

**TUESDAY, JANUARY 9, 2018**

**10:23 A.M.**

ACTING SPEAKER AUBRY: The House will come to order.

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

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the Journal of Monday, January 8th.

Mr. Morelle.

MR. MORELLE: Yes, Mr. Speaker, I move to dispense with the further reading of the Journal of Monday, January 8th, and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mr. Morelle.

MR. MORELLE: Yes, thank you, sir; it's always nice to see you back up at the Rostrum. Welcome, colleagues.

Before I go to our schedule for the day, though, I would like to note that on this day in 2001, Apple introduced iTunes. Marketed as the world's best and easiest way to use "jukebox" software - for those of us who remember what a jukebox actually is - and lets users create and manage their own music library on their computer. Nine months later, Apple introduced the first iPod where you could put 1,000 songs in your pocket. Today, iTunes has over 37 million songs available for download.

And under the heading of "Did you know," did you know the first lever voting machine, called the "Myers Automatic Booth," was used for the first time in the United States in 1892 in Lockport, New York. Lockport is in the 144th Assembly District, represented by Mr. Norris. The machine was invented by Jacob Myers, an inventor from Rochester. The machine simultaneously pulled the curtain closed and unlocked the voting levers so a ballot could be cast. By 1930, every major U.S. city was using that technology. Ah, the good old days.

And with that, Mr. Speaker, let me describe what our schedule for the day will be. Members have on their desks a main Calendar. This is our first Calendar of the year, and due to rules changes, contains 607 bills. And let me describe briefly what those are: 363 of these bills passed the Assembly this year -- last year, and were not acted upon by the Senate. So, they're back on the Calendar. And then the rest - 244 bills - are those that remained on Third Reading at the end of last session and were not acted upon. As a reminder, sponsors and Chairs, will have until January 17th to recommit any of these bills from the Calendar back to Committee.

Our principal work of the day will be to begin consenting these bills, beginning with, appropriately enough, Calendar No. 1, which is located on page 4 of your scorecards.

So, Mr. Speaker, I note there is some housekeeping to do, if we could take that up, this would be the appropriate time, sir.

**ACTING SPEAKER AUBRY:** And we also have some introductions first.

Mr. Palumbo for the purposes of an introduction.

**MR. PALUMBO:** Thank you, Mr. Speaker. I'm honored to be joined today in the Chamber by a good friend, Nick LaLota, who's the Commissioner of the Board of Elections in Suffolk County -- Nick, stand up. He's here at a conference, and is -- is -- wanted to observe the proceedings today and see democracy in action in the Assembly. So, if you would be so kind as to give Mr. LaLota all the privileges of the floor and the courtesies of the House, it would

be greatly appreciated. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Palumbo, the Speaker and all the members, we welcome you here, Commissioner, to the New York State Assembly. For all your work, this is what the results end up. We have here the House of the People where we conduct the business of the People. Thank you. We're so pleased to have you and your guests with you. Thank you so very much.

(Applause)

Mr. Murray for an introduction.

MR. MURRAY: Thank you, Mr. Speaker. I'm pleased to have joining us today a -- a good friend from Suffolk County, and also the former Deputy Mayor of the Village of Mastic Beach, Betty Manzella is with us today. Now, just this year, the Village of Masti -- Mastic Beach did dissolve and became back into the fold of the Town of Brookhaven. So, Betty is -- it's historic there that she was one of the few elected officials when Mastic Beach was, in fact, a village. So, we're pleased to have her with us today, and if you could extend the cordialities of the House, it would be appreciated.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Murray, the Speaker and all the members, we welcome you here to the New York State Assembly. We hope that you have enjoyed this trip. You are extended the privileges of the floor and we thank you for your public service. It is so important that we have true

and good representation in our local communities. Thank you so very much.

(Applause)

Housekeeping.

On a motion by Mrs. Galef, page 45, Calendar No. 219, Bill No. 2774, amendments are received and adopted.

On a motion by Mr. Gottfried, page 48, Calendar No. 233, Bill No. 2869, amendments are received and adopted.

On a motion by Mr. Quart, page 65, Calendar No. 326, Bill No. 326, amendments are received and adopted.

On a motion by Mr. O'Donnell, page 68, Calendar No. 339, Bill No. 4743-A, amendments are received and adopted.

