

WEDNESDAY, MAY 29, 2019

2:39 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

The Reverend Elia will offer a prayer.

REVEREND DONNA ELIA: Let us pray. O God whom we call by many names, thank You for this moment to reflect upon our part in building a more just State, nation and world. Thank You for each legislator and staff person and visitor. Empower their work as once again, they take on the mantle of public service. Be in their thinking, in their listening and speaking, deliberating and decision-making. Give to each one courage and conviction. You gift us with all manner of abilities and as we honor Disability Awareness Day, give this Assembly and all of us the will to work for justice and access for all people. Help us create space that works for all. Hear

the voices of all, whether spoken or signed, and help us to embrace diversity. As this Body now moves to the business at hand, fill them with energy, intelligence and respect. Strengthen the weary and bless all their dear ones. Empower each of us in our own lives to be peacemakers. In Your holy name we pray, Amen.

MEMBERS: Amen.

ACTING SPEAKER AUBRY: Visitors are invited to join the members in the Pledge of Allegiance.

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

A quorum being present, the Clerk will read the Journal of Tuesday, May 28th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move that we dispense with the further reading of the Journal of Tuesday, May the 28th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I appreciate the opportunity to offer on this Disability Awareness Day a quote that I think speaks volumes about the benefits of planting seeds, both in ground and in people. It is by Robert Louis Stevenson and it says, "Don't judge each day by the harvest you reap, but by the seeds that you plant." With that Mr. Speaker, I would like

to advise our members that there is on their Calendar -- desk a Calendar with 101 new bills on it, beginning with Calendar No. 364 on page 4. And after any introductions and/or housekeeping, we will take up resolutions on page 3, including one by Mr. Steck in association with today's Legislative Disabilities Awareness Day.

Our principal work of the day will be to consent new bills and to take up the Assembly's Legislative Disability Awareness Package. We will also take up other bills from the main Calendar. Members should also know that there will be a need for a few Committees off the floor today: Banks, Environmental Conservation, Housing, Racing and Wagering and Local Governments. For Majority members, there is a need for a Democratic Conference at the conclusion of Session today. As always, Mr. Speaker, we will consult with our colleagues on the other side to see what their needs are.

With that as a general outline, if there are any introductions or housekeeping, now would be a great time.

ACTING SPEAKER AUBRY: We do have housekeeping.

On a motion by Mr. Abinanti, page 32, Calendar No. 178, Bill No. A01370-B, the amendments are received and adopted.

On a motion by Mr. Weprin, page 44, Calendar No. 335, Bill No. A02484, amendments are received and adopted.

For the purposes of a [sic] introduction, Ms. Rozic.

MS. ROZIC: Thank you, Mr. Speaker, and Madam Majority Leader. I have the pleasure today of introducing the 7th

grade students of the Abraham Joshua Heschel School. The Heschel School is a K-12 school, a pluralistic and egalitarian community that includes families from a wide range of Jewish backgrounds, practices and beliefs founded in 1983. The 7th grade students are with us today, together with their 7th Grade Dean, in the pursuit of their mission: Building bridges between different sectors of the Jewish community and between the Jewish community and other communities in an effort to unite human beings through justice, shared humanity and mutual respect.

The Heschel School is nationally-renowned for the values and -- for its values and remains dedicated to its vision to create a learning environment that exemplifies excellence in education, appreciation of the needs of the whole child, commitment to Jewish life and responsibility to Jewish and world communities. It's my honor today to ask if you would extend the cordialities of the floor to welcome the 7th grade class of the Abraham Joshua Heschel School to the People's House. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Rozic, the Speaker and all the members, we welcome this 7th grade class here to the New York State Assembly, extend to you the privileges of the floor. Thank you for sharing your day with us. Hopefully you will enjoy the proceedings here in Albany. Thank you so very much. Feel free to come back.

(Applause)

Mr. McDonald for the purposes of a [sic]

introduction.

MR. MCDONALD: Thank you, Mr. Speaker. Today we have three guests in the Chamber who I'd like to introduce: Shameka Andrews and Courtney Dehasis (phonetic), and the Executive Director of the Spina Bifida Association, Julia Duff. Tomorrow we'll be adopting a resolution declaring October as Spina Bifida Awareness Month here in the State of New York. They're here today, of course, on Disability Advocacy Day doing what they do best, which is advocate. As many people know, Spina Bifida is the most common, permanently-disabling birth defect that is associated with life in the United States. It occurs when a baby's neural tube fails to develop or close properly. The literal meaning of Spina Bifida is "split spine." Typically, this occurs within the first 28 days of pregnancy while the neural tube is forming. Spina Bifida is commonly known as "snowflake condition", a birth defect, because no two cases are the same. Spina Bifida can range from very mild to severe. The severity depends on everything, from the size of the opening, to the location of the spine.

Mr. Speaker, Spina Bifida Awareness Month is to raise awareness regarding the challenges of living with Spina Bifida and the steps that can be taken to prevent it. It is the hope that this month of awareness in October will also remind all New Yorkers that people with Spina Bifida are not defined by their condition. Mr. Speaker, if you can please welcome these friends, the individuals to the Chamber, I would sincerely appreciate it.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. McDonald, the Speaker and all the members, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Thank you for the work that you're doing to help those afflicted with this disease. Please continue that work and know that you're always welcome here. Thank you.

(Applause)

Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker. I rise today for an introduction for a young man who not only is well-rounded and a great asset to our community, he is my friend, Joey Schaffer, who is accompanied by his dad, Joseph Schaffer. I've gotten to know the family over the years, and Joey is simply just remarkable.

