the driver in control that you want to go after. So if you have a police officer, they give a ticket to the driver, the driver gets points on their license, they pay a fine. But under this one, the ticket goes to the

owner of the car, not the driver. So it doesn't have the deterrent impact that we would hope. Now, we've been told this is the same as a parking ticket, but I've got news for you. Very few school kids are killed or hurt by parked cars. We're talking about speeding cars. The best way to protect our kids in a school zone is to have an officer there who's giving the tickets to the driver who's responsible, who is exceeding the speed limit that's posted and is putting points on their license, as they should. Sadly, this bill doesn't accomplish that.

Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Reilly to explain his vote.

MR. REILLY: Thank you, Mr. Speaker. So as I mentioned earlier, we had a demonstration program like this in New York City. Ironically, it started the same way, it started a half-hour before, an hour after school. At first it was only on the block where a school was, the camera could be located a quarter-mile on that street. Today it's up to a quarter-mile in circumference from the location of a school, which has expanded to preschools, which has expanded to daycare centers where there's no adequate -- adequate signage. They have these little signs that only black and white speed limit signs that say "photo enforced" underneath. If you really want to deter speeding, then increase those signage to include yellow signs, maybe flashing lights, to warn drivers that they're coming. But once again, this started in 2014 in New York City under this same guise. And now it has

expanded to 2,500 schools up to a quarter-mile in circumference from those schools I just mentioned and those daycare and childcare facilities. And to add insult to injury, New York City reduced the speed limit from 30 miles an hour to 25 miles an hour, and currently there's legislation to try and lower it to 20 miles an hour. Does anybody see a pattern there? I see it. Cameras increase, speed limits decrease, fines go up and all that money goes into the New York City General Fund. How about having a special fund to improve -- improve safety around schools where that money would go to? I have a bill that says that; New York City won't do it. Why? Because it makes money and it makes millions that they could spend in other areas. So it is a tax and they're spending it, and it's going to happen with this.

So I am a negative, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Reilly in the negative.

Mr. Novakhov to explain his vote.

MR. NOVAKHOV: Thank you, Mr. Speaker. Well, while I agree with my colleagues I just want to remind everyone in this House that I don't know about you, but I haven't seen a single student in the 3 a.m. in the morning near the school. Not in 2 a.m., 1 a.m. or 12 a.m. or 4 a.m. or even 5 a.m. Not a single student. So why? Just question yourself why these cameras should be active in 3 a.m. in the morning near the school. Again, because it's a money-making machine.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Novakhov in the negative.

Mr. Pirozzolo.

MR. PIROZZOLO: So thank you again, Mr. Speaker. You know, I have to agree with my colleagues from the City. Let me just point this out one more time. This is a resolution about putting speed cameras near school zones. During COVID when schools were closed, these cameras were on. Please do not fool yourselves. This program is going to expand and expand and expand until we have no money left. I don't even believe there has been a study that has shown that the safety around schools, accidents or deaths have decreased because of these cameras. But I will tell you that my constituents have been mentioning or complaining, actually not even mine, anywhere across the City, that their wallets are getting thinner, their pockets are getting lighter and there's no safety improvements at all. This is a speed trap for the City, for the State, to take our money. These zones will expand and it's just going to get worse.

I am going to be voting no again.

ACTING SPEAKER AUBRY: Mr. Pirozzolo in the negative.

Mr. Brown, Mr. Ari Brown.

MR. A. BROWN: Thank you, Mr. Speaker. We're being told by my colleagues that these bills are being put in simply for

safety measures and concerns of -- of the like. If that's the case, why is it, then, when I and my colleagues try to put in bills that will limit -- will limit the speed in certain locations it doesn't even make it out of committee? For example, I had a bill that would create a consistent speed limit in a certain location from 20 to 15 to be consistent with adjacent areas and I can't get it out of committee. If we are concerned about health and safety and welfare, let's put up or shut up. Let's be consistent in the legislation that we allow to come to the floor.

And for that reason, Mr. Speaker, I vote in the negative.

ACTING SPEAKER AUBRY: Mr. Brown in the negative.

Ms. Simon to explain her vote.

MS. SIMON: Thank you, Mr. Speaker. I realize that people do not want to get caught speeding, and the answer to that is to not speed. We all know that vehicular crashes are more dangerous the faster people are driving. This is a measure to deter people from speeding. So you don't want to pay the fine, don't speed.

I think this is a very good bill and I'm happy to vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.



Page 23, Calendar No. 2, the Clerk will read.

THE CLERK: Assembly No. A00117-A, Calendar No. 2, Paulin, Sillitti, Sayegh, Epstein. An act to amend the Public Health Law, in relation to factors for consideration for applications for a license to operate a bank or storage facility.

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 24, Calendar No. 16, the Clerk will read.

THE CLERK: Assembly No. A03596-A, Calendar No. 16, Paulin, Dinowitz, Seawright, Dickens, Gunther, Jackson, Simon, Steck, Zinerman, McDonough, Sillitti, Septimo, Kelles. An act to amend the Penal Law and the Civil Rights Law, in relation to unlawful dissemination or publication of intimate images created by digitization and of sexually-explicit depictions of an individual; and to repeal certain provisions of the Penal Law relating thereto.

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 on the 60th 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 26, Calendar No. 37, the Clerk will read.

THE CLERK: Assembly No. A03245-D, Calendar No. 37, Paulin, Sayegh. An act to amend the General Business Law, in relation to requiring businesses to notify consumers of an upcoming automatic renewal or continuous service charge 45 days prior to such charge.

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.

Page 34, Calendar No. 196, the Clerk will read.

THE CLERK: Assembly No. A01707-A, Rules Report [sic] No. 196, D. Rosenthal, Dickens, Colton, Williams, Seawright, Cook, Simon, Jacobson, Hunter, Dinowitz, Zinerman, Weprin, Meeks, Shimsky, L. Rosenthal, Buttenschon, Ramos, Lupardo, Levenberg, Stirpe, González-Rojas, Sillitti, Jean-Pierre, McDonald, Simone. An act to amend the Insurance Law, in relation to requiring certain manufacturers of prescription drugs to notify the superintendent of any proposed increase of the wholesale acquisition cost of such prescription drugs.

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.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. As we wrap up our last week of Session it is great to see a whole bunch of energetic, happy, enthusiastic visitors to our Chamber. And so on behalf of our colleague Steve Hawley and the rest of us, I hope you can welcome Mrs. Gretchen Pietrzykowski's and Mrs. Jenna Browne's fourth grade class from Elba Elementary School. Now, Mrs.

Pietrzykowski has been teaching 19 years, so some of her fourth graders have now graduated and gone on to college, no doubt. We have with us Zeric Amaro, Logan Benzon, Nathan Buczek, Nathaniel [sic] Cwiklinski, Noah English, Levi Fischer, Luke Gaylord, Nora Gildner, Layla Halsey, Jaemus Kennedy, Zane Mackee, Joseph Mudrzynski, Zachary Perry, Brock Reigle, Aidan Shanley, Brea Schultz, Jaxon Smith, Violete Smith, Ryder Thompson, Ja'nelynn Woods, Brody Yark-Pratt and Gia Zuber as students. And keeping this enthusiastic group focused, which as you know as the Leader here or as Speaker is sometimes a challenge, we have as chaperones Mr. Bezon, Mr. Mudrzynski, Mr. Kennedy, Mr. Tesch, Mr. Mackee, Mrs. Zuber, Mrs. Cordez, Ms. Shanley, Mrs. Thompson, Mrs. Buczek and Mr. Reigle.

If you could welcome this great group of fourth graders to our Chamber I would appreciate it. Thank you, sir.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Hawley, 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. Happy that you've taken time from your fourth grade activities to share with us here in Albany. You are always welcome here. Thank you to both teachers and parents who have accompanied you today. They make the world for you a little bit easier. Thank you for the work all of you are doing. Thank you so much.

(Applause)

Mr. Fall.

MR. FALL: Members have on their desks the A-Calendar. Mr. Speaker, I now move to advance the A-Calendar.

ACTING SPEAKER AUBRY: On Mr. Fall's motion, the A-Calendar is advanced.

Page 3 on the A-Calendar, Rules Report No. 567, the Clerk will read.

THE CLERK: Assembly No. A00048-B, Rules Report No. 567, L. Rosenthal, Dinowitz, Glick, Simon, Epstein, McMahon, Colton, Weprin, Taylor. An act to amend the Multiple Dwelling Law and the Multiple Residence Law, in relation to the use of smart access systems and the information that may be gathered from such systems.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00268, Rules Report No. 568, Walker, Bronson, Carroll, Colton, Cook, Dickens, Glick, Hunter, Hyndman, Jean-Pierre, Lupardo, Paulin, Pretlow, L. Rosenthal, Simon, Steck, Weprin, Zebrowski, Zinerman, Mamdani. An act to amend the Election Law, in relation to mandatory training curriculum for poll workers.

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

THE CLERK: Assembly No. A01447, Rules Report No. 569, Bichotte Hermelyn, Epstein, Colton, Walker, Gibbs. An act to direct the Empire State Development Corporation to conduct a

study on the feasibility of a minority- and women-owned business enterprise capacity mentorship program.

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. A01565-A, Rules Report No. 570, Simon, Weprin, Dickens, Thiele, Steck, DeStefano, Davila, Stirpe, Ardila, Dinowitz, McDonald, Novakhov. An act to amend the Election Law, in relation to establishing a deadline for changing the location of a polling place for an early voting period.

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

THE CLERK: Assembly No. A01709-B, Rules Report No. 571, Reyes, Paulin, Otis, Dinowitz, Burgos, Raga, Shrestha, Forrest, Dickens, O'Donnell, Levenberg, Simon, Ardila, González-Rojas, Kelles, McDonald, Cunningham, Carroll, Seawright, Fahy, Shimsky, Glick, Gibbs, L. Rosenthal, Burdick, Cruz, De Los

Santos, Bores, Hevesi, McMahon, Epstein, Wallace, Lavine, Thiele, Sillitti, Aubry, Weprin, Clark, Septimo, Simone, Jacobson. An act to amend the Criminal Procedure Law, the Executive Law, the Civil Practice Law and Rules, the Insurance Law and the Education Law, in relation to legally-protected health activity providers.

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

THE CLERK: Assembly No. A03313, Rules Report No. 572, DiPietro. An act to repeal Section 925-t of the General Municipal Law, relating to the Town of Concord Industrial Development Agency.

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. A04038, Rules Report No. 573, Eachus. An act to amend the Tax Law, in relation to authorizing the Town of Cornwall to impose a hotel and motel tax; and providing for the repeal of such provisions upon expiration

thereof.

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. A05035, Rules Report No. 574, J. M. Giglio. An act to amend Chapter 672 of the Laws of 1993, amending the Public Authorities Law relating to the construction and financing of facilities for certain public libraries, in relation to including the Olean Public Library.

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. A05036, Rules Report No. 575, Eichenstein. An act to authorize the City of New York to



reduce the interest accrued on certain charges assessed on real property located at 1690 60th Street in Brooklyn.

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. A05223-C, Rules Report No. 576, Beephan. An act to amend the Highway Law, in relation to designating a portion of the State highway system as the "Zone Sergeant James G. Sweeney Memorial Bridge."

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. Beephan to explain his vote.

MR. BEEPHAN: Thank you, Mr. Speaker. I just wanted to highlight the life of Zone Sergeant James Sweeney. While we can go on and on about his 30 years of service to Dutchess County and the surrounding area, as a former firefighter I have to highlight the

fact that he ultimately succumbed to his injuries working on the piles of 9/11 down at Ground Zero. So I thank Mr. Sweeney for his service to our community as we posthumously award him this bridge. I thank his family who -- who remembers him to this day and I thank you all for your support.

ACTING SPEAKER AUBRY: Mr. Beephan in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

And Mr. Beephan, you have passed your first bill and an appropriate one at that. Congratulations.

(Applause)

As I always say, the last time that will happen.

The Clerk will read.

THE CLERK: Assembly No. A05333-A, Rules Report No. 577, Palmesano. An act to amend the Tax Law, in relation to extending the authorization of the County of Schuyler to impose an additional 1 percent of sales and compensating use taxes.

ACTING SPEAKER AUBRY: On a motion by Mr. Palmesano, 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. A05346-A, Rules Report No. 578, Santabarbara, Steck. An act providing for a taxpayer assistance authorization for households in the County of Schenectady.

ACTING SPEAKER AUBRY: On a motion by Mr. Santabarbara, 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. A05347, Rules Report No. 579, L. Rosenthal. An act to amend the Executive Law, in relation to the provision of informational materials on economic abuse.

ACTING SPEAKER AUBRY: On a motion by Ms. L. Rosenthal, 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. A05639, Rules Report No. 580, Magnarelli, Wallace, Conrad. An act to amend the Railroad Law, in relation to requiring certain trains and locomotives to have a crew size of not less than two persons; and providing for the repeal of such provisions upon expiration thereof.

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

THE CLERK: Assembly No. A05768-A, Rules Report No. 581, Byrnes. An act to amend the Tax Law, in relation to authorizing the County of Livingston to impose an additional 1 percent sales tax.

ACTING SPEAKER AUBRY: On a motion by Ms. Byrnes, 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. A05776-A, Rules Report No. 582, J.M. Giglio. An act to amend the Tax Law, in relation to extending the expiration of the provisions authorizing the County of Allegany to impose an additional 1.5 percent sales and compensating use taxes.

ACTING SPEAKER AUBRY: On a motion by Ms. Giglio -- Mr. Giglio, 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. A05777-A, Rules Report No. 583, Tague. An act to amend the Tax Law, in relation to extending the authorization for imposition of additional sales and compensating use taxes in Greene County.

ACTING SPEAKER AUBRY: On a motion by Mr.

Tague, 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. A05808, Rules Report No. 584, DeStefano. An act to amend Chapter 47 of the Laws of 1963 relating to incorporating the Bellport Volunteer Firemen's Benevolent Association, and providing for its powers and duties, in relation to the name and the management and control of the Association and the usage of moneys received from foreign fire insurance companies by the Association.

ACTING SPEAKER AUBRY: On a motion by Mr. DeStefano, 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. A05837-A, Rules Report No. 585, Brabenec, Maher. An act to amend the Tax Law, in relation to authorizing the Town of Goshen to impose a hotel and motel tax; and providing for the repeal of such provisions upon expiration thereof.

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. A05902, Rules Report No. 586, Kelles, Levenberg, Aubry, Kim, Woerner, Epstein, Gibbs. An act to amend the Correction Law, in relation to establishing a uniform electronic medical records system for correctional facilities.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06095-A, Rules Report No. 587, DiPietro. An act to amend the Executive Law, in relation to including Silver Lake Outlet within the definition of "inland waterways" for the purposes of waterfront revitalization.

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. A06156, Rules Report No. 588, Pheffer Amato. An act to amend the Retirement and Social Security Law, in relation to participation in certain retirement plans by active and retired members and staff of the New York City Council.

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. A06165, Rules Report No. 589, Miller. An act to amend the Tax Law, in relation to extending the authority of the County of Madison to impose an additional rate of sales and compensating use taxes.

ACTING SPEAKER AUBRY: On a motion by Mr.



Miller, 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.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06180-A, Rules Report No. 590, Braunstein. An act to amend the Public Health Law, in relation to death certificates.

ACTING SPEAKER BARRETT: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BARRETT: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, Madam Speaker. This bill authorizes domestic partners, cousins, nephews, nieces and almost anybody else in the world to get a copy of a death certificate. And the reason I say anyone else in the world is even though the bill talks about grandparents, aunts, uncles, cousins, nieces and nephews of the

decedent, there's no real practical way to establish that you're a nephew, niece or cousin of the decedent. And so what this bill basically is saying is that death certificates are now going to be, for all practical purposes, publicly available. Well, that raises in my mind some interesting privacy issues because the death certificate not only reports the cause of death, but the addresses of the decedent and where they were at the time of death and various other information that many people may consider very confidential. And so if someone's spouse dies they may not want their home address readily available to anyone who wants a death certificate. And for those privacy reasons I will be voting against this. Thank you, sir -- ma'am. Thank you, ma'am.

ACTING SPEAKER BARRETT: 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. A06258-A, Rules Report No. 591, Eachus. An act to amend the Tax Law, in relation to the imposition of a hotel and motel tax in the Village of Woodbury; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER BARRETT: Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BARRETT: 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. A06316-A, Rules Report No. 592, Bendett. An act to amend the Tax Law, in relation to extending the authorization of the County of Rensselaer to impose an additional one percent of sales and compensating use taxes.

ACTING SPEAKER BARRETT: On a motion by Mr. Bendett, 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 BARRETT: 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. A06555, Rules Report No. 593, Jacobson. An act to amend the Tax Law, in relation to authorizing the City of Poughkeepsie to impose a hotel and motel tax; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER BARRETT: Home Rule

message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BARRETT: 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, Madam Speaker, for the opportunity to introduce some guests of -- of our colleague, Mr. Phil Ramos. He has with him today Marita Landaveri, she's the Ambassador and the General Consul of Peru in New York. He has Vicky and William Diaz, founders of Sumaq Peruvian Food Festival, and Misolino Silva, President of the Peruvian Long Island Chamber of Commerce, and other distinguished guests from the Peruvian community, and a host of Peruvian Food Festival, including the Chef of the Year, Diego Sánchez. So would you please, Madam Speaker, on behalf of our colleague, Mr. Ramos, welcome these outstanding guests to our Chambers and give them the cordialities of our floor.

ACTING SPEAKER BARRETT: Thank you. On behalf of the Majority Leader, our colleague Mr. Ramos, the Speaker and all of the members, we welcome this distinguished group to our Chamber. Anything to do with food is popular amongst this group, so

we're very happy to have you here, and extend the privileges of the floor to you and hope that you enjoy your visit here today and the proceedings. Thank you so much. Thanks for joining us.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A06556, Rules Report No. 594, Jacobson. An act to amend the Tax Law, in relation to authorizing the City of Beacon to impose a hotel and motel tax; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER BARRETT: Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BARRETT: 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. A06571, Rules Report No. 595, Pheffer Amato. An act to amend the Retirement and Social Security Law, in relation to modifying the retirement program for Triborough bridge and tunnel members; to amend the Criminal Procedure Law, in relation to clarifying the statutory peace officer designation of certain employees of the Triborough bridge and tunnel authority; and providing for the repeal of certain provisions.

ACTING SPEAKER BARRETT: Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BARRETT: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Fitzpatrick to explain his vote.

MR. FITZPATRICK: Thank you, Madam Speaker. This is another example of a pension sweetener that should be negotiated. In fact, in the Governor's veto message she said what I've been saying for the last couple of days that these benefit enhancements should be won at the negotiating table. It is not unfair, nor is it unreasonable to ask for the other side to put something on the table to help offset the cost. No provision for the cost of this enhanced benefit was provided, which means it falls heavily on the taxpayer and for this reason I will be voting no and I urge everyone else to heed the Governor's advice and let's do this at the negotiating table and not through the back door. Thank you.

ACTING SPEAKER BARRETT: 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. A06604, Rules Report No. 596, Reyes, Dinowitz, Ramos, L. Rosenthal, Joyner, Jean-Pierre,

Simon, Aubry, Stirpe, Weprin, Williams, Taylor, Santabarbara, Steck, Paulin, Glick, Cruz, Lavine, Stern, Seawright, Rivera, Jacobson, DeStefano, Dickens, Epstein, McMahon, Burgos, Carroll, Forrest. An act to amend the Labor Law, in relation to protecting employee freedom of speech and conscience.

ACTING SPEAKER BARRETT: The bill is laid aside.

THE CLERK: Assembly No. A06667, Rules Report No. 597, Walker. An act to amend Chapter 548 of the Laws of 2022 relating to authorizing the City of New York to discontinue the use as parkland a portion of real property in the Borough of Brooklyn and to transfer such lands to the Metropolitan Transportation Authority, to enable the New York City Transit Authority to construct in such areas new permanent at-grade station improvements and pedestrian bridges, in relation to making technical amendments thereto.

ACTING SPEAKER BARRETT: Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BARRETT: 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. A06693, Rules Report

No. 598, Shimsky. An act to authorize the assessor of Mount Pleasant to accept an application for exemption from real property taxes from Spectrum Designs Foundation, Ltd. for a certain parcel in the Village of Pleasantville in the Town of Mount Pleasant.

ACTING SPEAKER BARRETT: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BARRETT: 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. A06781-A, Rules Report No. 599, Tague. An act to amend Chapter 672 of the Laws of 1993, amending the Public Authorities Law relating to the construction and financing of facilities for certain public libraries, in relation to including the Community Library in Cobleskill.

ACTING SPEAKER BARRETT: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BARRETT: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Please read the results.



(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06833, Rules Report No. 600, Jean-Pierre. An act to amend the Executive Law, in relation to human rights violations by a real estate appraiser.

ACTING SPEAKER BARRETT: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BARRETT: 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 carried -- passed.

THE CLERK: Assembly No. A06903, Rules Report No. 601, Stern. An act to amend the State Finance Law, in relation to making technical corrections to a definition for purposes of the Excelsior Linked Deposit Program.

