

**TUESDAY, FEBRUARY 27, 2019**

**1:22 P.M.**

ACTING SPEAKER AUBRY: The House will come to order.

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

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the Journal of Tuesday, February 26th.

Mrs. Peoples-Stokes.

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

dispense with the further reading of the Journal for Tuesday, February the 26th, and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, for -- at least since the beginning of Session, we've been starting out with an opportunity to quote some great American or some great person in our world. Today I would like to announce that Speaker Heastie and I are putting out a press release and it's going to go online, it's going to go live, and it's actually called, "Aspire to Inspire." And the idea is to have New Yorkers, to -- young people or old people, students or college students to join us in sending in quotes that will be inspirational, that will promote civility and that will encourage us in our work that we're doing in the State Legislature. This is going to go out today, Mr. Speaker. As you know, there is already something that goes on in our country called *Kids Fire*, where kids say really nice things that are very meaningful. Their parents could send those in to us, and then we would have our staff to make sure that things are better so that we're not saying things live that are not necessarily true. But we would encourage all New Yorkers to engage us in this campaign which we're calling "Aspire to Inspire."

And with that, Mr. Speaker, I want to provide today's quote which is from a great leader who was assassinated back in the '60s when many of us, again, were not even born, or even thought

about, some of us were and -- in our formidable ages, but this quote is from Malcolm X, who was from the great City or area of Harlem, in our colleague's Inez Dickens' district. And his quote that I think is -- is very formidable for today and any time, is that, "Of all our studies, history is best qualified to reward our research. And when you see that you have got problems, all you have to do is examine the historic method used all over the world by others who have had this problem similar to yours. And once you see how they got theirs straight, then you will know how you can get yours straight." So, in other words, our brother Malcolm was suggesting to us that history best rewards our research, and we should spend more time looking at history so that we know where we're going into the future.

With that, Mr. Speaker, I will also mention that members have on their desk a main Calendar and after any introductions or housekeeping we will continue our -- to consent new bills on that Calendar, on Calendar No. 58, which is on page 9. And we also will have the need for additional Committee meetings off the floor -- I believe Codes is still meeting right now and following that, we will do Ways and Means and Rules. These Committees will produce an A-Calendar, which we will take up, four bills. And for our Majority members, there is definitely a need for a Democratic Conference at the Session of today and, certainly, we will consult with our colleagues on the other side of the aisle to see if they have a -- a similar request.

And so, Mr. Speaker, with that as a general outline, if

there are any introductions and housekeeping, now would be the appropriate time.

ACTING SPEAKER AUBRY: Certainly. But one correction, my colleague, Malcolm lived on 97th Street, East Elmhurst, my block, in East Elmhurst, Queens. Just so that -- you know, we -- we share him with the world, but --

MRS. PEOPLES-STOKES: That -- that's a great --

ACTING SPEAKER AUBRY: -- we want to be historically accurate.

MRS. PEOPLES-STOKES: That's a great correction. That's exactly where he lived when he was assassinated.

ACTING SPEAKER AUBRY: Okay.

MRS. PEOPLES-STOKES: But he grew up in Harlem --

ACTING SPEAKER AUBRY: That's right.

MRS. PEOPLES-STOKES: -- was raised in Harlem.

ACTING SPEAKER AUBRY: Purposes of a [sic] introduction, Mr. Cusick.

MR. CUSICK: Thank -- thank you, Mr. Speaker. Today I rise for a purpose of an introduction. I -- today I'm introducing someone who is no stranger to this Chamber. He served here from 2007 to 2012, and it seems like he never left here. His spirit -- his spirit lives on in this Chamber. Any funny story always includes the name Lou Tobacco. So, Mr. Speaker, on behalf of my colleagues from Staten Island, I would like to introduce Lou Tobacco, who's no

longer the Assemblyman, but he served Staten Island so well as the Assemblyman, he continues his work for our community. And for that, Mr. Speaker, if you could offer him the cordialities of the House and welcome him here today on behalf of my colleagues from Staten Island.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Cusick and the Staten Island delegation and all of the members and the Speaker, Lou, welcome back. You are a former member, you need no real introduction here, and you always have the privileges of the floor. Good to see you here, and we're always pleased that you come back and join us. Thank you and good luck.

(Applause)

Ms. Malliotakis.

MS. MALLIOTAKIS: Thank you, Mr. Speaker. I'm very happy to introduce the largest employer in my district and one of the largest non-profits on Staten Island, as well, and that is Staten Island University Hospital and Northwell Health. Today we are very excited to have Executive Director, Brahim Ardolic; Frank Besignano, who is the Chairman of the Board of Trustees; Phil Mancuso, who is the Chairman of Foundation Board; John Demoleas, who is the Associate Executive Director of External Affairs; and Laura Longo, who is the Director of Oncology; and, of course, as was mentioned, Lou Tobacco, the Associate Executive Director of Community and Government Affairs. As I mentioned, they are the largest employer and non-profit on Staten Island and so, we are very excited to also

announce that they are the only -- and I -- I hate to make my colleagues jealous here, only one hospital in all of New York City that earned the highest ranking of three stars for cardiac bypass surgery -- heart surgery. And I'm very proud to have them in my district. So, would you please welcome them on behalf of the Staten Island delegation. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Malliotakis, the Staten Island delegation, we welcome these health care professionals here to the New York State Assembly, extend to you the privileges of the floor and our thanks and gratitude for the service you are providing Staten Island and taking care of their health needs. Thank you. And continue to prosper and grow. Thank you.

(Applause)

MRS. PEOPLES-STOKES: Mr. Speaker, I understand Codes has completed its work. Would you please call Ways and Means to the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Committee on Ways and Means, Speaker's Conference Room immediately. Thank you.

Mr. Ra for an introduction.

