

TUESDAY, MARCH 26, 2019

1:39 P.M.

ACTING SPEAKER HYNDMAN: 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 Hyndman led visitors and members in the Pledge of Allegiance.)

A quorum being present, the Clerk will read the Journal of Monday, March 25th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, I move

to dispense with the further readings of the Journal of Monday, March the 25th and ask that the same stand approved.

ACTING SPEAKER HYNDMAN: Without obligation [sic], so ordered.

MRS. PEOPLES-STOKES: Madam Speaker, for my colleagues in the Chamber, staff and all of the guests that are here with us here today, our quote (pause)...

ACTING SPEAKER HYNDMAN: Can we please have quiet?

MRS. PEOPLES-STOKES: Madam Speaker, our quote for today is coming from someone whom I respect a lot and I think this message probably speaks to many of my colleagues that are in the Chambers today: "If you are someone people count on, particularly in difficult moments, then that's a sign of a life lived honorably." This quote is from Rachel Maddow.

Madam Speaker, members have on their desk an A-Calendar, and after several introductions and housekeeping, we will be calling the Rules Committee, as the Ways and Means Committee has already completed its work. And we will -- that Committee's -- those two Committees, rather, will produce an A-Calendar consisting of our annual Debt Service Budget Bill, which will be our principal work for today. We will also continue with the consent on the main Calendar, beginning on page 15 with Calendar No. 151. There could be a need for a Conference after Session, Madam Speaker.

So with that as a general outline, if there are any

introductions and/or housekeeping, now would be the appropriate time; however, before you do that, if I could please call the Rules Committee to the Speaker's Conference Room.

ACTING SPEAKER HYNDMAN: Rules Committee has been called to the Speaker's Conference Room.

We have no housekeeping, but we have some introductions.

Ms. Cruz has an introduction.

MS. CRUZ: Good afternoon, Madam Speaker. I rise today for the purposes of an introduction and to welcome some of my most distinguished constituents. Yesterday, I had the honor and privilege of introducing a resolution to honor Bangladeshi Flag Day, which happens to be on the same day as the National Independence Day of Bangladesh. In the back here, we have several groups who have traveled to Albany, some from my district, some from Assemblymember Weprin's district, who also joins me in welcoming them and on this introduction.

I want to welcome Executive Director Mazeda Uddin from South Asian Fund for Education Scholarship and Training; Director Adan Islam and Sahana Begum from Bangladeshi Society; Abulfazal didarul Islan, President of Jackson Height Business Society; Mohammed Hossain Kahn, President of the Federation of Bangladesh Association of North America; Shameem Ahmed, President of Bangladesh American Democratic Society; Mizanur Rahman, Founder of the Organization of Bangladeshi American Community;

Fakrul Islam Delwar, Founder of Jamaica Bangladeshi Friends Society, and the Alliance of South Asian-American Labor.

March 26th is National Independence Day of Bangladesh. Today marks the day the Declaration was signed that made the former East Pakistan the sovereign and independent country of Bangladesh, with its own unique language and culture. National Independence Day is a public holiday in Bangladesh. Independence Day is commemorated with parades, fairs, concerts, as well as patriotic speeches, festive spirits fill the Capital City of Dhaka, where the Bangladesh flag flies proudly. And many government buildings are lit up with the national colors green and red. The green symbolizes Bangladesh's abundant flora and the potential of our nation -- of the nation's youth, while the red circle in the middle of the flag, as you can see here (indicating) represents the sun rising over the relatively new developing country.

The importance of this holiday in my district cannot be under -- understated. According to the Census in 2010, 60 percent of Bangladeshi-Americans live in New York City and reside in Queens. Overwhelmingly, the majority of them live in Jackson Heights. Their culture is richly engrained in my neighborhood where there are vibrant Bangladeshi stores, restaurants, cultural institutions, houses of worship and incredible human beings. The time has come for our Bangladeshi community to receive the recognition that they deserve. This is a community of immigrants, mothers, fathers and sisters and all proud Americans.

This resolution is a statement to the Bangladeshi community for enriching my district and the State of New York and on behalf of Assemblymember Weprin and myself, we thank you for being here today. And we ask, Mr. [sic] Speaker, that you extend the cordialities of the House to our distinguished guests.

ACTING SPEAKER HYNDMAN: On behalf of Member Cruz, Weprin and Carroll, the Speaker and all the members, we welcome this Bangladeshi delegation to the Chamber and extend the privileges of the floor and hope you enjoy the proceedings. Thank you for joining us.

(Applause)

Mr. Palumbo.

MR. PALUMBO: Thank you, Madam Speaker, for allowing me to interrupt the proceedings for the purposes of an introduction. I'm honored to be joined today in the Chamber by Colan Trowbridge and Ira Dunne. The two of them are here advocating on behalf of the Brain Injury Association of New York State. Colan suffered a traumatic brain injury several years ago, and Ira Dunne is an advocate on behalf of the Association. And what's quite interesting, as well, is Mr. Dunne is also an advocate for a client of mine, Stephanie, who was hoping to be here today. Unfortunately, Stephanie was unable to make it, but keep up the good work, Stephanie, and our -- thank you so much for the work that you do on behalf of those afflicted with traumatic brain injuries. Ira does hail from Mr. Smith's district, and Colan does hail from Mr. Thiele's

district. So, on behalf of all of us, if you would be so kind as to extend the privileges of the floor and all the courtesies of the House.

Thank you, Madam Speaker.

ACTING SPEAKER HYNDMAN: On behalf of Assemblymembers Palumbo, Smith and Thiele, the Speaker and all the members, we welcome our distinguished guests to the Chamber and extend the privileges of the floor. We hope you enjoy the proceedings, and thank you for joining us.

(Applause)

Mr. McDonough.

MR. MCDONOUGH: Thank you, Madam Speaker.

I rise to introduce someone from my district, or formerly from my district, and that's Jared Bernstein and his young son, Jake. I first met Jared when he was Jake's age, or even younger, and that goes back a lot of years ago. And we both come from Merrick, New York, my district, and he's up here, but he's had -- since, as a little kid when he was running around, he's had an outstanding career, which I want to tell you just a bit about.

He currently works for the Bloomberg Organization in the Disaster Response Team he heads up. He formerly was an Associate Director at the White House Office of Public Engagement responsible for Jewish outreach from 2011 to 2013. He's a former Principal Deputy Assistant Secretary for Intergovernmental Affairs in the Department of Homeland Security, the U.S. Department. After Hurricane Sandy, dispatched by the White House to New York City to

help coordinate the Federal government response. Served in Mayor Bloomberg's Administration for seven years, responsible for community crisis management and outreach and Mayoral programs, and the Chief Spokesman for the New York State Office of Emergency Management during the 2003 blackout -- that's a long time ago. I was only a kid then. Undergraduate degree from Johns Hopkins University and attended law school at Fordham, and he currently lives in New York City with his wife. But I knew him when he grew up in Merrick and he was a little kid running around causing all sorts of trouble. But look what's happened, he's accomplished. He's up here also visiting his friend, Assemblyman Eichenstein.

So, would you welcome him, please, to the Chamber. He's had a wealth of government experience, and now he's up here, and maybe his son will grow up to do that, too, Jake. Thank you, Madam Speaker.

ACTING SPEAKER HYNDMAN: On behalf of Assemblymember McDonough, the Speaker and all the members, we welcome Mr. and Master Jake Bernstein to the Chamber, extend the privileges of the floor and hope you enjoy the proceedings. Thank you for joining us.

(Applause)

Mr. Palmesano.

MR. PALMESANO: Madam Speaker, my colleagues, I rise for the purpose of an introduction of three special guests who are joining us here today. In the back of the Chamber is

Michael Printup, he's the President of Watkins Glen International Racetrack; Chris Banker, the Director of Public Relations for Watkins Glen International, and Colin Braun, a race car driver. And I'm going to talk a little about them each in a moment.

First, I just want to say they're up here, in a moment we're going to be passing the Motor Sports Appreciation Week Resolution, and if you go through the Concourse, you'll see some of the cars in the Concourse, go check them out.

First, a little bit about Watkins Glen International. It's one of our most important economic engines and tourist attractions in the Finger Lakes: \$204 million in economic -- annual economic impact; \$40 million in Federal, State and local tax revenues; 2,000-plus direct and indirect jobs have been created. The economic impact doesn't count the concerts, festivals, which are -- are an additional \$30- to \$50 million annually. WGI announced that Woodstock 50th Anniversary Festival is going to be held this August, so come on out to Woodstock. WGI is famous for its excellence of events, largest wine festival east of Napa, which features exclusively New York Wineries, and, of course, the racing. Watkins Glen International Racetrack has been voted best NASCAR track by the readers of *USA Today* three times. NASCAR weekend is the largest single sporting event in New York State; over 100,000 racing fans will attend. It's one of only two road NASCAR -- NASCAR courses in the country, which makes for exciting racing.

Which brings me to my next guest, because in

addition to the Glen hosts the event that our guest driver, Colin Braun, who's with us here today is most familiar with, the WeatherTech Sportsman -- SportsCar Championship series, Colin is a 2015 WeatherTech SportsCar Championship Prototype Challenge Champion, and currently drives the No. 54 Flex-Box/Composite Resources ORECA FLM09 for CORE Autosport. He has also won 24 -- one of the 24 Hours of Daytona, 12 Hours of Sebring, Six Hours at the Glen, and finished on the podium at the 24 Hours at [sic] Le Mans, where he was the youngest driver ever to do so. Listen to -- this one is the one that stands out the most: Colin recorded the fastest lap ever at Daytona International Speedway at 222.971 miles per hour at a Ford exhibition event. Colin is also a highly accomplished NASCAR World Truck Series driver. Born in Ovalo, Texas, 29-year-old Colin Braun has -- already has 25 years of racing under his belt.

Madam Speaker, if you would please welcome these three distinguished and great guests to our Chamber on behalf of myself and Assemblyman Friend, please.

ACTING SPEAKER HYNDMAN: On behalf of Assemblymembers Palmesano and Friend, the Speaker and all the members, we welcome our distinguished guests to the Chamber, extend the privileges of the floor and hope you enjoy the proceedings. Thank you for joining us.

(Applause)

Mr. Tague.

MR. TAGUE: Thank you, Madam Speaker. Today

it's an honor and a privilege for me to introduce, and I ask the rest of the Chamber to join me in welcoming the next leaders of our great State and our nation, the kids from the Edward J. Arthur Elementary School in Athens, New York. And I would -- I would ask you, Madam Speaker, to please give these fine young folks all the privileges of the House. Thank you.

MS. HYNDMAN: On behalf of Assemblymember Tague, the Speaker and all the members, we welcome our distinguished guests in the Balcony to the Chamber, extend the privileges of the floor and hope you enjoy the proceedings. Thank you for joining us.

Everyone wave.

(Applause)

Resolutions on page 3, the Clerk will read.

THE CLERK: Assembly Resolution No. 216, Ms. Joyner. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim April 2019, as Oral Cancer Awareness Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 217, Mr. Palmesano. Legislative Resolution memorializing Governor M. Cuomo to proclaim March 24-30, 2019, as Motorsports Appreciation Week in the State of New York.

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

(Pause)

Mr. Goodell for an introduction.

MR. GOODELL: Thank you very much, Madam Speaker. I have the great privilege of introducing two amazing people to our Chambers, Michelle -- on behalf of Minority Leader Kolb, Assembly Minority Leader Kolb and all of us.

Michelle Fridley, 19 years ago was in a car accident. She was nine months pregnant. In the car accident, she was seriously hurt, broke her neck, lost all ability to walk, technically is a quadriplegic. But she survived that accident, had a daughter, Felicia, who is now 19 years old, is a student at RIT, doing phenomenally well. And can you imagine more of a life-changing event to lose your ability to walk and have a new child all in a period of less than two weeks? But she's done an amazing job. And she was able to accomplish that remarkable accomplishment with the help of personal care aides that help her in her home, help her stay at home, help her live a normal life. And with her is Jackie Babcock, who has been doing that remarkable personal care service for seven years, and is up here joining her, as well.

So, if you would extend the cordialities of our Chamber to Michelle Fridley and Jackie Babcock as they're up here sharing their experiences with us in the Legislature.

MS. HYNDMAN: On behalf of Mr. Kolb and the Minority Conference, the Speaker and all the members, we welcome our distinguished guests to the Chamber. We extend the privileges of the floor and hope you enjoy the proceedings. Thank you for joining us.

(Applause)

(Pause)

ACTING SPEAKER AUBRY: Mr. Hawley for the purposes of a [sic] introduction.

MR. HAWLEY: Well, thank you so much, Mr. Speaker. It's my pleasure and honor to welcome to the State Capitol here in the Assembly Chambers all the way from Kendall, New York, which is in Orleans County on Lake Ontario -- on the Lake Ontario shores. From Kendall, Boy Scout Troop No. 94, they're building a project right now to honor our nation's veterans, their service with all five branches, on this great wall that they're building, as well as concrete bricks for sale. Any of you that are interested, we have the sheets for you. They're a mere \$100 each to honor our veterans. Here with us today are four Eagle Scout hopefuls: Ryan Barrett, Noah Rath, Jayden Pieniaszek and Brian Shaw. If you would welcome them to the State Capitol with your great dignity and a poem, I'd appreciate it. Thanks so much to the Boy Scouts.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Hawley, the Speaker and all the members, we welcome these Boy Scouts from Troop 94 here to the New York State Assembly. We

extend to you the privileges of the floor, commend you on the work that you're doing to support our troops. Continue that great work. We look for great things from you individually in the future. Thank you, and you're always welcome here.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could bring our attention to page 15, we're going to go on consent with Calendar No. 151 by Mr. Dinowitz.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A02653-A, Calendar No. 151, Dinowitz, Weprin, Gottfried, Arroyo, Joyner, Reyes, Sayegh, Galef, Epstein, D'Urso, Steck, Cook, Glick. An act to amend the General Obligations Law, in relation to requirements for the use of plain language in consumer transactions.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02904, Calendar No. 152, Quart, Weprin. An act to amend the Insurance Law, in relation to prohibiting certain insurance policies from requiring prior authorization for certain medications used in the treatment of substance use disorders; and to repeal certain provisions of such law relating thereto.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A03471, Calendar No. 153, Zebrowski, Buchwald, D'Urso, Griffin, Colton, Weprin. An act

to amend the Environmental Conservation Law, in relation to decreasing the amount of alcohol in a person's system necessary to be considered to be intoxicated while hunting.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: This is our first vote of today. If you are in and around the Chambers, if you could please cast your vote. First vote of today.