ACTING SPEAKER BARRETT: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BARRETT: 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, Madam Speaker, for allowing me to disturb our proceedings to introduce a guest of Mr. Santabarbara. We are pleased to welcome Reverend Dustin Longmire, Pastor of Messiah Lutheran Church in Rotterdam, New York to the Chamber today. Mr. Dustin has been instrumental in making the Town of Rotterdam and the church community more inclusive and a more welcomed society. Madam Speaker, if you will please welcome Reverend Dustin Longmire and extend to him the cordialities of the House, both Member Santabarbara and I will be very appreciative. Thank you, ma'am.

ACTING SPEAKER BARRETT: Thank you. On behalf of the Majority Leader, the Speaker, our colleague Mr. Santabarbara, Reverend, we welcome you to our House and to the proceedings, and hope you enjoy them. Thank you for the important work that you do in our region and the community here in the Capital District, and please enjoy the cordialities of the House. Thank you for joining us.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A07007-A, Rules Report No. 602, Bichotte Hermelyn. An act to amend the Public Authorities Law, in relation to modernizing the Metropolitan

Transportation Authority's small business mentoring program.

ACTING SPEAKER BARRETT: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BARRETT: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, Madam Speaker. It almost seems like an oxymoron to ask the MTA, one of the largest governmental entities in the State of New York, to provide mentoring on a small business program. I'm supporting this even though it's the MTA, which is a very large organization which doesn't have a great reputation for efficiency, apparently now helping small businesses with mentoring. I wish them the best of luck. I hope the small businesses can help mentor the MTA and improve their operations. Thank you.

ACTING SPEAKER BARRETT: Mr. Goodell in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07043-A, Rules Report No. 603, Fahy. An act to amend the Vehicle and Traffic Law and the Public Officers Law, in relation to establishing a school speed

zone camera demonstration program in the City of Albany; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER BARRETT: Home Rule message is at the desk. Read the last section.

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

ACTING SPEAKER BARRETT: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, Madam Speaker. This is the third speed camera bill we've had today. As with the first two, it imposes liability on the owner of the car, not the driver. It's designed to take pictures of only the car and not the driver, so the -- the owner cannot prove that he wasn't driving. It imposes liability on the owner even if the car was stolen, unless the owner had the good fortune of reporting the theft before the speed camera occurred. It doesn't give the owner the right to due process, can't examine the camera. The camera is only calibrated once a year. The fine for blowing through a speed zone is only \$50, with the possibility of 75 if you're a multiple violator. The speed that you can blow through a school zone is ten miles an hour above the base speed limit, which means after doing the regular speed limit, you don't have to slow down at all and you can still blow through the speed zone. And for all those reasons and the ones that have been mentioned by my colleague earlier, which I hope

they don't feel the necessity to repeat, I will be voting no. Thank you.

ACTING SPEAKER BARRETT: Mr. Goodell in the negative.

Ms. Fahy to explain her vote.

MS. FAHY: Thank you, Madam Speaker. I rise to explain my vote on this legislation. This legislation was brought to me at the request of the City of Albany, particularly because of a recent study that showed a rather stunning number of problems in front of the Albany -- the host of Albany school zones. We have about 47 schools in the City of Albany between public and private. In a four-year study by the Chicago -- by the Albany Police Department, as well as the Capital Region Crime Analysis Center, they reported issuing 1,700 speeding tickets -- or speeding incidences, as well as 11,000 reported vehicular accidents in the school zones in just that four-year period. It resulted in 2,100 injuries and 11 fatalities, five of which were pedestrians, five pedestrian fatalities just in front of school zones.

So these have been alarming numbers. We know since the pandemic, speed, speeding drivers and the roads have become just more dangerous and we know that from data throughout the State. So I was happy to work with the City of Albany in doing this, and we also know that speed cameras in front of school zones work. We have seen a -- the CDC, the Center for Disease Control, of all places, have done a study and shown that there's been a 72 percent drop in the average speed and an eight percent drop in the number of

injuries when we have these speed cameras in front of schools. So with that, I vote in the affirmative and I thank you, Madam Speaker.

ACTING SPEAKER BARRETT: Ms. Fahy in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04793, Rules Report No. 206, McGowan. An act to amend the Highway Law, in relation to designating a portion of the State highway system as the "Doc Schelin Memorial Highway"

(Pause)

ACTING SPEAKER BARRETT: The Clerk will read.

THE CLERK: Assembly No. A07200, Rules Report No. 604, Shrestha. An act to amend the Tax Law, in relation to hotel and motel taxes in Ulster County.

ACTING SPEAKER BARRETT: The Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BARRETT: 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. A07209, Rules Report No. 605, L. Rosenthal. An act to amend Chapter 514 of the Laws of 1983 amending the Private Housing Finance Law and the Real Property Tax Law relating to the powers of the New York State Housing Finance Agency and the New York City Housing Development Corporation to finance certain multi-family housing, in relation to the effectiveness thereof; to amend Chapter 396 of the Laws of 1984 amending the Private Housing Finance Law and the Real Property Tax Law relating to the powers of the New York State Housing Finance Agency to finance certain multi-family housing, in relation to the effectiveness thereof; to amend Chapter 915 of the Laws of 1982 amending the Public Authorities Law relating to the powers of the State of New York mortgage agency, in relation to the effectiveness thereof; to amend the Public Authorities Law, in relation to the powers of the State of New York mortgage agency; to amend Chapter 555 of the Laws of 1989 amending the Public Authorities Law and other laws relating to establishing a New York State infrastructure trust fund, in relation to the effectiveness thereof; to amend Chapter 172 of the Laws of 2002, amending the Public Authorities Law relating to the powers of the State of New York mortgage agency, in relation to the effectiveness thereof; to amend Chapter 208 of the Laws of 2010 amending the Public Authorities Law relating to the powers of the State of New York mortgage agency, in relation to the effectiveness thereof; and to amend the

Chapter of 246 of the Laws of 2010 amending the Public Authorities Law relating to the powers of the State of New York mortgage agency, in relation to the effectiveness thereof.

ACTING SPEAKER BARRETT: 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. A07293, Rules Report No. 606, Bronson, Lupardo, Kelles. An act to amend the Alcoholic Beverage Control Law, in relation to authorizing the manufacture of beer, spirits, cider, wine and mead at the community college in Broome County and Cornell University acting on behalf of the New York State College of Agriculture and Life Sciences and the New York State Agricultural Experiment Station.

ACTING SPEAKER BARRETT: 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 BARRETT: 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.

THE CLERK: Assembly No. A07295-A, Rules



Report No. 607, Bichotte Hermelyn. An act to amend the Executive Law, in relation to the maximum number of employees that a Minority- and Women-Owned Business Enterprise may have during a declared State disaster emergency or other emergency or critical need.

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. A07365, Rules Report No. 608, Paulin. An act to amend the Public Health Law, in relation to licensure requirements and reimbursements for certain home health services.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. On behalf of our colleague, Mr. Zebrowski, I'd like to introduce Patricia Zippilli, just retired after 20 years of service as the Commissioner of Jurors in Rockland County. She was a vital part of the legal community expertly running the jury department so that trials could be held fairly and efficiently. She's also served on the Board of the YMCA and the Family Court Children's Advisory Committee. She is joined by her daughter, Cindy, her son-in-law Angelo, and her granddaughter, Julia. Mr. Speaker, on behalf of our colleague, Mr. Zebrowski, would you please welcome this retiring young lady and her family to our Chambers.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Zebrowski, the Speaker and all the members, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Our thanks and congratulations for the years of public service that you provided. Know that you are always welcome here and always appreciated, both in Rockland County and in this place of government here in Albany. Thank you so very much.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A07366, Rules Report No. 609, Hevesi. An act to amend the Social Services Law, in relation to updating the mandated reporter training to include how to identify

an abused or maltreated child with an intellectual or developmental disability.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 365th 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. A07425, Rules Report No. 610, Reyes. An act to amend Chapter 2 of the Laws of 1998, amending the Public Health Law and other laws relating to expanding the Child Health Insurance Plan, 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. A07478-A, Rules

Report No. 611, Levenberg. An act to amend the Public Officers Law and the Village Law, in relation to residency requirements for the Village Clerk/Treasurer and the Deputy Clerk for the Village of Cold Spring.

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. A07669, Rules Report No. 612, Bores, Buttenschon, Lavine, Burdick. An act to amend the Judiciary Law, the Family Court Act, the New York City Criminal Court Act and the New York City Civil Court Act, in relation to increasing the number of judges in courts.

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.

MR. GOODELL: Thank you, sir, to explain my vote. I am supporting the increase in the number of judges in certain

judicial districts of this bill. They are undoubtedly needed based on all the bills that we pass every year that make New York more and more complicated, and the need for more judges. And I would hope, in particular, that this will enable more judges to be assigned to housing court to assist with the current backlog, which is very substantial, and to deal with other housing issues that could be of benefit to both landlords and tenants, such as the ERAP Program, the LRAP Program and other programs that benefit both parties. So I am certainly supporting this, although I'm not surprised that we're adding judges based on the number of bills we pass, and I hope those will be appropriately assigned to help clear up some of this backlog. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you. Mr. Goodell 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: Thank you, Mr. Speaker. If colleagues could bring their attention to our debate calendar, we're going to start on page 2 with Rules Report No. 478 by Ms. Darling; then we're going to Rules Report No. 411 by Mr. Taylor; back to page 1, we're going to go to Rules Report No. 196 by Ms. Paulin -- I'm sorry, Ms. Glick; followed by No. 246, Ms. Paulin; Rules Report No. 255, Mr. Lavine; and then we're going to go to Rules

Report No. 264 by Ms. Rajkumar. In that order, Mr. Speaker. Thank you.

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

Page 19, Rules Report No. 478, the Clerk will read.

THE CLERK: Assembly No. A07393, Rules Report No. 478, Darling. An act to amend Part FFF of Chapter 59 of the Laws of 2018, amending the Public Health Law relating to authorizing the Commissioner of Health to redeploy excess reserves of certain not-for-profit managed care organizations, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Darling.

MS. DARLING: Thank you, Mr. Speaker. This bill would extend Section 4416 of the Public Health Law which deals with the reserves of health maintenance organizations in the event of a sale, conversion, or transfer.

ACTING SPEAKER AUBRY: Mr. Jensen.

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

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

MS. DARLING: I'll yield.

ACTING SPEAKER AUBRY: Ms. Darling yields, sir.

MR. JENSEN: Thank you, Ms. Darling. What is the justification for extending the sunset date of 2023 to 2025?

MS. DARLING: Though the Department of Health is not aware of transactions that would -- that would apply under this law, giving DOH the authority to review HMO transfers and ensure adequate reinvestments into the health care community in the event of a conversion remains important. If a sale must move quickly or the sale happens outside of the purview of the budget where an agreement can be negotiated during that time, say the summer when we are not in Session, this allows the Department of Health to see the financial records of these large, billion dollar entities and be time-sensitive and remain critical to the State.

MR. JENSEN: Did the Commissioner or the Department of Health request an extension of the sunset date?

MS. DARLING: Yes, they did.

MR. JENSEN: They did. Well, it's -- it's interesting that they would extend -- they would ask for that extension because from my understanding that this original provision was included in the 2018 budget for a very specific purpose, and that was in connection with the sale of Fidelis Care to Centene and was focused specifically on that individual transaction. As part of that transaction, the State had allocated a significant portion of the proceeds from the sale to be deposited into a newly-established health care transportation fund, which was subsequently followed in a new sub-part of that budget language. An additional sub-part proposed that (inaudible) the

authority of DOH to ensure that the transaction went smoothly, and that the members were migrated from one plan to the other. The transaction happened in July after that budget of 2018. Because everything went according to plan, there were no problems, DOH never implemented any of the rules or regulations provided in the subsequent sub-part. So my question is because the original budget language was for a one-off event, why are we extending a sunset date for something that does not affect the same situation presently?

MS. DARLING: As long as the fund exists, this extender or this bill should exist, as well, to ensure that if another conversion or transfer happens, that the State is able to reinvest in our community.

MR. JENSEN: Okay. But the original budget language doesn't say "all" not-for-profit plans, it says "certain." It was specifically drafted for a one-off event. So with your explanation that we're applying it to any potential merger, that's inconsistent with the original authorizing language that the Legislature approved in 2018 through the budget.

(Pause)

MS. DARLING: So this is not for every transaction that may happen, but if one did happen in the future, the DOH is authorized to be able to look at the finances and determine how they'd want to proceed.

MR. JENSEN: Doesn't DOH already have that power, or DFS have that power to assess the viability of insurance



plans in the State? Wouldn't that already be covered through another section of State law?

MS. DARLING: Not when it comes to taking proceeds and depositing it into the specific fund.

MR. JENSEN: So within the next two years, is there an expectation from DOH that there's going to be another --

MS. DARLING: Not necessarily, but if one occurs this extender would allow DOH to intervene.

MR. JENSEN: Okay. Thank you very much, Ms. Darling.

Mr. Speaker, on the bill.

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

MR. JENSEN: Certainly, I respect the sponsor's want to be proactive in the event something may happen in the future, the language that we're extending today was specifically drafted for a one-off event, and it is seemingly not needed at this time to extend the sunset date for something that was completed in July of 2018. And for that reason, I will not be supportive of this legislation. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.  
Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The Republican Conference is generally opposed to such legislation. Those who support it can certainly vote in favor here on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is going to be in favor of this piece of legislation.

ACTING SPEAKER AUBRY: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 15, Rules Report No. 411, the Clerk will read.

THE CLERK: Senate No. S07157, Rules Report No. 411, Senator Breslin (Taylor--A07357). An act to amend Chapter 490 of the Laws of 2017 amending the Insurance Law relating to limits on certain supplementary insurance, in relation to the effectiveness thereof.

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

MR. TAYLOR: Thank you, Mr. Speaker. This bill

extends until June 30th, 2026 provisions of the Insurance Law that allow for the sale of supplemental uninsured and underinsured motorist insurance in an amount equal to the bodily injury liability limits of an insured's auto policy.

ACTING SPEAKER AUBRY: Mr. Blankenbush.

MR. BLANKENBUSH: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BLANKENBUSH: Just briefly for those who are not familiar with uninsured -- underinsurance or underinsurance or uninsured. In the State of New York you're required to -- to carry 25,000 to 50,000 and \$10,000 of property damage on your automobile insurance. You're also required under uninsured and underinsurance that that same amount of 25,050. That protection comes into play if you're involved in an accident and the person who hit you or is involved in that accident has no insurance or has low limits of coverage, your policy will pick up the difference.

Now, we in the insurance industry or -- that I've done all my life, we've always recommended that you cover as much uninsured -- underinsured coverage as you do in your whole liability package for someone else. So it's a good idea, it's a great idea and we've always encouraged that. The problem that -- what this bill does, it takes it out of the hands of the consumer. So even when we sit down with people and recommend that they do the coverages, it's up to them if they want to pay the extra premium for that coverage. So

again, it's a great idea.

The concern I have with this is, for example, with online coverages, people sitting down on their computer, putting in coverage to buy insurance, they will automatically put the higher limits on the coverage of their policy, whether they want it or whether they don't want it. Also, if you call the 800-numbers, you're sitting in your office and you dial an 800-number, you want to buy insurance over the phone or you want to buy insurance over the computer, the coverage will automatically be the higher limits. Again, I recommend higher limits. But the problem is we're taking it out of the hands of the consumer. The consumer is the one purchasing the insurance, he's the one, or she's the one, that should be making the decision if she wants -- he or she wants that higher coverage. It's a great idea, I'm not against increasing limits. We've tried to -- I've tried to do that all my life, sitting down with clients. But I still think that the problem is we're taking it out of the hands of the consumer.

So I believe that with this policy, with this increase, the increasing of the limits, this should be an opt-in and not an opt-out so that it gives the consumer the right to do one or the other. If you increase the limits, the consumers are going to have to realize that their premiums are going to go up, and it's not really that much, but they will increase their premiums, but they're the ones that should be making the decision, Mr. Speaker, that's why I will not be supporting it. It's a great concept, but I would rather have it an opt-in rather than an opt-out. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Blumencranz.

MR. BLUMENCRANZ: Thank you, Mr. Speaker.

Will the sponsor yield?

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

MR. TAYLOR: Yes, I will. Thank you.

ACTING SPEAKER AUBRY: Mr. Taylor yields, sir.

MR. BLUMENCRANZ: Mr. Taylor, so how would the process go about for new policy holders to opt out of the uninsured/underinsured?

MR. TAYLOR: That would require them to sign a written waiver.

MR. BLUMENCRANZ: And it would be up to say, their broker or, let's say they buy a click-through policy, like a GEICO, it would be like a page they would click through?

MR. TAYLOR: Yes. The insurance would do the providing.

MR. BLUMENCRANZ: Okay. All right.

On the bill.

MR. TAYLOR: Thank you.

MR. BLUMENCRANZ: Thank you.

Personally, like many people here in New York, I have experience an auto accident. I was unfortunately t-boned myself

at an intersection in my district on Long Island. The person who did so had no insurance. Luckily I did have uninsured/underinsured. I think a lot of people who purchase insurance today don't know that this is a very important coverage; yet, I'm not sure whether or not it is the job of our government versus our consumers and their brokers who they should entrust in purchasing these policies to make that decision for them. And for that reason, I will be in the negative. Thank you very much.

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. If this bill does not pass, any consumer who wants to buy more insurance can most assuredly do so. And I can assure you, as my colleagues have mentioned, that their brokers will do their very best to sell you more insurance. That's their business, that's how they make money, and I have never found an insurance broker who recommended I carry less. They'll always recommend you carry more. But what this bill does, it says that you automatically buy more unless you take the effort to opt out. And so if you want consumers to have more control over their cost and let them decide what level they want and opt in, if you want them to be able to opt in, you'll opt out of this bill. But if you don't

want them to have to opt out, then you'll support this bill. Thanks to my colleagues and thanks to my insurance back row here that helps in -- and my colleague, Mr. Blumencranz, to help explain this to me. For the reasons I mentioned, I think it's better to let the agents convince you you need more insurance than for you to figure out on your own that you don't need to pay the extra premium. And so in an effort to help my consumers keep their costs lower, I'll be voting no. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell.

Are there any other votes? Announce the results.  
(The Clerk announced the results.)

The bill is passed.

Page 7, Rules Report No. 196, the Clerk will read.

THE CLERK: Senate No. S01725-A, Rules Report No. 196, Senator Harckham (Glick, Kelles, L. Rosenthal, Simone, Steck, Reyes, Simon, Jacobson, Levenberg--A04601A). An act to amend the Environmental Conservation Law, in relation to the protection of certain streams.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker. The bill would reclassify Class C waterways as streams for the purpose of requiring certain permitting, as we do with Class A and Class B streams. It further provides that the soil and water conservation

districts that currently have a memorandum of understanding with the Department establishing their plan of operation are not required to pursue the permits in the same way. Let me further state that I think that the most recent decision by the Supreme Court that limited the Federal oversight of certain waterways makes this all the more important for the State to take action. One of the liberal justices, Justice Kavanaugh, indicated that he dissented from that opinion in part because of the concern for undermining water quality, particularly drinking water quality. It's important for these streams to be protected because they reduce flooding, they filter water and recharge our drinking water. So it is important that they receive the same level of protection as A and B streams.

ACTING SPEAKER AUBRY: Mr. Palmesano.

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

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

MS. GLICK: Certainly.

MR. PALMESANO: Thank you, Ms. Glick. Last year the Governor vetoed this legislation citing several concerns that I'll mention here. One, it would be a tremendous fiscal impact for State and local governments. Two, it would double DEC's existing planning and oversight role. Three, it would add approximately 40,000 miles of Class C streams over and above the current 36 miles of A and B streams which support -- are subject to DEC permitting.



Four, it would require significant addition of DEC staff without funding, and five, it also would result in lengthy permitting delays and jeopardizing thorough review and important delays in (inaudible) projects. Does your bill address any of those concerns that the Governor laid out in her veto message last year?

MS. GLICK: Well, that was last year and this year in the budget, the DEC has received, I believe the number is an additional 243 lines for new personnel. So I think that addresses the concern of not having sufficient personnel. I think that the -- allowing our soil and water conservation districts to operate just through an MOU with the Department reduces a lot of the concern about the additional work related to permitting and any possible delays, because I think they work very closely with most of our highway departments and localities.

In addition, I would say that while there is some cost to ensuring that these streams, which are vital to our fisheries and recreation, and the recharging of our drinking water and ground water, that it is also one of the values is that they slow down the velocity of water and reduce flooding, as well as filtering pollutants. So I think that it is very important, considering that we had faced substantial flooding that's very costly to all of the localities, that we are actually potentially saving resources.

MR. PALMESANO: Sure, I can understand. Now, in your sponsor's memo it says there's no fiscal implications to the State. Are you still adhering to that this has no fiscal implications to

the State?

MS. GLICK: Well, I believe that we've already addressed that by adding substantial, in the budget, adding substantial personnel to DEC.

MR. PALMESANO: And right now, if the DEC chose, if they wanted to upgrade Class C streams and require this permit process, they have the ability to do so through the evaluation if they thought it was necessary under their expertise and guidance, they could do that right now if they so choose, correct?

MS. GLICK: Well, there are -- yes, they -- they could do that if they so chose. We think that it's important for us to take a step, particularly in view of the Supreme Court action that has undermined the Federal oversight of similar waterways. So I think that in our State where we've seen this substantial flooding, we should be doing this.