MR. RA: Thank you, Mr. Speaker. On behalf of myself, Assemblyman Tony D'Urso and Assemblywoman Missy Miller, I'm very proud to recognize and welcome to the floor students and representatives from the Henry Viscardi School in Albertson, New York down on Long Island. We have two students with us

today, Boruck Nojowitz and Jazmine Duran, they're both seniors at the Henry Viscardi School. They are joined with a number of administrators and teachers, including the President and CEO of the Viscardi Center and the Henry Viscardi School, John Kemp. The Henry Viscardi School is a 4201 school that services students with -- with physical disabilities. And I've been there a number of times, they do absolutely tremendous work. Their students have achieved great, great things academically, and we're -- we're happy to have these two seniors visiting us today, as well as other representatives from the school. If you could provide them with a welcome and the cordialities of the House, I'd appreciate it. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Ra, Mr. D'Urso, Ms. Melissa Miller, the Speaker and all the members, we welcome you here to the New York State Assembly, the People's House. We commend you on the educational work that you're doing. We hope that you will continue that work and always know that you are welcome here. Thank you so very much.

(Applause)

Mr. Palumbo.

MR. PALUMBO: Thank you, Mr. Speaker, for allowing me to interrupt the proceedings for the purposes of an introduction. I'm delighted to be joined in the Chamber today by Kathleen Zeff (phonetic), who has not been to the Albany area in about 30 years, when she was here visiting a friend in college, was her last time, and she never made it to the Chamber. But fortunately she's

here today to watch Democracy at work. And she's also here helping out and advocating for those issues that are important to her. Three years ago she sadly lost her husband in a -- in a construction accident. But she's certainly here today to join us. And would you please be so kind as to extend the cordialities of the House and the privileges of the floor to Ms. Zeff.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Palumbo, the Speaker and all the members, we welcome you back to the New York State Assembly; long time between trips, but that's all right. We extend to you the privileges of the floor, hope that your day here will be successful. And thank you for the work that you're doing to help others. Thank you so very much.

(Applause)

Ms. Melissa Miller.

MS. MILLER: Thank you, Mr. Speaker. I would like to introduce here today people from the CP of Nassau County. They are not in my district, they're actually in Taylor Raynor's district, but I have a long relationship with CP Nassau, so I wanted to have them come be introduced on the floor. We have Patty Vassiliadou, Maura Wachsberger, Bob McGuire and Bob Masterson with us today. The work that they do is just extraordinary. From birth to -- no age limit, they just -- they provide so many services in school, in the communities with their clinics, with their schools, there -- it just -- there's no limit. And they have done phenomenal things, and continue to. They're just such a wonderful program. So would you please

welcome them to the House and offer all the cordialities.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Miller, Ms. Raynor, the Speaker and all the members, we welcome you distinguished visitors to the floor. We extend to you the privileges of the floor, hope that you will enjoy your day in Albany and commend you for the work that you do to help other people. Thank you so very much. And continue that great work.

(Applause)

Mr. Benedetto.

MR. BENEDETTO: Thank you, Mr. Speaker, for allowing me to interrupt the proceedings to make an announcement, some very special people who are here today, and I was fortunate enough to have so many of these fine people at my education meeting this morning. Picking up where Mr. Ra left off about the fine folks from the Henry Viscardi School, we have other schools which are classified 4201 that have come from all around the State, be it Buffalo or Rochester or the Bronx bringing their students up here today.

They are schools, the 4201 schools, that teach some of the children that need help the most; those who are blind, those who are deaf. And out of this population, they are producing scholars with an enormous amount of talent. We welcome the administrators, the teachers and most of all, the students that have spent the day here up in Albany. We hope it was -- been beneficial to you; it certainly was informative to all of us. And I would also ask that you welcome all the representatives of the 4201 schools who are here today. Thank

you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Benedetto, the Speaker and all the members, we welcome all of you who represent 40021 [sic] schools -- 4201 schools here to the New York State Assembly, to the People's House. We extend to you the privileges of the floor, hope that your time here has been beneficial, hope that you know you are always welcome any time you come. Thank you so very much and we're happy to have you.

(Applause)

Mrs. Galef.

MRS. GALEF: Thank you, Mr. Speaker. The Majority Leader indicated that there are exceptional people, great people that inspire us. And I have as a guest today somebody who is such an inspiration in our community. Reverend Jeanette Phillips is here in recognition of Black History Month. And Reverend Phillips was one who started -- who had a vision about 40 years ago in the '70s that we needed health care clinics, we needed health services in Northern Westchester, and for people that have to travel very, very long distances to get health care was not right. And so, she worked with other friends and led them to make sure that in the Peekskill community that an ambulatory health care center opened in 1975. And now that center has gone on, and she is the Executive Vice President of Community Development, but that center has gone on to have 43 health centers throughout the Hudson Valley, New York City and Long Island. And that, I would say, is so inspirational.

She also serves as a Reverend at the -- she's an Associate Minister of the Parks Street African Methodist Episcopal Zion Church. And if I -- if I connected with the fact that we did not have a minister here today, and Jeanette's sitting there, we could've done something about it. So, I'm very, very sorry. She is a great asset to the State of New York and to the medical community and the health care community. And it is our privilege to have her here today. At the end of the day, we will be voting on a resolution in support of Reverend Phillips and during the Black History Month. So, I would ask for you to give all your cordialities to Reverend Phillips.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mrs. Galef, the Speaker and all the members, Reverend Phillips, welcome here to the New York State Assembly. We extend to you the privileges of the floor. We hope that this is a small token to reward you for the work that you've done in your life. Congratulations. And even though you didn't come and offer us prayer, we hope you will keep us in your prayers, because we need that all the time. Thank you so very much, and congratulations.

(Applause)

Ms. Fahy.

MS. FAHY: Thank you. Thank you, Mr. Speaker. I rise for an introduction. Today is Library Advocacy Day and it gives me great pleasure to -- to welcome, on behalf of myself and Assemblyman John McDonald, it gives me great privilege to welcome the Albany High School Book Club. They return today to the Capitol

to show their support for libraries, and joining many, many advocates today. This is a very popular after-school program which features authors' visits, field trips, library events, and it stresses the values of libraries in our schools and in our communities. These students annually conduct fundraisers, hold -- host authors, they do a library lock-in, and -- and even celebrate a free comic book day.