ACTING SPEAKER AUBRY: First vote of the day, members, please cast your vote now. If you are within the sound of the voice, come into the Chambers and vote, please. Thank you.

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, I need to take a moment to interrupt our proceedings to introduce a guest (pause)...

ACTING SPEAKER AUBRY: Proceed.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker, and Mr. Sergeant-At-Arms for gathering the attentions of our colleagues. I want to introduce a guest of our member, Latrice Walker, he is Mr. Ronald Robertson, he's the Executive Director of the Brownsville Think Tank Matters, an organization that's dedicated to the implementation of constructive programs empowering residents and enhancing public safety. Mr. Speaker, if you could please welcome this guest to our Chambers and offer him the cordialities of the floor. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Walker, the Speaker and all the members, sir, we welcome you here to the New York State Assembly, the People's House. We extend to you the privileges of the floor, congratulate you on the work that you're doing in Ms. Walker's district and helping those families and those children there. Thank you, again. Please continue up that good work.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could advance the A-Calendar and take it up directly on page 3, Rules Report No. 42.

ACTING SPEAKER AUBRY: On a motion by Mrs. Peoples-Stokes, the A-Calendar is advanced. The Clerk will read.

THE CLERK: Assembly No. A02002, Rules Report No. 42, Budget Bill. An act making appropriations for the legal requirements of the State Debt Service and Lease Purchase Payments

and other special contractual obligations.

ACTING SPEAKER AUBRY: An explanation is requested. But before we get to that, we are now on debate. I need members to take their seats or clear the hall. Conversations are not now allowed. Shh. Ladies and gentlemen, please, we're on debate. First Budget Bill.

Proceed, Ms. Weinstein.

MS. WEINSTEIN: Thank you, Mr. Speaker. The bill that is before us today provides for debt service payments of \$57. -- I'm sorry, of \$5.7 billion. The debt service payments in this bill are estimated to decrease by \$286 million from the current year, and will remain in compliance with the limitations set forth by the Debt Reform Act of 2000. The bill is necessary for the State to make legally-required debt service payments on outstanding bonds and new State-supported bond issuances. And as I think the members know, debt service pays the State's General Obligations bonds, lease purchase agreements, special contractual payments and revenue bond financing agreements. Debt service will remain under the debt cap for the State-supported bond payments of principal, interest and other related expenses.

The debt service payments support \$57.3 billion in outstanding debt, and State debt supports very important programs for our State, transportation and public protection infrastructure, SUNY, CUNY and other educational facilities, economic development projects, as well as housing and park initiatives.

I'd be happy to answer specific questions regarding this bill.

ACTING SPEAKER AUBRY: Thank you.

Mr. Barclay.

MR. BARCLAY: Thank you, Mr. Speaker. I wonder if the Chairwoman would yield?

MS. WEINSTEIN: Yes, be happy to.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. BARCLAY: Thank you, Chairwoman. Before I ask specifics on this legislation, now that we're back to the, I guess, "One woman, two men in a room", could you give the Body a quick update of where we stand on the budget process? Are you still optimistic that we're going to have an on-time budget?

MS. WEINSTEIN: Yes. I -- I, along with the Leaders, feel that we are headed to an on-time budget. As we speak, there have been negotiations happening into the wee hours of actually today, and are expected to continue. And we are optimistic that we will have a -- an on-time budget.

MR. BARCLAY: Great. Now, moving to this bill, some of these questions we got some clarification in Ways and Means, but I'd like to get that same clarification here on the floor for our colleagues. Could you tell me how much State-related debt we have in the State?

MS. WEINSTEIN: I -- I think I just mentioned it,

\$57.7- -- \$57.3 billion.

MR. BARCLAY: Billion --

MS. WEINSTEIN: Yes. Yes.

MR. BARCLAY: Billion, yeah, yeah. That's a big number.

How much appropriation does this bill provide for?

You said \$5.7- --

MS. WEINSTEIN: \$5.7-.

MR. BARCLAY: That's going to be used to pay current debt obligations --

MS. WEINSTEIN: Correct.

MR. BARCLAY: -- but we appropriate \$10.1 billion in case somebody -- next year, we get more cash or something, so they have --

MS. WEINSTEIN: In -- in --

MR. BARCLAY: -- authority to pay down more debt in the future?

MS. WEINSTEIN: Yeah -- yes, we appropriate more than -- than cash payments in case there's unexpected occurrences that -- that take place. That is, actually, \$184 million increase over last year, in terms of the appropriation.

MR. BARCLAY: Right. Can you break -- I asked this in Ways and Means, I got some general answers about how this breaks down and what we're paying back, but could you maybe explain for the Body what actual bonds are going to be paid back or

paid -- or serviced, I guess, with this appropriation?

MS. WEINSTEIN: Sure. And through the miracles of the Internet I -- and telephone service, I have the answers to your --

MR. BARCLAY: Terrific.

MS. WEINSTEIN: -- Ways and Means questions. So, for members who are curious, the \$5.7 billion breaks down to, first, \$3.4 billion in principal, \$2.3 billion in interest, and the bonds that will be -- the debt service breakdown for the \$5.7-, is Economic Development -- Development and Housing, \$845 million; Education, \$1.5 billion; Environment, \$287 million; Health and Mental Health, \$456 million; State Facilities, \$510 million; Transportation, \$1.8 billion.

MR. BARCLAY: Thank you. Just to get some clarification on those two points. I think you just mentioned how much is going to principal and how much is interest --

MS. WEINSTEIN: Right --

MR. BARCLAY: -- do you have -- what is that? I -- one -- could you repeat those numbers?

MS. WEINSTEIN: Sure.

MR. BARCLAY: And also, if you have it by percentage, it would be maybe more informative.

MS. WEINSTEIN: Well, it -- the total is \$5.7 billion: The principal is \$3.4 billion, the interest is \$2.3 billion.

MR. BARCLAY: 60/40 do you think --

MS. WEINSTEIN: So, it's about... yeah, about

60/40, correct.

MR. BARCLAY: Sixty going to principal, 40 going for --

MS. WEINSTEIN: Forty for interest.

MR. BARCLAY: The reason I -- I'm really looking for the actual specific bonds, because I have a reason because I have a question to follow up on that. You gave the general where --

MS. WEINSTEIN: Right.

MR. BARCLAY: -- it's going. Do you have the specific bonds?

MS. WEINSTEIN: I -- I don't have the breakdown for -- I -- I don't have the breakdown for the individual bonds, which part is interest and which part is principal.

MR. BARCLAY: You mentioned general obligation voter approved debt. And how much are we paying for voter approved debt?

MS. WEINSTEIN: \$600 million is the general obligation debt.

MR. BARCLAY: So \$600 million, but we're paying \$5.7 billion. So, the other debt service payments are going to what we call "backdoor borrowing"; is that correct?

MS. WEINSTEIN: Well, the general obligation debt is the voter -- as you know, but just to clarify for some of the other members, is the voter approved debt, which right -- the two major ones right now are the smart -- support the Smart Schools Bond and

also transportation bond. But --

MR. BARCLAY: My point is, essentially, although it is going to some voter approved debt, which is appropriate --

MS. WEINSTEIN: Right.

MR. BARCLAY: But most of the debt service is going to backdoor borrowing debt.

MS. WEINSTEIN: I wouldn't necessarily call it "backdoor borrowing," because it seems to have a -- a negative connotation, but the -- you are correct that the remainder of the bonds are through -- revenue bonds issued through Authorities.

MR. BARCLAY: Thank you, Chairwoman.

On the bill, please, Mr. Speaker.

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

MR. BARCLAY: I just want to share a few statistics with my colleagues here in the House. We're the second-most indebted state in the country, behind California. Our debt per capita is \$3,153 per person. That makes us the fifth highest in the nation, and it's three times the national median. While, as you know, our debt outstanding has declined in the last several years, and that's mostly, we believe, on a timing issue, we see that debt going up over the next several years, and we're going to see, I think, a big increase in debt outstanding. Obviously, this year we're going from \$53.6 billion to \$57.3 billion. That's a \$3.7 billion increase, or 7 percent.

And just to talk about having to pay for all this,

obviously, our debt service costs have increased 53 percent over the last ten years, and now New York follows only Illinois with the highest debt service payments as a percentage of all funds received.

Now, I -- I give these statistics not necessarily because I'm debt adverse, Mr. Speaker; in fact, anybody who wants to look at my family credit card realizes I'm not debt adverse. What I am, really, is about the amount of debt we have in New York State. And by having this more -- this much debt, and presumably, we're going to have a lot more debt once this budget is completed, hopefully by April 1st, is that we're really hamstringing not only future legislators and the Governor -- and the government for future spending we want to do, but we're really hamstringing our future for our kids.

So, I just want to make everybody aware, we're a very high debt State and we've got to start doing something about it or we're going to have those hard choices in the future. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

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

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

MS. WEINSTEIN: Yes, I'd be delighted.

ACTING SPEAKER AUBRY: Ms. Weinstein

yields.

MR. GOODELL: Thank you, Ms. Weinstein.

Following up on my colleague's questions. As you know, the State Constitution is very clear that, with a few narrow exceptions, any debt that's incurred by or on behalf of the State requires voter approval. And you had indicated that of the \$50-some-billion, how much is voter approval? Was that about \$2.5- --

MS. WEINSTEIN: \$2.8-.

MR. GOODELL: So we have \$2.8 billion that's been approved by the voters, and the other, what is it \$50- --

MS. WEINSTEIN: \$55- --

MR. GOODELL: \$55 billion --

MS. WEINSTEIN: -- \$56-, \$55-, yes.

MR. GOODELL: So less than 5 percent of our debt has been approved by voters.

MS. WEINSTEIN: Correct.

MR. GOODELL: And so, is it correct, then, to assume in order to meet Constitutional requirements that the 95 percent of the debt that we're paying for with this bill was not incurred by or on behalf of the State, since any debt incurred by or on behalf of the State requires voter approval?

MS. WEINSTEIN: That's a -- I would agree that it wasn't approved by the voters, but it was approved by this legislative Body, the Legislature, the Governor and is -- was lawfully appropriate -- enacted to be issued through various public authorities.

MR. GOODELL: But in order to comply with the Constitution, if it's by or for the State, by or on behalf of the State, the debt has to be approved by voters. Ninety-five percent of the debt wasn't, so am I correct to assume that that 95 percent was not incurred within the meaning of the Constitution "by or on behalf of the State"?

MS. WEINSTEIN: Well, the State has a contractual obligation with the public authorities to pay the -- to pay the debt service, but the bonds are issued by the authorities on -- for public purposes. And the Court of Appeals, as you know, through various holdings, most notably in 2011 in Bordeleau have said that that is Constitutional -- Constitutionally-approved debt.

MR. GOODELL: Well, I believe the Court of Appeals ruled that non-voter approved debt didn't violate the Constitution because when we authorized that debt, in the authorizing legislation itself, we stated that that debt service was subject to appropriation. Meaning, that future legislators may or may not appropriate the money; is that correct?

MS. WEINSTEIN: I mean -- I mean, yes -- I guess a technical reading could be yes, but I would doubt that a future Legislature would not appropriate the debt service, because that would mean that our bond -- the bonds could default. It would effect the State's credit rating, and these projects are important public service projects for the public good.

MR. GOODELL: Right. So, we've talked a lot about the language in Article VIII, Section 11 that says any debt by or on

behalf of the State requires voter approval. We try to circumvent that by borrowing 95 percent more debt by -- well, actually, it's 20 times more debt, right? By putting in a clause in the -- in the authorization of the legislation that says we're not really liable for it, it's subject to appropriation in the future. And then when it comes to the future we say, *Well, of course we've got to do it because we have this contractual obligation.* But of course we can't enter into a contract that violates the State Constitution, right? The State Constitution is the supreme law, if you will, of the State of New York. So, that brings me to a different question, in case you were wondering where that logic was leading.

MS. WEINSTEIN: Okay. Okay.

MR. GOODELL: And that is, I -- I direct your attention to the State Constitution in Article VII, Section 8, which says, "The money of the State shall not be given or loaned to or in aid of any private corporation or association or private undertaking, nor shall the credit of the State be given or loaned to or in aid of any individual or public or private corporation or association." Basically, prohibiting gifts. So, if this debt was incurred by authorities, and we have no constitutional obligation to pay it, if we do pay it, aren't we violating the prohibition against gifts?

MS. WEINSTEIN: No, since, you know, as I stated earlier, there -- the Court of Appeals has sustained our -- the challenges to -- to the -- to a violation of a -- the gift clause. There -- I think you're more arguing the dissent than the holding of -- of the

various cases.

MR. GOODELL: I see. And if the purpose of the Constitutional requirement of a voter approval of debt wasn't to limit the amount of debt obligations of the State, what purpose was there for it?