MR. PALMESANO: Relative to that Federal lawsuit, that Federal lawsuit did not assert any jurisdiction over Class C streams, correct?

MS. GLICK: Well, what it did was it had to do with wetlands and said that they had to be contiguous - I believe the word was contiguous - to -- or continuous to existing waterways. And in many instances, a lot of our Class C streams are, in fact, near if not continuous to C streams.

MR. PALMESANO: So on that point, though, it's contiguous to a navigable water, not a stream which is unnavigable.

MS. GLICK: Well, these streams allow for recreation, including boating.

MR. PALMESANO: Okay, all right. On that question, too, you mentioned about soil and water conservation districts. I mean, right now they provide significant benefits in oversight of these streams right now. Is it your contentious [sic] now that any work that soil and water conservations do, they will not require a permit process for a Class C stream?

MS. GLICK: As long as they have an existing MOU with the Department, that -- that is, in fact the case. So we think that the cost is dramatically reduced by allowing them not to go through.

MR. PALMESANO: Was this a change in the legislation from last year?

MS. GLICK: Yes.

MR. PALMESANO: Yes? Okay. And right now, what's the average time frame for an Article 15 permit?

MS. GLICK: Well, I suppose that it depends on a few things. One, where the stream is located and what the proposed work that is involved. I suppose it could be fairly short, but if it is an extensive amount of work being engaged in, then it could take a longer period of time.

MR. PALMESANO: Right. So this really -- your bill with actually adding 40,000 miles of streams would basically increase the volume of permits needed by about 40 to 50 times as far as the number of applications under this process, wouldn't it? And

that could delay it up to another 33 months?

MS. GLICK: Well, not if half of those are work that would be done in conjunction with our soil and water conservation districts. So I think that it's maybe a little bit hard to predict but I think that by making that change, we've made a dramatic reduction in the amount of time and money that's involved.

MR. PALMESANO: Yeah, I was -- last I knew relative to this legislation that the soil and water conservation districts (inaudible), I had a number of other entities that had some concerns which I'll bring up to you in a minute. Have you discussed this legislation -- I mean obviously I would assume you have discussed this legislation with our soil and water conservation districts?

MS. GLICK: Well, we heard their concerns and we made a change to the legislation based on the concerns that they raised and what they felt would work for them, so yes.

MR. PALMESANO: What about our -- our highway, county and town highway superintendents? Have they -- (inaudible) over a number of Class C streams in their building out of culverts. What about a conversation with them --

MS. GLICK: No.

MR. PALMESANO: -- because they've expressed opposition to this legislation as well.

MS. GLICK: I don't believe that we've had -- I don't believe we've had a direct conversation with them, although in many instances a lot of that, as I said before, is in conjunction with the soil

and water conservation district.

MR. PALMESANO: What about our -- what about like the Farm Bureau or the agriculture community, they have opposition to this legislation because they're very concerned about, you know, being able to, you know, clear out the -- the waterways and protect their crops in case of situations. What about the Farm Bureau because I know -- our agriculture community have expressed continued opposition to this bill over the past several years as well.

MS. GLICK: Well, you know, I'm a little surprised because currently, farmers do enjoy special dispensation that's codified in law when it relates to reclassifications and exemptions, that are, you know, the soil and water conservation districts do work with them if they are putting things over steams in order to have livestock not enter streams and the like. So I think they may not have looked at this as closely and just assumed it was the same bill as last year.

MR. PALMESANO: All right. What about our -- what about the utilities? I mean utilities are required sometimes to do work, especially emergency work but also now with obviously CLCPA and changes being made in requirements on that force. What about any conversations with the utilities on how this would impact their operations?

MS. GLICK: No, but I think that --

MR. PALMESANO: -- that's fine -- hold on. I'm sorry. I didn't want to interrupt you. So you said -- I understand.

What about the Empire State Forest Products Association who have concerns about managing their forest and being able to be responsible for timber harvest who also have expressed opposition to this legislation and the concerns and the impact for them and their operations?

MS. GLICK: Well, I think they work frequently with private landowners and they already have the ability to make minor modifications so I'm not really sure. I haven't seen the memo, if there is one, so I can't speak directly to what their concerns could be, but I -- I don't think that that is a substantial impact on the work that they do.

MR. PALMESANO: Okay. Thank you, Ms. Glick. I appreciate it.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Yes. This bill has been vetoed several times by the Governor. I have some concerns from a number of issues, obviously if you want to talk about certainly the impact it had on a number of important organizations and agencies. Number one, our local town and county highway superintendents, the potential cost impacts for doing work over culverts I think is very concerning as far as delays. You know, they cited -- there was one example cited that you turn a \$90,000 culvert project into \$1 million project because of the permits that would be required and the challenges that would be needed on that point. And we know our highway superintendents already have costly burdens already. We know this year they're --

they're dealing with inflationary costs of over 20 percent, you know, their steel products are up 113 percent, diesel is up over 50 percent, plastic is up over 35 percent. There are highway superintendents which are basically our local property taxes face that. I know we talk about the soil and water conservation districts. Last I know the soil and water conservation districts had strong reservations about this legislation as far as how they might be impacted by this permit process as far as delays and work they have to do so I definitely need to hear more from that perspective as well, so I still have concerns there. Certainly our farmers and their ability to quickly clear the waterways and deal with their crops I think is important. You know they don't really have the extra time to wait around to protect their crops from nature's elements. They have to be able to work and get in there in a quick and timely manner. This Body we already know has put a tremendous burden on our agricultural community already with issues like the Farm Labor Bill and also the CLCPA, so I don't think we need to put more challenges and restrictions on our farmers and their ability to take care of the work they need to do. I mentioned the utilities. I know a lot of the time we talk about the utilities on this floor, we talk about energy prices. But I think given the work that our utilities need to do to get into certain areas, they have to do those quickly to ensure resiliency and reliability of the grid for their customers and also to protect our ratepayers. And I think, you know, especially when there's power outages that can come up especially in our rural areas. And on top of it with the CLCPA, they're going to

have to do with those challenges as well. And again, on the Empire State Forest Products, you know, they have to be able to get the opportunity. We don't want them to hinder their ability to manage reports and get responsible timber harvest. Certainly it's number six, the DEC which has expressed through the Governor their opposition and concern about this with the veto, I believe. You know, we're talking about more staff, more resources, costly delays on important projects. And certainly the taxpayers of the State who are going to have to foot the bill on this. So those are seven organizations, that's work that they do I believe and our side believes it would negatively be impacted by this expansive, time-consuming and burden [sic] and costly bill, and it's not really necessary. So I would definitely urge my colleagues to -- to look at this a little closer before voting yes for it because there's too much at stake. And I guess what I'll end with is comments from the Governor. And I don't believe and I don't agree with the Governor on much, but I agree with her comments on this legislation so... and she said while well-intentioned, this bill would have a tremendous fiscal impact on State and local government, it would add more than double DEC's existing planning and oversight role adding approximately 40,000 miles of Class C streams over and above the 36,000 miles of streams Class A and B subject to DEC permitting authority currently. The workload on DEC alone associated with reviewing, issuing and enforcing permits associated with the disturbance of these resources cannot be accomplished without adding significant numbers of full-time staff. Moving forward



with such a significant expansion of the DEC's water program without addressing the funding needs will lead to lengthy permitting delays and jeopardizing and the thorough and necessary review of all projects. I'll go on to say - and I think -- I think that sums it up pretty good. This is too costly, it's not necessary, it's burdensome, it's overregulation, it's not needed. Let our soil and water conservation do the jobs they can do. And I think just having more and more restrictions on them and doubling -- increasing our streams in the State by 40,000 streams is a significant impact, a significant growth, a significant overstretch and overreach by this Body to pass this legislation. The Governor vetoed this bill -- vetoed by the Governor the last several years and it's my hope that if this bill passes and goes to the Governor that she'll veto again to protect our taxpayers, our property taxpayers and our local highway superintendents and all of those organizations that do such important work in this State. So for that reason, Mr. Speaker, I will be voting no and urge my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Simpson.

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

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

MS. GLICK: Certainly.

ACTING SPEAKER AUBRY: Ms. Glick yields, sir.

MR. SIMPSON: Thank you. In your prior discussion you mentioned the 240 FTEs that were included within the budget to the DEC. Do you know how many of them are actually allocated to regulatory enforcement of this regulation?

MS. GLICK: No. We did try to minimize that by including the soil and water conservation districts, limiting their time it might take for them to apply for a permit. As long as they have established a memorandum of understanding with the Department, they would not have to go through that so we think that a lot of the different organizations that say they're impacted work locally and would be working with the soil and water conservation folks. And so we think it is reduced dramatically from what the Governor understood last year. So reading last year's veto message is all well and good, but not filtering that through the fact that today this bill is different is I think disingenuous. But I would say that since we do, Class E streams feed into Class A and B streams which are under current protection. We might be spending less dollars there if we are in fact making the proper protections on the Class C streams.

MR. SIMPSON: Well, one of the reasons I brought that up is because I can remember in the budget testimony that the reason why we needed those FTEs, those 240 FTEs, whatever it was, is because of the Bond Act that was passed and implementing that -- that program and the projects. I don't ever recall anything about, you know, additional staff to lessen the burden that's already on the staff now. A lot of these permits take as long as a year or more, eight

months to a year to apply for. Now if you introduced 40,000 miles of streams, you're impacting the ability of a landowner that owns a small lot that wants to log their property, that currently they can consult with our soil and water districts for advice on how to do that. There's already a process for stream crossings. I mean this is going to really further impact, you know, an industry that's already been negatively impacted by a lot of other factors. But, I don't see this as reducing the time to acquire a permit or to comply. I see this as just another layer that's going to make it even more difficult for property owners and people that live in areas that are -- that are abundant with these streams such as in the Adirondack Park.

MS. GLICK: Well, I -- I -- I just disagree. I think that having the protection over some of the smaller streams actually -- you know, water is -- if you look what's gone on around the country and what's impacted us in terms of climate change, I -- I would say that the number of people who have been added to the DEC was not strictly for the Bond Act but also for CLCPA, some of which -- some of which envisioned making certain that our water resources were protected. And this is in fact a part of ensuring that we protect water sources. These smaller streams impact groundwater, reduce the velocity of water in flooding situations that may in fact save dollars because we're not seeing roads washed out in some areas. So I see this as continuing to ensure that the work that we want to do to preserve our water resources, protect the environment, ensure that -- you know, look. Some of these are trout streams but they're not the

only species that relies on them. So I think that this is about water resources, but other natural resources as well.

MR. SIMPSON: So I don't disagree with you on how important it is to protect our waterways, but what I'm talking about is the highway department that experiences a major weather event, they're trained in dealing with these waterways, they know how to deal with the issue but now they're going to be saddled with the extra burden of this is a permanent waterway -- and I can tell you in the Adirondack Park -- hold on, please, in the Adirondack Park it's a complicated situation. You not only have DEC, you've got APA regs, you've got -- I mean there's such a heightened, heightened awareness of the regulations and the -- and the -- the issues that we have to deal with, that area, to add this in there I can predict that we're going to have more complications and longer permitting times than we already currently have.

MS. GLICK: Mr. Simpson, to that point I would say to you that we've seen floods that have effected - and I've been here long enough to remember 2006 - flood that effected 17 counties. And what the State did was emergency declaration completely obviated all permitting requirements and immediately permitted bulldozers to go into streams and so forth in order to repair culverts, repair bridges that were lost. So in those extreme weather circumstances I believe that the responsible thing that has been done and will continue to be done would be to provide an emergency declaration that permits the operation of emergency repairs without going through a specific

permitting process.

MR. SIMPSON: So do you envision smaller events, not, you know, major flooding that you talked about, but, you know, some of the storms that frequent, you know, the region that I represent, some of them aren't even noticeable by other towns. You could have a five inch rainstorm which we've had, five inch rainstorm that inundates our dam, you know, on a -- on a lake within our town, are we going to be able to, as a town, be expected to call a state of emergency so that they can act and maybe supersede these regs or are they going to have to contact DEC and say hey, we asked the Governor to give us authorization? I mean...

MS. GLICK: I believe that this will -- if -- if these streams are protected, I actually believe that the ability to absorb and slow down the velocity of water in those circumstances may be the positive impact of ensuring that we protect these waterways.

MR. SIMPSON: But that doesn't speak to the permit, the regulatory part of that. You know, you're changing the -- this particular change in law is going to require a permit to do anything to disturb that stream. So if there's a weather event, five inches of rain and there's damage that has changed that stream in some way, you know, is there going to be an expedited permitting process or authority given to communities --

MS. GLICK: We can certainly talk to DEC about that.

MR. SIMPSON: Okay. Thank you.

MS. GLICK: Thank you.

MR. SIMPSON: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Manktelow.

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

Speaker. Would the sponsor yield for a question?

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

MS. GLICK: Sure.

ACTING SPEAKER AUBRY: Sponsor yields.

MR. MANKTELOW: Thank you, Madam Glick. I want to look at this from the practicality part of this. If I'm a farmer and I want to clean one of my -- my small ditches, creeks, whatever you want to call it, tell me how that process would work once this passes.

MS. GLICK: Well --

(Pause)

-- obviously it would depend on the size of that stream. Class C streams are streams that are already -- a Class C stream is large enough for fishing and fisheries themselves and non-contact activities like boating. So I suppose it would depend on how large the stream is. A lot of places have rather small streams. You know, is it a stream? Is it a brook? And how large is the stream. If it's a large enough stream and there's been some regular modification that has existed in the past, they -- those -- those

modifications that have existed would not be effected. If they need to do some additional modification they might need to get a permit but it depends on the size of the stream. A lot of people have water on their property but it doesn't qualify as a Class C stream.

MR. MANKTELOW: So who would determine that size, whatever that size is, and how long would it take a farmer -- let's say I want to do something in the stream tomorrow. How long will it take me to get an -- an answer from DEC to -- to give me that classification or size?

MS. GLICK: Well, it's my understanding that they have an online tool that provides information as to -- there's an online tool that includes a map of what is a Class A, a Class B, a Class C and I think there is a Class D stream as well. So you can go on line and see what the level is on the map as to whether it's -- would fall into -- and I guess you would know if there's actually trouts spawning in the -- in the -- in the stream because that's kind of the size.

MR. MANKTELOW: So that service already exists through DEC now?

MS. GLICK: Yes.

MR. MANKTELOW: So let's say I look on line and the stream that I have or I'll call it a creek or a creek, is determined to be a Class C stream. How long will it take me to get a permit as a farmer to work on that stream?

MS. GLICK: Well, I would first contact the folks at the soil and water conservation district and ask for their advice. They

-- they may be able to assist and if they are working with an MOU with the Department, there may not even be a need for a -- a full permit.

MR. MANKTELOW: Okay. So our local water and soil conservation offices have the ability to already have a preexisting MOU with DEC?

MS. GLICK: Yes.

MR. MANKTELOW: Is there any --

MS. GLICK: But that was the change that was made from last year.

MR. MANKTELOW: So on some of our larger farms, I know how busy our -- our local water and soil conservation offices are. You know, they're -- they're underfunded, under -- undermanned, they're under FTEs, they don't have enough. Is there a possible way where a farmer could have an MOU with DEC?

MS. GLICK: Um, I doubt that.

MR. MANKTELOW: But why not?

MS. GLICK: Well, you know, individual -- I think that becomes an issue of being able to have -- you know, I don't think the Department would be able to have a memorandum of understanding with every farm in the State of New York. I think it would -- they would operate with the soil and water conservation districts that with whom they are already working.

MR. MANKTELOW: So then as I talk about --

MS. GLICK: I'm sorry?



MR. MANKTELOW: As I talked about real life and practical -- and practical ways on the farm in today's world. So let's say we have a rainy -- a rainy spell back home on the farm for three weeks. I have my employees here ready to go, we want to do some tiling [sic] and some ditch cleaning and now we're going to have to contact DEC or the water and soil conservation office to get the go-ahead to allow us to do that. Is that my understanding?

MS. GLICK: Well, I -- I think the first thing that people should do is understand whether they have a Class C stream or not. They can identify that on the map. And if that's the case, if -- if it were my property and I learned I had a Class C stream on my property, I would have a conversation with the soil and water conservation district folks well in advance of there being any issue and find out from them what they think might be a way in which you could move forward working with them. But I don't -- I don't know. I'll probably take the opportunity after this debate to go on line and take a look at that map. I don't know that it is a -- whether that affects a large number of -- of our farms. We do have a lot of big farms, a lot of big area and obviously having access to water is increasingly important. But I would suggest that that would be an important thing for people who actually have a Class C stream on their property to be aware of in advance.

MR. MANKTELOW: So -- so I'm looking at some of the supporters of this legislation; Riverkeeper, Environmental Advocates of New York, Sierra Club Atlantic Chapter. How many of

those individuals actually have a Class C stream on their property?

MS. GLICK: Well, I don't know. But I think that Riverkeeper pays attention to all of the waterways that feed into our rivers. They are concerned about water quality, they are concerned about the ability to support fish life and as you know, there's been a whole issue in the Eastern Catskills over the turbidity that has been developed from releases from some of the reservoirs, which is effecting fish in streams. So I do think that some of these organizations don't necessarily themselves own property, but pay attention to and maybe there's some of them who are on the boards do own property, I -- I can't speak to that. But I do think that they are concerned about water quality, reduced pollution, recharging of groundwater and the availability of quality water resources for wildlife. So I think that they would take a holistic approach.

MR. MANKTELOW: Yeah, and I -- I believe -- I know that the majority of our farmers, a majority of our agricultural producers already do this in their own ways back home on the farm, because we do care about not putting nutrients into the stream, we do care about a clean water source for the animals, for the -- for any fish that do come up, that's -- that's kind of small in our area, maybe a few but that would be a Class B, not a Class C. And I know we're already doing that. Again, I just don't want to hinder our agricultural communities only because dealing with Mother Nature and the way the weather is it is absolutely paramount that we have the ability to act now within two hours, not two days, not two weeks, not two months.

And has there ever been any consideration in this bill that we could do a carve-out for Ag?

MS. GLICK: I'm sorry. A carve-out...

MR. MANKTELOW: A carve-out for agricultural producers, farmers.

MS. GLICK: No. Not -- not -- not -- not in this print. No.

MR. MANKTELOW: Is that something that we could look at as a possible amendment --

MS. GLICK: Well, not an amendment to this bill but it is something that we can, of course, discuss after we take a look and see what -- what farms are actually impacted by Class C streams. I suspect it's not a large number.

MR. MANKTELOW: I didn't hear the last thing you said, I'm sorry.

MS. GLICK: We can take a look at it, but not for this bill. This bill is the bill on the floor and we're not amending the bill as it is currently before us.

MR. MANKTELOW: I -- I understand that. And do you know how many Class C streams are in my district by any chance?

MS. GLICK: No. Do you?

MR. MANKTELOW: No, I do not.

MS. GLICK: Okay.

MR. MANKTELOW: But --

MS. GLICK: We're on the same footing.

MR. MANKTELOW: I'm sorry?

MS. GLICK: We're on the same footing.

MR. MANKTELOW: Absolutely. How about where you live? Do you know how many Class C streams are there?

MS. GLICK: Well, I assume that where I have my district and where I have lived for most of my adult life is the Hudson River. I think that qualifies as more than a Class C stream and where I spend too little time in the Catskills, the closest water body is the west branch of the Delaware. Again, that I think as a river probably qualifies as more than a Class C stream. And I don't think there's -- there's ponds around but I don't think that the runoff from those classify as a stream.

MR. MANKTELOW: I think one of the disconnects here -- you know, when we debate a bill - and you and I have debated bills before - my objective is not to debate the bill to show you all the negative points for my district. My -- my point is that you and I need to come together, some place in the middle. You know, you've got -- you have a good bill here, you have a bill that doesn't work well for my district. How do you and I come into the middle of this bill so it works for all of us across the State? And if you want to come up and see some streams and some ditches and creeks and creeks that I'm talking about, I would love for you to come up and see what our farmers are really up against, see where those rivers and creeks and streams go so you have a better understanding of what we're doing and

I welcome you to come up. I will spend days with you to show you some of those and --

MS. GLICK: With all do respect, Mr. Manktelow, I do travel around the State and I have seen -- I've gone on farm tours and I've gone on tours through the Adirondacks and through parts of the Catskills and for many years. And you know, when I used to be willing to sleep on the ground I did a lot of camping in the Adirondacks. I'm not so willing to do that anymore. But I will just say to you that I -- I am happy to take a look at the online tool. I'm happy to have these conversations. Since the last iteration of this bill we made an adjustment so that our water and soil conservation districts are essentially given -- the MOU is essentially a permit, so we've made that adjustment. If there needs to be some other change we can perhaps take that up at another time, but we feel that we've made a major step forward and that in this past budget the additional personnel for the department is sufficient.

MR. MANKTELOW: Okay. Assemblywoman Glick, I thank you for your time and answering my questions in a professional way like you always do, so thank you.

MS. GLICK: Well, thank you, Mr. Manktelow.

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

ACTING SPEAKER AUBRY: On the bill.

MR. MANKTELOW: As I said, I only have a few seconds left here. My concern, Mr. Speaker, is again without involving the agricultural community, having a look across the State

of what everybody is up against, we really need to again slow the process down, see if we can come to a little better understanding in the middle especially for agriculture, especially for some of our highway guys in our area that actually help our agriculture communities. So I'd love to support this bill, I think there's some -- some merits to it, but I can't right now until we clarify those issues. So thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Lemondes.