I'm going to name the -- the students briefly: It's Breona Thomas, Danvass Gekonge, George Pounds, Isaiah Buddeau, Jadan Moore, Jihana Jitu, Karla Geronimo Rodriguez, Lulheily Colon, Mehreen Khan, Numair Khan, Saiara Alam, Shamyla Bhatti, Vaughn Albert, Carrie Birch (phonetic), and then we have a few of their instructors and adults with us, and it's Susan D'Entremont; Jen Kanel (phonetic); Kristen Majkut, the Albany High Librarian, and Emily Viscuso, the -- the U-Albany School Librarian, and Daniel Moore.

I am my -- this is the school that both of my children graduated from, so it makes me a little homesick to see that my own two aren't with them, they're both recent graduates. And if you would, Mr. -- Ms. Speaker, if you would please grant them the cordialities -- welcome them and grant them the cordialities of the House. Thank you.

ACTING SPEAKER MCMAHON: Certainly. On behalf of Ms. Fahy, the Speaker and all the members, we welcome these distinguished guests to the Chamber, extend the privileges of the floor and hope you enjoy the proceedings. Thank you for joining us.

(Applause)

Mrs. Peoples-Stokes for an introduction.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker. I rise to -- on behalf of myself and all the women of the Legislature, particularly Assemblywoman Nily Rozic, to introduce members of -- women who are here in our Chambers today who are from the University of Massachusetts Women in Leadership - are they still here? There they are.

Madam Speaker, these women work hard and train in professional development to work on their leadership skills. Most of these are students that are with them, however, Michelle Goncalves is the University of Massachusetts Deputy Chancellor, is with them here today. So, Madam Leader, as you know, we do need women prepared for leadership. So, if you could extend to these wonderful women the cordialities of our floor and welcome them here, I would be greatly appreciative.

ACTING SPEAKER MCMAHON: Thank you, Mrs. Peoples-Stokes. On behalf of Mrs. Peoples-Stokes and Ms. Rozic, the Speaker and all the members, we welcome these distinguished students from the University of Massachusetts to the Chamber. I had the privilege of meeting and speaking with them earlier, they're delightful and very committed. We extend the privileges of the floor and hope you enjoy the proceedings. Thank you so much for joining us.

(Applause)

Resolutions on page 3, Clerk will read.

THE CLERK: Assembly Resolution No. 119, Mr. Jones. Legislation Resolution memorializing Governor M. Cuomo to proclaim February 2019 as Parent Recognition Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 120, Ms. Joyner. Legislation Resolution memorializing Governor Andrew M. Cuomo to proclaim March 2nd, 2019 as Read Across America Day in the State of New York.

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

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

THE CLERK: Assembly No. A01945, Calendar No. 58, Zebrowski, Galef, Cahill, Colton, Abbate, Gunther, M. G. Miller, Seawright, Bichotte, Bronson, Otis, Weprin, Wallace, Cruz. An act to amend the Civil Practice Law and Rules, in relation to establishing a time period in which an action to recover damages for injury arising from domestic violence must be brought.

ACTING SPEAKER MCMAHON: The bill is laid aside.

THE CLERK: Assembly No. A02331, Calendar No. 59, Dinowitz, DenDekker, M. G. Miller, Bronson, Mosley,

Cymbrowitz, Benedetto, Simotas, Cusick, Gunther, Gottfried, Pichardo, Barron, Cook, Galef, Colton, Arroyo, Crespo, Hunter, Perry. An act to amend the Vehicle and Traffic Law and the Executive Law, in relation to enabling veterans and reservists to receive benefit information upon applying for or renewing a driver's license.

ACTING SPEAKER MCMAHON: Read the last section.

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

ACTING SPEAKER MCMAHON: The Clerk will record the votes.

(The Clerk recorded the vote.)

MRS. PEOPLES-STOKES: Madam Speaker, I realize that we have a lot of members that are in Ways and Means, but for the members that are in the Chambers or anywhere near and around, if you could please cast your vote, this is our first vote of the day. There are a few others that we have to get through, but with -- the faster we get through, the sooner we'll be done. Madam Speaker, if you could have members please come in and vote.

ACTING SPEAKER MCMAHON: First vote of the day. Members, please vote.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, Ways and Means has completed its work. Would you please call the Rules Committee to the Speaker's Conference Room, immediately.

ACTING SPEAKER MCMAHON: Rules

Committee to the Speaker's Conference Room immediately.

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, Madam Speaker, for the opportunity to, on behalf of our colleague, Michael Miller, introduce some guests he has in the Chambers. They're from the New American Voters Nepali Society: Mohan Gyawali Chhetri, Dr. Dilip Nath, Rokaya Akhter and Gyanal Thapa. If you would please welcome these guests on behalf of our colleague, Mr. Miller, Madam Speaker, we would definitely appreciate it.

ACTING SPEAKER MCMAHON: On behalf of Mr. Michael Miller and Mrs. Peoples-Stokes, the Speaker and all the members, we welcome these distinguished guests to the Chamber, extend the privileges of the floor and hope you enjoy the proceedings. Thank you for joining us today.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A02374, Calendar No. 60, Dinowitz, Buchwald, Gottfried, Simon, Seawright, Simotas, Barron, Thiele, Fahy, Wright, Gunther, Solages, Ortiz, Braunstein, Williams, Otis, L. Rosenthal, Santabarbara, Galef. An act to amend the General Business Law, in relation to requiring a consumer credit

reporting agency to offer identity theft prevention and mitigation services in the case of a breach of the security of such agency's system.

ACTING SPEAKER MCMAHON: Read the last section.

THE CLERK: This act shall take effect in 60 days.

ACTING SPEAKER MCMAHON: 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. A02501, Calendar No. 61, Englebright, Thiele, Colton, Galef, L. Rosenthal, Fahy, Abinanti, Otis, Pichardo, Gottfried, Glick, D'Urso, Fernandez, Weprin. An act to amend the Environmental Conservation Law, in relation to the reduction of mercury in mercury-added lamps.

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: Mr. Speaker, if you would advance the A-Calendar, which we all now have on our desks, and we will start on page 3 with Rules Report No. 30, Mr. Dilan.

ACTING SPEAKER AUBRY: On Mrs. Peoples-Stokes' motion, the A-Calendar is advanced.

The Clerk will read.

THE CLERK: Assembly No. A03425, Rules Report No. 30, Dilan. An act to amend the Executive Law, in relation to expanding the scope of unlawful discriminatory practices to include public educational institutions.