On a motion by Ms. Weinstein, the sponsor, the following bills currently on Third Reading are committed to the following Committees: Bill No. 1404, Calendar No. 104, page 23, back to the Committee on Codes; Bill No. 1415, Calendar No. 106, page number 24, back to the Committee -- the Judiciary Committee; Bill No. 1500, Calendar No. 112, page number 25, back to the Committee on Codes; Bill No. 1851, Calendar No. 137, page 30, back to the Committee on Judiciary; Bill No. 5919-A, Calendar No. 422, page number 86, back to the Committee on Judiciary; Bill No. 7088, Calendar No. 499, page 101, back to the Committee on Judiciary; Bill No. 8120-B, Calendar No. 580, page number 122, back to the Committee on Codes; Bill No. 8346, Calendar No. 602, page number 127, back to the Committee on Judiciary.

And on a motion by Mr. Gottfried, who's Chair of the Committee on Health, the following bills currently on Third Reading are committed to the Committee on Health: Bill No. 4738, Calendar No. 338, page number 68.

Mr. Morelle.

MR. MORELLE: Yes, thank you, sir. I'd like to go to resolutions on page 3 and begin with Assembly Resolution No. 713 by Mr. Hevesi.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly Resolution No. 713, Mr. Hevesi. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim February 11th - -- February 5th-11th, 2018 as Nonprofit Infrastructure Week in the State of New York.

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

THE CLERK: Assembly Resolution No. 714, Mr. Walter. Legislative Resolution memorializing Governor Andrew M. Cuomo to commemorate February 14, 2018, the 20th Annual Hunter's Hope Foundation Day of Hope and Prayer for Children in the State of New York, in conjunction with their annual day to raise awareness and support for Leukodystrophies.

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

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. If we could now turn our attention to page 4 of the main Calendar and begin with Calendar No. 1 by Mr. Cahill, and we'll take these on consent.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A00012, Calendar No. 1, Cahill, Steck. An act to amend the Tax Law, in relation to including certain independent contractors in the State Directory of New Hires to aid in the administration of the Child Support Enforcement Program.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

MR. MORELLE: Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Morelle.

MR. MORELLE: First of all, I take it as a positive omen that the first Calendar of the year we're actually voting on, so thank you to Mr. Goodell for his leadership.

(Laughter)

I would like to remind people that this is our first vote of the day, first vote of the Session, so please, people in your -- in the Chamber, please cast your vote. Those who can hear the sound of our voices and are not in the Chamber, please make your way so you

can cast your first vote of the day.

ACTING SPEAKER AUBRY: First vote of the day, members.

(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. A00015, Calendar No. 2, Cahill, Colton, Simotas. An act to amend the Workers' Compensation Law, in relation to payment of bills for pharmaceutical services.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00023, Calendar No. 3, Cahill, Sepulveda. An act to amend the Social Services Law, the Public Health Law and the Insurance Law, in relation to prohibiting a provider of health care coverage from requiring providers of behavioral health services to offer all products offered by the provider of health care coverage.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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. A00034, Calendar No. 4, Paulin, Galef, Schimminger, Magnarelli, Jaffee, Lupardo, Englebright, M.G. Miller, Otis, Gottfried, Thiele. An act to amend the Town Law and the Village Law, in relation to requiring local building and planning regulations to accommodate the use of certain renewable alternative energy sources.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00062-A, Calendar No. 5, Paulin, McDonough, Skoufis, Jenne, Finch, Woerner. An act to amend the Agriculture and Markets Law, in relation to the proper venue for an impounding organization to file a petition for a security.

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. A00064, Calendar No. 6, Gantt, Barron. An act to authorize certain persons to file a claim for unjust conviction in the Court of Claims.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00072-A, Calendar

No. 7, Paulin, Galef, Gottfried, Pichardo, Titone, Zebrowski, McDonough, Murray, Raia, Weprin. An act to amend the Agriculture and Markets Law, in relation to the care of animals.

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.

THE CLERK: Assembly No. A00079, Calendar No. 8, Cahill, Abinanti, Dilan. An act to amend the Election Law, in relation to special ballots for Board of Election employees.