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

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

MS. GLICK: Yes.

ACTING SPEAKER AUBRY: Sponsor continues to yield.

MR. LEMONDES: Thank you. I just want to take one or two questions a little further. I didn't understand the answer to my colleague. I just want to make sure that you said there was no agricultural exemption, correct? The intent was for no agriculture exemption in this bill.

MS. GLICK: No. I would say that in current law that this does not change --

(Pause)

Okay. No permit under this section shall be required

for certain agricultural activities of persons or corporations actively cultivating land devoted to agriculture whether or not the same be along a stream or watercourse as described in subdivision 2 providing that these agricultural activities consist only of crossing and recrossing of such streams or watercourses by livestock or wheeled farm equipment normally used for traditional agricultural purposes. But I would say that some of the Class C streams you might not want to take a tractor through.

MR. LEMONDES: So again my question, there is no agricultural exemption recognizing that Farm Bureau does not support this bill.

MS. GLICK: Well, I can't speak to why the Farm Bureau chooses to oppose this but I just read to you that a permit is not used -- needed, for certain activities. Now that might not be everything that the Farm Bureau is envisioning, though I don't know what that was, but the crossing and recrossing of the stream or the need to use a farm equipment through a stream is -- will not require a permit.

MR. LEMONDES: Thank you. You had mentioned the soil and water conservation districts with respect to an MOU. Some of them, for example, in my county would not be in favor of an MOU with the DEC to enforce this. Are you aware of -- of that?

MS. GLICK: Well, what we heard was concern from soil and water conservation districts asking for a need to not have to do individual permitting and this bill was to address the concerns of I

guess the majority, maybe not every single one, but this allows soil and water conservation districts to have an MOU. We -- it doesn't require them to but I would think in most instances it is to their advantage, but maybe there are some that have some desire not to interact with a government agency, I can't speak to that.

MR. LEMONDES: Thank you, Assemblymember Glick.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. LEMONDES: Thank you. Due to the unanticipated impacts on agricultural operations, food production and security and other detrimental impacts to agriculture at-large that this bill would cause with -- with its inability to enforce by the DEC, decrease in productivity that could result from it, increase in prices for food and feed that could also result from it, I have to vote in the negative and would ask all colleagues to consider those points when doing so. In light of the fact that our very own New York Farm Bureau opposes this for multiple very good reasons. Thank you very much.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Smullen.

MR. SMULLEN: Thank you, Mr. Speaker. Would the sponsor yield for a few questions?

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



MS. GLICK: Of course, Mr. Smullen.

ACTING SPEAKER AUBRY: Ms. Glick yields, sir.

MR. SMULLEN: Thank you, Chair. One area that we haven't discussed in detail where the devil is always in the details of course, is how this would -- this bill would change the relationship of municipalities doing stream restoration work in their towns relating to both public entities but also private entities doing work in streams. How would this new permitting scheme work for a municipality to do work in streams around their towns?

(Pause)

MS. GLICK: It's my understanding that again, no local public corporation which has entered into a memorandum of understanding with the Department is required to have a permit. So carrying out projects or work affecting watercourses so as to afford proper protection to the public using the watercourses. So I -- I read this to say that our local highway departments could work with the Department to have an MOU and it would reduce any delays in any permitting.

MR. SMULLEN: So a local town or a county, would they have to go to the soil and water conservation district to coordinate the open permit or could they go directly to DEC to get permits?

MS. GLICK: They -- they -- they could go to DEC to establish an MOU.

MR. SMULLEN: They -- they could go 'cause

currently it's very difficult for those municipalities to go to DEC. DEC typically does not allow them to do it. Soil and water conservation districts are -- are capable of having open permits now to be able to do water work in certain areas. And if it's coordinated, then towns, municipalities can work with soil and water districts with these open permits to be able to do this work now. What I'm concerned with is how this new law would change that process.

MS. GLICK: I don't think it changes the process. It just -- that exists for A and B streams, this adds C. So it would just -- the same operations could be undertaken by local government. It would just add the C streams to the A and B. So --

MR. SMULLEN: Now -- now therein lies the rub. See in the huge district in the Mohawk Valley in the Adirondacks where I represent, A and B streams are significant, they're recognizable. C streams are a little bit more of a gray area where it's much more difficult for people to -- whether you're a private landowner, a public entity or a soil and water conservation district as to what actually constitutes a Class C stream in this regard. Who would be the arbitrator of what constitutes a Class C stream? Is it -- is it DEC solely would have that authority?

MS. GLICK: Well --

MR. SMULLEN: Water division?

MS. GLICK: Apparently there is an on line tool, a map that provides that delineation.

MR. SMULLEN: So it would be water division of

DEC would have that authority.

MS. GLICK: DEC, generally. I don't -- I haven't looked, frankly to be honest with you, Mr. Smullen, I haven't looked at the online tool to see on the website if it is in one division or another.

MR. SMULLEN: Sure. And thank you. So we're -- we're talking about New York State at large here. How -- what is the approximate milage of Class C streams and how many acres do they cover?

MS. GLICK: Well, I -- I believe it's in miles? It's about 40,000 miles.

MR. SMULLEN: Forty thousand miles. And what we're essentially doing here is enlisting the soil and water conservation districts to be part of the regulatory scheme for these new Class C streams that will then be under the authority of DEC to be regulated to a greater level than they are today?

MS. GLICK: Well, I suspect that a great many of the 40,000 miles are in areas where people are not actually planning to do any activity.

MR. SMULLEN: Now how would -- not farmers, not municipalities, how would private citizens get a permit to do work in a Class C stream on their property? There are lots of landowners that -- that have Class C streams that they would like to clean them out to prevent erosion or flooding concerns.

MS. GLICK: Again, that would be a permitting

process. But as I suggested earlier, if people want to be certain as to whether or not the watercourse on their property qualifies, could be a D, in which case it's irrelevant, if it's a C, they should probably get in touch with and work with their local water and soil district. But I suspect that a substantial amount of the Class C streams are not -- not directly going to be impacted by human activity.

MR. SMULLEN: Well, I -- I respectfully disagree. You know, there's private property as people like to do what they will with private property whether it's to recreate or to use it for agriculture or otherwise. So just to make sure I'm hearing this correctly. This bill will not affect a private landowner's ability to do work in a -- in a Class C stream with an open permit from a soil and water conservation district or will it?

MS. GLICK: Presumably if that MOU envisions that, then they would not need an individual permit.

MR. SMULLEN: So a -- a soil and water conservation district, a county level entity, could provide an open permit for a private landowner to do work in a Class C stream on private property.

MS. GLICK: Assuming that - and let me not misrepresent anything to you - this is which is why I would suggest people get in touch with -- check out whether they have a Class C stream and talk to their oil and -- oil and -- soil and water conservation folks because the MOU is a memorandum of understanding establishing the plan of operations. So if they are going to have an

MOU that envisions working with local farmers or local property owners, then I believe that that would be covered.

MR. SMULLEN: Thank you very much. I appreciate it.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SMULLEN: So this is a, you know, a retread of a bill from last year where we voted that Class C streams should be regulated with the same authority that DEC has on Class A and Class B streams. That first of all, that's a bad idea. The interesting idea in this bill, though, is that soil and water conservation districts could be given a sort of coordinating authority to be able to do work in streams to the benefit of whether it is the public entities, the towns and the municipalities in an area or a -- a farmer -- a farmer who has land that he's trying to improve the ability to raise crops on, or even a private landowner who might have land where it would be of great benefit to not only themselves but downstream owners to clean things up. And that's -- that's really important see, because in 2019 in my district, there were two five inch rain bombs, one in Herkimer County, one in Hamilton County, which caused great havoc in the streams that fed larger ones and the flood control area that's both the Hudson River and the Black River. And I know a little bit about those having run the Hudson River-Black River Regulating District from a flood control perspective. And what's important here is that we get this right as far as how we actually allow private landowners, whether they're -- they

own property or whether they're a farmer raising crops. Public entities - who actually on behalf of the public maintain town and county roads - that we get it just right, because if we do so we'll have a phenomenon where an ounce of prevention is worth a pound of cure. If we had went into these streams ahead of times and pulled out some of the things that would cause them to clog and to flood and to cause damage to roadways, we would have saved tens of millions of dollars across the State. And we would do it periodically on a year by year basis if we included the entire State. So I think the idea that there's a coordinating authority working with the regulator DEC to be able to do this is a good thing and that would be part of a stream restoration initiative which would take some of the -- the fear and stigma of working with DEC on these things and that -- that's a good thing. However, I don't see how this bill -- I -- I need to understand the language much more thoroughly and offer some amendments going forward in the future to be able to do so, because regulating Class C streams as such ends up being a huge regulatory burden on the average citizen, on the municipalities, primarily in the Upstate region. It's essentially -- it will cost a lot more to do the routine operations that they do. For that reason I'm voting against the bill but I do want to emphasize looking forward to sharing the ideas of the stream restoration initiative to be able to make them come to fruition in coming bills. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect in 90 days.

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. Those who support it are certainly welcome to vote in favor here on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Much like in the past, the Majority Conference is going to be in favor of this environmentally-friendly piece of legislation. Thank you, sir.

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. Right now getting a permit to cross a Class A or B stream takes months, if not up to a year. Unfortunately if we extend -- extend that permitting process to double the number of streams and the number of miles without doubling or tripling the DEC staff we can anticipate the delays will be even longer. I have absolutely no doubt as to the positive intent of the bill sponsor in terms of her environmental objectives. However, when

you're dealing with a smaller stream like a Class C or D stream, you need to act quickly following an unusual storm or you end up with much greater environmental damage. And so if you have a small but intense cloud burst, that little stream will clear the banks and all the debris that's accumulated, the branches and the small trees that have fallen over time, all then clog the culverts and create real issues for farmers in terms of erosion. And you can't wait a year with a clogged culvert. It needs to be addressed right away. Our farmers rely on having useable fields. They rely on it. They install Statewide millions and millions of dollars worth of flood control and water management at their own expense. To watch your field wash away because there's a logjam in a field is just a horrific environmental problem. So while I certainly appreciate my colleague's desire to increase permitting, we need to recognize that we can't increase it more than double the amount of permits without more than doubling the DEC capacity or we create more environmental damage than we intended to fix in the first place. For that reason I will not be supporting it. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Slater to explain his vote.

MR. SLATER: Thank you, Mr. Speaker. I just want to take a moment to explain my vote. I want to also acknowledge the intent of the sponsor on this piece of legislation but I think there are some practical issues that have been discussed here today that I -- I think raise some concerns. First off, we kept hearing about a -- a



website that would tell us about the status of a stream. Now, I'd like to think I'm pretty good on computers, not as good as my seven-year-old but not bad. But I have my computer and I still can't find the portal that was being discussed or identify any of the streams within my district that it would impact. So I have significant concerns about relying on that type of platform to help not just elected officials or members of DEC or highway departments but as we heard today some of our farmers. Secondly, speaking with some of my highway superintendents about this, and as my colleagues in local government and county government formally have already described, you do find yourselves in situations, especially from a storm response standpoint, where you need to take very quick and decisive action. I have Lake Osceola in my district in the northern side of Yorktown and every time we have a significant rainfall all of their -- all the property owners get flooded out. And when you try to figure out the issue of it, it comes down to a drainage problem through one of the streams there. So we have taken - and we've had very significant rainfall where we've had to take instances and action and to sit there and play the regulatory game with DEC to get the necessary permit is going to take time away from those residents from restoring their property back to a functional status. And so for those reasons, Mr. Speaker, I'll be voting against this piece of legislation. Again, I do understand and -- and recognize the intent but I do think there are some significant practical concerns that need to be addressed. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Slater in the

negative.

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker, to explain my vote. A -- a great dealing of the conversation seemed to have focused on the prior version of the bill and not the current version and to rely on a veto message that preceded some of the changes that have occurred, including the -- the dramatic increase in the number of personnel available to the DEC. I believe that we understand that when there have been major flooding and storm issues, the State has acted promptly to ensure that whatever work needs to be accomplished can be done. And certainly in some of the storms that have affected a wide number of counties, not only did the State obviate the need for permits, but the State paid for all of the recovery. So ensuring that we have maintained a proper basis for the integrity of C streams is really important to ensuring that we slow down the velocity of water and that we ensure the quality of the groundwater that is adjacent to it. So I -- I hear my colleagues' concerns. We addressed part of that by expanding the MOU ability for water and soil conservation districts and we will, you know, continue to have conversations about some other entities, but I think that the concerns have largely been addressed in this print but we're always open to conversation. 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.

Page 10, Rules Report No. 246, the Clerk will read.

THE CLERK: Assembly No. A05370, Rules Report No. 246, Paulin, Thiele, Seawright, Lupardo, Dinowitz, Jackson, Meeks, Hevesi, Bronson, Magnarelli, Brabenec, McDonough, Lunsford, Kelles, Zebrowski, Steck, Anderson, Simon, Glick, Vanel, L. Rosenthal, Williams, Bichotte Hermelyn, Walker, Otis, Sayegh, Stirpe, Woerner, Stern, Sillitti, Jacobson, Cook, Carroll, Gallagher, Colton, Fall, Aubry, Forrest, Cruz, Clark, Santabarbara, Hunter, Fahy, Jones, Zinerman, Buttenschon, De Los Santos. An act to amend the Public Health Law, in relation to creating the health emergency response data system.

ACTING SPEAKER AUBRY: Explanation is requested, Ms. Paulin.

MS. PAULIN: Absolutely. The bill creates in statute the health emergency response system - better known as HERDS - and brings transparency to information gathered during public health emergencies.

ACTING SPEAKER AUBRY: Mr. Jensen.

MR. JENSEN: Thank you, Mr. Speaker. Would the sponsor yield for some questions?

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

MS. PAULIN: Absolutely.

ACTING SPEAKER AUBRY: Sponsor yields, sir.

MR. JENSEN: Thank you. First off, how many streams and creeks will this legislation effect?

MS. PAULIN: How many what?

MR. JENSEN: So this legislation, like you said in your explanation, creates the health emergency response data system which will oversee the HERDS system which is the health electronic response data system, correct?

MS. PAULIN: Yes.

MR. JENSEN: Okay.

MS. PAULIN: (Inaudible)

MR. JENSEN: First of all, because I'm feeling punchy, was there any thought about giving a different name so it's not HERDS managing HERDS?

MS. PAULIN: I think it's kind of catchy.

MR. JENSEN: Okay. So with this new oversight over the HERDS data collection, would it only be applicable during public health emergencies?

MS. PAULIN: That's the intent.

MR. JENSEN: That's the intent. So currently the COVID-19 public health emergency order has been rescinded. Yet, health care providers are still under a mandate from Department of Health to collect the HERDS information. How would this legislation adjust that mandate that they're currently under at present?

MS. PAULIN: But we still have an emergency order

that's going on, and the health department collects data all the time from lots of the agencies that they license, they collect data all the time. This is really intended so that's there's transparency when there's God forbid another pandemic or health emergency that rises to the level where the public is even interested. It creates the ability for the public to find out what the real situation is so that we don't have to watch on television data that potentially isn't accurate, every day mesmerized, but instead have an ability to see the actual data and question the real information that is out there.

MR. JENSEN: So when a facility would submit the HERDS data to the HERDS system, how long would DOH have to put that information into a publicly-accessible portal?

MS. PAULIN: Seven days.

MR. JENSEN: Seven days, okay. So I know and understand that the information that's submitted is based on a broad sense, it does go down into a geographic area as well as by facility. So would a seven-day process, is that enough time for DOH to de-identify the information to ensure that there's no potential HIPPA violations, especially when you have more rural settings where it's maybe a limited amount of beds in the facility so some information would be easily identifiable to somebody looking at a violation of that confidentiality.

MS. PAULIN: I think that seven days is a long time in the life of a pandemic or an emergency. And during that emergency we had many, many more people who were brought in to

work on ensuring that we had fewer problems and deaths and that everything was working well. So I would argue that if the health department couldn't do this, we were in deep trouble.

MR. JENSEN: Okay. Who -- what entity within DOH currently manages the HERDS data collection?

MS. PAULIN: I imagine it's the HERDS staff. I don't know. I'm not sure.

MR. JENSEN: So I know -- the reason I ask the question --

MS. PAULIN: Wait, wait. There's a health information system department.

MR. JENSEN: Okay. So in the current process that's in place, there's a set time frame deadline every day when a facility has to provide this information, I believe it's at noon. If at 12:01 they submit the information, they're subject to a fine, even though they provided that information. Would this new HERDS oversight office, would they be the ones tasked with leveling those fines or would they make recommendations to the Commissioner to allow that individuals --

MS. PAULIN: We're not -- we're not changing that part of the system.

MR. JENSEN: Okay. Is there anything that provides for an evolution of the type of questions that are included on the HERDS survey? Right now --

MS. PAULIN: We leave it very, very vague partly

because or mostly, primarily because we don't know what kind of emergency there's going to be and what kind of data, we don't know what they're going to need to collect. Times change, sophistication changes, data points needed to evaluate a situation change, so we leave it very loose as it is now.

MR. JENSEN: Well, and -- and I think that's important because as you mentioned in a public health emergency it's a constantly evolving situation as more information becomes available, but I think there is some merit to including the ability to adapt, because on the current HERDS survey, presently it's over 90 questions, many of which are no longer applicable to the current health care situation within facilities. You know, assisted living, providers, nursing homes, they're still having to exhaust a lot of critical care staff hours in complying with these 90- plus questions. And even answering questions that ask, you know, what is the current impact in loss of staff due to the COVID-19 vaccine mandate. So certainly having some set of evolution in the questions that are required to be asked is meritorious based on evolving situations.

MS. PAULIN: Absolutely.

MR. JENSEN: Well, thank you for your agreement. I appreciate that. Is there any differentiation between the type of facility and what questions they have, what the survey would say for them. Would a hospital have a different HERDS survey than a nursing home versus an assisted living facility?

MS. PAULIN: I would imagine they would and I

would -- we're also leaving it up the Commissioner to make those decisions at the -- through regs and through the timeliness and the importance of that information.

MR. JENSEN: Okay. But there's no set time frame on either how to develop whether or not there's separate questions or going back to that seven-day period between data being posted. There's nothing about providing a little bit more time to ensure that things are reviewed and given the proper time to assess.

MS. PAULIN: I think that for most of us who lived through the pandemic with our constituents, we -- we saw that the questions evolved and changed. And, you know, sometimes they were about schools and masks and other times they were about sports games and masks and, you know, many other types of questions, you know, where and how far apart kids had to sit in the classroom. It evolved. And so leaving it loose, you know, again, we hope that we'll never see another pandemic in our lifetime, but -- but we need to leave it loose because the change to the -- to the situation changed every day.

MR. JENSEN: Right. In which I understand but I think there has to be some level of strict scrutiny to ensure that the questions are really based on the needs at the time. And having some set of -- some type of guardrails, if you will, to ensure that it's only collecting the data that is applicable and not generalizing data that may not be relevant to the ongoing public health emergency is important.



MS. PAULIN: And that's why there's a seven-day window or a seven-day requirement as well because, you know, questions come out, you want the data in a timely way. And trying not to stress the Department out so much, we thought seven days was a reasonable amount of time for us to yet have the data available and at the same time have the Department be able to put the data forth.

MR. JENSEN: Would there -- in determining or crafting the final regulations, would DOH have the ability to not disclose some information if they believe that they cannot de-identify it based on facility identification or geographic location?

MS. PAULIN: The requirement is to de-identify. So information that could not be done, could not be posted.

MR. JENSEN: Okay. Thank you very much, Ms. Paulin. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Ra.

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

MS. PAULIN: Absolutely.

ACTING SPEAKER AUBRY: Ms. Paulin yields.

MR. RA: Thank you. So I -- I share many of the concerns my colleague has raised with this, but just with regard to the information we think that's going to be included. One of the -- one of the concerns that has been raised is that well, you know, it's not going -- it's going to take out, you know, identifying data that there may be some data sets that are fairly easy to figure out and match to, you

know, to a certain facility or -- or what have you. So are -- are you contemplating how that would work? Is there any exceptions to -- to help protect the identity of -- of both individuals and the -- and the facilities?

MS. PAULIN: So I think that geography is a big piece of how you could identify in this situation, but if you grow the geography, then the data is more camouflaged. So we would leave it up to the Department to be able to provide data to the public but at the same time not to identify a certain person or a certain facility that potentially could -- could be a problem for that family or for that group of families that are at a facility.

MR. RA: Okay. And just -- I -- I believe this is somewhat silent with relation to this but I know my colleague brought up the, you know, the seven-day timeline and the concerns maybe that, you know, some data needs to be corrected, you know, obviously it's going to be published. But would there still be an opportunity if something's incorrect for -- for it to be corrected even after it's been published?

MS. PAULIN: I would imagine that, you know, if it's publicly available the public would be asking those questions. I remember those press conferences and the press was always there asking lots of questions about the data that was being presented, although the data we have no idea whether it was accurate because it was just one person spouting out what we, you know, what we've heard. So -- so yes, I would imagine that there's going to be a great

deal of scrutiny on data and to ensure that it is correct as the process and as the potential new emergency evolved.