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. A04204, Rules Report No. 31, Weprin, Cahill, Paulin, Ramos, M. G. Miller, Quart, Aubry, Seawright, Barron, Vanel, Hevesi. An act to amend the Executive Law, in relation to prohibiting discrimination against religious attire.

ACTING SPEAKER AUBRY: An explanation is

requested, Mr. Weprin.

MR. WEPRIN: Thank you, Mr. Speaker. A4977 adds language to paragraph (a) of subdivision 10 of Section 296 of the Executive Law, also known as the New York State Human Rights Law, to clarify that it is an unlawful discriminatory practice for an employer to require a person to violate or forego the wearing of religious attire or facial hair in accordance with requirements of his or her religion, unless the employer demonstrates that it is unable to reasonably accommodate the person's religious practice without undue hardship on the conduct of the employer's business.

ACTING SPEAKER AUBRY: Mr. Ra.

But before Mr. Ra, members, we are on debate.

Please, if you're having conferences in the aisles, please take them to the back.

Proceed, Mr. Ra.

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

MR. WEPRIN: Absolutely.

ACTING SPEAKER AUBRY: Mr. Weprin yields.

MR. RA: Thank you. We just had a couple of questions with regard to this. My understanding, this came about as a result of a situation with -- with an individual in a -- in a uniform.

MR. WEPRIN: Yes.

MR. RA: Correct? So, it's designed to address those types of situations. But I'm just wondering whether -- is the exception

applicable, say, in a situation where there's a safety -- maybe it's, you know, a factory floor or something of that -- of that nature, where the piece of attire could -- could become, you know, entangled or be a safety problem?

MR. WEPRIN: Absolutely, that would come under the exception that the employer would demonstrate that there's a danger to public safety, to the individual or others, and that would certainly come under the religious -- the exception.

MR. RA: Okay. And then, also in somewhat of a similar circumstance, but -- but not directly a safety issue, but -- or perhaps a sanitary issue, you know, in a -- in a food establishment situation, would that also be within the exception?

MR. WEPRIN: Well, it would be up to the employer to establish that there -- that there's a problem.

MR. RA: Okay.

MR. WEPRIN: But if he -- if he could show that it was a problem for safety of a -- the individual or others through the food industry, that could be -- that would be an exception.

MR. RA: Okay. Thank you very much.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: Thank you. I -- I thank Mr. Weprin for -- for answering the questions. This is certainly, you know, religious freedom and people being able to dress in accordance with -- with their beliefs and as required by their beliefs is certainly something that

we should protect and, you know, is a laudable goal. I do hope that as we, you know, look at this issue going forward if -- if any of those types of issues come up, that we make sure it's -- it's clear that in those circumstances that -- that the employer, you know, who was making a reasonable attempt to -- to accommodate the employee, but -- but has, you know, a safety or sanitary concern related to the operating of their business, that we make sure that they are -- they are protected as well. So, I know a number of our colleagues have voted against this in the past for, you know, with -- with regard to those concerns, but -- but I hope that, you know, going forward we can -- we can continue if we need to further address the issue. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section --

Mr. Eichenstein.

MR. EICHENSTEIN: On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. EICHENSTEIN: Thank you, Mr. Speaker. I rise today to voice my support for the proposed legislation prohibiting discrimination against religious attire. Being that freedom of religious expression is one of the most basic values this country was founded on, I'm stunned that this issue is still up for debate in 2019. Hijabs, turbans, yarmulkes, these are garments worn by religious individuals as a practice of our faith. Nobody should ever be forced to choose between their employment or their religion and today, we can make a step -- we can take a step forward on the road towards eradicating

discrimination and intolerance. And I would like to thank the sponsor for bringing this issue forward.

As the most diverse state in the nation, we need to lead by example when it comes to employment discrimination, just as I am fortunate enough to stand here today as a member of this Body and I don't have to compromise my dress, my beliefs, my values, my way of life, because this is the United States of America, one nation under God indivisible with liberty and justice for all. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

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.)

Mr. Weprin to explain his vote.

MR. WEPRIN: Thank you, Mr. Speaker. I'd like -- I'm optimistic that this bill may for the very first time actually pass in the State Senate. And I'd like to dedicate the bill to Kevin Harrington. The story of Kevin Harrington is what prompted me to introduce this legislation. Kevin Harrington was born an Irish Catholic who converted to Sikhism many years ago. And he was a train operator at the front of the train for the E-train, which those of you from Queens and New York City know goes in -- into and out of the World Trade

Center. And he was a hero during 9/11. He actually drove the E-train back and forth while the buildings were burning in the World Trade Center and actually rescued hundreds of individuals and brought them to their safety while he was risking his life. But how did -- what did the MTA do to reward him? What happened was, after 9/11, the MTA got hundreds and hundreds of calls from people from the public complaining that there was a terrorist driving the E-train. And why did they say that? Because he had a long beard and a turban, and resembled Osama Bin Laden. So, for the Kevin Harrington's of the world and to put an end to ignorance and discrimination, I withdraw my request and proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Weprin in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05975, Rules Report No. 32, Reyes. An act to amend the Executive Law, in relation to amending the definition of pregnancy-related condition.

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.)

Ms. Reyes to explain her vote.

MS. REYES: Good afternoon. So, I just want to speak on the bill to explain my vote. Human milk is the most natural and most complete source of nutrition for infants. The value of breastfeeding for infant nutrition and maternal health outcomes has been long recognized. For mothers, breastfeeding has been found to reduce the risk of breast cancer, ovarian cancer, for infants it helps build immunity. This -- though we have passed legislation that protects pregnancy-related conditions, this bill amends the definition of pregnancy-related conditions to include lactation. I think in the interests of the health of our infants and the health of our mothers and families, we should be requiring employers to provide reasonable accommodations for mothers to breastfeed. Thank you. I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Ms. Reyes in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Congratulations, Ms. Reyes, your first, I believe.

(Applause)

Great bill.

(Applause)

It only happens once, Ms. Reyes.

(Laughter)

The Clerk will read.