MS. WEINSTEIN: The Constitutional provision, as you know, came into effect -- I guess the last time it was revised was 1938 when it has -- we haven't changed it since, and this whole notion of voter supported debt really came about after, going back even further for historians, after the -- some of the fiascos with the rail system -- New York Central Rail and other railroads across the country going into debt, and the State picking up that debt. And there was concern about the State paying for private -- private debt. The Court of Appeals, in various cases, has in Schultz, in Bordeleau, been clear that if it's for a public benefit, public purpose, it is within -- and it's a contractual -- we have a Constitutional right to contract with a public authority to pay that debt, and that is not a violation of the gift or loan clause of the Constitution, Article VII, Section 8.

MR. GOODELL: Yeah, Section 8.

MS. WEINSTEIN: Okay.

MR. GOODELL: Thank you very much, Ms.

Weinstein.

On the bill.

ACTING SPEAKER AUBRY: On the bill, Mr.

Goodell.

MR. GOODELL: Our -- our Constitutional forefathers were obviously very concerned about debt, and rightfully so. Because the Constitutional framers understood that legislators, you and I, like to spend money. And we get votes when we fund projects in our district. We like to spend money, but we don't like to raise taxes because when we raise taxes, we lose votes. And so, the Constitutional framers understood there was a great danger that the Legislature would spend more money than are raised in taxes and would put the State into financial peril. That's exactly why they put this provision in the Constitution that said you cannot borrow money buy or on behalf of the State unless you have voter approval. But we do it, don't we?

So, we're asked today to authorize over \$10 billion to pay debt, of which only \$291 million goes toward voter approved debt. And we're projected to incur more debt in this year's budget by about \$3.7 billion. So, think about that for a moment. If we weren't paying for all that debt that was incurred in the past without voter approval, we could fund in cash all the projects we're going to borrow for this year, and cut taxes by a couple of billion dollars. Think about that. You could fund all the projects you want with borrowing that you're anticipating this year, and cut taxes by a couple of billion, if prior Legislature followed the Constitutional provision and didn't engage in backdoor borrowing. When we engage in backdoor borrowing, we're mortgaging our children's future. We have a responsibility as legislators to keep our spending in line with our

revenues. And when we borrow money to cover operating deficits, we are breaching that fiduciary duty. And this bill is the result of that.

So either all that borrowing, over \$50 billion, either it was for or on behalf of the State, in which case it needed voter approval, or it wasn't on behalf of the State, in which case we shouldn't be borrowing, right? And if it's not on behalf of the State, why are we paying for it? So, I voted -- I've always voted against unconstitutional borrowing, and I'm talking about the spirit and the intent, and I'm likewise going to oppose paying for all that illegal borrowing, recognizing that if we stop paying for it, as my colleague correctly noted, the investment community will stop lending us for illegal borrowing, and we'll be on the path to fiscal responsibility.

Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. DiPietro.

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

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. DIPIETRO: Knowing that this is the first -- our first bill on the debt, I've been reading some reports, maybe -- can you confirm that about 78 percent -- from a -- a research group, 78 percent of everything we've borrowed that we're now paying back, those bonds, all the borrowing, 78 percent of what we borrowed has been

directed to New York City proximity projects? Do you know that?

MS. WEINSTEIN: I really have no idea. I'd have to get back to you on that.

MR. DIPIETRO: Okay. That was just -- I read that and I just wanted to confirm it, just --

MS. WEINSTEIN: If you wanted to share, you know, what your source is, I'd be happy to respond, probably after this bill.

MR. DIPIETRO: No, I just didn't -- I wanted to direct that -- that was it. Thank you.

Thank you, Mr. Speaker.

MS. WEINSTEIN: Sure.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Salka.

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

MS. WEINSTEIN: Yes, be happy to.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. SALKA: I have a question, I hope it's not rudimentary, I'm still kind of learning my way through the budget process. But, according to the numbers here, in '22-'23, we'll have a debt cap of around \$241 million. I mean, these are the numbers I have here, latest numbers.

MS. WEINSTEIN: I think you're actually high, I

think the debt cap under the --

MR. SALKA: So, so --

MS. WEINSTEIN: -- current configuration would be \$24 million.

MR. SALKA: \$24 million. Well, thank -- thank you for that. Even worse than I thought.

So, given the trend that we are currently on with increased spending over 53 percent over the past ten years, if this trend continues, do we, in fact, have enough borrowing capacity in the year '23 to be able to meet our obligations? Are we paint -- in other words, are we painting ourselves into a corner?

MS. WEINSTEIN: Well, we'll have to see as -- as we approach '22, '23. Going -- going forward, our -- our financial plan is -- is solvent, and these numbers may get revised by new income -- income figures from the Bureau of Economic Advisors in -- in Washington. So, the -- these numbers may -- may change, but as we approach '22, '23, we would be -- if the numbers don't change, we would, in fact, have that \$24 million debt cap.

MR. SALKA: And -- and so, if --

MS. WEINSTEIN: For new debt -- right, new debt service.

MR. SALKA: If, in fact, we start to fall short in those upcoming years, then, of course, invariably we're going to have to go to the taxpayers and ask them for more money so that we can realize our obligations.

MS. WEINSTEIN: Not necessarily. We'd have to, obviously, restructure our budget to be able to make sure that we had enough capacity in the debt cap for whatever we wanted to do.

MR. SALKA: And -- and given this possibility, will that, in fact, have the potential to affect our bond ratings? If, in fact, those lenders start to look at the fact that we're getting close to our capacity, our limit, will that, in fact, be a factor in how we -- what kind of interest rates we pay and the amount of monies that we can borrow?

MS. WEINSTEIN: It -- theoretically, it could be. So far, there -- New York State Municipal Bonds -- our Municipal Bonds of New York State --

MR. SALKA: Right --

MS. WEINSTEIN: -- are very -- are very sought after and backed by 50 percent of the -- the Personal Income Tax Bonds, PIT Bonds are -- are backed by 50 percent of personal income tax. The Sales Tax Revenue Bonds are backed by 25 percent of the sales tax receipts. So, those numbers we will -- those bonds are solvent, and right now, as I started mentioning, New York State muni bonds that are -- or New York -- that are double tax exempt, triple tax exempt, are sought after, particularly after the Federal tax changes of last year, people are looking for tax exempt income. So, that's a phenomenon happening in California, New York and Minnesota, where there's a -- an attraction of munis and there's actually a move towards increased purchase of -- of munis. But, obviously -- munis.

But we'll have to see in the coming years where we end up.

MR. SALKA: Thank you. Thank you very much.

Mr. Speaker, on the bill.

ACTING SPEAKER BLAKE: On the bill.

MR. SALKA: I have to admit I'm very, very concerned about the future. I'm concerned about the financial stability of our great State when I see that we're borrowing more and more and more and going farther and farther into debt. This isn't the way that most people in this Chamber would handle their family obligations or family debt, by paying the minimum that we can pay on our debt. It's almost like when you get your statement on your credit card and it tells you how long it's going to be before you pay back that money. It's years upon years upon years if you just pay the minimal amount.

So, I'm afraid that we're kind of chasing our tail here, that we're spending ourselves into debt. We have to, as a State and as a Legislature, stop spending money like drunken sailors. I know there's a lot of good programs out there that deserve our supports, but we have to make sure that we are as fiscal prudent as possible. And my concern is that we're not going on that path. And I'll be voting against this. I understand that we do have an obligation, but if we don't start to change our mindset now in how the State spends taxpayers' hard-earned money, I'm afraid we're going to get into a worse situation as we go along. Thank you. And thank you to the sponsor.

ACTING SPEAKER BLAKE: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BLAKE: The Clerk will record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. We're going to go back to our main Calendar and take up a few bills on debate. We're going to start with Calendar No. 142, it's on page 18 [sic], the sponsor is Mr. Cusick, and then we're going to take 143, which is also on page 18 [sic], that sponsor is Mrs. Galef. In that order, Mr. Speaker.

(Pause)

ACTING SPEAKER AUBRY: Page 14, Calendar No. 142, the Clerk will read.

THE CLERK: Assembly No. A04959, Calendar No. 142, Cusick, Malliotakis, Colton, Fall, D'Urso, Griffin. An act to amend Chapter 395 of the Laws of 1978, relating to moratoriums on the issuance of certifications.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record

the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 14, Calendar No. 143, the Clerk will read.

THE CLERK: Assembly No. A05219, Calendar No. 143, Galef, Walker, Taylor, D'Urso, Jacobson, Arroyo, Blake, Epstein, Stirpe, Byrne, Schmitt, Raia, Sayegh. An act to amend the Election Law, in relation to certificates of acceptance.

ACTING SPEAKER AUBRY: An explanation is requested, Mrs. Galef. We will have to have a little quiet. Side conversations should be taken outside.

MRS. GALEF: This bill deals with the opportunity to ballot. And I don't know that in every part of New York State the opportunity to ballot is a part of the election system, but certainly in the area that I am in, it has just become a more common practice. And what that about is that individuals are nominated to be on a petition with no candidate, there's no candidate, but there are at least three people that are nominated as a committee to accept - what do we call it - acknowledgments, from receiving notices and so on from the Board of Elections.

So, these three individuals, what the bill is asking them to do is to do what candidates do. Candidates have to sign a certificate of acceptance. Or if there's a Wilson-Pikula, you sign a

certificate of acceptance. But with an opportunity to ballot, which is really calling for an election, there's none of that. So, all this does, it says that the three people, or more, that are on that nominating committee submit a certificate of acceptance that they understand that they are calling for an election, they have the responsibility that will -- they will be receiving notices, and hopefully to do something with those notices that come along. And, again, this is calling for an election that costs the taxpayers money when there might not be another election that is occurring.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

MRS. GALEF: Certainly.

ACTING SPEAKER AUBRY: Will you yield, Mrs. Galef?

Mrs. Galef yields.

MR. GOODELL: Thank you very much for yielding. I had a couple of questions. First question, just so I understand the -- the background, if there are petitions seeking an opportunity to ballot, those petitions don't name any candidate.

MRS. GALEF: Right.

MR. GOODELL: So, the purpose of filing the petitions for an opportunity to ballot is because it's a petition signed by members of that party saying we want to have the right to choose our candidate, a right in an open primary, correct?

MRS. GALEF: That's right. Because maybe in the process of interviewing that a party has decided to have a certain candidate and this -- maybe people don't want that, they want another option, and we're not doing away with that, that option is still there, it's just making sure that the people that are on the nominating committee know that they're actually calling for an election.

MR. GOODELL: Now, the --

MRS. GALEF: I can give you an example of a problem --

MR. GOODELL: But the people on the nominating committee don't actually select the candidate on an opportunity to ballot, right? It's based on the actual voters in that party.

MRS. GALEF: Right. And -- and that's not going to change. That's not going to change.

MR. GOODELL: Right. So, what this bill does is it makes it much -- well, it makes it more difficult, it puts one more hurdle, if you will, in the Democratic process, making it more difficult for members of a party to have an open vote on who their candidate is, doesn't it? I mean, it does make it more difficult --

MRS. GALEF: Not really, because we all have to do certificates of acceptance and if -- if somebody is putting together an opportunity to ballot - frankly, it's usually a candidate that didn't get the endorsement, probably - and they -- they need to go out and get the permission of the three people to be on the nominating committee, you don't just put somebody on, you have to have permission. When

you get permission, you would have them fill out a certificate of acceptance saying they're giving permission, they're on this so that, you know, we really have -- they have knowledge that they're actually going to be on the petition.

If you were a person -- and I have to give you an example because I didn't really realize what could happen, and I think it's happened in other places, too. Several years ago when I was running for office and I had the Women's Equality Party Line, they had given it to me after I did written questions, or whatever, and then there was an opportunity to ballot presented. And we looked at the opportunity to ballot, there were three names of three women in the party that were in Putnam County, that's fine. We started to call the three women to find out if they had any knowledge that they were on this petition. None -- one had already moved to California, so obviously, no knowledge. So, now you're down to two, so actually, your petition is disqualified; the other two were nonresponsive.

So, what we had to do -- this petition would've gone forward, these three people had no idea that they were calling for an election, because somebody had just looked at the Board of Elections form, you know, the election's list, and said, okay, here are three people in the Women's Equality Party, we're just going to put their names down without asking them. And so, the only way those people could get off the ballot is to go to court themselves, or, I went to court -- my committee went to court to disqualify this petition. It cost me \$5,000 to be able to go to the Albany County Court to do that. That's

not a really good Democratic process, you're talking about Democracy, to put somebody on a petition, it's identity theft. It's absolute identity theft to put somebody on that didn't know that they were going to be on.

So all we're trying to do is say opportunity ballots, fine, people can run for office and write in whoever they want. That's not the problem. It's just the problem of the name of the people on the petition that they should do a certificate of acceptance to say that, *Yeah, I want to be on this petition, I'm a part of this process, I'm not taken out of the blue, and I agree to do this and I will get the notices.* And maybe the notices are going to say something special that you have to respond to.

MR. GOODELL: Well, using your example, you went to court and were successful in blocking the opportunity to ballot.

MRS. GALEF: Right, because I wouldn't have gone

--

MR. GOODELL: But I --

MRS. GALEF: Mr. Goodell, I wouldn't have gone to court if there -- if this was not done irresponsibly and taken people's names that didn't say yes that they wanted to be on a petition. Otherwise, I would never have gone to court.

MR. GOODELL: So, in your situation, in the example you gave, you hired a lawyer, you went to court.

MRS. GALEF: Right.

MR. GOODELL: And you successfully blocked the opportunity for members of that party to select their own candidate.

MRS. GALEF: Well, I was the candidate of that party.