MR. RA: I mean as you said earlier, you know, we think about especially those early days of COVID and how rapidly things were changing and how, you know, I mean, you know, it was a four-alarm fire and these types of facilities that are filling out, you know, this information on a daily basis so to make sure -- I think it's easy that somebody could make an error while they're trying to, you know, it's all hands on deck trying to deal with patients and trying to deal with something that is evolving so -- so rapidly.

My -- my other just general question. So is this specific -- I know you said your intention is that this would only be during a -- a declared state of emergency, but is it specific that the Department would only require this during that or -- or would it still allow for the situation we're under right now where the emergency has lapsed and we still have facilities that are filling out a fairly lengthy report on a daily basis.

MS. PAULIN: I -- I think it is during an emergency that this would be reported on a seven-day time frame. We are still in the state of an emergency so I would think that during this time until the State declares us out of it, which could happen, I think it's June 8th is the end of the Executive Order, that there would still be somewhat of a requirement. Whether or not the Department continues to ask for information or requires agencies and healthcare facilities to submit data, they have that ability so -- and they do it all the time. So it's just

that we have the added -- they would have the added burden of making the data public and transparent during the course of an emergency.

MR. RA: Thank you. Mr. Speaker, 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 bill but those who support it can certainly vote in favor here on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is generally 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 desks. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, ma'am.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Jensen to explain his he vote.

MR. JENSEN: Thank you, Mr. Speaker, just to briefly explain my vote. While I understand the -- the desire of the

sponsor on this piece of legislation, as we see in the present moment as the COVID-19 emergency is almost wound down, healthcare facilities are still being mandated to fulfill a HERDS collection mandate every day. Taking up critical staff time could be devoted to actually providing care to people, they incur heavy fines if they're merely a second late in providing that data. And I believe that this legislation needs some guardrails to ensure that only the data that is truly necessary in reacting to any future emergency is collected and without overburdening healthcare facilities as they're trying to fulfill their overarching goal of actually providing care to the people under their care. For that reason I will be in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Jensen.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to explain my vote. I was in support of this piece of legislation the last time it was brought to the floor by our former colleague, Mr. Gottfried. I think it's always important to keep -- gather and keep data. And in fact as we are in -- experiencing right now horrific smoke that's coming from Canada. We should have been informed as citizens that that's happening and what impact it could have on our health. And I don't know if there's systems like this that we need to make that happen, but I know that it impacted all of Western New York on yesterday and it's quiet frankly impacting

Albany as we speak. Hopefully it's raining soon and it will be clear, but there was a horrible fire in Canada. And as you know, air travels and it will have an impact on people's health because whatever that was that was burning probably wasn't healthy, won't be healthy when it gets into people's lungs. So I think at some point we always need to be mindful of what impacts -- what in our environment, what is happening to people that could impact their health and how will we inform them of it, quickly and show them how to protect themselves. So I support any kind of legislation that is interested in collecting data. Thank you, sir.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker, for the opportunity to interrupt our proceedings for the purposes of an introduction. Our colleague from -- from the Senate Ms. Cordell is in our Chamber, she has brought with her the family of the late Bill Perkins. Many of us probably do remember Senator Perkins when he served here in Albany. Some of us remember him from walking the streets of Harlem because I have seen him there and he can't walk past people, everybody knew him there. So on behalf of our colleagues Mr. Taylor, Ms. Dinkens -- Dickens, as well as Mr.

Gibbs, would you please welcome, not just the Senator, but the family of the Honorable Bill Perkins, who after 25 years of service both as a Senator and a city council member transitioned last year. The Senator has with her his wife Pamela Green Perkins and his daughter Kiva Perkins, as well as a niece Michele Green. Also joining the Senator today is the African-American Parade Committee. Jasmine Robinson is the granddaughter who actually -- of the man who actually started the African-American Day Parade Yusuf Hasan, the Chair of the African-American Parade and Melvin Muhammad who is a member of the African-American Parade Committee as well as Thomas Walker. If you could welcome these -- I'm sorry -- passed last month in instead of last year, sir. If you would make that correction in your records, please.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mrs. Peoples-Stokes --

MRS. PEOPLES-STOKES: If you could welcome these fine citizens from the great Harlem USA to our Chambers, and also honor the life of a stellar of a senator Bill Perkins, it would be the pleasure of not just the members who live and represent that area but myself as well. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you. On behalf of Mrs. Peoples-Stokes, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend the privileges of the floor to all of you. To you Senator Cleare, always a visitor here, always welcome here. To the family of Bill Perkins, I

served with him, remember him, revere his work, thank you for sharing with us today and allowing us to remember the greatness that it was him. To the African-American Day Parade members, thank you again for the work that you do to ensure that we, African-Americans in the State of New York and the City of New York, have an opportunity to celebrate our history and our ancestors. To all of you, you are so welcome here. You will always have friends in the New York State Assembly. Thank you so very much.

(Applause)

Page 10, Rules Report No. 255, the Clerk will read.

THE CLERK: Assembly No. S03436, Rules Report No. 255, Skoufis (Lavine, Colton, Sillitti, Aubry, Simon -- A05835). An act to amend the Civil Practice Law and Rules, in relation to exempting applications for an extreme risk protection order from requiring an index number fee.

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. Just a little bit of background. In 2019 we in this legislative Chamber passed the legislation of creating an extreme risk protection order, and there was a lot of concern at the time because that legislation didn't actually



require that a demonstration of extreme risk be shown. It was an allegation that somebody had a gun and there was probable cause, which is the lowest legal standard you can have to believe that they were likely to engage in some inappropriate conduct that might injure themselves or others. And based on that allegation, the police had come and seized all the person's weapons without a hearing and only scheduled a hearing later. And then in 2022 we expanded that to provide that the seizure of all these -- any guns could occur even without a sworn affidavit if -- if the information was based on a claim from a police officer or a DA that could, according to the law, be based on hearsay evidence. And so there's a lot of concern on both due process issues and on hearing issues and on 2nd Amendment issues because you had a law that authorized the seizure of private property from an individual who might not have committed a single crime. And it was seizing their property without a hearing. And it was seizing their property in some cases without even a sworn affidavit and on hearsay. And as a result, back in 2019, there were 37 no votes and in 2022 there were 30 no votes. And this bill takes it one step further by saying somebody wants to file that action doesn't even have to pay the index fee to do so. And for that reason I will not be supporting it. Thank you, sir.

ACTING SPEAKER ZACCARO: Mr. Goodell in the negative.

Mr. Lavine to explain his vote.

MR. LAVINE: This bill simply allows people to go

to court to take out an extreme risk protection order without having to pay the \$210 filing fee. These extreme risk protection orders save lives. I wrote the first extreme risk protection order years ago following a lengthy conversation with Mark Barden whose son Daniel was one of the little angels murdered at Sandy Hook. That was a very difficult conversation for me, it was a much more difficult conversation for Mark Barden. This year alone there have been more than 2,700 requests for extreme risk protection orders. Yes, there is no immediate hearing but there's a hearing that is scheduled between three and ten days. These vehicles save lives and I am certainly voting in the affirmative. New York is not the only state that has adopted this system. There are 19 states to date that have adopted this system. We will either save the lives of our children and our families or we will sacrifice them. I am not prepared to engage in that type of sacrifice but apparently some are. I'm voting in the affirmative.

ACTING SPEAKER ZACCARO: Mr. Lavine in the affirmative.

Mr. Flood to explain his vote.

MR. FLOOD: Thank you, Speaker. I rise and this is a bill I support, but I'm just here to point out some hypocrisy. As my colleague just said we have bills that can help save lives. If that was truly the intent of this Body, you guys wouldn't have killed my bill two weeks ago which was Gabby's Law, and with the -- with the -- with the rationale that we have too many alert systems. So -- so my bill actually would set up an alert, a (inaudible) alert system similar to

that of the amber alert or the silver alert when someone goes missing. In this case it was brought on by the missing departure of a -- and eventual murder of Gabby Petito out in Long Island. If this Body truly cared about saving lives and passing good legislation, you guys wouldn't kill bills because it says R next to it. So if we're really looking for the intent to, you know, you know, save people's lives and pass good legislation, maybe the Majority needs to look into themselves a little bit. This is a good piece of legislation which I am voting for, but when we have a good piece of legislation, maybe we look past the party affiliation and let some good bills get out of committee. Thank you.

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

(The Clerk announced the results.)

The bill is passed.

Page 11, Rules Report No. 264, the Clerk will read.

THE CLERK: Assembly No. A06549, Rules Report No. 264, Rajkumar, Weprin, Sayegh. An act to amend the General Business Law, in relation to requiring motor vehicle dealers to search for recalls and make certain repairs prior to selling a used motor vehicle.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Rajkumar.

MS. RAJKUMAR: Thank you, Mr. Speaker. This is a simple bill. It requires dealers of used motor vehicles to determine

whether there are any recalls on a motor vehicle before selling it to a consumer. If the used motor vehicle dealer determines that there is in fact a manufacturer's recall on the vehicle, the dealer must put into motion the process of repairing the vehicle such that the recall is satisfied. The purpose of this bill is to protect consumers and the general public by ensuring that cars that could endanger drivers are off the road. This would protect all New Yorkers from dangerous accidents on the roads and save lives.

ACTING SPEAKER AUBRY: Ms. Walsh.

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

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

MS. RAJKUMAR: Of course.

ACTING SPEAKER AUBRY: Ms. Rajkumar yields.

MS. WALSH: Thank you so much. So this bill actually predates both of us by a considerable number of years. I think the first year that it was considered was in 2013. So I do have a few questions for those of us who have been in the Chamber for a few years, you probably heard some of these questions before, but for the benefit of some of our newer members, let's just go through what the bill does and doesn't do. What size dealerships does this apply to?

MS. RAJKUMAR: So the General Business Law actually defines "dealership" as being if you have sold at least three cars in the past 12 months.

MS. WALSH: Okay. So it would be fair to say that it could apply to very large dealerships, like we all have in our districts, and it could also apply to a smaller one that has, you know, a dozen or so cars on the lot as long as they've sold three in a year.

MS. RAJKUMAR: Correct.

MS. WALSH: Okay, very good. What about auction houses? Because I know that sometimes a dealer might take a car and trade that's pretty old, like my car, and they're not going to put it out on their lot, they'll send it to the auction house. Does the auction house have to -- have to comply with this -- this law?

MS. RAJKUMAR: No. So long as in the advertisement at the auction it says this car is sold as is. If it's advertised like that, the law does not apply.

MS. WALSH: Very good, okay. So in the bill it talks about a good faith effort to learn of the recall of the vehicle. So can you describe what will satisfy that requirement of a good faith effort?

MS. RAJKUMAR: Yes. A good faith effort is very simple. All the dealer has to do is type the VIN number of the vehicle into the Federal Government website that tracks all active recalls. That's safecar.gov [sic]. So they can go to safecar.gov [sic], types in the VIN number and it defies the active recall. And then that's basically it. The additional step is the dealer just has to initiate the process of repairing the car, and that could be as simple as making an appointment for the car to be repaired.

MS. WALSH: Well, I'd like to talk about that a little bit. But as far as the good faith effort, that putting in the VIN, checking that website and seeing what recalls are out there satisfies at least the first part of the requirements of this bill in terms of the -- the effort to see if they are any recalls that are out there.

MS. RAJKUMAR: Correct.

MS. WALSH: So let's talk about, does -- does this legislation require that any recall that is issued is dealt with by the -- by the dealer? In other words, there's no like de minimis standard. So if there's -- if there's a recall for a little gasket, that's -- that's going to be treated the same way as a recall for an airbag or an engine problem or something that would be considered in my view to be major.

MS. RAJKUMAR: Yes, correct, because recalls are issued to protect New Yorkers, to protect people on the road. So all of these recalls have to do with safety issues. So that's why this law would require the dealer to notify a consumer of any recall.

MS. WALSH: Okay. So what about any -- so you mentioned during your explanation and again just a moment ago about having to kind of get the ball rolling or start the process of satisfying this recall and doing the repair. Can you -- can you explain what you mean about that? In other words, are you saying that the dealer themselves they do not need to be the ones actually doing the repair on the vehicle.

MS. RAJKUMAR: That's correct. The dealer just has to initiate the process of making that repair. That could be as

simple as making an appointment with the manufacturer's franchise to -- to initiate that process.

MS. WALSH: Okay. So in terms when the vehicle can actually be sold, though, is that -- are you saying that it could be sold prior to that repair being done? Because it didn't seem like that when I read the bill.

MS. RAJKUMAR: The vehicle can be sold even if the repair is not done. It can be sold as soon as the dealer has satisfied their requirements, which is just initiating the process of the repair.

MS. WALSH: Okay.

MS. RAJKUMAR: After the dealer initiates the process of the repair, then the car can be sold.

MS. WALSH: Okay. So I'm looking at the bill right now and specifically line 16, it says that the dealer or his or her agent must make or cause repairs to be made pursuant to the manufacturer's or such administration's recall such that the recall is satisfied.

MS. RAJKUMAR: Yes.

MS. WALSH: So how do you get from that the idea that it can be sold so long as an appointment has been made? It doesn't say that in the bill, right?

MS. RAJKUMAR: It says a dealer or his or her agent must make or cause repairs to be made. So the language of "cause repairs to be made" is where the flexibility lies.

MS. WALSH: Well, I -- I can understand from that the idea that the dealer themselves -- they -- or itself does not need to

be the one to do the repair, but I'm not seeing anything in terms of the timing as far as being able to sell the vehicle without the repair having been made. I -- I don't see that in the language at all. You do, though.

MS. RAJKUMAR: Yes. The bill text doesn't require that the repair be made before the car is sold. I don't see that anywhere in the -- in the text.

MS. WALSH: So if the -- if the dealer guesses wrong and transfers a vehicle without the repair having been made where there's only an appointment having been made, they are subject to a possible penalty of \$5,000 for every violation, correct?

MS. RAJKUMAR: If the dealer makes an appointment, that means that they have caused the repairs to be made, they're initiating the process. So therefore they would not be liable for \$5,000. There'd be no offense.

MS. WALSH: Well, I'm glad -- I'm glad that you're representing that as part of the legislative record as far as the intent of the legislation, but again, I -- I don't see that in here at all.

MS. RAJKUMAR: Well, my reading of the text is just as I said, so long as the dealer causes repairs to be made and initiates that process, the requirements are satisfied. I should also add significantly that the manufacturer bears the burden of all the costs here, which I think you already know.

MS. WALSH: Right, right. No, I don't question that. But -- so, for example, we know that over the last few years there have been incredible supply chain issues with motor vehicles just generally



and parts. And there had been problems with supply chain and many other industries, too, but where there is a part that's -- that's missing, that's part of a recall it can sometimes take months and months and months before that part actually arrives or that repair can actually be done. So -- and then even when that part has finally been received there can be a real backlog in terms of being able to get the vehicle in and make the change and satisfy the recall. So -- but are you saying that that's all okay? I mean you're saying that this is a safety measure for the consumer, but you're also saying that the dealer can sell the vehicle and say okay, I've made you an appointment, they don't have the part right now, they can't get you on their list right now. Are you saying that they can still sell that vehicle with all of those --

MS. RAJKUMAR: Yes.

MS. WALSH: -- questions hanging out there?

MS. RAJKUMAR: That is exactly what I'm saying because this is all about the dealer notifying the consumer, letting the consumer know that there could be an issue with your car. The point is letting the consumer know that so that the consumer doesn't just think that they have a --a perfectly functioning car. This is just all about putting the consumer on notice. That's the point of the bill.

MS. WALSH: Okay. So let's say it's -- let's just -- as a hypothetical, let's just say it's an airbag that is on the driver's side that is -- is malfunctioning in a number of these vehicles, there's been a recall. The dealer can sell that vehicle and say when an airbag comes in they're going to let you know from the manufacturer or from

whoever is going to be doing this repair, and as long as the consumer knows, hey, my airbag doesn't work, then they just have a choice as to whether or not they want to buy the vehicle.

MS. RAJKUMAR: That's -- that's correct.

MS. WALSH: And that satisfies the dealer's responsibility --

MS. RAJKUMAR: Yes.

MS. WALSH: -- and they will not be subject to --

MS. RAJKUMAR: Yes.

MS. WALSH: -- the penalty.

MS. RAJKUMAR: According to the text that's exactly right, because the point here is that the dealer notified the consumer, you have a faulty airbag. Now the consumer knows and can protect themselves.

MS. WALSH: Okay, all right. So thank you very much for your answers.

Mr. Speaker, on the bill.

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

MS. WALSH: You know, I appreciate the -- the answers from the sponsor. However, I've got some real concerns as to whether that's really the case, I generally do. As I'm reading the text of this bill, it says that the dealer or his agent or her agent must make or cause repairs to be made pursuant to the manufacture's or such administration's recall such that the recall is satisfied. I -- I don't see

anything in that bill that would give me any comfort if -- if I were a dealer that I could go ahead and sell this vehicle until the recall was satisfied. There's no language in here -- perhaps if that is the sponsor's intention that the bill should be in my opinion modified or amended to -- to clarify that, because especially when there's a penalty of up to \$5,000 for each and every violation, I -- I don't know about that. I don't -- that's not the way that I read the bill at all.

I think that the -- the concept of taking care of these recalls and making these repairs is -- is a good idea and I like the idea of the -- of the consumer being informed that there is an issue, but I find it very hard to believe, under the -- the language of this bill, that if you've got a significant backlog or a parts -- a problem getting parts in that you're going to be able to sell this vehicle without penalty and at some future date the car is maybe going to -- is going to get fixed. I think that potentially if it does hold up a sale, as I believe it would, I think that there's a potential for a dealer to be less likely to want to take certain cars in for trade, you know. There is a significant degree of opposition to this bill as there has been in the past, I just want to run through that for everyone's benefit. The Greater New York Auto Dealers [sic], the New York State Auto Dealers Association [sic], the New York Association of Service Stations & Repair Shops, the United Automobile Insurance Company, Advocates for Highway and Auto Safety, Center For Auto Safety and Carvana all oppose this bill. There are some supporters of the bill as well, but this is a bill that has had significant opposition in this House for years. And as I said it's

been around for ten years. I think there's a reason for that. For those reasons I'm going to be voting in the negative and I would encourage my colleagues to do the same. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Walsh.

Mr. Chang.

MR. CHANG: Yes, thank you very much, Mr. Speaker. I appreciate the sponsor trying to do this. For me as a consumer, for 40 years I've been buying used cars in various forms from either auctions, private -- private sales, used car dealers. And as a consumer I always try to check any recall features on it. And this is one step that the dealership should make sure that the car itself is -- is having any recall issues and satisfy that. But I suggest that this bill should be amended a little bit further is to -- to have dealers to make sure all recalls are satisfied before being sold because it makes sense for car dealers to make sure that a car is completely -- completely all satisfied, safety features and all, especially airbag, airbags and safety features. And it's prudent for any car dealers that would like to sell their car as immaculate as possible and not to be subject to lemon laws. But I appreciate the sponsor for this bill. I know it's trying to do some -- to do to protect the consumer itself. Thank you very much, Mr. Speaker. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Byrnes.

MS. BYRNES: Thank you, Mr. Speaker. Will the

sponsor yield?

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

MS. RAJKUMAR: Yes, of course.

ACTING SPEAKER AUBRY: Ms. Rajkumar yields.

MS. BYRNES: Thank you, ma'am. I'm a little bit confused so I'm going to run down some of the scenarios. I understand the concept of having automobile dealers, they're up and down all the streets we drive on all the time selling new and used. And you're indicating that has to be anyone who sells more than three in a year would constitute a dealer under the statute, correct?

MS. RAJKUMAR: Correct.

MS. BYRNES: All right. And then when you were asked about auction houses and if a dealer taking in old beat up cars, they don't want them, they sell them to an auction house, but you said then the auction house can sell then to a consumer as long as they sell them as is, correct?

MS. RAJKUMAR: Correct.

MS. BYRNES: Why can't the dealer then sell them to the consumer as is?

MS. RAJKUMAR: Well, I mean that would -- there's lots of dealerships and auctions are just a narrow exception. That would be demanding. That would significantly expand the exception, which would defeat the purpose of protecting consumers.

MS. BYRNES: Well, but an auction -- a lot of

auction houses do sell to consumers, people who are going to actually drive the vehicle on the road and they are selling way more than three cars, they're selling usually hundreds at a time but they're not considered a dealer.

MS. RAJKUMAR: Correct.

MS. BYRNES: Okay. Then the follow-up question is a lot of these auction houses sell to salvage yards. And the salvage yards when they get in vehicles that can be repaired repair them and sell them to people like me. I'm probably one of the few people here who actually buys vehicles with salvaged titles. So I buy a car from a basically your traditional junkyard that's been fixed up, they're going to sell probably more than three during the course of the year. Does the junkyard, does the salvage yard qualify as a dealer when the auction house that they bought it from didn't, or does that non-dealership continue to follow the (inaudible) --

MS. RAJKUMAR: Yes. That salvage yard would qualify as a dealer and therefore be subject to the requirements of this bill.

MS. BYRNES: So the auction house can sell the car to a consumer as is, but if they sell it to a salvage yard who fixes up the car to make it operable on the road, now all of a sudden it reverts back and they have to become a dealer and follow through all this stuff. Does this make sense to you?