THE CLERK: Assembly No. A05976, Rules Report No. 33, Wright, Peoples-Stokes, Barron, Bichotte, Cook, Crespo, De La Rosa, Galef, O'Donnell, Rozic, Seawright, Simon, Taylor, L. Rosenthal, Hunter, Glick, Arroyo, Ortiz, Niou, Gottfried, Simotas, Wallace, Otis, Bronson, Weprin, Fall. An act to amend the State Finance Law, the Civil Practice Law and Rules the Public Officers Law, the General Obligations Law, the Labor Law and the Executive Law, in relation to discrimination.

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

MS. WRIGHT: This bill is a measure to assist our small -- all of our businesses in New York State in helping them to create safe and non-discriminatory workplaces. Discrimination is toxic to our work environments and this legislation is a comprehensive measure to assist employers and employees in maintaining a workplace free of discrimination. It provides discrimination prevention policy, as well as training materials.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

ACTING SPEAKER AUBRY: Will you yield, Ms. Wright?

MS. WRIGHT: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you very much, Ms. Wright.

To be clear, none of us in this room support discrimination in the workplace.

MS. WRIGHT: Definitely.

MR. GOODELL: So, the question before us is not whether or not we support discrimination, but whether or not we support the language of this bill, which may or may not be the same, right?

MS. WRIGHT: I can -- I can agree to that.

MR. GOODELL: So, I wanted to start by first asking you to kind of define the scope of this bill. In previous bills where we required employers to provide anti-discrimination training and a program and whatnot and we just kicked that off this year, employers all across the State did that, but we limited that mandate to employers with four or more employees. This bill eliminates the requirement that there be at least four employees, correct?

MS. WRIGHT: It does.

MR. GOODELL: And so, this bill would now apply to any employer, even if it was one just employee.

MS. WRIGHT: Yes.

MR. GOODELL: And it likewise it would apply even if that one employee was part-time?

MS. WRIGHT: Yes.

MR. GOODELL: Or seasonal?

MS. WRIGHT: Yes.

MR. GOODELL: Or part-time and seasonal?

MS. WRIGHT: Yes.

MR. GOODELL: So, if you had somebody that was working for, you say, four hours a month, came in one day a week, you would be obligated to provide a [sic] anti-discrimination training program that's interactive as approved by the Department of Labor?

MS. WRIGHT: And provide -- it will be not only mandated by the Department of Labor, but designed and offered to you free of charge by the Department of Labor.

MR. GOODELL: Now, how long does this interactive discrimination program, how long does it take to go through it?

MS. WRIGHT: Approximately -- I believe it's an hour of training.

MR. GOODELL: Okay. And this would apply in the more immediate context dealing with most of our residents, any time you had an employer-employee relationship, with a few exceptions for a parent-child, so you wouldn't have to give discrimination training if you were hiring your child.

MS. WRIGHT: Right.

MR. GOODELL: Or between a spouse.

MS. WRIGHT: Yes.

MR. GOODELL: I, like many men, get regular training by our spouse on a raft-load of issues already, and the answer, by the way, is *Yes, Dear*.

MS. WRIGHT: (Laughter) Good answer.

MR. GOODELL: It didn't really take me an hour to figure that out, but...

But it would also not apply to certain domestic workers, correct?

MS. WRIGHT: Right, that is correct.

MR. GOODELL: But this is not triggered by whether or not the employer is complying with our Labor Laws in terms of filing a W-2, right? It would apply whether or not you do a W-2 or a 1099?

MS. WRIGHT: No, I don't think that that is clear because people who provide 1099s do not consider those workers as their employees. Those are people who are contracting. And so, usually, when you're providing a 1099, that's because those are contract workers who are not your employee, for whom you also don't carry Disability or Workers' Comp insurance. So they're not -- they're outside the scope of what you would actually characterize as an employee.

MR. GOODELL: And is there anything in this statutory language or in the Section 292 of the Executive Law that makes it clear that those who are working pursuant to a 1099 are not included within the definition of an "employee"?

MS. WRIGHT: There is nothing in this bill that says specifically "contract workers are not your employees"; however, we also have clear definitions of "contract workers" being independent contractors, so they are -- they do not fall in, I don't think, that I'm

aware of, of any definition as "your employee".

MR. GOODELL: Okay. So, with the exception of contracted workers --

MS. WRIGHT: Mm-hmm.

MR. GOODELL: -- it's very broad.

MS. WRIGHT: Yes.

MR. GOODELL: -- and would include anyone, regardless of how little or how infrequently they work for the employer.

MS. WRIGHT: Yes.

MR. GOODELL: Is there a time requirement that within a certain number of days, weeks or months the employer must provide this training?

MS. WRIGHT: There is not anything stated in here; however, each -- I believe that the guidance will be coming from the Department of Labor on how frequently and regularly you should be providing this training to your staff. So, it does not put a time limit on from the date of hire to when they must have the training, but it will be guidance on how frequently we should see it, and it should be annually.

MR. GOODELL: Are you aware of the number of employers in New York State that employ at least one employee?

MS. WRIGHT: I am not aware of that number, but I do know that every employer has a responsibility to provide a safe work environment and to meet regulations dictated by the State. And

if we're not adding any additional cost to them to be -- to oblige, to become in compliance with it, then it's not truly a burden for them to dedicate one hour, because it's similar to any other training and/or certification, which is required to work. It would be the same as anybody that has to get, say, food handlers' licenses to serve coffee, they now have to make sure that they also have certification that proves that they have undergone anti-discrimination training.

MR. GOODELL: Moving on a little bit, because -- you know, it's a little bit of an interesting concept, that we require your sole part-time employee to undergo comprehensive discrimination awareness policies that wouldn't apply to any other employee since it's the only employee that you have, when we already bar any discrimination by the employer one-on-one.

MS. WRIGHT: Well --

MR. GOODELL: But -- but there's other provisions, if we may move on.

MS. WRIGHT: Go ahead.

MR. GOODELL: This bans mandatory arbitration clauses --

MS. WRIGHT: Yes.

MR. GOODELL: -- unless it's part of a collective bargaining agreement; is that correct?

MS. WRIGHT: This does not undermine a collective bargaining agreement. What this does is allows for anyone who is facing discrimination to have the opportunity to elect to go to court.