MR. GOODELL: Right, but you blocked the opportunity for them --

MRS. GALEF: Right.

MR. GOODELL: -- for all the members of that party to vote on who they wanted as a candidate. Wouldn't the Democratic process be to allow those individual voters to have the opportunity to vote for you?

MRS. GALEF: I -- I wouldn't have done that if the people on the petitions were legally on the petitions.

MR. GOODELL: I understand. Now of course all of our petitions --

MRS. GALEF: We don't want fraud -- Mr. Goodell, we don't want fraud in our election. And that was absolute fraud.

MR. GOODELL: Sure.

MRS. GALEF: And I know other people that may be in this Chamber have had a similar situation occur to them.

MR. GOODELL: Of course we can address that issue by having provisions that prevent fraud; in fact, we do that in the existing Election Law.

Now, we also have, of course, a committee to fill vacancies on a normal petition, right? Those individuals don't have to

file a certificate, and this bill would not require them, right?

MRS. GALEF: No. To -- on the -- on a nomination to fill vacancies, I think everybody has to be asked if they will be on the petition.

MR. GOODELL: But they don't have to file a certificate.

MRS. GALEF: Just the candidate has to say that they will be on it --

MR. GOODELL: And on an opportunity to ballot, the candidate also has to file --

MRS. GALEF: Well, the opportunity to ballot, there's no candidate.

MR. GOODELL: Okay.

MRS. GALEF: That's the problem.

MR. GOODELL: Thank you very much for those comments, Mrs. Galef.

On the bill.

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

MR. GOODELL: All of us in this Chamber certainly know how complex Election Law is. As a former Election Law attorney -- I no longer practice in that field because I'm prohibited under our Election Law provisions and our Public Officers Law to prevent any conflict of interest. But, all of us know the Election Law is complicated. And in my opinion, way too often elections are

decided not by the voters, but by lawyers and judges. And the essence of a Democratic process is that we give the voters the opportunity, the maximum opportunity to decide who they want to represent them.

So, if you circulate a -- a petition and you've been nominated by the party, you have a committee to fill vacancies, that committee doesn't file a certificate of acceptance. Under this bill, only one committee would have to file a certificate of acceptance, and that would be the committee to receive notices if there's a petition by the individual members of a political party to bypass their leadership and have a Democrat [sic] process select the candidate.

And whether you're on the ballot as a result of the opportunity to ballot, or because you are nominated and you circulate a petition, under current law the candidate, under either scenario, has to file a certificate of acceptance. This bill creates one more legal trap that can be used by lawyers and judges to block the Democratic process of allowing the members of a committee of a party to select for themselves who they want to represent them.

So, as a freedom-loving Democratic supporter, I support the maximum opportunity for members of a political party to select for themselves who they want to represent them, and I will be opposing efforts to make it more difficult for candidates to get on the ballot, more difficult for party members to vote for the candidate of their choice, and more profitable for my lawyer colleagues and judges to come up with new ways to block the Democratic process. And while I oppose this bill, I do understand and support my colleague's

concern about fraud, and I do support all reasonable enforcement efforts to prevent that type of fraud occurring by dealing with the fraud itself rather than blocking the Democratic process. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Jacobson.

MR. JACOBSON: On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. JACOBSON: This concerns the committee to receive notices. If you have people that are on the committee to receive notices that never knew they were going to put on there, and they get a notice in the mail, they're going to throw it away. They don't know, *Why am I getting this notice?* You're defeating the purpose of the statute to have some committee to receive notices, because with an opportunity to ballot, there is no candidate.

Now, when it comes to a candidate petition, there's no requirement for a vacancy committee, it's still -- it's still good. And when it comes to an opportunity to ballot, if this candidate, because in reality, it's not the party clamoring, it's usually a candidate and people behind that candidate that wants to create a write-in primary. If that -- if those people behind this effort can't find three people, three supporters, well, then, they're not going to get enough signatures. So, I'm sure they could find three supporters that will say, *Hey, I will be on the Committee to receive vacancies, and if I get a notice, I'm going to do something with it.* Because otherwise, what you've done here, what is done many times, is they put three names on there, people

don't know they're on, and if they get a notice about the petition, nothing happens and they don't -- they don't defend the petition because they didn't -- they don't even know they were on it.

So, I think this -- this bill makes a lot of sense and it does not prohibit opportunity to ballot, it doesn't really get in the way and I think that it's a good bill and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Raia.

MR. RAIA: Thank you. Will the sponsor yield for a question?

ACTING SPEAKER AUBRY: Mrs. Galef, will you yield?

MRS. GALEF: Certainly.

ACTING SPEAKER AUBRY: Mrs. Galef yields.

MR. RAIA: Thank you, Mrs. Galef.

MRS. GALEF: You have opportunity to ballots going on in Long Island?

MR. RAIA: Oh, I've even been on them once or twice.

MRS. GALEF: Oh.

MR. RAIA: And that being said -- so, it's your contention that you have to have a committee to receive notices on an opportunity to ballot, correct?

MRS. GALEF: That's -- that's the law.

MR. RAIA: That's the law. Is it possible, then, to actually not have a committee to receive vacancies and then designate

everyone who signs the petition to be the designee?

MRS. GALEF: No. That's not the law.

MR. RAIA: Okay. Thank you.

ACTING SPEAKER AUBRY: Read the last -- no.

Mr. Schmitt.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SCHMITT: As an upstart graduates candidate, I personally experienced this myself. I understand the burdens that are placed on the local candidates, candidates with limited resources who are trying to gain ballot access and then have to deal with a multitude of litigated issues that come up from the opportunity to ballot, committee to receive notices. I commend the sponsor for putting this together, I'm happy to co-sponsor it. And certainly would urge all my colleagues to support it. It's in the name of good Democracy, of fair and open elections in government and I'll be proud to support it. Thank you.

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.)

Mrs. Galef to explain her vote.

MRS. GALEF: Just to explain my vote. You know, obviously, we want people to be able to get other people on the ballot,

we're not doing away with opportunity to ballot in any way. It's very easy to get three certificates signed, either when you're asking the people to be on the ballot or when they submit their petition within four days of submitting a petition.

But I'd just like to talk about the fraud aspect because, actually, what I had to do was, we hired a server, process server that went to the house, scared everybody at the three houses, and also we had to get an affidavit from them, which, you know, they could've had to go to court. So we're causing -- it's wonderful for the legal system, I guess, to pay these lawyers to do all of this, but it -- but it really isn't fair for the Democratic process. It -- it costs people as candidates money, but it costs the people that were illegally put on a petition, the -- the problems that they have with somebody knocking at their door and -- and giving them legal service.

So, this is a way to prevent it, it's an easy way to prevent it, it still continues with the opportunity to ballot, I'm sure there'll be many opportunity to ballots in our State as they continue. And the Board of Elections is quite supportive of this -- at least I've spoke with Robert Brown, very supportive of this concept because they see what happens at the Board of Elections with -- with the problems that come along. Thank you very much. I hope and encourage you to vote yes.

ACTING SPEAKER AUBRY: Mrs. Galef 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, we're going to continue our debate schedule, we are going to page No. 12 [sic], No. 75, Mr. Gottfried. Following that, we'll go to page No. 11 [sic], No. 69 -- Calendar No. 69 by Mr. Magnarelli.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A03077, Calendar No. 75, Gottfried, Cahill, Englebright, Galef, Jaffee, Otis, Steck, D'Urso, Abinanti, Sayegh. An act to amend the Public Health Law and the Insurance Law, in relation to certain application and referral forms for health care plans.

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

MR. GOTTFRIED: Yes. Mr. Speaker, this bill would have the Health Department and the Department of Financial Services, in conjunction with one another, develop standard forms for insurance company -- health insurance companies to use for credentialing providers to be in their networks, for recredentialing and a -- and standard referral forms. It would also add to the Insurance Law a concept that's already in the Public Health Law for HMOs to have insurance companies develop a -- a simplified expedited process for provisionally credentialing newly licensed professionals.

ACTING SPEAKER AUBRY: Mr. Garbarino.

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

MR. GOTTFRIED: Certainly.

MR. GARBARINO: Can you explain to me what the purpose of a credentialing program is with an insurance company? Why do they -- what do they look at, what do they -- why do they do it?

MR. GOTTFRIED: Well, what they look at and why they do it are different things. Particularly, the -- the why they do it depends on who's answering the question. Insurance companies will tell you that why they do it is because they really have the best interests of you and me at heart, because they're really good people and they're looking to make sure that we can only go to the best doctors and hospitals in their network, and that what they look for in their credentialing process is trying to make sure that the practitioners and institutions are really top-notch.

I take a, perhaps, more cynical view that what they're looking for is to be as restrictive as possible, to make it as hard for you and me to actually make them spend money on our behalf as opposed to sending all their money back to their stockholders, and by having narrow networks to have the -- the leverage to -- the bargaining leverage to ratchet providers down as low as possible in terms of how much they get paid. That, of course, is my cynical view. Their view is more what I said earlier.

MR. GARBARINO: So, I mean, it's fair to say that

an insurance company, before they determine whether or not to let somebody into their network, they would look at how many years they practiced, how many operations they might've performed, something like that, to determine whether or not the doctor, you know, is good enough to be in their network.

MR. GOTTFRIED: I -- I don't know whether they actually look into that or not. All I know is generally what they claim they are -- they are doing.

MR. GARBARINO: So, say they do look at it. Would this bill change the -- the items that they do research, or is it just making a standard form for the application process or the credentialing process?

MR. GOTTFRIED: Well, it would create a standard form to use. It would not -- it would not bar the insurance company from, on their own, doing other research about you. And there are databases they can go to for information. They can look at your Facebook page and see if you go to drunken parties. This would not bar them from doing that.

MR. GARBARINO: Okay. So, they could -- they could still decide not to let you -- after the process, not to let you into their network? If they see something they don't like.

MR. GOTTFRIED: I -- I would say, unfortunately, that is true, yes.

MR. GARBARINO: Okay. What's the average time, you know, for one of these -- the credentials to be processed to be

allowed into the network? What's -- what's the timeframe for this application process?

MR. GOTTFRIED: You know, I don't know.

MR. GARBARINO: The reason I ask that is because the bill here sets up sort of a provisional period for new -- newly licensed physicians, that they would, before they're credentialed, they would be -- they would be required to be paid by insurance companies for providing work even though they're not in the network yet. So, I was just wondering if there was -- if the process took that long, what -- you know, is that why you're doing this? Is -- is that -- you know, is there a long -- is it six months, a year, before they're credentialed and allowed into network?

MR. GOTTFRIED: I don't know if anyone has calculated how long the credentialing process takes. I would bet it takes longer than for them to pay on a disputed claim, and that can go on for months. But, I -- I think it is certainly eminently reasonable to say that if you are a new practitioner, since it is pretty difficult to get paid for your work unless you are in -- in various plans' networks, I -- I think it is eminently reasonable to say that there ought to be some provisional mechanism. That exists in the Public Health Law language governing HMOs that are licensed under the Public Health Law. I'm not sure why there is not yet something comparable in the Insurance Law for entities that are licensed under the Insurance Law, but this would fill that gap.

MR. GARBARINO: Could -- could it -- could you

foresee problems if all of a sudden a -- a newly licensed physician applies to get in network and now they're on a provisional basis, they're being paid and all of a sudden, you know, they -- they have a -- you know, they're denied. They're denied being allowed into the network, so now longer -- so now the provisional period's over, they can no longer be paid by the insurance company. You know, do you have -- do you foresee that being a problem with -- with the insured? Because now they've been seeing this doctor that's been covered under this provisional plan and now all of a sudden they're no longer covered, you know, could that -- that could be problem, either they have to continue with this doctor and pay out of their own pocket, or they have to all of a sudden start a new process with a new doctor?

MR. GOTTFRIED: Well, I --

MR. GARBARINO: Could you foresee that happening?

MR. GOTTFRIED: I think in the nature of things, the likelihood of a newly licensed physician being, for example, someone's primary care practitioner as opposed to working more as an assistant or part of a larger practice, is pretty slim. But, you know, the current system, I think, is more of a disadvantage to consumers and to new practitioners, in general, by making it really difficult for them to -- to get a start in their careers.

MR. GARBARINO: Okay. Thank you very much.
On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GARBARINO: I understand the intent behind this bill, but there's a concern to me about requiring insurance companies to allow newly licensed physicians to be a part of -- on a provisional basis to be part of the network and be paid. There's a lot of -- there's quality review that these -- these health insurance companies do before they allow it, a doctor into their network. And this now gets -- gets rid of that. It would require the insurance companies to pay these doctors before that review is complete and before they're allowed into network and could end up with doctors who maybe shouldn't be practicing in a certain area being -- being paid for their services.

So, I'm very concerned about, you know, what's going to actually happen to the insured here. So, because of those reasons, I'm going to vote no, and I encourage my colleagues to do the same. Thank you.

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.

Page 11, Calendar No. 122, the Clerk will read.

THE CLERK: Assembly No. A06188, Calendar No. 122, Lentol, L. Rosenthal. An act to amend the Penal Law, in relation to harassment of a rent-regulated tenant.

ACTING SPEAKER AUBRY: An explanation is requested.

Mr. Lentol.

MR. LENTOL: Thank you, Mr. Speaker. So, as many of you know who have tenants in your district, that under the existing harassment law of a rent-regulated tenant statute, a prosecutor may not only have to prove that the offending landlord is intending to cause damage to the premises or their home, but would also have to prove physical injury to the tenant in order for that statute to be applicable. And what normally happens now is that the rent laws require renewal every two years - we know that - and landlords try to get a lot of these tenants out so that they can raise the rent. And we have a lot of harassment going on, especially in the City of New York, and this bill would help to prevent that.