MS. RAJKUMAR: That's correct, because there's an exception for public auction that doesn't apply to the yard so yes, that's

correct.

MS. BYRNES: Does that strike you as being at all illogical that the person in between is exempt, doesn't have to do anything and can pass it on either to another entity or to a consumer and they're absolved of all responsibility for the vehicle, yet the next person down the line after the auction house was absolved under this law and made exempt, all of a sudden they become responsible. How -- how does that work logically? I understand the bill. How does that work logically or is this an issue?

MS. RAJKUMAR: Well, I will say is what's good is that it's very, a very narrow exception, public auction. I will also say that your logic is very interesting because it also -- it also explains why I think this -- this bill is so important, which is to cover the middleman. The middleman here is also the dealerships, right? And right now they're not required to protect the safety of consumers. So we really do have to address the issue of the middleman, because right now the manufacturer, if there's an active recall on a car, a manufacturer has to -- is required to contact every registered owner of a vehicle that is sold, vehicles do and let them know of the recall. But the middleman, the dealers are exempt from this. So this -- this bill takes care of that loophole.

MS. BYRNES: Well, but it creates a different one because then you make the person at the bottom of the -- the spectrum, the -- the junkyard, the salvage yard, do you all of a sudden put back in them the responsibility that began at the beginning but that

was lost in the middle?

(Pause).

All right. No answer -- no answer to that one.

MS. RAJKUMAR: No, I've -- I've heard your point several times and you heard my point so...

MS. BYRNES: And you do agree with it.

MS. RAJKUMAR: I agree --

MS. BYRNES: I mean I understand it's not covered by this bill but you understand the inconsistency and the issue.

MS. RAJKUMAR: I agree with the facts that you have laid out and I believe you've heard my response.

MS. BYRNES: All right. Thank you.

If I could be heard on the bill.

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

MS. BYRNES: You know, I agree with a lot of the comments that were made by Ms. Walsh that, you know, even going back to the original dealer who may purchase it, a vehicle as a trade-in that is older, it might be more delapidated, a lot of parts are not really available anymore on older vehicles which is why people trade them in as -- or give them away to a --a kidney car. They do all sorts of things with vehicles that are older and are questionable as to they'll ever be on the road again. So I'm guessing by this that once a car becomes a kidney car, that if they want to sell it, they -- more than two or three a year that they will become a dealer under the conditions of



this law. You, know, it's just illogical. Again, the thought process is good, we want safe cars on the road. I believe we have safe cars on the road. They have to undergo all of the different inspections yearly and it's just illogical, though, to draw a bizarre line in the middle where an auction house can sell it as is but yet the next people that may touch it down the line all of a sudden become responsible. So I will be voting no. I do hope that next year after the inconsistency issues start to play out in real life, this happens frequently with the bills in this Chamber, that we'll probably be back here for amendments and changes. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Byrnes.

Mr. Novakahov.

MR. NOVAKHOV: Thank you, Mr. Speaker.

Would the sponsor yield?

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

MS. RAJKUMAR: Yes, I will.

ACTING SPEAKER AUBRY: Ms. Rajkumar yields.

MR. NOVAKHOV: I'm just trying to clarify, maybe I missed something. So does the used car dealer need to perform the repairs at their own cost or they will need to bring the car to the manufacturer's official dealership for the repairs?

MS. RAJKUMAR: The dealer does not bear the cost of the repair.

MR. NOVAKHOV: They just --

MS. RAJKUMAR: The manufacturer bears the cost of the repair. All the dealer has to do is cause the repairs to be made. Basically initiate the process of the repairs.

MR. NOVAKHOV: Okay. So let's say the used car dealer has a 100 cars on their -- their lot and a third of these cars have recalls, right? So how the dealer -- the used car dealer will be able to bring 35 cars to the manufacturer's official dealership. I mean they don't even have staff for that because I'm familiar a bit with this business. It's usually like one or two persons, people, you know, own the lot, they're just selling the cars. So how do you see this?

MS. RAJKUMAR: I see the process as much simpler. The dealer just has to scan the VIN numbers --

MR. NOVAKHOV: Okay.

MS. RAJKUMAR: -- of the vehicles, check with the Federal directory --

MR. NOVAKHOV: Mm-hmm.

MS. RAJKUMAR: -- and identify any active recalls.

MR. NOVAKHOV: Okay.

MS. RAJKUMAR: That's mainly what the dealer has to do. And then the dealer has to initiate the process of repairs. It could be as simple as making an appointment.

MR. NOVAKHOV: Right, but -- have you been through the process of making an appointment for the recall and going to the dealership and -- it could take a day for one car, really, one day

for one car, sometimes more, sometimes you have to leave the car overnight and over week. I just don't -- I'm trying to see -- I understand the good intentions of the bill, don't get me wrong, but I'm just trying to see in the real world how it's going to work in the real world because, you know, when -- when this is -- when -- when this needs to be performed by a regular customer it's just one car, right? When this needs to be performed by a used car dealer, it can be tens of cars, it can be hundreds of cars. They -- they're just not capable of taking care of so many cars, unfortunately. I mean I would be happy for them to -- to take care of those but I -- I just don't -- don't -- don't see that. How do you see that? I mean I --

MS. RAJKUMAR: How I see it is we have to do a cost-benefit analysis.

MR. NOVAKHOV: Mm-hmm.

MS. RAJKUMAR: So it's the cost of people being killed or injured on the road because they didn't know the car was dangerous.

MR. NOVAKHOV: Correct.

MS. RAJKUMAR: Versus the small burden that we're placing on the dealer. So when I do that cost-benefit analysis, I think it weighs very clearly in favor of this bill.

MR. NOVAKHOV: I agree but it's -- it's not a small burden, and let me just share an example with you. So a few years ago I bought a used Audi, unfortunately. And I was bombarded with the notification from the manufacturer that this car needs to be

brought to the dealership in order to check the -- the airbag, right? So the -- the person who buys the used car, doesn't matter if he buys it from a third-party, from a used car dealer, there's already a law that requires the manufacturer to send a notification to this used car owner to notify him that there's a problem with the car, and he needs to bring it to -- to the dealership. I mean I would understand if we would require from the used car dealer to notify like I'm coming to the dealership, used car dealership. They say know what? Yeah, you like this car but we -- we need to tell you that you will have to take this car to the dealership, to the official manufacturer dealership to, you know, to do this repairs. And, you know, that would be fair that the burden is on the car owner that has just one car, but when we're talking about the used car dealership that has hundreds of cars - and I just don't see them -- I just don't see -- like they have to hire an additional staff in order to bring those cars to the official car dealership for the repairs. That's -- that's -- that's an issue, that's -- that's -- that's a big problem.

MS. RAJKUMAR: I don't know if they would have to hire additional staff. You know, there are now scanners where you can actually scan --

MR. NOVAKHOV: I know but you have physically --

MS. RAJKUMAR: -- (inaudible) to find out very clearly --

MR. NOVAKHOV: You have to physically --

MS. RAJKUMAR: -- if there's an active recall.

MR. NOVAKHOV: You have to physically bring the car to the official dealership manufacturer.

MS. RAJKUMAR: No, you don't have to do that. The bill does not require --

ACTING SPEAKER AUBRY: Excuse me.

MS. RAJKUMAR: -- the dealer to --

ACTING SPEAKER AUBRY: Let's ask a question and then answer.

MR. NOVAKHOV: Okay.

ACTING SPEAKER AUBRY: Let's not cross each other up, okay? I mean --

MR. NOVAKHOV: Okay. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: -- this is a debate, not an argument on the corner.

MR. NOVAKHOV: Thank you for the reminder.

MS. RAJKUMAR: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: And please talk into the mic. I know it's polite to look at it but everybody wants to hear this, right? Thank you.

MS. RAJKUMAR: So this bill does not require the dealer to go to the manufacturer, physically, so no extra staff would be needed I would contend.

MR. NOVAKHOV: But how --

MS. RAJKUMAR: So instead of -- yes. The bill says that the dealer is required to cause repairs to be made. In other

words to initiate the process of repairs. That's very different than having the dealer actually go to the manufacturer. That's not what the bill requires. So therefore I would argue that we are not placing an undue burden on car dealers through this bill. I think we are making a very simple request that will protect drivers and consumers and ultimately save us a lot of money.

ACTING SPEAKER AUBRY: Okay. Now you can ask a question, Mr. Novakahov.

MR. NOVAKHOV: Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Or you can go on the bill if you have a statement to make.

MR. NOVAKHOV: Well, I'm -- I'm -- I'm just trying to understand like how what we'll initiate is -- what's the meaning of initiate if the -- if the used car dealership scans the VIN code, whatever it is, and says there was a recall for the airbag replacement, right? How he initiates. He needs to call the official dealership, make an appointment, bring the car to an official -- official dealership is not going to come to pick up this car to deal with the repairs and return the car. If that would be the case, you know, that would be fantastic, but unfortunately it's not the case. So there should be -- and the car is not drivable by itself. So there should be a person who sits in the car, drive to the -- to the dealership, right? Waits there until the car is done or just drops it and picks up the other day, you know. That's how things are done in the -- you know, in the repair world, the car

repair world. So I just don't understand it. If the used car dealership has 30, 40, 50 cars, they will need to hire additional staff in order to bring those cars to the official dealership for the repairs. Otherwise -- maybe you have another idea. If you do, please share.

MS. RAJKUMAR: I -- I appreciate that, but I don't think that you are reading the bill correctly. The bill says that the dealer just has to cause repairs to be made, which could be as simple as giving the information of the manufacturer franchisee to the consumer. That alone would be enough to satisfy the requirements of -- of this bill.

MR. NOVAKHOV: I'm very sorry but this is what I'm reading on the board, relates to a prior motor vehicle dealer to search for recalls and make certain repairs. So my first question was should -- should the used car dealer make the certain repairs? You said no, right, which is great, right?

MS. RAJKUMAR: I think you have correctly read the board, but if you correctly read the bill, you will see that it also says cause to make repairs, which is a lot different than making repairs.

MR. NOVAKHOV: So what is on the board and on the bill are different things?

MS. RAJKUMAR: Yes. The bill has additional language --

MR. NOVAKHOV: That's interesting.

MS. RAJKUMAR: -- which answers your concerns.

MR. NOVAKHOV: All right. Thank you. I don't have anything else to say, I guess.

ACTING SPEAKER AUBRY: Thank you, Mr. Novakhov.

MR. NOVAKHOV: Thank you. We need to fix the board, Mr. Speaker. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir. Mr. Bephan.

MR. BEEPHAN: Will the sponsor yield for one question?

ACTING SPEAKER AUBRY: Ms. Rajkumar, will you yield for a question?

MS. RAJKUMAR: Of course.

MR. BEEPHAN: So for a point of clarification for one of my residents, oftentimes when recalls are announced they don't always have a certified way to repair that recall. So how would that work during that period of time when a recall is announced, there's no certified repair, would they be able to sell those vehicles or are they required to hold it in their inventory until that repair is announced?

MS. RAJKUMAR: What would have to happen is the car dealer first has to identify that there's an active recall on the car.

MR. BEEPHAN: Right.

MS. RAJKUMAR: And then take reasonable measures to initiate the process of repairs. So if there's no way yet to



make that repair, the dealer's not required to do that. The dealer's required to just take reasonable steps.

MR. BEEPHAN: So if they identify that there's a recall, they relay that information to the consumer, the end purchaser and they say, you know, you could bring your car back at X date once that repair is confirmed. That is permissible enough for them to sell the car.

MS. RAJKUMAR: Yes.

MR. BEEPHAN: Okay, thank you.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

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

ACTING SPEAKER AUBRY: A Party vote has been requested. Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation as written. Those who support it should vote in favor of it 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 again this year going to be in support of this consumer-friendly piece of legislation. However, there may be some that would choose to be an exception and they can do so by voting at their seat. Thank you.

ACTING SPEAKER AUBRY: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. I appreciate the sponsor's desire, and as she explained it, to have dealers check to see if there's a recall and then initiate the process. And as she noted, her understanding of this bill, the dealer wouldn't actually have to complete the repair as long as they began the process. And I appreciate that interpretation. The concern I have is that the actual language leaves a lot of room for ambiguity at best. And when we're passing legislation we should do our best to make sure that the language accurately reflects our intent. And what the language actually says is that upon determining that there's a warranty recall, the dealer, quote, "must make or cause repairs to be made such that the recall is satisfied." That language is pretty unambiguous that the dealer must make or cause repairs to be made in order to ensure that the recall is satisfied, which is very clear that the dealer can't sell a car until the warranty has been satisfied. And that's the word *satisfied*. Now you might think this is a pro-consumer bill. Here's the problem. Most of us when we buy a new car trade in the old car. And if the dealer is forced to keep our old car on the lot until he finally makes every single repair, we will get a much lower trade-in value for sure. And so I would encourage my colleague to clarify that language hopefully in another draft so we don't have to have this discussion in

the future. Thank you, Mr. Speaker, and again thank you to my colleague.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Ra to explain his vote.

MR. RA: Just quickly, and I'm going to just go right where my colleague just left off here. You know, I've had concerns with this bill for a number of years and in particular because of what was just raised, if dealers are worried about getting stuck with vehicles that they are not able to sell they're going to be less likely to take those trade-ins. And in particular if it's a dealer that's used to dealing with a certain type of vehicle, you know, a certain make that they deal with on a regular basis, they may be very aware of the type of recalls that are out there and may be very well-equipped to have them fixed quickly, but it takes away I think their ability and likelihood that they're going to take other makes that they may be scared of being stuck with for a period of time because they're going to be basically having to wait for some other car manufacturer to make every recall available. Many of us if you've ever dealt with a recall on your car, especially if it's not something that is, you know, really, really, on the safety side, sometimes there's a long wait to get parts and to get an appointment to get a recall addressed. And that has an impact on the consumer's ability to trade in cars and certainly on the market that will be out there for used cars, which especially over the last couple of years we saw how difficult that market became for -- for a period of

time when, you know, there was a shortage of chips and new cars. People couldn't get even used cars at that point. So, I think this is well intended but I think it has the potential for broad ranging negative impacts to the consumer. Thank you.

ACTING SPEAKER AUBRY: Ms. Rajkumar.

MS. RAJKUMAR: Thank you, Mr. Speaker. This is a simple bill with an important goal to protect New York State motorists from driving unsafe cars. It would protect people like Michael Sharkey who purchased a 2006 Chevy Cobalt with a faulty ignition switch. A week after purchasing it, he went on a fishing trip and died on the road becoming one of 109 people killed in accidents caused by faulty ignition switches, a faulty part that also injured 200 others. By requiring used car dealers to make a good faith effort to determine if vehicles have active recalls this bill will save lives. It's good for consumers. It's good for drivers. It's good for public safety. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Rajkumar 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: Thank you, Mr.

Speaker. Colleagues should be delighted to know that we're going to add additional six debates to our schedule today.

(Applause)

Yes. We're going to start number one, Mr. Speaker, with Rules Report No. 324 by Mr. Epstein; followed by Rules Report No. 396, Ms. Fahy; then we're going to go to Rules Report No. 432 by Mr. Dinowitz; followed by Rules Report No. 317 by Mr. Otis; that's going to take us to Rules Report No. 131 by Ms. Barrett -- I'm sorry, Calendar No. 131 by Ms. Barrett and Calendar No. 127 by Ms. Woerner. In that order, Mr. Speaker. Thank you, sir.

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

Page 13, Rules Report No. 324, the Clerk will read.

THE CLERK: Assembly No. A01191-B, Rules Report No. 324, Epstein, Levenberg, Gibbs, Reyes, Simon, Colton, Otis. An act to amend the Environmental Conservation Law, in relation to requiring the Department of Environmental Conservation, in coordination with the New York State Energy Research and Development Authority, to submit an annual agency climate expenditure report.

ACTING SPEAKER AUBRY: Mr. Epstein, a explanation has been requested, sir.

MR. EPSTEIN: Thank you, Mr. Speaker. This bill would require the Department of Environmental Conservation and NYSERDA to do an annual summit report or climate report, containing a comprehensive summary of all the spending by each individual agency in the State that's related to meeting our climate

goals, and if there's any breakdown to getting to those climate goals.

ACTING SPEAKER AUBRY: Mr. Palmesano.

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

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

MR. EPSTEIN: Happy to, Mr. Speaker.

MR. PALMESANO: Thank you, Mr. Epstein. First, I would say relative to your bill, I do think a comprehensive assessment of State direct and State indirect spending on the achievement of the CLCPA is really something we should really be pursuing, but I think I have some questions regarding some of the language and its scope here and to do that. So my first question for you is I know reading in your account, in your bill memo, you talked about how it's important, at the very end, for the public to be fully aware of the expenditures; so that's your intention with this legislation, correct, to make sure the public's aware of the expenditures?

MR. EPSTEIN: That is correct.

MR. PALMESANO: Is there any language in this bill, because it talks about a report coming back to the leaders of the Assembly. I mean I know you made an amendment, which we appreciate, to include that report coming back from the Minority Leader, but is there any language in here that reports -- that says this report would have to be issued late -- released to the public or for NYSERDA to put on their website, or how would that be addressed or

will I have to FOIL it?

MR. EPSTEIN: It does get released to the public and it gets released to all of us and then we use our bully pulpit to help make sure that message gets out.

MR. PALMESANO: Okay.

MR. EPSTEIN: And like other reports, I presume that they will put it on their website like they do every other report that they release.

MR. PALMESANO: So it's your intention with this legislation for like NYSEDA to publish this on the website for the DEC to publish on its website.

MR. EPSTEIN: That is our belief that that's exactly what will happen.

MR. PALMESANO: Now, I notice when you talked about this legislation, you talked about State spending as far as the agencies. Does this include directed State spending as far as where the PSC orders programs like the Clean Fuel Standard or Offshore Wind Initiative, or how they direct utilities, utilities, I mean in some estimates before the utilities come out they said they're going to have to spend between \$4 and \$6 billion in order to compile the goals. Will that spending on those that aren't State agencies but are directed by the State of PSC, would that have to be accounted for in this proposal?

MR. EPSTEIN: Just so I'm clear about your question, you want to know beyond the State agencies, without State money whether this report is going to require private authorities to

report on private dollars?

MR. PALMESANO: Right. For example, I mean, the PSC's spending money, the DEC, NYSERDA. We know NYSERDA spends a lot of money when it comes to clean energy.

MR. EPSTEIN: But anything (inaudible) the agency will be required to do a report.

MR. PALMESANO: Right, but if the PSC directs spending on some of these programs like the Clean Fuel Standard or the Offshore Wind Initiative, and also directing utilities, because the utilities have a lot that they have to spend to meet with these mandates. Would there be any accountability in reporting on those -- on those mandates because that the utilities have to pay, as far as that's directed by the PSC to accomplish?

MR. EPSTEIN: So are you saying with public dollars or private dollars?

MR. PALMESANO: Well, the -- whatever, I mean there -- whatever -- well, because the State's -- the State's directing the spending, but --

MR. EPSTEIN: But you mean the State directs the spending of State dollars, right?

MR. PALMESANO: Well, no. I mean -- I mean --

MR. EPSTEIN: So let's say that private authorities are spending private dollars, like -- like ratepayer dollars is different than they're paying or they're spending our government dollars.

MR. PALMESANO: I think -- I think what I'm



trying to get at is I'm talking about State-directed spending, the State is directing the utilities to spend money to make these clean energy mandates. And that like I said, the Public Service -- I mean, we know four utilities (inaudible) is going to cost like 4- to \$6 billion, so would that spending that they're making and having to put out, they're using ratepayer dollars, it's -- it's to meet the clean energy goals. This is about -- talking about clean energy spending that's also being -- that's clean energy spending but it's being paid for by the utilities which is (inaudible) being paid by the ratepayers. Aren't we -- does this bill account for that and require that to be part of this tabulation, or is it just the money being spent by NYSERDA, is it just the money being spent by the DEC?

MR. EPSTEIN: So the private utilities are already required to do reporting. This is for reporting by government agencies meeting the CLCPA goals.

MR. PALMESANO: But that would have to be included in this report that's being put forward.

MR. EPSTEIN: No, because they're already required to report.

MR. PALMESANO: All right. Does this require -- when it talks about the projects that are being funded, does it talk about their costs and benefits in terms of like maybe dollars spent per ton of emission reductions, the source of funds where -- where it's coming from and any other spending mandates in State assessment used by the payers?

MR. EPSTEIN: Again, I just want to be clear, you're talking about government dollars or private, ratepayer dollars?

MR. PALMESANO: Yeah, I mean obviously, you know, I know you're not going to -- you already answered questions as far as utilities and what they're spending, I acknowledge that's not going to be part of this report. But as far as the State spending, whether it's NYSERDA, does it have to detail, like dollars spent per like ton of emission reductions, the source of the funds, both where the program and the payers who's paying for it.

MR. EPSTEIN: I think basically the answer is yes. I mean, we're going to require every agency to report what they did. I mean the question about how granular the report's going to be, I can't speak to at this point, but they're supposed to report on how we're going to meet those goals so we can ensure that we are meeting them, and if we're not meeting them, why we're not meeting our goals.

MR. PALMESANO: Okay. I know also in this -- in this bill, it talks about the -- when they meet the goals are met then the reporting has to stop. Who makes that determination if the goals are met and when the spending stops, or reporting stops, excuse me, not the spending.