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. A00157, Calendar No. 9, Cahill, Harris. An act to amend the Insurance Law, in relation to

personal and commercial lines insurance.

ACTING SPEAKER AUBRY: The bill is laid aside.

Mr. Morelle for an introduction.

MR. MORELLE: Yes, thank you, Mr. Speaker, for allowing this brief interruption. We're always delighted to have members of our extended family here, and certainly always delighted to have members of the Zebrowski family. And Mr. Zebrowski is hosting his sister, our dear friend, Kristen Zebrowski Stavisky, who is the Rockland County Board of Elections Commissioner, and serves with distinction. I know a number of the Commissioners are here in town for their annual meeting. She has taken time out of her day to stop and visit her brother and to observe the proceedings. If you'd please extend all the cordialities of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Zebrowski, your brother, the Speaker and all the members, we welcome you here to the New York State Assembly again. We extend to you the privileges of the floor. Always pleased to see you, always feel right when family comes and visit us. Thank you so very much.

(Applause)

THE CLERK: Assembly No. A00201, Calendar No. 10, Gantt. An act to amend the Public Authorities Law, in relation to the composition of the Rochester-Genesee Regional Transportation Authority.

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. A00215-A, Calendar No. 11, Lupardo, McDonald, Cook, Crespo, Sepulveda, Jaffee, Crouch, Friend, Gottfried, Hyndman, D'Urso, Glick, Abinanti. An act to amend the Real Property Law, in relation to home inspection professional licensing.

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. A00228, Calendar No. 12, Bichotte, Mosley, Hyndman, Walker, Seawright, Solages, Hooper, Blake, Sepulveda, Gottfried, Jean-Pierre, Cook. An act to amend the Executive Law, in relation to publication of information regarding waivers of compliance with State contract provisions concerning Minority- and Women-owned Business Enterprise participation

requirements.

ACTING SPEAKER AUBRY: 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.

THE CLERK: Assembly No. A00230, Calendar No. 13, Bichotte, Richardson, Seawright, Mosley, Blake, Solages, Gottfried, Hyndman, Sepulveda, Cook, Walker. 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: 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. A00236, Calendar No.

14, Paulin, Gottfried, Dinowitz, Galef, Hooper, Jaffee, M. G. Miller, Rivera, Weprin, Abinanti. An act to amend the Public Health Law and the Education Law, in relation to generic drug products; and to repeal paragraph (o) of subdivision 1 of Section 206 of the Public Health Law relating thereto.

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.

THE CLERK: Assembly No. A00237, Calendar No. 15, Hevesi, Barron, Seawright. An act to amend the Social Services Law, in relation to public assistance employment programs for disabled persons; and repealing certain provisions of such law relating thereto.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00249-C, Calendar No. 16, Santabarbara, Abinanti, Sepulveda, Colton, Mosley, Montesano, Cook, Ortiz, Titone, Benedetto, Blake, Richardson, Steck, Stirpe, Zebrowski, Lentol, Jenne, Barrett, Gunther, Ramos, Palmesano, Titus, Weprin, Jaffee, Woerner, Murray, Hyndman, Fahy,

M. G. Miller, Barron, McDonald, Braunstein, Perry, Paul, Walsh, M. L. Miller. An act to amend to Mental Hygiene Law, in relation to providing for identification cards for individuals with developmental disabilities.

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.)

Mr. Santabarbara to explain his vote.

MR. SANTABARBARA: Thank you, Mr. Speaker, just quickly to explain my vote. This bill will provide New Yorkers diagnosed with Autism and related disabilities with the option of obtaining an identification card that can assist in interactions with law enforcement and in emergency situations. The card is designed to serve as an effective communication tool. It conveys important information about a person's diagnosis, such as trouble following directions, an aversion to -- aversion to physical contact or shared space, and also includes emergency contact information. It can be a lifesaving tool for individuals that encounter first responders or are in need of assistance in our community. It's going to be the first standardized card of its kind in New York State, replacing locally-issued cards or homemade notes, and it will provide those with Autism more opportunities to enjoy a lot of what we have to offer in

New York State and I'm pleased to cast my vote in the -- in the affirmative.