Now, I have to say that even though this bill, it comes at a time when a law -- the law that we are amending has been on the books for about ten or 12 years, it's never worked. Nobody's ever been indicted, nobody's ever been accused of a crime under this because it's too difficult to prove. So, this changes the law to allow a misdemeanor offense, as well as a felony offense, where premises are damaged by the landlord with the intent to require that tenant to move out so that the rent can be raised. Difficult to prove, but it's a worthy

cause. And that's essentially what the bill does.

ACTING SPEAKER AUBRY: Mr. Fitzpatrick.

MR. FITZPATRICK: Thank you, Mr. Speaker.

Would the sponsor yield?

MR. LENTOL: Yes, I will, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Lentol yields.

MR. FITZPATRICK: Thank you, Joe. You -- you just mentioned that the bill -- the current statute's been in effect for about ten years.

MR. LENTOL: Maybe longer.

MR. FITZPATRICK: Maybe longer. So, why -- why did it take so long to discover that maybe it's not working? What happened? Where was everybody five years ago, seven years ago?

MR. LENTOL: Well, it has been -- Assemblyman Lentol and Senator Dilan introduced this bill several years ago. But -- we may have passed it in the Assembly, I don't remember, but it hasn't passed the Senate yet.

MR. FITZPATRICK: I see. Okay. How -- can you give me with some specificity what types of actions or kind of harassment is occurring? Because, you know, if there are repairs that have to be done to buildings, repairs can sometimes be noisy. Repairs can sometimes be disruptive.

MR. LENTOL: Well, we're not --

MR. FITZPATRICK: Work has to get done --

MR. LENTOL: Yes.

MR. FITZPATRICK: -- and these are very densely populated areas, like the City of New York, where, you know, a little bit of noise can make -- you know, goes a long way, so to speak.

MR. LENTOL: Yes.

MR. FITZPATRICK: So, are we -- are you not -- are you making this too broad? That's what I fear you're doing here.

MR. LENTOL: So, first of all --

MR. FITZPATRICK: You're making the statute too broad --

MR. LENTOL: Yes -- yes --

ACTING SPEAKER AUBRY: One minute, gentlemen.

Shh.

MR. LENTOL: It's a very important tenant bill, ladies and gentlemen, please pay attention. Mr. Fitzpatrick has asked a very important question, and I'd like to answer it.

ACTING SPEAKER AUBRY: Thank you, Mr. Lentol.

MR. LENTOL: So, the answer to your question is that this statute can be violated in several ways. The first and usual way is to turn off the heat. That's very easy. Make it uninhabitable for a tenant. That's a way that you can do that with intent to cause a tenant to move out, because he or she gets very cold in the wintertime. The second way it can be done is you start making repairs that you say are necessary, and they may be unnecessary. Or they may be

necessary, but you disrupt the tenant's life by making those repairs. It's okay if they have to be done, you should make provision if you're a responsible landlord for that tenant, but when you make repairs and you're doing it with intent to cause that person to move out so that you can raise the rent, that's what we're talking about in this bill.

MR. FITZPATRICK: Help me understand how that intent works. Can you be, please, more specific? If you're making a repair during the day and the tenant is a senior citizen and maybe not mobile and sitting there in the living room while some hammering is being done, yes, that's uncomfortable, but the work still needs to be done --

MR. LENTOL: Well, let's say that you're --

MR. FITZPATRICK: -- how do we know -- how do we know it's harassment, Joe?

MR. LENTOL: Well, you have to prove it in court, that's how we know.

MR. FITZPATRICK: Right. As we should.

MR. LENTOL: And if the District Attorney fails to -- fails to prosecute the case because he doesn't find enough evidence to show that there's intent to not only have a minor disruption of the tenant's life, but wants the repairs made at that place and time because he's looking to raise the rent, that's your measure of proof and that's what you have to prove as a prosecutor. It may not work in every case, but it's in the law now. So, if you have an irresponsible landlord who wants to disrupt the tenant's life for an illegitimate purpose in

order to get them out and not to make the repairs, that's what we're talking about and that's what the person can be indicted for and convicted for.

MR. FITZPATRICK: Wow. I'm -- I'm just really having a hard time -- I don't think you've answered the question to my satisfaction, that just because a repair needs to be made or should be made, if that repair is made, who gets to decide -- who gets to decide whether this is disruptive or, you know --

MR. LENTOL: It's not about the --

MR. FITZPATRICK: But, Joe, if it's inconvenient for me --

MR. LENTOL: -- it's not about the repairs, Mike.

MR. FITZPATRICK: -- I think he's trying to drive me out. Is that -- what -- what level of proof is that?

MR. LENTOL: It's not about the repairs. It's about making the repairs in a disruptive way. Let's say it's done for a six-month period in order to continuously -- continuously cause disruption in the tenant's life so they can no longer want to live there --

MR. FITZPATRICK: May I ask what --

MR. LENTOL: -- to force them out.

MR. FITZPATRICK: May I ask what kind of repair takes six months?

MR. LENTOL: None that I know of that need that need --

MR. FITZPATRICK: Right.

MR. LENTOL: -- to take six months. But they can do that. Not legitimate repairs --

MR. FITZPATRICK: Okay. May I --

MR. LENTOL: -- we're talking about illegitimate repairs. We had a situation in my district where the landlord continuously made repairs on an apartment that didn't need repairs. They were indicted and convicted in Brooklyn.

MR. FITZPATRICK: Okay. So, the law -- the current law worked.

MR. LENTOL: Yes.

MR. FITZPATRICK: The statute worked. Okay.

MR. LENTOL: Well, only because they caused physical harm to the tenant in the process.

MR. FITZPATRICK: But the statute did work. The current --

MR. LENTOL: Well --

MR. FITZPATRICK: -- statute did work.

MR. LENTOL: The statute worked because they caused harm to the tenant --

MR. FITZPATRICK: Okay.

MR. LENTOL: -- as well. And the harm to the tenant was caused by the -- the repairs that were being made by the landlord, not because that statute worked. We want to change the statute so you don't have to cause physical or serious physical injury to

the tenant in order to cause harassment. It's going to be simple harassment by causing the tenant to want to move out of the premises by -- your intent to get him out of the premises by hook or crook.

MR. FITZPATRICK: By hook or --

MR. LENTOL: That's the purpose of this bill.

MR. FITZPATRICK: But how do you prove that?

How -- how is that to be proved in a -- in a court?

MR. LENTOL: Just like you prosecute any other case if you're -- if you're an Assistant DA, you have to have the proof of intent that the landlord was not acting on behalf of the tenant in order to make repairs to his apartment, he was making the repairs because he had an intent -- because he had that tenant -- and wanted that tenant to move out so that he could raise the rent.

MR. FITZPATRICK: And may I ask, Joe, how do you prove that intent? How do you prove intent?

MR. LENTOL: In which case are we talking about?
There are all different cases.

MR. FITZPATRICK: Well, just pick one.

MR. LENTOL: Pick one?

MR. FITZPATRICK: Pick one.

MR. LENTOL: Where he's tried to get the tenant out by buying him out several times. That didn't work. When the tenant asked him to make repairs, legitimate repairs to his apartment that needed to be made, or take remedial action with the heat and hot water, and he didn't make them, but then he decided that he was going

to make these repairs and extend it out over a long period of time, maybe that would get the tenant out. That's the kind of proof we're talking about.

MR. FITZPATRICK: And -- and is that a documented case? And, if so, was that -- was that landlord taken -- was that property owner taken to court under the current statute?

MR. LENTOL: It's a pattern of behavior that you're asking about that I think would be sufficient --

MR. FITZPATRICK: A documented pattern --

MR. LENTOL: -- for a District Attorney -- for a District Attorney to bring a case in order to prove that the landlord acted with intent to remove the tenant and not to repair his property.

MR. FITZPATRICK: And is there any documentation of that pattern of intent? Is that -- or is it just --

MR. LENTOL: That's required by -- that -- that's going to be required. No jury will be convict him if there isn't that pattern of intent. If this is just a legitimate repair job, the person probably wouldn't be indicted or accused of a crime. But if he is, the jury would still have to decide whether that pattern of behavior met the test of intent required by the statute.

MR. FITZPATRICK: So -- so, let's say this law is passed and signed and you've lowered the bar or the threshold, you've made that threshold very low, the possible impact on repairs -- because if people just start complaining, a building owner is going to take a step back and say, *You know what, maybe I'll defer*

maintenance, I'll let this building fall into further disrepair --

MR. LENTOL: Right.

MR. FITZPATRICK: -- after all, we do know that much of our housing stock is old in the City of New York, an awful lot of it, if -- if we -- you know, if harassment complaints start to build, an owner is not going to want to put himself in legal jeopardy, may step back, what happens to, you know, tenants who need legitimate repairs? The building owner is going to be reluctant because a couple of malcontents may want to take him to court, or may want to file charges against him. How -- how is that making the tenant and the building owner's lives better?

MR. LENTOL: Good -- good landlords don't engage in this kind of behavior. The kind of behavior that they engage in is good faith action in order to help the tenant, by repairs -- making repairs when necessary to their property and making them in a -- in a -- with dispatch, so that they don't inconvenience the tenant.

So, what we're talking about here is a course of conduct by a landlord with evidence, circumstantial or otherwise, that tends to prove the intent of the landlord was not to fix the apartment when you're -- you want to talk about repairs only. I'm not -- this bill doesn't only speak to repairs, it speaks to also turning off necessary services that the landlord is required to -- to provide.

MR. FITZPATRICK: But if --

MR. LENTOL: Like heat, electricity or any of those things, turning off the gas in the apartment. We have plenty of those

cases, too, in Brooklyn.

MR. FITZPATRICK: If you have to turn the heat off, Joe, to fix -- to fix the mechanicals, then --

MR. LENTOL: I'm not talking about repairs, I'm talking about where a landlord turns off the heat deliberately to get rid of the tenant. Would you support the landlord in that case?

MR. FITZPATRICK: No, I would not. And the current statute --

MR. LENTOL: Where he wants to --

MR. FITZPATRICK: -- would hold him or her accountable --

MR. LENTOL: -- freeze the tenant out of his or her apartment --

MR. FITZPATRICK: Would the -- would the current statute not hold that building owner accountable for that type of behavior? Under current statute, it would, correct?

MR. LENTOL: The present statute wouldn't do that. It requires physical injury to the tenant first.

MR. FITZPATRICK: Okay. So, there's --

MR. LENTOL: So, the tenant -- if the tenant vacates the premises because he can't live there and is freezing to death, unless he had physical injury from freezing to death, you wouldn't have any evidence in that case.

MR. FITZPATRICK: How many -- how many of those types of cases, Joe, since the passage -- you know, back in --

what was it, 2009, the City passed what, Local Law No. 7 in 2009, there have been very few -- very few cases that have been proven in court --

MR. LENTOL: That's right.

MR. FITZPATRICK: -- under this statute --

MR. LENTOL: Because physical injury --

MR. FITZPATRICK: This is -- this is a City Local Law, so it's very aggressive.

MR. LENTOL: How many cases --

MR. FITZPATRICK: How many?

MR. LENTOL: I don't know -- I don't understand your question.

MR. FITZPATRICK: It's a simple question. How many cases can you state to me under the City's Local Law where this type of harassment has occurred? There were very little -- very few.

MR. LENTOL: One case is one too many.

MR. FITZPATRICK: True, but the statute is there to protect them --

MR. LENTOL: The statute is there to protect them.

MR. FITZPATRICK: -- you know, protect the tenant in case of that one --

MR. LENTOL: And, unfortunately, it has done very little to deter this kind of conduct by landlords.

MR. FITZPATRICK: Okay.

MR. LENTOL: And I'm not talking about

responsible landlords, I'm talking only about the unscrupulous landlords that conduct their business this way.

MR. FITZPATRICK: Good. Thank you, Joe.

Mr. Speaker, on the bill.

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

MR. FITZPATRICK: The -- I completely understand the -- the sponsor's intent here. It's a program bill of the Attorney General to try and strengthen tenant protections. The City Council did this in 2009. The current Penal Law, in my opinion, provides plenty of protection. There are necessary repairs that have to be done and sometimes the heat or the hot water has to be turned -- have to be turned off in order to -- in order to accomplish those repairs. If there's egregious behavior on the part of the building owner, that behavior can be taken to court and can be adjudicated under current statutes, Local Law 7 or the current Penal Law.

Lowering this threshold, I think has -- will have a deleterious impact on the number of repairs that are made, the conduct of tenants to want to harass the building owner believing that they are being harassed when that may not be the case, it probably is not the case. But, by lowering this threshold, I think is going to have a chilling effect on the number of repairs that are made, and the fact that it's going to further deteriorate the housing stock in New York City, which is already very old, in most cases. This legislation, I believe, is not necessary. It's a -- it's a solution in search of a problem, quite

frankly, and I would advise a no vote.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Epstein.

MR. EPSTEIN: Will the sponsor yield?

ACTING SPEAKER AUBRY: Will you yield, Mr. Lentol?

MR. LENTOL: Yes, I certainly will.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. EPSTEIN: Mr. Lentol, this issue of harassment that you're claiming, in -- in the City, have you heard of these issues of landlords coming in to do repairs, but then not actually getting the repairs done, but using it as a tactic to go after tenants?

MR. LENTOL: Numerous times.

MR. EPSTEIN: And is this an issue that you think is just isolated to your district?

MR. LENTOL: Oh, no. Throughout the City of New York and then some.

MR. EPSTEIN: And -- and those experiences, are those experiences that you've heard from advocates that they've talked to you about this?

MR. LENTOL: All the time.