MR. EPSTEIN: So when we passed the CLCPA, we authorized the Climate Action Council and the Climate Action Council released their report last year and that report, we set targets in that report and so those -- once they meet those targets in the report, then they'll have to stop reporting.

MR. PALMESANO: Okay. So when the Climate Action Council's the one who's going to make the determination when they meet those goals?

MR. EPSTEIN: Well, collectively, we passed the legislation that authorized the Climate Action Council --

MR. PALMESANO: Right, I understand that.

MR. EPSTEIN: So we passed the law that they then are implementing through the Climate Action Council --

MR. PALMESANO: But as these -- as these goals are supposedly met, does that mean -- and they don't have to report on it, does that mean the spending is going to stop, and is the spending -- if the money still is going out the door and being spent -- is being spent by NYSERDA, which is ratepayer money because we know it's spent by the DEC, which is taxpayer money. I know utilities aren't included, and they're going to be continuing to spend. If it's an ongoing process and money is still going out the door, shouldn't there be a reporting and accountability back to the taxpayers and the ratepayers of the State?

MR. EPSTEIN: I have to say, if we get to the day where we've met our Climate Action Council goals, that would be an amazing day for us. And if we need to revisit whether they need to do ongoing reporting, that's a conversation we can have, but that -- our goal is to -- our job is to get to those goals and we're not anywhere near them now. And your question is maybe they need to continue to report after we met our goals. We may reset our goals, it's hard to

know what that's going to be like whether it's two, five or seven years from now, but I think getting to our goals is a critical point and that's where we want to make sure we're getting to our goals.

MR. PALMESANO: I understand that. And on top of what we're spending, what about, is there going to be in this report going to be required to have like an itemized list of proposed spending targets and projected impacts, is there going to be any talk about that in this report?

MR. EPSTEIN: We expect to have a comprehensive report that gives us all the details that were outlined here, and I think when we say "comprehensive report," I think it's important to have all those details. My expectation, we'll have a -- a real robust report.

MR. PALMESANO: Anything -- and I think I know the answer to this question but I want to ask it for the record, anything in this report that's going to show the impact of these clean energy programs or green energy programs are going to cost the ratepayers in -- in higher rates, or what it's going to cost businesses in the higher rates, or what it's going to cost the conversion costs to, you know, retrofit your home. Anything that's reported and identified cost in that matter, or is it just basically on State agency spending?

MR. EPSTEIN: So this is about making sure when we're spending our dollars we're meeting our goals, and I think what you're asking for seems like a very -- maybe a little tangent issue than this bill encompasses.

MR. PALMESANO: Okay. Thank you, Mr. Epstein.

Mr. Speaker, on the bill.

ACTING SPEAKER BORES: On the bill.

MR. PALMESANO: First, you know, I -- I think as I said, I do think, and I do think there may be some support for this but over here but maybe not, a comprehensive assessment of State spending and State-directed spending to what we're trying to achieve with the CLCPA is a good thing, but I think there's problematic areas here. I do think that I would rather see language in the bill, also, from the perspective of making sure this is released to the public. I think the sponsor has indicated that's the intent so that's a good thing. I do think, and this is a case when we were talking about the utility spending, same that they have to do it separately. I think by not including that in this report, we're going to be missing billions of dollars in spending that's basically going to borne on the back of ratepayers.

You know, the fact of the matter is when we started this whole process for the CLCPA, there was never a full -- a thorough cost-benefit analysis that was done on this program, never done. In fact, we asked for it, we had legislation, we -- we've talked about it. This House ignored it. The Climate Action Council certainly ignored it. What they put in the report was not a cost-benefit analysis. In fact, when the Co-Chair of -- and NYSERDA President was asked in a budget hearing a year ago and we asked what the cost of the impact of the CLCPA would be to ratepayers, the answer was we don't know, we have to see what the program has first. That seems like we're

going a little bit backwards in this process. We should know what the thorough cost-benefit analysis and the details are on individuals.

And although, again, I appreciate the intentions of the sponsor, I do think we know this is problematic even beyond that. NYSERDA came out with a report a little over two months ago saying if we do nothing, if we just continue on this course of -- of continuing to spend this so-called green dollars and renewable energy programs for the CLCPA, gas prices at the pump for my constituents, your constituents are going to increase \$0.62 a gallon. Home heating costs for natural gas are going to increase nearly 80 percent. I'd like to know how many of you are telling your constituents that. I would think not. I think the other part of this -- I mean the Climate Action Council plan said hundreds of millions of dollars without an itemized on the reports to ratepayers, to our businesses. Certainly we know in the report both from the Climate Action Council, the Consumer Energy Alliance and others who did a study said that retrofit and conversion costs to mandate the conversion of your homes would cost the average homeowner more than \$35,000 to convert. And that doesn't include just your heat pump or air source heat pump or geothermal pump. You have to deal with the shell of your property, you're talking about electric upgrades to your circuits. It's a significant cost and not many are talking about that. They just say we're going to keep moving forward with this but not talking about the cost impacts, and that's very, very concerning. We can get into the affordability on the other side of it, that's a whole other equation and

I'll bring that up later.

But I think I'm just very concerned where we are here on the spending. I just think -- I do commend the sponsor from the perspective of what he's trying to accomplish with this legislation, I think there needs to be more thoroughness, but I don't think this goes far enough. And certainly, that non-agency directness, directed by the PSC that's mandating spending by utilities and others to meet these -- the green clean energy goals of the Green New Deal for New York needs to be a part of this equation, needs to be accounted for, needs to be fully transparent. And the -- the -- the ratepayers and the public and the taxpayers deserve to know. And I will tell you on the cost side of things, and we can keep talking about cost. One thing I do know for sure when you talk to businesses in this State, when you talk to them about energy policy, they care about two things: Affordability and reliability. And if they're not getting the affordability and reliability in New York State, you can bet they're going to go to a state where they can. This is the pathway we're heading down in this State with our energy policy in New York State, taking away consumer choice on how they heat their home, cook their food, the car they drive, taking away freedoms. And I just think, and everyone says, well, we're going to, you know, reduce emissions, but keeping in mind that we're only 0.4 percent of total global emissions, 0.4, while China is 29 percent, has 1,000 coal plants and building more. And in fact they're expanding their coal capacity over the next year by 70 gigawatts, which is triple -- double our total generating capacity with

our wind, with our solar, with our natural gas, with our nuclear. So they're not going to help us meet our clean energy goals. So we're not going to do that, we're not going to accomplish that. Alls we're going to have is energy -- carbon leakage. We're not going to accomplish what we want to do, but in the meantime we're going to continue to bankrupt our families, our farmers, our small businesses and our manufacturers with this energy policy which is not smart in my opinion and certainly not green and clean, and we can talk about that another time if you want to get into the -- the impacts of energy storage and our electric vehicles with the need for cobalt which comes from the Democratic Republic of Congo which is used in child labor to extract that.

(Applause)

And we know it's being extracted and -- but we also know -- and we can clap all you want, but children are dying, children are being maimed, there's these mining collapses, and I'm glad everyone thinks it's funny but it's not funny. We don't talk enough about that and we should. You know, I hear people complain about fracking wells and oil rigs, but I don't see any kids working on them.

So based on that, and again, I understand what the sponsor's trying to do. I think we can do a better job at being more transparent with the public on our clean energy spending to meet the Green New Deal goals. We have to be more transparent and I think we need to take into consideration more of the costs and affordability of these programs and the impact and reliability of the grid, which is



very challenged and is a big problem going forward in the future. So I wish we'd think a little bit more about that as we move forward in the future. But for that reason, Mr. Speaker, I'm going to be voting no on this bill and welcome further discussion in the future. Thank you.

ACTING SPEAKER BORES: Read the last section.

THE CLERK: This act shall take effect February 1st.

ACTING SPEAKER BORES: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. I will be supporting this bill because I think it's important that we recognize the costs that are being incurred in the State of New York and our agencies in implementing the Climate Action Program. I also agree with my colleague, Mr. Palmesano, that that's only a part of the cost. And when we look at the huge costs that are now facing this next year, over 800,000 condo and cooperative owners in New York City who are facing millions and millions of dollars, that's not included in this report, and we're not looking at the billions of dollars necessary to upgrade our infrastructure. So there's a lot of costs that aren't included, but this certainly will help us understand a piece of the pie. And for that reason I will be supporting it, but I certainly understand and appreciate the comments of my colleagues that it's an important piece, but only part of the picture. Thank you, Mr. Speaker.

ACTING SPEAKER BORES: Mr. Goodell in the

affirmative.

Mr. Epstein to explain his vote.

MR. EPSTEIN: Thank you, Mr. Speaker. I rise to explain my vote. So in 2019 when we passed the CLCPA, we really set some goals out there to ensure that we can get to our -- our -- what we needed to do for climate change in our State. And then the Climate Action Council came with really more specific things. But the reality is we don't know how we're going to get to those goals unless we know how we're going to get to those goals and that's exactly what this bill does. It creates a comprehensive report to ensure that we step by step by step get to our climate goals. And if we're making our goals, we can see that path along the way. And some of our agencies aren't, we can figure out what's going on and then rectify. Because we can't wait for five years or ten years to get there, we have to act now and this bill helps us ensure that we get there and I encourage all my colleagues to vote in support of this bill. This is an important piece of legislation to support the work that we've been doing in New York State to know that climate change is real, to know we have to move in that direction, and to act and really expedite ways to get that done. Thank you, Mr. Speaker.

ACTING SPEAKER BORES: Mr. Epstein in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 14, Rules Report No. 396, the Clerk will read.

THE CLERK: Assembly No. A07035-A, Rules Report No. 396, Fahy, McDonald, Santabarbara, Walsh, Ra. An act to amend the Public Health Law, in relation to establishing a special needs assisted living program to serve persons with neurodegenerative diseases.

ACTING SPEAKER BORES: An explanation has been requested.

MS. FAHY: Thank you. This bill is in some ways referred to as the special needs assisted living program. It would create enhanced special needs for assisted living programs to serve residents with neurodegenerative diseases such as dementia, significant cognitive diseases that are coupled with behavioral disturbances. And this can affect those with Alzheimer's, Parkinson's Disease or Lewy Body Dementia. And again, this is to help with the long-term services they may not be able to get or where they've been rejected in other homes.

ACTING SPEAKER BORES: Mr. Jensen.

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

ACTING SPEAKER BORES: Will the sponsor yield?

MS. FAHY: Sure.

ACTING SPEAKER BORES: Yes.

MR. JENSEN: Thank you very much, Ms. Fahy. So

currently, there are long-term care providers, nursing homes, assisted living, that have licenses to provide care and have speciality memory care units for their residents. Will this legislation affect any of the facilities that currently have a license in New York State to provide memory care?

MS. FAHY: No. This -- this is actually expected, or intended to be helpful because those that have the behavioral disturbances or behavioral issues are actually have either been rejected in some homes or actually been asked to be removed and we are seeing hospitals that are -- that are, you know, having to care for some of these individuals because of the behavioral issues.

MR. JENSEN: Okay. Once this bill, if and when it's signed into law, and DOH starts issuing new licenses for this type of care and this type of location, will these new license requirements be similar, the same, as the long-term care providers who are currently providing memory care services under their existing license?

MS. FAHY: These licenses will be similar, the base, but they will also have these enhanced type services to -- to help address these behavioral and medical needs. So it's essentially an enhanced license to serve this particular population, again, with these behavioral disturbances.

MR. JENSEN: So either the same or very similar requirements regarding staffing levels, safety regards for wandering, the ability to control access whether from external entrance or from somebody who may be suffering from a memory disorder from

leaving and causing injury to themselves. That will be very similar to what's already in place in more congregate care settings.

MS. FAHY: Absolutely.

MR. JENSEN: Okay. And the idea is to ensure that residents who are dealing with these health issues can receive proper care in a location that meets their acuity level, correct?

MS. FAHY: Exactly. Yes, thank you.

MR. JENSEN: Thank you very much, Ms. Fahy.

Thank you, Mr. Speaker.

MS. FAHY: Thank you.

ACTING SPEAKER BORES: 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 BORES: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Fahy to explain her vote.

MS. FAHY: Thank you, Mr. Speaker. I rise to explain my vote, and I want to start with an appreciation. This -- this bill has been awhile in the making, and it really is to address these advanced long-term care needs for what is a growing issue in terms of those with severe neurodegenerative diseases such as those, again, with Alzheimer's, Lewy Body Dementia or Parkinson's Disease where it portrays a behavioral manifestation. These are very complex care

needs and they require intensive staff time. These are sometimes individuals who have either been rejected from certain assisted living facilities or nursing homes, or who have been removed from those facilities and often end up then in long-term care in hospitals which has created a very serious problem, as well as a gap in the continuum of care with -- for those with long-term care needs.

I want to do a special shout-out to those with the Alzheimer's Association, as well as the Michael J. Fox -- the Michael J. Fox Foundation who really helped to push and educate us about a number of these needs. And just one statistic. At this time, we have over 400,000 New Yorkers, 400,000 New Yorkers who are living with Alzheimer's. That doesn't mean they all have behavioral problems, it doesn't mean they all require this level of care by any stretch of the imagination, but it gives us a ballpark as to just how rapidly growing some of these needs are for or may need with long-term care. And again, this bill is to address those who need this enhanced special needs assisted living residences. And with that, I vote in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER BORES: Ms. Fahy in the affirmative.

Are there any other votes? Announce the results.  
(The Clerk announced the results.)

The bill is passed.

Page 16, Rules Report No. 432, the Clerk will read.

THE CLERK: Assembly No. A02080, Rules Report

No. 432, Dinowitz, Weprin, Williams, Colton, Seawright, Simon. An act to amend the General Business Law, in relation to requiring mandatory arbitration clauses in certain consumer contracts to be printed in large font type.

ACTING SPEAKER BORES: An explanation has been requested.

MR. DINOWITZ: The purpose of the bill is to require that when a company issues a contract that contains a mandatory arbitration clause to a consumer for signature that the arbitration clause be in a large font.

ACTING SPEAKER BORES: Mr. Goodell.

MR. GOODELL: Would the sponsor yield?

ACTING SPEAKER BORES: Will the sponsor yield?

MR. DINOWITZ: I will.

ACTING SPEAKER BORES: The sponsor yields.

MR. GOODELL: Thank you, Mr. Dinowitz. And it seemed like a great, clear, concise explanation of this bill, so thank you for that.

MR. DINOWITZ: You're welcome.

MR. GOODELL: And as you indicated, it applies to contracts with consumers, correct?

MR. DINOWITZ: I believe -- I believe I said consumer, yes, I did say that.

MR. GOODELL: Yeah, and I agree. And I'm

looking at page 2, by the way, line 17, and it applies for goods or services, right?

MR. DINOWITZ: Yup.

MR. GOODELL: A consumer contract for goods or services, correct?

MR. DINOWITZ: Yes.

MR. GOODELL: And a consumer, of course, is defined on the prior page on -- on line 5 as a natural person. So what we're really talking about is a contract with a natural consumer, natural person consumer for goods or services, correct?

MR. DINOWITZ: Yes.

MR. GOODELL: And those contracts under this bill would have to be in 16-point font if it contains an arbitration clause.

MR. DINOWITZ: The arbitration clause part of the contract, yes.

MR. GOODELL: So my question is, the existing law says no written contracts for the sale or purchase of consumer goods shall contain a mandatory arbitration clause, period. So if all mandatory -- all arbitration clauses that are mandatory are already precluded in total under the prior paragraph of the law, what other contracts are there?

MR. DINOWITZ: All this bill does, I don't know about your copy, but my copy has the new stuff in green and underlined, it makes a very simple change, as you described, to the portion of the contract that contains the arbitration clause, period.



Large size is defined as 16-point font.

MR. GOODELL: Right. So I'm stepping back a little bit, on page 2 of your bill --

MR. DINOWITZ: Mm-hmm.

MR. GOODELL: -- starting on line 3, it says no written contract for the sale or purchase of consumer goods entered into after the effective date of that clause, shall contain a mandatory arbitration clause. So we bar all mandatory clauses 100 percent regardless of the font on consumer good contracts currently, correct?

MR. DINOWITZ: Well, that's not what this bill does.

MR. GOODELL: No, but I mean that's the current law, right?

MR. DINOWITZ: Well, that's what it says, but what this bill does, the bill that we're actually debating, it simply says that the clause has to be in 16-point font. That's the bill, nothing less, nothing more.

MR. GOODELL: So the clauses that are not allowed to be in the contract in the first place have to be in 16-point font?

MR. DINOWITZ: The mandatory arbitration clause would have to be in 16-point font.

MR. GOODELL: I see on page 1, line 4, the reference to arbitration clause is being prohibited, the word *prohibited* is struck from the title. Why is that?

MR. DINOWITZ: Because we changed the name of the title to make sure we're not running afoul of any Federal

preemption or court rulings or anything like that. So we took out that one word of the title of the section.

MR. GOODELL: I think I'm starting to understand this. So what you're saying, and I apologize --

MR. DINOWITZ: Well, I hope (inaudible) so that's excellent news.

MR. GOODELL: Yes, I hope so. So what you're saying is that even though Section 2 bars all mandatory arbitration clauses in consumer contracts, there's a concern that Section 2 of the existing law might actually be inconsistent with the Federal provisions and be unenforceable, and if that's the case and Section 2 is no longer effective, then these arbitration clauses should be in 16-point font; is that the correct analysis?

MR. DINOWITZ: Although I didn't necessarily imply that, you are certainly welcome to infer that, but what I'm saying here is that any arbitration clause simply has to be -- mandatory arbitration clause, simply has to be in 16-point font, that's it.

MR. GOODELL: Thank you, Mr. Dinowitz.

MR. DINOWITZ: Any time.

MR. GOODELL: On the bill, sir.

ACTING SPEAKER BORES: On the bill.

MR. GOODELL: So as my -- as my colleague noted, this bill would require mandatory arbitration clauses on consumer contracts to be in 16-point font, except current law already bans all arbitration clauses in consumer contracts. So I don't -- I don't

understand why we would require 16-point font on a clause that's prohibited by current law, unless my colleague doesn't think current law is valid, which may be why he took out the reference to prohibiting these mandatory contracts. So if the current prohibition is not valid, let's just repeal it instead of prohibiting all mandatory arbitration clauses and then saying, but if you do have one, it has to be 16-point.

So I think the current law is already very clear, you can't have mandatory arbitration clauses in consumer contracts. I don't care if my colleagues want to vote to have the barred clause in 16-point, or 0-point, because it should be 0-point because it shouldn't be in there to begin with. Thank you, Mr. Speaker.

ACTING SPEAKER BORES: Read the last section.

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

ACTING SPEAKER BORES: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. I think the Republican Conference is generally opposed, but since I'm not sure, those who are here on the floor can correct me if I'm wrong by voting yes in favor of this language. Otherwise the rest of us will be cast as no. Thank you, sir.

ACTING SPEAKER BORES: Thank you.

Ms. Solages.

MS. SOLAGES: Thank you, Mr. Speaker. Majority members will be voting in the affirmative. Those who wish to vote in the negative, I encourage them to press their button on their desk.

Thank you.

ACTING SPEAKER BORES: Thank you.

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.

Ms. Solages.

MS. SOLAGES: Can we please go to page 3 for resolutions?

ACTING SPEAKER AUBRY: We certainly have resolutions on page 3. Assembly No. 636, the Clerk will read.

THE CLERK: Assembly No. 636, Mr. Sayegh.

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

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

THE CLERK: Assembly No. 637, Mr. Cunningham.

Legislative Resolution memorializing Governor

Kathy Hochul to proclaim May 27, 2023, as Pinkster Day in the State of New York.

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

THE CLERK: Assembly No. 638, Ms. Solages.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 12-18, 2023, as Infant Mental Health Awareness Week in the State of New York.

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

THE CLERK: Assembly No. 639, Mr. Maher.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 18-24, 2023, as Lightning Safety Awareness Week in the State of New York.

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

THE CLERK: Assembly No. 640, Ms. Reyes.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 2023, as Immigrant Heritage Month in the State of New York.

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

adopted.

THE CLERK: Assembly No. 641, Mr. Ramos.  
Legislative Resolution memorializing Governor  
Kathy Hochul to proclaim August 26-27, 2023 as Peruvian  
Gastronomy Weekend in the State of New York.

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

THE CLERK: Assembly No. 642, Ms. Solages.  
Legislative Resolution memorializing Governor  
Kathy Hochul to proclaim August 2023, as Breastfeeding Awareness  
Month in the State of New York.

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

THE CLERK: Assembly No. 643, Ms. Darling.  
Legislative Resolution memorializing Governor  
Kathy Hochul to proclaim October 14, 2023, as Chess Day in the State  
of New York.

ACTING SPEAKER AUBRY: Ms. Darling on the  
resolution.

MS. DARLING: Thank you, Mr. Speaker, for  
allowing me to speak on this Chess Day Resolution. The game of  
chess has been around since about the 6th Century when it first  
appeared in India. It's one of the oldest and most popular games to

date, and it's a game for people of all ages bringing them enjoyment while at the same time raising IQ scores. This resolution coincides with National Chess Day, which was first celebrated in 1976. Chess is a game that bars differences in race, language, religion, or castes with several competitions taking place each year. It promotes fairness, inclusion, and mutual respect amongst individuals, which entitles them to high mental capabilities.