ACTING SPEAKER AUBRY: Mr. Santabarbara in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00255, Calendar No. 17, Dinowitz, Glick, Paulin, Ortiz. An act to amend the Real Property Actions and Proceedings Law, in relation to establishing time restrictions for court issued consent orders for work performance to remove or remedy conditions in such petition.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle for the purposes of an introduction.

MR. MORELLE: Yes, thank you, sir, for allowing this interruption. We are joined in the Chamber today by a distinguished guest of Mr. Sepulveda, Ms. Maya Zak, who is a



distinguished Special Education teacher from the Bronx who worked for over 20 years at SAR Academy in Riverdale, and was twice Teacher of the Year. She was also a head teacher at the Hebrew Institute of Pelham Parkway. And as I was chatting briefly with Ms. Zak, I said, *If you're a Special Education teacher, you are engaged in a labor of love.* So, we are delighted to have her in the Chamber and want to thank her for all her good works and continued success and extend the cordialities of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Sepulveda, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor and congratulate you on such a successful career in the field of education, one that we hope is duplicated by many young people across this State. Thank you so very much.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A00261, Calendar No. 18, Abinanti, Benedetto, Lupardo, Titone, Cusick, Cook, Colton, Englebright, Weprin, Barrett, Lifton, Bichotte, M.G. Miller, Walsh. An act to direct the Commissioner of the Office for People with Development Disabilities to study and report upon the cost to the State for the early diagnosis and long-term treatment of Autism Spectrum Disorder.

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. A00267-C, Calendar No. 19, L. Rosenthal, Benedetto, Buchwald, Abinanti, Sepulveda, Galef. An act to amend the Election Law, in relation to requiring the posting of sample ballots on a Board of Elections website.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect January 1st, 2019.

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. A00268, Calendar No. 20, L. Rosenthal, Ortiz, Mosley, Gottfried, Davila, Pichardo, Bichotte, Colton, Joyner, Walker, Sepulveda, Dinowitz, Blake, Glick, De La Rosa, Barron. An act to amend the Administrative Code of the City of New York and the Emergency Housing Rent Control Law, in relation to the establishment of rent adjustments; and repealing certain

provisions of the Administrative of the City of New York relating thereto.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00271, Calendar No. 21, Gunther, Barrett, Bichotte, Fahy, M. G. Miller. An act to amend the Mental Hygiene Law, in relation to standardized training curriculum requirements for employees and volunteers providing services to persons with developmental disabilities.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect July 1st, 2018.

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. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker. I will have an announcement on schedule in just a moment. But before I do that, Mr. Speaker, are there -- I understand there's resolutions and housekeeping, if you could take those all up right now.

ACTING SPEAKER AUBRY: Certainly, Mr. Morelle.

On a motion by Ms. Paulin, page 8, Calendar No. 24,

Bill No. A.284-A, amendments are received and adopted.

On a motion by Ms. Rozic, page 16, Calendar No. 65, Bill No. A.946, amendments are received and adopted.

We have numerous fine resolutions we will take up with one vote. All in favor of the resolutions signify by saying aye; opposed, no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 715-724 were unanimously approved.)

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker. In just a moment I'll make a motion to adjourn. Before I do that, ladies and gentlemen, let me just try to give some direction on the schedule for next week. I'm going to adjourn to the call of the Speaker for Tuesday, but note this, that the Governor's expected to give his budget address to us next Tuesday. And while we have had conversations with the Executive Chamber, we're not certain of the time. We will have Session, whether before the Governor's address, or after. So, noting that, I can't give you an exact time when we will convene. Majority members should be aware there will be a noon Democratic Conference, and we will obviously confer with all the members and try to communicate with you as to the exact time of Session. People should be flexible, but should be attentive and stay close to their phones and e-mail and we'll try to get that information to you as soon as we can.

So, noon Party Conference on the Democratic side

for the Majority; obviously, our friends in the Minority will confer with their members about any Conference plans, and then we will communicate with you as to the exact time that we will reconvene.

So, with that, I move the Assembly stand adjourned until Wednesday, January 10th, tomorrow being a legislative day, and that we reconvene on Tuesday -- that we -- we reconvene at the call of the Speaker.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 12:10 p.m., the Assembly stood adjourned until Wednesday, January 10th, Wednesday being a legislative day, and to reconvene at the call of the Speaker.)