So, we're not saying you may not avail yourself of arbitration, we're saying that it may not be forced upon an employee. And, therefore, if there are provisions in an existing agreement that says there is mandatory arbitration related to the discrimination, just like most other contracts, we would be able to sever that clause from the contract and move forward with the intent, the general intent of the document.

MR. GOODELL: As you know, oftentimes the arbitration provisions are provisions that are requested and negotiated by the employee representatives, by the union. It's a -- it's a right that the union wants to have in order to force arbitration, which is often faster and less expensive, and unions view that as a positive provision in the contract. But doesn't this eliminate or undercut that concept?

MS. WRIGHT: If it's related to discrimination, it most definitely does remove the opportunity for them to enforce mandatory arbitration. It does not mean that they cannot still avail themselves of it, because they -- the parties can agree to elect to go to arbitration. What this says is that they may not mandate arbitration on an employee.

MR. GOODELL: Now, there's another provision, and this deals with non-disclosure agreements.

MS. WRIGHT: Yes. I can't remember --

MR. GOODELL: And it provides that you cannot have a non-disclosure agreement either as part of a settlement or as part of a judgment, as I understand -- well, as part of a settlement, unless it's

the complainant's preference.

MS. WRIGHT: Yes.

MR. GOODELL: What -- what's meant by "preference"?

MS. WRIGHT: Their choice.

MR. GOODELL: Okay. So, let's say the employer says, We don't agree that there was any discrimination whatsoever, but we don't want to incur the cost of litigation, and the potential damage to our reputation, even if we're proven to be non-discriminatory, so we're willing to settle this upon a payment of X dollars, but on the condition that you don't destroy our reputation on a claim --

MS. WRIGHT: So, that means that the --

MR. GOODELL: -- that we don't agree with.

MS. WRIGHT: Well, that means that the -- that means the claimant would have the choice, and that means that they have the opportunity to negotiate it. It is a choice. The -- we're just saying it cannot be mandated that they cannot -- it cannot be forced upon them. So, I believe the language is... where is it...

MR. GOODELL: It's on page 3 starting on line --

MS. WRIGHT: -- employer --

MR. GOODELL: Four.

MS. WRIGHT: Right. So, it's their -- unless the claimant agrees to it. So, it's saying that the officers cannot automatically mandate -- the officers -- the company nor its officers are able to automatically mandate this.

MR. GOODELL: All right. Then the -- even if you have a settlement and that settlement includes a non-disclosure provision --

MS. WRIGHT: The settlement that is agreed to by the claimant --

MR. GOODELL: Right.

MS. WRIGHT: -- can have a non-disclosure; however, then there are terms for a seven-day wait period, as well as a 21-day -- I think there's also a 21-day term in there for it to be -- for them to have time for it to be reviewed.

MR. GOODELL: Right. 21 days to have it reviewed, and then a seven-day recision provision.

MS. WRIGHT: Yes.

MR. GOODELL: Which means, in essence, that a settlement agreement could not become effective for four weeks.

MS. WRIGHT: All the terms --

MR. GOODELL: If it contains --

MS. WRIGHT: -- with exception of the -- so, yes. I'm going to give you that.

MR. GOODELL: If it contains a non-disclosure. What if the claimant wants to be paid sooner than four weeks? Can the claimant waive those timeframes?

MS. WRIGHT: This does not prohibit waiver. But in the interest of public policy that we are trying to set here, and protection of workers' rights, we would probably want them not to

waive the rights that we are specifically delineating in this piece of legislation. So, while we are not forbidding it outright, it is something that is against public policy.

MR. GOODELL: Okay. Now, when we're looking at the definition of "employer", we also have to look at the definition of "employee".

MS. WRIGHT: Yes.

MR. GOODELL: And I see the definition of "employee" is not being amended this bill, but I wanted to just track that down. Now, as I understand it, the definition of an "employee" is contained in Section 292, subparagraph 6 of the Executive Law.

MS. WRIGHT: Okay.

MR. GOODELL: And that covers everyone except domestic persons as set forth in Section 296-b of the Executive Law. And Section 296-b describes domestic workers as having the meaning as set forth in Section 2 of the Labor Law. And Section 2 of the Labor Law in subparagraph 16 has a complex definition which refers to Section 213 of the Fair Labor Standards Act of 1938. Would you like to walk through all of those cross-references and exceptions so we know what's covered? That -- you don't really need to answer that question. My real question was this, because I -- to be honest with you, it would take me a half an hour to go through all those cross-references, and even then, I'm not sure either of us would understand exactly who is covered, with no disrespect.

So, my question is, don't we have a problem with

Article III, Section 16 of the State Constitution which says, "No act shall be passed that shall provide that any existing law or part thereof shall be made or deemed part of the act unless it's inserted in the text." In other words, the Constitution refers, it seems to me, expressly prohibits these multiple incorporations by reference. Wouldn't you agree that it would be nice --

MS. WRIGHT: So that's one interpretation.

MR. GOODELL: -- if we had a definition that we could read and understand without looking up six other laws?

MS. WRIGHT: I believe that there is -- that is one interpretation, and that good drafting might alleviate some of that -- those concerns. But, we also know in practice that we do make reference and, therefore, it is written into the text because the reference directly takes us to the next page that we're supposed to be referencing. So, we do that in practice because we know that there -- we're meeting the letter of the law by writing it in the text, by giving direct reference, but, good drafting and repeating definitions and/or any other relevant information is helpful.

MR. GOODELL: Thank you, Ms. Wright.

On the bill.

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

MR. GOODELL: Thank you, sir. As I started out at the beginning, we obviously all oppose discrimination in the workplace. That doesn't mean to say, however, that every single

employer in the State of New York, regardless of how few employees they have, or how infrequently they work, or whether they're seasonal, should be obligated to go through an extensive mandated employment discrimination course put on or sponsored by the Department of Labor. Think about this. You have a part-time employee, I have one, for example, that works one day a week. So, I'm supposed to take an hour and have her go through a sexual harassment sensitivity training course so that she doesn't harass herself? I don't think she does anyway. It just doesn't make sense.

But, when we impose these requirements on employers, it costs money and it creates problems. And then we say, you can't have a non-disclosure clause. As an attorney, I will tell you there are many employers that will pay a claimant real money to avoid the cost of paying their attorney real money.