The New York State Chess Association is the oldest continuously run chess organization in the United States, having been formed in Auburn, New York, in 1878. It is the official New York State affiliate of the United States Chess Federation, and its history predates the establishment of USCF. This vital association organizes a variety of State sanctioned championship tournaments across the Empire State, including the annual New York State Chess Championship, which has been held in Albany on Labor Day Weekend every year since 2006. Renowned New York State champions have included Bobby Fischer, Joel Benjamin, José Capablanca and Frank Marshall, the current scholastic champion and New York City player is player Gus Huston.

I learned the game of chess around age four. My sister Sidney and I became nationally-ranked chess players who practiced and competed seven days a week. I credit the game for developing my strategic approach to problem-solving which has served me well in every endeavor I've embarked on. I am so honored to be able to dedicate this resolution to my father, who was

my chess coach, my late father, and I believe this is the first time in New York State we've ever had this resolution. So thank you, Mr. Speaker, for allowing me to speak on this resolution.

ACTING SPEAKER AUBRY: Thank you, Ms. Darling.

On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted. 7:53.

THE CLERK: Assembly No. 644, Ms. Sillitti.  
Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 15, 2023, as Pregnancy and Infant Loss Remembrance Day in the State of New York.

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

THE CLERK: Assembly No. 645, Mr. Zebrowski.  
Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 29, 2023, as Furniture and TV Tip-Over Prevention Awareness Day in the State of New York.

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

THE CLERK: Assembly No. 646, Ms. Buttenschon.  
Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 2023, as Disability Employment Awareness Month in the State of New York.



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

THE CLERK: Assembly No. 647, Ms. Rosenthal. Legislative Resolution memorializing Governor Kathy Hochul to proclaim November 11, 2023, as Lung Cancer Screening Awareness Day in the State of New York.

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

THE CLERK: Assembly No. 648, Mr. Sayegh. Legislative Resolution memorializing Governor Kathy Hochul to proclaim November 28, 2023, as Albanian-American Heritage Day in the State of New York.

ACTING SPEAKER AUBRY: Mr. Sayegh on the resolution.

MR. SAYEGH: Thank you very much, Mr. Speaker. I rise today to celebrate Albanian-American heritage and, independence, and Albanian-Americans are very much a fabric of New York and USA society. Their contributions in many fields in economics and in business, in politics, is evident in their success. New York State has over a half a million Albanian-Americans and I'm blessed to work very closely with the very large and viable Albanian-American community in the City of Yonkers in my district and I know that Albanian-Americans exist throughout New York State

in many communities, viable hard-working and compassionate Albanian-Americans. So today it is my pleasure to put this forth this resolution celebrating Albanian-American independence which took place from the Ottoman Empire November 28, 1912. And again November 28th this year, we will celebrate with this resolution Albanian-American heritage and independence. Thank you very much.

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

THE CLERK: Assembly No. 649, Ms. Wallace.  
Legislative Resolution memorializing Governor Kathy Hochul to proclaim November 2023, as Hospice and Palliative Care Awareness Month in the State of New York.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If you call on Mr. Goodell for the purposes of an announcement.

ACTING SPEAKER AUBRY: Mr. Goodell for the purposes of a announcement, sir.

MR. GOODELL: Thank you very much to the Majority Leader for recognizing me for an important announcement.

If you would please now recognize Mr. Norris, we will actually accomplish something.

ACTING SPEAKER AUBRY: Mr. Norris for the purposes of a announcement.

MR. NORRIS: Thank you, Mr. Speaker. I would like to announce that tomorrow morning at 9:30 a.m. in the Parlor there will be a Republican Conference tomorrow morning.

ACTING SPEAKER AUBRY: 9:30 a.m. in the Parlor for the Republican Conference.

MR. NORRIS: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you so very much.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you would now call on Mr. Jacobson for the purpose of an announcement.

ACTING SPEAKER AUBRY: Mr. Jacobson.

MR. JACOBSON: Mr. Speaker, as you could say we're less bureaucratic on our side of the aisle, it only took one person to recognize and so this day is continuing with our Conference to be held for the Majority immediately following the end of Session in Hearing Room B.

ACTING SPEAKER AUBRY: Democratic Conference following Session today.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, colleagues.

It's important to adhere announcements, announcements are important. Mr. Speaker, do you have any further housekeeping or resolutions?

ACTING SPEAKER AUBRY: We have both, Mrs. People-Stokes.

On a motion by Mr. Carroll, page 17, Rules Report No. 422, Bill No. A03499, amendments are received and adopted.

On behalf of Mr. Gibbs, Bill No. A04009, Assembly bill recalled from the Senate. The Clerk will read the title of the bill.

THE CLERK: An act to amend the Correction Law.

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

(The Clerk recorded the vote).

The Clerk will announce the results.

(The Clerk announced the results.)

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

Resolution No. 652, the Clerk will read.

THE CLERK: Assembly No. 652, Ms. Glick.

Legislative Resolution congratulating Dr. Alan S. Chartock upon the occasion of his retirement after 44 years of distinguished service as CEO and President of the WAMC Northeast Public Radio.

ACTING SPEAKER AUBRY: Ms. Glick on the

resolution.

MS. GLICK: Thank you, Mr. Speaker, for the opportunity to talk about the importance to freedom of the press, freedom of expression and the commitment that Alan Chartock has to the institution of public radio. And people here should know that when WAMC was a single radio station here in Albany - and I've listened to WAMC now for 33 years and found it to be one of the best public radio stations in the country. Alan Chartock actually was also the founder and publisher of the *Legislative Gazette*. Now those of you who were around for a while know that that used to come to our offices and would provide information for people and Alan Chartock was in fact the -- the person responsible for the *Legislative Gazette*. He was a -- he graduated from Hunter College, so it's the old CUNY college tie, and then he went and got a master's from the American Public University and his PhD in Political Science from NYU. He taught both at New Paltz and at SUNY Albany and he is still a Professor Emeritus at SUNY Albany. He has built from a single radio station the Northeast Public Radio Network that is not just in enumerable communities around New York State but actually is heard in Massachusetts and Vermont and Connecticut. Alan is just a remarkable figure, 44 years as CEO and President and built something that has an incredible reach. And I -- I just have to say that he has added really unique programs because here in -- in Albany you can listen to the Capitol Connection which focuses on us in the Capitol. The Congressional Corner which reaches across the Northeast having

various congressional members, I know I've been interviewed, I know that our Majority Leader has been interviewed by Alan, the Roundtable which is a discussion -- is one of the best political discussion programs on radio. It can be heard from 9:15 until almost about 11:00 o'clock and it is -- there's the Media Project discussing freedom of the press and freedom of expression. Alan is also responsible for creating The Linda which is a performing arts center down on Central Avenue and it's not only for concerts but there are lectures and film presentations, it's just a remarkable amount of work that this -- that this-- Alan's not that much bigger than me. He may not at this point be bigger than me. And I think that he probably was about 5'8 when he started but all of that work, all of that grit, just over 44 years, an incredible, an incredibly dedicated, forward-thinking, smart guy, who could have done a lot of other things but he was committed to public radio. And he's just done an unbelievable job. And as a lover of radio, people who come into my office know there's one on the credenza, I've got three radios in a small apartment so I'm never too far from and I'm very entertained by people who listen to podcasts because essentially in my world, that's radio. So I just so appreciate the opportunity to give kudos to Alan Chartock for his body of work that is truly remarkable and outstanding and totally focused on the importance of New York and then he spread out a little bit but his focus has been government, public service and New York. And I thank you so very much, Mr. Speaker, for giving me this opportunity.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker, for the opportunity to speak on this privileged resolution. I do want to commend the sponsor. I think when I heard that she was doing this, it was just fabulous. I have had many occasions to meet Mr. Chartock, because he always called me over for interviews. And sometimes you feel a little challenged when you're going to have an interview with a reporter, no matter what station they come from, but never with Alan Chartock, he was so charming, super delightful and very direct in his questioning. And I think the thing I appreciated more about his style of questioning and, you know, I know we're going to lose not having him on the scene anymore is that he would ask you a question, you know, most of the time reporters already know what the answers they want to hear from you. If they don't hear it, they ask you another question. He would ask you and accept the answer that you gave him and allow that to be the answer to the question that he asked. And I have a lot of respect for that because sometimes, you know, when you're a reporter you have your story already set on what you want it to be. And so you're interviewing somebody that helps support your plan for the story, and sometimes that plan works and sometimes it doesn't. Alan had a huge respect for people coming to the table to speak to him when they're in their own privileged thought. This is what they think, I'm going to accept what they say and then I'll ask a question a different way and it would still

come back the same way. So I appreciated his career. He did tell me that he started the *Legislative Gazette*, which by the way I don't see around here as much anymore as I used to when I first got here and so he will definitely be missed on that radio station. I listen to it. As was mentioned it goes a lot of places over the Northeast and because of the way we can stream things now you can listen to it almost anywhere in the world. He will be missed, but I'm happy for him in his retirement. I hope that he lives a successful life when he leaves this work as he has when he carried us on for the last four decades. Again, all the best to Alan Chartock.

ACTING SPEAKER AUBRY: Thank you.

Mr. Keith Brown.

MR. K. BROWN: Thank you, Mr. Speaker.

(Inaudible/mic off) -- standing up and talking about resolutions at the end of Session for this -- this very reason, but the hour's late and I just wanted to add to the discussion about the institution that is Alan Chartock. Alan Chartock also ran the internship program here in the Legislature for many years. My brother Steven actually interned in the Assembly. And then when I was at Albany, I did the internship back in 1990 and Alan Chartock was nice enough to place me with Senator Norman Levy. And it was that internship that made me want to run for the Assembly some thirty years later. So I appreciate very much what Professor Chartock has done for -- for this town, for SUNY New Paltz, for SUNY Albany and for the legislative process here and enlightening so many of us through the *Legislative Gazette*.



So thank you Professor Chartock.

ACTING SPEAKER AUBRY: Thank you.

Ms. Barrett.

MS. BARRETT: Thank you, Mr. Speaker. I rise, too, to congratulate Alan on his retirement and thank our colleague for bringing forth this resolution. WAMC covers my entire district, it's one of the important and continuing news sources and programming for many, many people. During all of their fund drives I would always hear my constituents calling in and making contributions, which was helpful information to have. But I particularly appreciated his -- his cherishing the community and the culture and the arts of the Hudson Valley, even though he lived in Great Barrington, his relationships with longtime Hudson Valley performers and cultural institutions like Pete Seeger and James Taylor who was also more from the Berkshires but also Natalie Merchant were very much part of what he cared about as was the presidential history and the FDR Library and Tanglewood and other really great institutions in the area. So I find and continue to find WAMC a very special part of my district and of my life, my four decades in the Hudson Valley and I thank Alan for being part of it and I thank Deborah for bringing forth this important resolution. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Fahy.

MS. FAHY: Thank you, Mr. Speaker. I want to join in this -- these accolades with a whole list of colleagues and how

wonderful to see this. Yes, Alan Chartock was actually one of the first people I met when I moved to this area and I first heard about him when I was working in Washington, D.C. so that's how well-known he was. Absolutely legendary and built quite an institution at WAMC. Forty years is impressive in any profession, but certainly he was known as being tireless and known for his energy. And as Assemblymember McDonald and I would often say also known as a character. So for those of those that have listened to him at all. I also was about to say the *Legislative Gazette* I think was also something I was also impressed with because we talked all the time about growing young people, giving them opportunities. And those internships at the *Legislative Gazette*, I was going to say lead to many future reporters. I love to see it lead to a future member. So not just reporters but also members and how wonderful is that that those opportunities are what really spurred on the interest here. So, with that, I -- it truly was -- he helped really revolutionize a political media and the attention to poke the need for political media not just in this region but really throughout radio, so it's a congratulations on his retirement. To those of us that have listened to him for a couple of decades, it's still a little bit of a shock that he is retiring and hard to imagine but we wish him only the best and I truly want to thank the sponsor for offering and taking the initiative on this resolution. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Burdick.

MR. BURDICK: Thank you, Mr. Speaker. Well, I

have a slightly different perspective on this. I didn't know Alan Chartock but I certainly had listened to his programs and that was brought to me by my wife who lived in Great Barrington for a bit, and we had a place in Great Barrington in the late 1980s and she said you have to listen to this. He is unbelievable and I couldn't agree more. He was captivating, he always had a great sense of humor and really got to the essence of things without being deprecating or insulting to the people he interviewed. And I, too, became a devotee of his programs. So I commend the sponsor for bringing this resolution and join in the accolades for Alan Chartock, so well-deserved. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

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

Resolution No. 656, the Clerk will read.

THE CLERK: Assembly No. 656, Ms. Jean-Pierre.

Legislative Resolution commemorating the 79th Anniversary of the D-Day Invasion on June 6, 2023.

ACTING SPEAKER AUBRY: Mr. Manktelow on the resolution.

MR. MANKTELOW: Thank you, Mr. Speaker.

First of all, I'd like to thank Assemblywoman Jean-Pierre for bringing this resolution forward. Today marks the 79th Anniversary of D-Day. On D-Day, the allied assault on Normandy, France by troops of the United States, the United Kingdom, Canada, also known as Operation

Overlord. The D-Day landing was the largest combined armed amphibious assault in history including approximately 132,000 members of the allied expeditionary force including 57,000 members of the United States Armed Forces, more than 23,000 airborne troops supporting the seaborne landings and more than 14,000 sorties flown by our allied aircraft. And one -- one other point. It consisted of five infantry divisions, two American, two British and one Canadian. Also to the beaches code named from West to East, Utah, Omaha, Gold, Juno and Sword.

One of the highlights I'd like to talk about really quick, a few months ago I had a chance to meet with a World War II Veteran, and he actually came in on the second wave at Omaha Beach. And he sat down with me for quiet a while and told me some of the things that he had seen that day, and I really couldn't put it into perspective until the end of our conversation. And I'll never forget what he said. He had come in, he had seen all sorts of carnage that no one would ever want to see in their life. He made it into the beach, up on the shores, up on land. A few days later he was one of the many members that finally got to liberate one of the concentration camps. And out of respect for this individual, I won't use his name and I won't talk about the concentration camp that he liberated. As we talk about many things in this House each and every day, we just talked about a gentleman and what he meant to many of you, but I want to talk about the man that came into that shore that day. Without these men from all over the world we may not have the freedoms that we have in this

House today. And I just don't ever want us to forget about those individuals that gave us the opportunity to be here as Assemblymembers to work in this House to represent the people of New York. That may have not happened if they didn't do what they said they were going to do. And I want to thank the women that were behind the scenes that helped these gentlemen, these men get prepared for D-Day and get them to where they had to be. And I did a little quick history. There was one woman that was actually on Omaha Beach that day, Martha Gellhorn. She was a war correspondent and she made it through D-Day. And I thought that was pretty remarkable that she was there. So, Mr. Speaker, on this day, may we as a nation, may we as New Yorkers, may we as Assemblymembers never forget what these individuals did for us to give us our freedoms today. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Keith Brown.

(Applause)

MR. K. BROWN: Thank you, Mr. Speaker.

(Inaudible/mic off) I really want to thank Member Manktelow for standing up and -- and talking about this. And I also want to thank Member Jean-Pierre for bringing forth this resolution and remembering the importance of this day in our nation's history. You know, like many of you in this room I meet with many young people and I dare say unfortunately most kids who are in junior high and high school don't know the significance of June 6th, 1944. And it's

something that I as a history buff myself, I want to make sure that the next generation understands that. So -- and that they understand the sacrifice for us.

So on June 6th, 1944 approximately 156,000 allied soldiers from 13 nations stormed the beaches of Normandy dubbed Operation Overlord. As Brian said it's the largest seaborne amphibious assault in world history under the command of General Dwight D. Eisenhower. Failure was not an option for the fate of Europe and the end of World War II hung in the balance. Thousands of brave Americans gave their lives that day for freedom over tyranny and it was the turning point of the war. I would just like to read the message that General Dwight Eisenhower gave to the soldiers and sailors that morning.

*To the Soldiers, Sailors, and Airmen of the Allied Expeditionary Force. You are about to embark upon the Great Crusade, towards [sic] which we have strived [sic] these many months. The eyes of the world are upon you. The hopes [sic] and prayers of liberty-loving people everywhere march with you. Your task will not be easy [sic]. Your enemy is well trained, well equipped and battle-hardened. The tide has turned. The free men of the world are marching together toward [sic] Victory. I have full confidence in your courage, devotion to duty and skill in battle. We will accept nothing less than full Victory. Good luck! And let all of -- and let us all beseech the blessing of Almighty God upon this great and noble undertaking.*

It's very hard for us to sit here today and imagine what the men in those amphibious landcrafts we're thinking about in the moments right before they stormed the beaches. But I want to thank you, Mr. Speaker, and the sponsor for allowing me to pause in our deliberations to remember those brave men who died for us on this day 79 years ago. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Walsh.

MS. WALSH: Thank you very much. I just want -- I wasn't planning on speaking on this today but I just wanted to share with you that there was one man that made it out of D-Day and I'm very glad he did, it's my dad. My dad would have been 99 years old this April and he served on a destroyer escort the USS Amesbury, which is just like the Slater that's just right here -- right here in Albany. And a couple years ago when we were cleaning out my mom's house when she was selling her house and moving into an apartment, my brother found just a spiral bound notepad and it was my dad's journal from-- from the war. He graduated from Troy High School and shortly afterwards enlisted. He was an electrician's mate on the Amesbury. And so he was 19, I think he turned 20 right before -- in April, right before D-Day, and so I have his -- his words and his memories of -- of what that was like and that feeling of anticipation and -- and hearing those words, they all gathered around the speaker and they were -- they -- they heard those words of encouragement before -- before the battle began. So it's really remarkable, I mean

now, you know, there really aren't very many World War II Veterans left. And I know my dad came home after the war and started our family and really didn't talk about his service much at all. He considered it to be a great opportunity for somebody that came from a really poor area of Troy. You know, he was lucky to get the training and ended up working his whole career for the phone company using that elect -- that electrician's mate background and training that he had gotten. So I just -- I just wanted to remember him and remember everybody that served and was there on that -- on that day. I can't imagine. As I think about my own children at the age of 19, 20 years old doing what they did on that day so -- and he ended up serving through the whole war and he was in the Pacific at the end of the war. So, you know, thanks to all of them we do have the freedoms that we have and even though there aren't very many left, if you do have a chance to sit down with a World War II Veteran talk to them because, you know, maybe they'll talk to you. So thanks, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Ms. Shimsky.

MS. SHIMSKY: Thank you, Mr. Speaker. Our culture used to do a much better job of commemorating great important days like June 6th. These days a number of years ago my husband and I bought a blu-ray of *The Longest Day* so we could have our annual viewing since we could not count of any one of our 800 TV channels to show it. These -- this history is very important. They called -- everybody referred to it as a *great war fought by the greatest*



*generation* and indeed it was. And every D-Day my prayer is that we do not ever again have to send large numbers of our young people to take on a job like that to rid the world of fascism.

ACTING SPEAKER AUBRY: Thank you.

Ms. Woerner.

MS. WOERNER: Thank you, Mr. Speaker. A number of years ago I went to Bastogne to -- to the D-Day Museum and -- and it was the 75th Anniversary of the -- of the end of the siege of Bastogne. And there happened to be a Band of Brothers trip visiting there. And in the pub one night, sitting over some beers, I had an opportunity to talk to a man who at that point was quite elderly. And he had been part of the landing force at Utah Beach. He enlisted at 15 years old and he was just shy of 16 on the day they landed on the beach. And I said tell me, what was it like. And he said, well, he said I was a mechanic and I've grown up on a farm and I knew something about how to put equipment together. And he said I took a look at the gun that they gave me and I said this just wasn't going to be enough. So I took a second one and I welded them back to back so that I could load them both and when I got off that boat I fired, I spun and I fired again. And he said that's what got me on to the beach. And he was -- he was able to tell that story, and I think about a 15-year-old - and I know a number of you have teenagers - a 15-year-old, the courage and the bravery and the conviction that he had as a young man to face down that situation. And the -- and the inventiveness that he had to be able in the moment to think about what he was going to need to

survive. And -- and when we talk about the "greatest generation," they truly were. They were the best of us. And I hope that -- that in our lives we live lives that -- that live up to the sacrifices that they made and to the example that they set. So I really want to thank the sponsor for bringing this resolution forward today as we honor the courage of the men and women who fought in the D-Day Battle.

Thank you.

ACTING SPEAKER AUBRY: Thank you, Ms.

Woerner.

Would we all please rise as we remember the greatest generation and honor this resolution and the members of D-Day.

(Whereupon, the Assembly Body rose in favor of the resolution.)

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

We have numerous other resolutions, Mrs. Peoples-Stokes, we'll take them up with one vote.

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

(Whereupon, Assembly Resolution Nos. 650-653 and 655-657 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I now move that the Assembly stand adjourned until 10 a.m., 10 a.m., Wednesday, June the 7th, tomorrow being a Session day. Thank you,

sir.

ACTING SPEAKER AUBRY: The Assembly stands adjourned until 10 a.m.

(Whereupon, at 7:36 p.m., the Assembly stood adjourned until Wednesday, June 7th at 10:00 a.m., Wednesday being a Session day.)