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

ACTING SPEAKER AUBRY: On the bill.

MR. EPSTEIN: As a former Legal Services attorney and -- who supervised dozens and dozens of lawyers, this experience

of tenants being harassed is prevalent and pervasive within New York City. In my district alone, we had landlords take out fire escapes, take out the stairs in buildings without telling tenants as a way to harass and evict tenants out of their building. Time and time again, in gentrifying communities, landlords are using tactics just like this to say, *Hey, if you don't like it, leave.* And this is all about market-rate housing for landlords. But this is about communities for people who live there.

An example of people who are immigrants, of landlords coming and saying, *Hey, you know, we're going to have ICE come to your building and we're going to get you deported unless you leave. We're going to take your children away unless you leave.* We're going to find every tactic in the book to let you leave, but there's no physical harassment.

This bill goes a long way to protect those vulnerable tenants, limited English-speaking tenants. Immigrant tenants. Tenants who've lived in neighborhoods for decades. And while some people don't understand that experience, the thousands of tenants in my office -- or I have represented over the years understand it, because it's personal to them. It's their experience. It's their lives. It's their future. And when they lose that home because of harassment, they lose their opportunity to stay in New York. Because once you lose that rent-regulated apartment, you will never get it again.

So, I want to applaud the sponsor of this bill for moving this forward, to understand that this is a social justice issue for

New Yorkers, and to expand this right would create opportunity for tenants all over New York to say, *Hey, I'm a victim, but there's a way to get resolution. The statute will allow me to get recourse.* Because while it was great in 2009, I was involved in getting the City Council to pass that bill, there was only limited impact. And to be able to go to housing court and say, *Hey, I want to have impact and try to bring my owner up on harassment,* it takes a lot for an unrepresented tenant. This creates opportunities for a State agency to get involved, to be the ally for tenant, to be the advocate for tenant and to ensure that they have a voice when they're being held voiceless. When this bill comes up, I'll be voting in the affirmative.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Gottfried.

MR. GOTTFRIED: Yes, Mr. Speaker, I'm -- you know, I'm sure that the people who are attacking this bill don't mean to be defending some of the most vicious criminal entrepreneurs you might ever meet. But that is what's going on here. The landlords involved here, in their buildings, file fraudulent papers with the Department of Buildings claiming that the entire building is unoccupied and, therefore, they are not required to provide a tenant protection plan, when the building is filled with tenants. And, you know, a landlord kind of notices that. So, the notion of, *Oops, I didn't mean -- you know, I didn't notice that there were people living in the building,* you know, that's bunk.

They intentionally engage in conduct that makes the building hell to live in. You know, if what they were doing was just making noise, because you can't do construction work to renovations without some noise, if that's what this were about, my office and Mr. Epstein's office and Mr. Lentol's office, and I'll bet an awful lot of our colleagues, would not be filled day after day with tenants coming in talking about the damage that their landlords are doing to their buildings. Filling the building with -- with dust and smoke. Destroying heating systems. Destroying stairwells. Breaking down people's doors. Doing all sorts of massive physical damage, making buildings uninhabitable and certainly endangering life, health and safety.

If anything, this bill doesn't go far enough, because the intent elements of intending to induce the tenants to move out can be very hard to prove. Now, it makes the proof a little easier by eliminating the need to show that the horrors went so far as to -- as to injure people, or that the landlord was intending to injure people, but it's still going to be a law that's -- that's hard to enforce. I'd love to see the law go further. I'd love to have the law say that when you do this kind of damage, you're liable unless you can affirmatively prove that you were doing everything reasonably possible to avoid harm and that what you were doing was lawfully allowed as -- as proper repair or renovation work.

But this bill as far as it goes, is a -- is a major step in the right direction for making life tolerable for tenants in New York

and for preventing some of the nastiest and -- and inhumane people you'd ever want to meet from -- from doing the damage to housing and to people --

ACTING SPEAKER AUBRY: Mr. Goodell --

MR. GOTTFRIED: -- and families and children.

ACTING SPEAKER AUBRY: -- why do you rise?

MR. GOODELL: Would Mr. Gottfried yield for a question?

MR. GOTTFRIED: Yes.

ACTING SPEAKER AUBRY: Mr. Gottfried yields.

MR. GOODELL: Thank you, Mr. Gottfried, and I appreciate your -- your explanation of how some landlords, certainly the ones who are on the extreme have abused the system in an effort to harass rent-controlled apartments. But, it seemed to me that many of the situations that you describe were already illegal under current law. I mean, it's illegal to file fraudulent documents, right, certifying that the building is vacant when it's not? That's already a violation, it's already a misdemeanor, isn't it?

MR. GOTTFRIED: Yeah, actually, I think it's a felony, filing a false instrument in order to obtain something of value from a government entity. But being a felony and having the legal authorities treat it and prosecute it as a felony are -- are two different things. And something being illegal, and being able to prove beyond a reasonable doubt all the elements of an offense, including elements that really shouldn't be elements of the offense, is something else.

MR. GOODELL: Likewise, doesn't the City of New York already have a local law that deals with harassment of tenants? I'm referring to Local Law 7 of 2009. Is it your belief that that law is inadequate?

MR. GOTTFRIED: There is such a law, I can't recite to you its -- its provisions, but it's not a law that has done the job of protecting my constituents. And when you -- when you say -- you know, we're talking about extreme cases, sometimes people think if you say "extreme" you mean this is something that hardly ever happens. If that's what "extreme" means, no, these are not extreme cases. These are pretty common cases. They're horrendous. They're outrageous. But they're pretty common.

MR. GOODELL: As I mentioned, the City has its own Local Law 7 of 2009, and it's been now ten years since that law was adopted. Is it your belief that the City Council is not aware of the limitations of its own law? Or do you believe the City Council lacks the legal authority to move effectively to address this?

MR. GOTTFRIED: I'm pretty confident that the members of the City Council, particularly the current Speaker of the Council who represents my district, Corey Johnson, I'm sure -- I have no question about their intent and their desire to have the law be as strong as possible. I'm not in a position to recite to you whether what they've enacted so far goes to the -- to the full limits of their legal authority, or whether they might be able to go further.

But we're here as legislators who have the power and

I think, therefore, the responsibility, to help people who are being -- who are in danger. And whatever the City Council may or may not be able to do, I think we have a responsibility to do what we can.

MR. GOODELL: I'm sure that you've also heard many, many complaints from tenants in rent-controlled apartments regarding the condition of the property. You know, complaining that the landlord is -- is not maintaining the heating system appropriately, or is not upgrading the facility, or maintaining it in an appropriate manner. Certainly, we've heard that here in Albany; yet, this bill suggests that repairing an apartment could, under certain circumstances, constitute harassment of the tenant. How do you balance those two issues --

MR. GOTTFRIED: Well, actually --

MR. GOODELL: -- and I think that was what we were worried about.

MR. GOTTFRIED: Under -- under this bill, that kind of work would not be prosecutable here unless you could prove that the landlord was carrying out that work with the intent to induce rent-regulated tenants to move. That's hard to prove. That's especially hard to prove if a landlord can say, *I'm repairing a non-functioning or an inadequately functioning heating system*. So, I don't think a landlord who is -- who, with good intention is -- is doing needed repair work, has anything to fear from either this bill or the kind of stronger language that I talked about.

MR. GOODELL: Thank you very much, Mr.

Gottfried, for allowing me to interrupt you for those questions. Thank you very much, sir.

MR. GOTTFRIED: You're welcome.

ACTING SPEAKER AUBRY: Ms. Cruz.

MS. CRUZ: Will the sponsor yield?

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

MR. LENTOL: Of course.

ACTING SPEAKER AUBRY: Mr. Lentol yields.

MS. CRUZ: Thank you. I am a former housing attorney, and at one point I probably had approximately 2,000 cases that I had done. And about 75 percent of those cases dealt with situations like this. We're not talking about a well-meaning landlord who wants to fix a non-working sink, or needs to fix a toilet, or needs to fix the light. I'm not talking about that kind of landlord. We're talking about a landlord who will flood your bathroom to make sure that you're forced out, to move for a couple of months. We're talking about a landlord who will turn off your heat, who will turn off your hot water, who will force repairs on your -- on your neighbors to force you to move.

We're talking about the kind of landlords that we have in New York City where many of my clients were forced to move out after they would not accept a buyout. I once had a senior citizen who was offered \$50,000 for an apartment. The reason why she was offered that is because her rent was approximately \$600. So,

it was more profitable for the landlord to offer her a buyout, get her to move out, and then demolish the building and sell that property. Because at that time, and now, the prices are skyrocketing, so he could stand to make so much more money. And so, when she wouldn't take the \$50,000 --

ACTING SPEAKER AUBRY: Excuse me, Ms.

Cruz, I'm sorry. If you don't have a question for Mr. Lentol --

MS. CRUZ: Yes.

ACTING SPEAKER AUBRY: -- let him sit down.

MS. CRUZ: Oh, you can sit. I'm going to ask you a question in a second, Mr. Lentol.

MR. LENTOL: Good.

(Laughter)

I can't wait.

MS. CRUZ: Unless you want to stay standing. It's up to you.

ACTING SPEAKER AUBRY: So, you're on the bill now.

MS. CRUZ: Yeah. So, this particular tenant had her heat turned off, then she had her hot water turned off. Then she had -- she was forced to move to a bedroom that one of her friends had. And eventually, when it was about four months in, she realized that the repairs were never going to be made.

And here's my question: Is this the kind of landlord that this is meant to go after?

MR. LENTOL: I'm glad you asked that question.

(Laughter)

Yes.

MS. CRUZ: Thank you.

And so, I can also attest to how the City Council's very well-meaning law doesn't necessarily work for lawyers who need to go into court and prove that their clients are being harassed. It is much easier to do what's called an HP action, and ask for your clients to get repairs than it is to prove that the repairs being made by the landlord were either not needed or being done in bad faith and meant to actually harass your client in order to move out. You know, this -- this tenant -- oh, I forgot to mention, my poor elderly lady, she was even followed by a private investigator who was trying to prove that now that she had moved to another room somewhere else, she actually didn't live in the apartment anymore.

So, we have landlords whose entire job is not necessarily to be landlords, but to make money. They want to make money from these properties. And we -- as we see the number of affordable housing actually coming down in New York, we see landlords more and more interested in getting the property back so that they could make money off of it. Because if you're a landlord, you don't necessarily want a tenant who's paying \$700 when you could either repair that apartment, do a million things to it, raise the rent and make two, three times that. Or, simply demolish it or sell it and stand to make millions, if not billions of dollars, depending on the location

of the apartment.

And so, I want to commend the sponsor of the bill and I want to thank you on behalf of the thousands of New Yorkers who could benefit from it, on behalf of the thousands of clients that I had, where I was not necessarily -- where I was not able to help them, because as well-meaning as the City Council's law is, it just doesn't work for everyone. So, thank you so much, and when it comes time, I will be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Thank you, Ms. Cruz.

Mr. Dilan.

MR. DILAN: Thank you, Mr. Speaker. I just want to thank Assemblymember Lentol for bringing this bill to the floor. And since it was referenced, I was the City Council member who was in charge of the Committee that passed this bill in 2009 for exactly the reasons that Mr. Lentol brought forth. In -- in the local law that was referenced by our colleagues from the other side of the aisle, we sought protections for some owners who were unfairly targeted by frivolous claims. So, that's in the local law. What we were able to do under that local law was only impose a civil penalty from \$1,000 to \$5,000. And if my memory serves me correctly - it was a long time ago - we felt that the State was the proper entity to impose criminal penalties on this type of action, not a local legislature.

So, this would add criminal penalties to this, that frankly, the Brooklyn DA is seeking. At the time, it was my first year

here in the State Legislature, District Attorney Thompson had dealt with cases that arose out of my district, Assemblymember Lentol's district and, potentially, Assemblymember Davila's district, where egregious behavior, not your everyday repairs, but egregious behavior, like pouring concrete down fixtures, cutting off gas so kitchens were unusable, can now become a crime under the law. And what -- they're -- they're happening in areas that were once unattractive, and people with tenant protections that are paying rents well below market. The only options some unscrupulous lawyers -- excuse me, landlords take -- take this type of action, the average owner of the building doesn't take this type of action. And we hope that this is a tool to discourage this type of behavior, not to punish people.

So, I want to thank, you know, Assemblymember Lentol on behalf of the tenants at 98 Linden Street and 386 Woodbine, who actually went through this. And I want to thank Assembly -- excuse me, District Attorney Gonzalez for effectively prosecuting the case. But it was the opinion of then Acting Attorney Gonzalez that the conviction that he got didn't warrant the crime -- he wasn't able to get any -- any criminal provisions passed, just a -- a penalty and an independent monitor, which the Department of Homes and Community Renewal oversees. So, this will add teeth to the actions that the DAs could use to bring these type of cases, and we hope that they bring them only at the appropriate time. And at least in Brooklyn, I know that will be the experience. How it plays out in the rest of the State remains to be seen, but I think this is a fair and

warranted bill.

Thank you, Mr. Speaker, and I intend to vote yes.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Ortiz to explain his vote.

MR. ORTIZ: Thank you, Mr. Speaker. I, too, would like to thank the sponsors and all the advocates who year after year has come to Albany who seek the light at the end of the tunnel of this particular piece of legislation. Like other member have mentioned, I do, too, have a lot of rent-regulation apartment in my district in Sunset Park and, as a result, most of the time they've been threats just because they want to have some repair done and the landlords -- unscrupulous landlord come over to -- to them and tell them that they have to move out. Well, that's not the answer. The answer is that they should not be harassed, not whether they speak the language or not, whether they are here illegal or not, they should be respected as a human kind and human being. And I am here, Mr. Speaker, to vote in the affirmative on this vote -- on this -- on this bill. Thank you.