Is there anyone else who would like to speak, sir?

ACTING SPEAKER AUBRY: Yes.

MR. GOODELL: Then I'd be happy --

ACTING SPEAKER AUBRY: Yes, as a matter of fact.

MR. GOODELL: Since I'm out of time, I will come back later. Thank you, sir.

ACTING SPEAKER AUBRY: Absolutely.

Mr. Ra.

Ms. Wright. On --

MS. WRIGHT: On the bill.

ACTING SPEAKER AUBRY: On the bill.

MS. WRIGHT: It is particularly important that we stand together at this time and pass discrim -- full anti-discrimination legislation. We're trying to create an environment -- we're trying to change environments, and this is the first step in it.

Most recently, in the Fifth Circuit, Chief -- the Justice James Ho refused to expand the understanding of discrimination or anti-discrimination rights to LGBTQ constituents. He specifically stated in his opinion and in his occur -- his concurrence, that no one seriously contends that at the time of enactment, the public meaning and understanding of Title VII included sexual orientation or transgender discrimination. He said, to the contrary, there is a judicial consensus that the public meaning of Title VII did not include sexual orientation or transgender discrimination.

We, in this moment, have the opportunity to make sure that our legislation speaks clearly and wholeheartedly to all of the groups that we want to see protected under our discrimination laws. This lines -- this law will align our Executive Law with what exists under our Human Rights Law. We want to make sure that we're not leaving anyone out and we want to make sure that we are making an environment -- a work environment in New York State that honors all people. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell for round two.

MR. GOODELL: Thank you, sir. And again, thank

you to my colleague for her comments that were very helpful.

So, as I mentioned, this covers every single employer, regardless of the number of people, including if you have a part-time seasonal worker. It bans non-disclosure agreements. And, as an attorney, I -- I've had that situation where clients were absolutely clear that they were innocent of any wrongdoing, but their lawyer was equally clear it was going to cost them a lot of money to litigate. And in that situation, a settlement is often the -- to the best interests of both parties. It's the best interest of the employer, even though they think they're absolutely innocent, because it costs them less to settle than it does to litigate. And it is most certainly to the benefit of the claimant because they get a settlement and they don't have to run the risk of getting nothing. But those settlements only work if there's a non-disclosure, because a major part of most settlements is, *Don't destroy my reputation when I'm innocent*. Well, this bill prohibits a non-disclosure agreement unless it's the claimant's preference. The problem is, you don't get an offer from the employer unless the offer itself can be assured of confidentiality.

So, while we want to protect the employee, the net effect of this is we eliminate the ability of employers, many employers, to make an offer of settlement to the claimant, which is exactly the opposite of what we want to do, right? We want the claimant to have all the options in front of them. And we ban mandatory arbitration clauses. You know who fights the hardest for mandatory arbitration clauses in most employment context? It's the

employees, because it's faster and less expensive. As an attorney, I can tie up a case for months, if not years, in our court system; that's why we have arbitration.

So, while everyone in this room supports the concept that we should minimize discrimination, we need to be mindful that we do not want to inadvertently impose a huge unfunded mandate on every single employer - and, by the way, there's hundreds of thousands of employers in the State of New York, including the smallest employers that employ only one person part-time - while inadvertently pulling the rug out from underneath all the claimants who might benefit from a settlement offer that includes a non-disclosure provision.

For those reasons, I and some of my colleagues will not be supporting this legislation. Thank you very much, Mr. Speaker, and, again, thank you to my colleague.

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. Taylor to explain his vote.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could go back to the main Calendar on page 5, Calendar No. 4, Ms. Rosenthal, on debate.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A00290, Calendar No. 4, L. Rosenthal, De La Rosa, Seawright, Walker, Dickens, Vanel. An act to amend the Public Health Law, in relation to providing feminine hygiene products in charter schools.

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

MS. ROSENTHAL: Okay. This bill will -- will require charter schools to provide free menstrual hygiene products for kids in grades 6-12.

ACTING SPEAKER AUBRY: Ms. Byrnes.

MS. BYRNES: Thank you. Will -- will the sponsor yield?

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

MS. ROSENTHAL: Yes.

ACTING SPEAKER AUBRY: The sponsor yields, Ms. Byrnes.

MS BYRNES: Thank you, kind sir. The question I have is do we, as a Legislature, have any authority to require a private institution to provide something for free in this nature?

MS. ROSENTHAL: Charter schools are not

considered private institutions. Charter schools are considered -- they get funding, they're considered part of the public school system.

MS. BYRNES: Excuse me, just one second.

Mr. Speaker, I'm having trouble hearing, sir.

ACTING SPEAKER AUBRY: And you have the perfect right to expect some silence.

So that means, shh. Ladies and gentlemen.

MS. BYRNES: My apologies, sir.

ACTING SPEAKER AUBRY: No problem, you don't need to apologize, we do.

MS. BYRNES: I -- I couldn't hear you. Would you be so kind as to repeat it?

MS. ROSENTHAL: Sure. Charter schools are considered public schools. They are funded through public dollars. It's just that there are certain administrative rules and regulations that they don't have to require -- they don't have to follow, and complying with the law that governs the 2.6 million students in New York State public schools. So, this just makes it parity.

MS. BYRNES: All right. Well, then, do the administrative rules allow and require this institution, the charter schools to provide these free products?

MS. ROSENTHAL: Say that again? I couldn't hear you.

MS. BYRNES: Do -- apparently, I'm taller than the microphone is.

(Laughter)

MS. ROSENTHAL: This system, like, seems to be less --

MS. BYRNES: So, the -- then, if they're governed by the administrative rules, do the administrative rules require that these products be provided for free?

MS. ROSENTHAL: You know, last year we passed in -- we passed a law that said that public schools in New York State have to provide free products. It was discussed during enactment of that whether that covered charter schools, and it was determined that it did not, which is why I'm doing this bill, to make sure there's access across the State for kids in secondary and elementary schools.

MS. BYRNES: All right. So, charter schools are different than public schools --

MS. ROSENTHAL: But as I said --

MS. BYRNES: -- which is why this needed to be done.

MS. ROSENTHAL: Yes.

MS. BYRNES: Okay.