ACTING SPEAKER AUBRY: Mr. Ortiz in the affirmative.

Mr. Mosley.

MR. MOSLEY: Thank you, Mr. Speaker. I just want to commend the sponsor for this bill. In my district alone we have close to 16,000 rent-regulated apartment units. But over the past ten years, we've lost close to 10,000 rent-regulated apartment units. A vast majority of them was because of harass -- harassing landlords, or tenants who wanted to stay in the district, who wanted to stay in Brooklyn, but had to be forced out. Now, my District Attorney is an exception to the rule, but, unfortunately, the rule of law in this particular -- in this particular instance as it stands now is not in favor of -- of the tenants.

So, I commend the bill's sponsor for -- for dealing with this issue of harassment, because the undergird of this harassment is greed. Greed for apartments, greed to make more money, greed at the expense of elderly people, children and families, all who are being exposed to activities and nefarious actions that, unfortunately, are putting fellow New Yorkers at risk and at harm each and every day in the New York City area. So, I want to commend the bill sponsor and I proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Mosley in the affirmative.

Mr. Dinowitz.

MR. DINOWITZ: Thank you. Harassment has become more and more prevalent in my district, and I think throughout the City. Landlords have this really perverse incentive to

harass tenants because they make huge amounts of money by getting tenants out by creating turnover, by getting their 20 percent vacancy increases and all the other increases that they can get. And the problem is becoming worse and worse every year. More and more apartments are coming out of rent regulation, and that's the main incentive landlords have. So, I really want to thank the sponsor of this bill. He's a longtime advocate of strong tenant protection laws, but this bill in particular is going to make a big difference for a lot of people. So, I will vote yes, and again, thank you to the sponsor of this legislation.

ACTING SPEAKER AUBRY: Mr. Dinowitz in the affirmative.

Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker, for allowing me to explain my vote. You know, 30, 40 years ago, a lot of the landlords were people who lived in the district and lived in the community and were more respectful of the notion of community. What we have now are people who are absentee landlords, who really just want to -- they have no concern about disrupting the -- the community. The fact that people are longtime tenants is irrelevant to them. They are obstacles. And they understand that if they can get rid of their tenants, they can completely gut the building and either sell it to some celebrity who doesn't live there all the time, and it's disrupting and distorting the sense of neighborhood after neighborhood.

So, it's not just that it's terrible to harass people in

their homes, it is done with no concern for the social fabric that they are undermining. So, I want to thank the sponsor. I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Mr. Taylor.

MR. TAYLOR: Thank you, Mr. Speaker. I rise to commend the sponsor of this legislation. Longtime, past due. Living in Harlem and representing Washington Heights, over the years, 20 -- 20 years or so, I've seen bad actors, landlords that have used the opportunity to harass tenants to the point where gentrification is here, alive and popping. And I think this opens the platform to say, you know what? No more in our communities. And if they're bad actors that -- and this is not intended to harm those that are doing the right thing, but those that come in and try to make a buck and are not concerned about the clients, the residents, they need to be put on notice right now, there's some legal action that can actually happen. I think the -- the bite has been so slow and long to come where tenants can actually get relief anywhere. So, this is a game changer in my community. And again, I applaud the sponsor for bringing this bill forward and I'll be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Taylor in the affirmative.

Ms. Bichotte.

MS. BICHOTTE: Well, thank you, Mr. Speaker, for

allowing me to affirm my vote. I want to thank the sponsor for sponsoring this bill as it relates to the harassment of rent-regulated tenants. My district is the fastest growing district as it relates to tenants being evicted. And I have a large population of immigrants, and many of them are evicted in my district because they don't know where to get help, and it's largely due to harassment. Whether it's getting their utilities turned off or their doors pulled down, or whatever the tactics may be, landlords are always finding ways to drive our tenants out so that they can bring these apartments to market rent-regulated apartments.

So, I just want to thank, again, the sponsor. It's really crucial. We cannot push our tenants out on the street. All New Yorkers need a place to stay. And, again, I -- I'm just really excited that we're finally going to get this passed and protect our tenants, rent-regulated tenants, against harassment.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Bichotte in the affirmative.

Mr. Crespo.

MR. CRESPO: Thank you, Mr. Speaker. I would be remiss not to stand to thank Joe Lentol, our colleague, for this legislation. Once again, he stands up and proposes protections for many of my constituents, and he's done so in a number of fields, but in this one, it hits close to home. I'm a rent stabilized tenant. I've seen and experienced this issue firsthand, and my constituents experience it

every single day. Enough is enough with the ability to treat these folks as if they are subjected to second-class citizenship, as if they are, you know, pawns to be played and/or toyed with. These are families, these are children who rely on knowing that there's a roof over their head and -- and landlords know how to play the game. They know how to play these tricks. They use it with the verbiage in their letters. They've used it with the phone calls that they make. And these constant threats to people's livelihood has to stop.

And so to add teeth to these protections, to be able to expand these protections means everything to the constituents of my district. And I want -- again, want to thank the sponsor for helping us help our constituents to make sure that they feel like they are living in a harassment-free environment. We all should live in a harassment-free environment. Every tenant deserves the same. I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Crespo in the affirmative.

Mr. Barron to explain his vote.

MR. BARRON: I just want to encourage you to join me in my call for a radical change of this racist, parasitic, predatory, capitalist system which has presented its face clearly by these greedy, profit-mongering landlords. So, hopefully, this bill will get us more socialist landlords, socialist landlords that would mean more about the people as opposed to profits. And the quicker we get to changing the system, I think the better off all of us will be. So, I want to thank the

sponsor for this bill and promoting the idea of having more socialist landlords. So, I thank you very much, and I will be voting in the affirmative for this bill.

ACTING SPEAKER AUBRY: Mr. Barron in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 14, Calendar No. 140, the Clerk will read.

THE CLERK: Assembly No. A04438, Calendar No. 140, DenDekker, Bronson, Hawley, Brabenec, McDonald, D'Urso, Walczyk. An act to amend the Vehicle and Traffic Law, in relation to the display of amber and blue lights on certain hazard vehicles.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. DenDekker. And, Mr. DenDekker, wait a minute while we clear the corner out there. You've got people around.

MR. DENDEKKER: All been cleared.

ACTING SPEAKER AUBRY: Everybody's good?
Fine.

MR. DENDEKKER: So this bill will amend Vehicle and Traffic Law to allow blue and amber lights to be used during the hazardous operation undertaken by hazardous vehicles that are designed to tow or push disabled vehicles.

ACTING SPEAKER AUBRY: Mr. Byrne.

MR. BYRNE: Yes, thank you, Mr. Speaker. Will

the sponsor yield for some questions?

ACTING SPEAKER AUBRY: Will you yield, Mr. DenDekker?

MR. DENDEKKER: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. BYRNE: Thank you. And, Mike, I -- I want to thank you for, I know, obviously, your work and -- and I respect and appreciate what you're trying to do here in raising awareness for this very important issue for the safety of our roadways, including those folks that work on our roads, our tow truck drivers. I have some concerns about some unintended consequences, and that's why I wanted to make sure I asked some questions and clarify it.

So, currently, in existing -- the existing law, blue lights are current -- are used for emergency vehicles only: Fire, EMS, police vehicles, as well as personal vehicles of volunteer firefighters when responding to a fire station, or a scene of an accident; is that correct?

MR. DENDEKKER: That is correct.

MR. BYRNE: Okay. So, and this proposal would expand the use of blue lights for rear-facing tow trucks or hazard vehicles while on a highway. That -- that's correct?

MR. DENDEKKER: That is also correct.

MR. BYRNE: Now, I know a "hazard vehicle" is -- is a pretty broad category. This is specific for tow trucks who are moving a vehicle, a disabled vehicle on the side of the roadway. Has

there been any thought or discussion about expanding this to other hazard vehicles, as well?

MR. DENDEKKER: Not -- not in this particular bill.

MR. BYRNE: Okay. And one of the things that I've been -- has been brought to my attention, you know, we live in this great big State but we have some neighboring states, like the State of Connecticut, where their lights have different meanings. Has there been any thought as to -- is there any concern or effort to address if we have a New York State tow truck driver, for example, picking up a disabled vehicle on I-84 in Brewster, where I represent, and then they have to take that vehicle over to Connecticut, where blue lights have a very different meaning and purpose. Has there been any thought on how to address that potential issue?

MR. DENDEKKER: Well, under current law, normally we have a relationship with other states that if the vehicle was picked up in our State and brought to another state, and -- and this bill specifically says it can only be used during a hazardous operation, which would be during the parking of a vehicle in a dangerous condition. So, what we're trying to address here is there have been numerous tow truck drivers as well as roadside service workers from the State Department, actually, Department of Transportation, that have been killed on highways, while servicing vehicles on the highways, or removing vehicles that have been involved in accidents.

These tow trucks that I'm speaking of and these -- these service entities are actually contracted by the New York State

Police or the various municipalities, giving them special authorization to be on that highway. Not just any private tow truck can go on to the highway and take a vehicle off, it has to be an authorized tow truck by the police department. And while they're performing these dangerous tasks, many of them have been killed because the -- the lighting has not been appropriate enough, unfortunately, for some drivers that are distracted and they see a yellow light or a white light, they don't understand the significance of it. They can't have red lights because, obviously, we have them specifically for police vehicles. So, the combination of a yellow amber light and a blue light we feel will be -- let that operation, that hazardous condition as it's taking place, be more aware or susceptible to the drivers that are driving on these highways, and in -- in compliance with the Move Over Law, hopefully, we'll also address and have those vehicles safely moving to the left so that that operation can occur without the danger or the added hazard of them being hit by a car.

And in the past, like I say, two or three years, we've had approximately eight or ten people die. We have one or two that have been seriously injured, one with a traumatic brain injury. So, we're trying to save lives.

MR. BYRNE: And I -- I understand that. I appreciate that is the -- what we're trying to address with this bill, I just continue to have those concerns, and I will certainly speak to, Mike. And you mentioned something I think that's very important, too. Obviously, the death and tragedy that's happened and -- and this

-- in the sponsors' memo it also mentions the Move Over Law. And those amber lights that you mentioned, those -- those blue lights -- really, any flashing lights, people that are working on the side of the roadway, they're already protected by the Move Over Law, right? So, these tow truck drivers who are -- are, in essence, doing their jobs right now, this doesn't change that, it's just giving them that added light. But they're already protected by the Move Over Law, where people should -- and I -- I know there's some misinformation and misunderstanding out there in our communities, I always try to educate folks in my district that it's not a mandate necessarily to move over, but you should be slowing down and move over carefully, if you can, you certainly don't want to be cutting someone off and create another accident. But that's -- I -- I want to make -- make that clear that they're already protected by New York State's Move Over Law; is that correct?

MR. DENDEKKER: That is correct. But I think the important thing to remember here is that the -- the blue light in combination with the yellow light, because, again, they can't have the red light flashing, would -- would -- would give a driver more visibility and more time, which that could then lead to them having more time to safely move one lane over to the left. In the yellow/white scenario that we're going to right now, with a yellow and white light from the rear of the vehicle, we apparently are seeing that people don't see the light in time, especially if it's sunny and it's a daytime incident, that they don't see that yellow light until they get up

there and they realize, oh, there's -- there's a -- a -- a operation here, I should move over to the left, and by that time they can't. And, unfortunately, there have been some very horrific incidents that have occurred because of that.

MR. BYRNE: I -- and I understand that, Mike. And I think -- I think the -- your memo mentions that, some of the studies that have been done. I think it would also be fair to say that many drivers and commuters look at a blue light, and they may look at it differently, not just because of its visibility, but also because they think it's emergency service vehicles and they think, *Wow, that could be a police officer, that could be a firefighter, that could be an EMT or a paramedic.* And -- and that may be part of the reason why people look at it a little bit differently as well.

And I just wanted to make -- I think my point about the Move Over Law is that there is definitely a need for us to do more as a Chamber, as a Body, as a State to raise awareness and instruct people to safely move over. Because as -- as you mentioned, the tragedies and the deaths that have occurred, we've also seen it happen to New York State Police, to firefighters, to help truck workers, people get clipped and hit on the side of the road, it's not exclusive to one, it's all of them.

So, I think there's a much bigger issue. I'm not so sure that a blue light will -- will by itself will fix it. And we're only really talking about tow trucks, we're not talking about all those other highway workers, as well. It's -- this is specifically just to the tow

trucks as -- as hazard vehicles.

MR. DENDEKKER: So, I --

MR. BYRNE: Go ahead. Yes.

MR. DENDEKKER: I would agree with that statement. I would -- I would just like to add onto that that we have done TV commercials in the State of New York on -- on the Move Over Law. We have billboards that talk about it. You sometimes hear radio advertisements about it, so we do talk about that. And -- and yes, I agree, we need to do it more. But also to allude to exactly what you said, if somebody is driving down the road and this blue light is -- is more visible and they get more time to be able to move over that one lane safely, it's not only going to protect that emergency vehicle tow truck driver or -- or roadside assistance, it's also going to protect the ambulance, and the police officers and the volunteer fire departments that are out on that scene maybe on the side of the highway. So, yes, I -- I think it's not just the blue light, it's a combination of everything.

MR. BYRNE: And -- and -- well, if it is a scene, those blue lights and amber -- red lights and amber lights would likely already be there, because a fire truck is on the scene, the ambulance is on the scene. But I appreciate -- now, one -- one other question and --

MR. DENDEKKER: But I -- I would just like to say that's not necessarily true. There are many times that a disabled vehicle will be on the side of the road, a police officer will -- will show up, will call for authorized tow. When authorized tow gets on

the scene, the police officer will leave. Because there's no reason for him to stay with the motorist anymore, because there's now an authorized tow driver on the scene that's going to be able to assist the motorist. So, the tow truck driver or the roadside assistance is left now unsupported by the New York State Police or -- or any municipality where this may happen. And that's a -- a definite reason why the blue light while that operation is going on would be handy. We're not talking about having these lights operational while the truck is just towing on a side street or -- or -- or responding anywhere, we're doing it when it's during -- during this hazardous operation.

MR. BYRNE: Yeah, I -- I understand that. I-- I think we're talking about two different types of scenarios where there is an automobile accident, perhaps, and a disabled vehicle.

One of -- one of the biggest concerns that I've heard from folks in my district, and I just want to see if there's been any thought into this, is specifically for those volunteer firefighters. And in rural communities like the ones I represent, while I have the vast majority of the fire departments in my district are volunteer, and when they respond to a call or they respond to their fire station, that the timing is critical. And anything that delays a response time could also result in delayed access to care, delayed access to transport to a hospital, and ultimately, that can be whether somebody lives or dies. One -- one thing people talk about a lot is early automatic defibrillation, right? So, minutes saves lives if you're going to get an AED on someone, and my fire department, which has a blue light,

right, because they're volunteer fire departments, they also provide ambulance services, too.

So, it's not exclusive just for firefighters but also for those EMTs and paramedics. Has there been any thought as to what the consequences or unintended consequences, perhaps, this could do in -- in diminishing that? Because when folks respond to a fire scene and people pull over, respectfully, because it's a courtesy light, they're not mandated to pull over, now they're going to look at that blue light, and many folks might think "tow truck". And they're not going to think emergency service vehicle. And that's one of the concerns I continue to hear about this proposal. Has there been any thought into what --

MR. DENDEKKER: Well --

MR. BYRNE: -- what that could -- that could do?

MR. DENDEKKER: I --I appreciate your constituents' concerns. What I don't understand is how this would affect that at all. So, I believe in the scenario that you're talking about is that you're driving in a car and you look in your rearview mirror, and you're seeing lights coming at you, and you are pulling off to allow them to go by. The tow truck blue lights that would be on the vehicle would be on the back of the vehicle. So, if that same tow truck was behind you and you looked in your rearview mirror, you would see no blue lights, so -- or red lights flashing, or siren going off. So, I would suspect that the vehicle would not pull off to the side to let the tow operator go by, as they probably don't do that now.

So, unless you're talking about there's a vehicle or -- and a tow operator or roadside -- somebody working on the side of a highway, and there are cars moving slightly over to the left, while there's a fire truck, an ambulance or a police officer responding somewhere else with lights and sirens going on, again, it's when it's safe to do so, I would find it pretty questionable --

MR. BYRNE: Yeah, I wouldn't --

MR. DENDEKKER: -- that -- that a motorist would now move over in front of one of those vehicles. Instead, they would probably stay in the lane because it's not safe to do so.

MR. BYRNE: I -- I was --

MR. DENDEKKER: I -- I just don't understand that the -- the way we're going to slow down response at any point --

MR. BYRNE: I would -- I would suggest that they're two -- they're two separate things when -- like folks from my area may commute down to the City, we have a lot of folks that work in the City, and they could see blue lights on their daily commute from someone getting towed. And then when they're back home in their community and someone is behind them later trying to get a call to help save a life, they're seeing the blue light again. And it -- it changes the image. When people look at a blue light and they -- it's for emergency service vehicles, and now we're adding hazard vehicles. Thank -- thank you -- thank you, Mike, I appreciate your comments and answering my questions.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BYRNE: I want to thank the sponsor for -- for answering his questions. I -- I can completely, fully appreciate and respect what we're trying to address here. I just don't believe this is the right solution. You know, we -- we talk about, you know, lights in our -- in our State roadways, we want to make our roadways safe, but we have different lights with different colors for reasons. We have amber -- we have amber lights for DOT and for construction, for all these other things. We have red lights for police officers that mandate you to pull over. We have blue lights for volunteer firefighters. We have green lights for volunteer ambulance corps. And while I understand that this blue light might be more visible, what we're actually doing is we -- we are diminishing the value of that blue light by expanding it.

For -- for those volunteer firefighters are trying to go to the scene to help someone that may be suffering from a cardiac arrest, or they may be in a car fire, every second counts. And we don't want to delay the response time. And that's what I feel this -- this could unintentionally do. I could tell you when we -- we spoke about this in Transportation Committee and I -- and I chatted with the sponsor ahead of time. I actually voted in favor of it in Committee. I had some concerns, and the fact that it was rear-facing, I thought maybe that made sense. But I made a few phone calls to fire chiefs within my district. The next day I got all those phone calls back. And every fire chief within my district from both political affiliations told

me unanimously they were opposed to this legislation because it would diminish the value of the -- the blue light in our districts. Every year or two we have letters to the editor and fire chiefs and presidents of Firemen's Associations remind our -- our residents that the blue light, while it's a courtesy light, if you pull over and respect the blue light you can save a life. And we already have problems with people not respecting that courtesy light. By expanding the blue light to other categories in other areas, we have -- we have the unintended consequence of diminishing that value and potentially reducing response time.

I want to mention that we did get oppositions since -- in the last couple of weeks from the Firemen's Association of the State of New York, Firemen's -- the Fire Chiefs Association --

ACTING SPEAKER AUBRY: Mr. Byrne --

MR. BYRNE: Yes.

ACTING SPEAKER AUBRY: -- you have exhausted your 15 minutes.

MR. BYRNE: Oh, my gosh. Wow.

ACTING SPEAKER AUBRY: That's what I said.

(Laughter)

MR. BYRNE: Thank you, Mr. Speaker.

(Laughter)

Mr. DeStefano -- DeStefano -- I'm sorry.

MR. DESTEFANO: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. DESTEFANO: While I -- I do commend the sponsor's intentions on trying to make aware the -- the visibility that the blue light does present, this pin (indicating) signifies a volunteer fireman. For the last 40 years, I have been a volunteer fireman and I'm still an active volunteer fireman. Several years ago the blue light was taken away kind of by allowing police to have it, in the same manner, rear-facing. I don't know where many of you live, but every place that I go there's blue lights everywhere on police vehicles. Not that I say that that's a problem, but the intention of the bill back in the day was to have rear-facing blue lights on police vehicles.

About ten years ago, they allowed blue lights to be on First Responder vehicles, meaning ambulances, First Responders and fire trucks. I just think by allowing tow trucks to -- to have these blue lights, what's next? You know, sanitation trucks? You know, first -- it just doesn't make any sense to why we would diminish the blue light for volunteer firemen. That light is a courtesy light, and those of us who live in communities where the fire service is basically -- is volunteer, it does make the difference between getting to the scene quicker. I realize that the intention is for rear-facing, but it's only going to be a matter of time before you're going to see blue lights everywhere on tow trucks.

Who's going to enforce it? I don't think there's one police officer in the world that's going to stop a tow truck for flashing a blue light in the front direction. For that reason, I will be opposing

this bill. And like my colleague, Kevin, says, we have gotten opposition letters from FASNY and the Chiefs Association and the districts, even though we have not gotten a letter of opposition from them, there are several of the members of that -- several officers of that organization that are opposed to this. It is diminishing the -- the blue light for volunteer firemen. And I would -- I would encourage you to think about that before you make your vote. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Hawley.

MR. HAWLEY: Well, thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. HAWLEY: This bill, in essence, is protecting lives. It doesn't matter whether it's a fireman, whether it's an emergency responder, whether it's a police vehicle or whether it's a tow truck trying to assist each and every one of the individuals and entities that I just mentioned. I think it's a great bill. I want to commend the sponsor for introducing it. I have polled in my district, as Mr. Byrne did, my fire chiefs and EMOs throughout the three counties that I represent, and all of them unanimously support this bill. So, while we have a State Association that maybe didn't have the time to poll their folks, I believe this is a great bill and I think we ought to strongly consider supporting it. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Reilly.

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

ACTING SPEAKER AUBRY: Will you yield, Mr. DenDekker?

MR. DENDEKKER: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. REILLY: Thank you, Mr. DenDekker. Just -- I just have a question about point of clarification. With the flashing blue light, will the light only be on when the tow truck is actively on the scene stopped and hooking up the vehicle, and then when it's actually done moving into the service lanes, transporting the vehicle, would the blue light be off?

MR. DENDEKKER: That would fit the definition of "operation during a hazardous time", yes.

MR. REILLY: Thank you so much. I appreciate all your efforts on this bill.

ACTING SPEAKER AUBRY: Mr. Byrne for a second.

MR. BYRNE: Well, this is a first for me, Mr. Speaker. On -- on the bill, just to -- to continue for a little bit. Again, I want to thank the sponsor for taking questions from all my colleagues and their remarks. I -- I bring this up and I'm passionate about this because not only have I responded to scenes as a volunteer firefighter, but I just had a legislative breakfast in Westchester County this past Saturday where we talked about a bunch of priorities for the

volunteer fire service, many great things that our colleagues are working on to improve public safety. And, you know, folks don't like to say, *I'm going to be opposed to X, Y, Z* many times and they're very careful about it. But I spoke with all those -- all those members there, and, again, they urged their opposition to this bill because -- because of the -- their fear that it could dilute the meaning of that blue light and -- and could unintentionally delay response times to calls.

I also just wanted to point out, the reason why I asked those questions about other hazard vehicles is, I -- I do believe that we need to make sure and do a better job, that folks that are working on our roadways, when they have flashing lights, whatever color they -- they are, people should move over. My father is a lineman. He's been a lineman for 45 years. I don't want utility trucks to get hit either if they're working. I don't want anyone that's working on the side of the road to get hit. And I don't think by adding a blue light, whether it's a tow truck, we might do that now, then what happens a couple of years later when somebody else wants the blue light on the back? And I -- think it's -- it's with emergency service vehicles for a reason, and it's best to keep it with emergency service vehicles.

Again, I want to thank the sponsor. I want to thank my colleagues. And thank you, Mr. Speaker, for your attention.

ACTING SPEAKER AUBRY: Thank you, sir.

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.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, for -- Mr. Speaker, for the opportunity to explain my vote. I want to commend the sponsor of this legislation. We often talk about how important it is for us to protect the citizens of the State of New York. And while we might not understand why a tow truck is coming, the person whose car they're coming to pick up is waiting for them and needs their service. And so, if we can do something to protect both the truck driver that's picking up the vehicle, as well as the people who own the vehicle they're picking up, then I think we should be willing to do that. So, I want to commend the sponsor and hope that my colleagues will join me in voting in support of this legislation.

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

Mr. DenDekker.

MR. DENDEKKER: Thank you, Mr. Speaker. So, just to give some real quick background. I was a deputy chief in a volunteer ambulance corps. I was also a 9/11 responder and worked for the New York City Office of Emergency Management. And I also worked in the towing business for many, many years. So, I understand what I believe is being -- trying to be communicated by my colleagues. I would say that anybody that has been in this type of business would say, number one, safety comes first. It's the number

one priority. We're here saving lives. And for anyone who thinks that a tow truck driver is -- or tow truck is not an emergency vehicle, when it's being called to the scene of an accident by a police department, requesting its assistance to clear the roadway, to move debris out of the way so that other motorists can move safely and no one else gets hurt, does not understand the definition of what an emergency vehicle is.

As soon as that phone call comes in from the police department requesting that assistance, it is of the utmost importance that that tow truck driver be able to get to where they need to go, service the vehicles, move them out of the way for the safety of the volunteer fire department, the regular fire department, the police department and everyone else who's working that scene. That is not done until all the debris and all the vehicles are moved off that roadway.

This is a very, very important bill that is going to save lives, not just of tow truck drivers, but also of police officers and fire personnel and ambulance personnel that are responding to those types of incidents. And that's why this bill is being presented. Next time you're driving down the New York State Thruway or down 90 on your way home, I want to think about how fast you're driving when you're going by those cars on the side of the road and how dangerous it is. And we had to pass a -- a bill to also give an authorization for those tow operators to use the right shoulder of the road when they're responding to accidents, which was also approved by the police

department, because they need those tow trucks to be able to get to that accident so that they can clear that roadway safely. And we had to do a bill like that a few years ago.

So, we're only trying to save lives. This diminishing the blue light, I don't know where it comes from. As far as I know, volunteer ambulance corps don't own blue lights. They originally wanted red lights on their vehicles and the police department didn't want to give them and we gave them a blue light. Then we gave a green light to volunteer ambulance corps. And lights are great, but the bottom line, it's all about saving lives. And this bill will save lives. And I hope you all consider that as you vote today. Thank you. I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. DenDekker 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, could you please call on Mr. Otis for an announcement?

ACTING SPEAKER AUBRY: Mr. Otis for an announcement.

MR. OTIS: Following the closure of tonight's Session, there will be a Democratic Conference in the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Democratic Conference, Speaker's Conference Room.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: One more announcement, Mr. Speaker, from Mr. Crouch.

ACTING SPEAKER AUBRY: Mr. Crouch for the purposes of an announcement.

MR. CROUCH: Thank you, Mr. Speaker. There'll be an immediate Republican Conference after the close of Session in the Parlor.

ACTING SPEAKER AUBRY: Republican Conference in the Parlor.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: No housekeeping, but certainly fine resolutions. We will 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. 215, 218-219, 222-224 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I now move that the Assembly stand adjourned until 1:00 p.m., Wednesday, March the 27th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 5:08 p.m. the Assembly stood adjourned until Wednesday, March 27th at 1:00 p.m., Wednesday being a Session day.)