MS. ROSENTHAL: As I said, they are public schools, there are just certain things that they do not have to follow. Apparently, this is one of them.

MS. BYRNES: All right. Well, then, going back to my original question, do the administrative rules or any rules require that this type of a charter school institution provide this type of

product for free?

MS. ROSENTHAL: Well, no, which is why I'm doing this bill.

MS. BYRNES: All right. So there is no rule requiring it, and that's why you need a statute.

MS. ROSENTHAL: Exactly.

MS. BYRNES: To -- to force them to require them to.

MS. ROSENTHAL: Well, "force them" is an interesting choice of words, because this is a product that half the population needs at a -- any time of the month, and we're just making it available to all kids who need to deal with menstrual hygiene.

MS. BYRNES: Could the school seek reimbursement from parents or any other organizations?

MS. ROSENTHAL: Not once it's the law.

MS. BYRNES: Okay.

MS. ROSENTHAL: And, in addition, we've spoken to some charter schools, you know, here and there, and some already do this. So, I don't think there's great resistance, it just needs to be included in the Public Health Law.

MS. BYRNES: Okay. As I had mentioned during the Committee meeting on this, one of the things told to me by some of the schools, public schools, was that they're having lot of theft-related issues, and it's become quite an expense, albeit out of their allocated funds and, as a result, is this the type of unnecessary

expense, if there's a lot of theft --

MS. ROSENTHAL: Well --

MS. BYRNES: -- that's going on that we want to push down onto another institution?

MS. ROSENTHAL: Well, I've heard the theft argument, and people who take extra products need those extra products. It's not like taking extra bags of candy because you like to eat them and they're fun. People who take menstrual hygiene products take them because they need them, and -- number one. Number two, I do not hear any discussion about toilet paper, which everyone expects to be stocked in every bathroom, they -- they go to. It's the same here for these products, which are necessary. And we can't let down young menstruators because they go to a charter school. They need to expect the same thing as their public school counterparts when it comes to biology and disrupting education if they have to go to the nurse, go elsewhere to obtain what they need.

MS. BYRNES: All right. So, Ms. Sponsor, you don't have any problem, then, if the products are stolen and are actually used all the time, you know, as opposed to there being an emergency situation at the school and it's needed, you don't have any problem with the products being stolen and used outside school?

MS. ROSENTHAL: As I said before, anybody who steals menstrual hygiene products, it's because they need them. They might be too expensive for some students and we need to ensure that every -- every young adult has access to these products if they need

them. People are not stealing them because they're playing games with them. They're -- and I don't think it's stealing, they're offered for use.

MS. BYRNES: So, our -- our schools would be obligated to supply something to the entire population on a continuous basis, irrespective of cost?

MS. ROSENTHAL: Um, no --

MS. BYRNES: Yes or no?

MS. ROSENTHAL: May -- may I remind you, we're talking about products that are necessary for half the population at any time during the month that we have given to public school students. I dare say most of the -- all of the female Assemblymembers in this room have experienced menstruation and knowing that you need products or there are going to be some bad results.

MS. BYRNES: But the issue is, do we need to supply them to every female student on a constant basis, all the time, at State expense?

MS. ROSENTHAL: We --

MS. BYRNES: They never have to go to a grocery store, they just always get what they want for free from our schools at taxpayer expense?

MS. ROSENTHAL: We --

MS. BYRNES: Or school expense?

MS. ROSENTHAL: At school expense, because it's a biological necessity. I also think that you're overstating the theft

argument because people take products if they need to use them, but the majority of people who take products is to use them in school while they're on school grounds.

MS. BYRNES: All right. I can just tell you, ma'am, that more than one school district has told me that every time they put products out, they are gone --

MS. ROSENTHAL: Because people need to use them.

MS. BYRNES: -- and they have to keep replenishing them and that it's a --

MS. ROSENTHAL: Because -- you know, I don't think there's a secondary market for them. I don't think you can find them, you know, eBay, whatever. I think it's because they need them. They need to use them. It's just a matter of fairness of menstrual equity of meeting the needs of kids in schools.

MS. BYRNES: In other words, though, the schools will be responsible, not individuals, for their own hygiene products.

MS. ROSENTHAL: You know, I'm not going to get into political philosophy here. It's a very simple bill. Kids who are in school grades 6-12, public schools, they're already available at a no-cost basis, we're just making it equal in charter schools.

MS. BYRNES: Thank you, Mr. Speaker. I'll be heard later, sir.

ACTING SPEAKER AUBRY: There are no other speakers on the issue.

MS. BYRNES: Okay.

ACTING SPEAKER AUBRY: If you want to proceed, you may.

MS. BYRNES: All right. Thank you. Gee, I don't know why there are no other speakers on this bill...

But, in any event, you know, in all seriousness, it has been raised to me by a number of schools and school districts that this has become a burden on them, and that it is an expense that they don't feel that they should be bearing. Now, I see no reason if it's already become an issue that we should perpetuate it by going farther and legally requiring charter schools to do it, as well. Thank you for your time.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Cruz to explain her vote.

MS. CRUZ: Thank you, Mr. Speaker. I had the privilege of working for Council Member Julissa Ferreras-Copeland in the City of New York when we made this a requirement for every public school in the City. And I can tell you that the arguments that we would hear from schools were about young women, generally women of color, generally poor students, who would end up missing

class because there was no menstrual equity. Let's call it what it is. This is an opportunity to make sure that students in charter schools, many of them who happen to also be poor students, young women of color, can have the same access that the rest of the students already have. I vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Cruz in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, will you call on Mr. Otis?

ACTING SPEAKER AUBRY: Mr. Otis for the purpose of a [sic] announcement.

MR. OTIS: There will be an immediate meeting of the Democratic Conference in the Speaker's Conference upon the conclusion of Session. Thank you.

ACTING SPEAKER AUBRY: Democratic Conference upon conclusion of Session.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: Always fine resolutions, we'll take them up in one vote. On the resolutions, all

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

(Whereupon, Assembly Resolution Nos. 121-128 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move that the Assembly adjourned until 10:30 a.m., Thursday, February the 28th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 3:23 p.m., the Assembly stood adjourned until Thursday, February 28th at 10:30 a.m., Thursday being a Session day.)