And I can't say it in words, but one of his teachers was kind enough to give me some words to share and I just want to give you a little bit about -- a little inside into who Joey is. "Joey Schaffer is the most intelligent, caring, hard working and well-rounded student I have ever had the honor of working with in my 16-year career. No matter what the challenge, Joey stepped up, tried it and asked for guidance when needed, and completed it to the best of his ability. He grew not only academically in the years that I have known him, but emotionally. He represents himself clearly, with empathy and consistently has the best intentions to learn not only about academics, but about real life. Since completing the year as his 4th grade teacher, Joey and I continue to work together. He is

currently my monitor for my classroom, the responsibilities are to file, check homework, count copies, et cetera; however, throughout the year, Joey has also fulfilled the role of peer tutor. In my current 3rd grade ICT class, that support is invaluable. I always knew and still know that Joey will grow up to be successful in whatever career he chooses, as well as a terrific human being. His parents have raised an incredible young man, and I am proud to know him." Ms. Krissie Horlebein, his 4th grade teacher.

Joey is currently an 8th grader -- 7th grader, I'm sorry, at the George Wilcox School in Staten Island and I just wish that we can all welcome him and show him the cordialities of the House. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Reilly, Joey, we welcome you here to the New York State Assembly, you and your father. We commend you on the work that you're doing in helping others in your school. We extend to you the privileges of the floor and thank you for sharing your day with us here in Albany. Thank you so very much.

(Applause)

Mr. Stern.

MR. STERN: Thank you, Mr. Speaker, and Madam Leader for this opportunity to introduce my special guest today. It's a pleasure to introduce my son, Harrison, to all of my colleagues in the New York State Assembly. Harrison just completed his sophomore year at Cornell University, so he had a couple of days to come let me

hang with him in our State's Capitol. He makes our entire family very proud. Mr. Speaker, would you please join me in welcoming Harrison Stern to the New York State Assembly and offering all the cordialities of the House and the privileges of our floor.

ACTING SPEAKER AUBRY: Certainly. On behalf of your father, we welcome you here, Harrison, to the New York State Assembly, extend to you the privileges of the floor. You're family, so you're always welcome here and only to let you know that one of my sons is a graduate of Cornell, also, so I know what you're going through. Thank you so very much, and congratulations.

(Applause)

Mr. Phillip Steck.

MR. STECK: Mr. Speaker, on Legislative Disabilities Awareness Day, I am very honored to introduce an individual who has been a leader in the disability community in New York for many years. Fifteen years ago, we created an annual advocacy award in the name of Dr. Henry Viscardi, Jr., a well-known Long Island resident and founder of the Henry Viscardi School, for his life-long commitment to advocacy on behalf of people with disabilities. Dr. Viscardi, born with a disability, dedicated his life to advocating for disability rights, eventually becoming a trusted advisor to every U.S. President from Franklin D. Roosevelt to Jimmy Carter. And as we know, nothing proves more the capability of persons with disabilities than the service of Franklin D. Roosevelt, a person with physical disabilities who served four terms as our President.

Upon Dr. Viscardi's death, we decided to honor his dedication and commitment to advocacy on behalf of people with disabilities. This year, I am privileged to present Barbara Crosier, Vice President at Cerebral Palsy of New York State, with the 15th Annual Legislative Disabilities Award, Dr. Henry Viscardi, Jr. Advocacy Award. She's responsible for many years of advocacy on behalf of persons with developmental disabilities. So, Barbara, congratulations. You truly deserve this recognition.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Phillip Steck, the Speaker and all the members, we welcome you here to the New York State Assembly, the People's House. We extend to you the privileges of the floor, and our congratulation on such a prestigious award; well-deserved, no doubt. Thank you so very much. Keep up that great work.

(Applause)

Mr. Cusick.

MR. CUSICK: Thank you. Thank you, Mr. Speaker. Today being Disabilities Day, I rise to introduce some guests who came up from Staten Island. As you know, every year in my district we -- we sponsor an Island-wide disabilities poster contest, the theme being "What Disability Means to Me." And every year we get hundreds of students throughout Staten Island participating and every year, we honor the winners of the contest here in a ceremony downstairs in the Well, earlier today, and we introduce them on the floor in front of our colleagues here in the Assembly.

So, today, Mr. Speaker, we are joined by some -- some great young people from Staten Island who I'd like to introduce to my colleagues: Derek Liu, Dominic Terranova, Frank Rizzi, Olivia DiTizio, Salvatore D'Alessandro and Jonai Prince. Mr. Speaker, we had a large group up here today. As you know, it's a long day today, but these are the folks who stayed to join us here at Session. Of course they are joined by their parents and their grandparents, which they would not be able to make it up to Albany without, Mr. Speaker, so we do want to thank them, also.

So, Mr. Speaker, if you could welcome these fine students from Staten Island, their great parents and grandparents to the Assembly and offer them the cordialities of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Cusick, the Speaker and all the members, we welcome these extraordinary students here to the New York State Assembly. We extend to you guys the privileges of the floor. Our congratulations on winning the contest, and also to your parents and grandparents for being there to support you. Congratulations and good luck.

(Applause)

Mr. Phillip Steck.

MR. STECK: Thank you, again, Mr. Speaker. At this time as -- again, as part of Disabilities Awareness Day, I would like to introduce persons from the Northern Regional Center for Independent Living. These centers for independent living enable persons with disabilities to live in their own homes, and we have with

us today Olando Lawson, Certified Benefits Specialist, and Chanelle Ballam, Systems Advocate. And I'd ask you, Mr. Speaker, to welcome them to the Assembly.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Phillip Steck, the Speaker and all the members, we welcome these distinguished individuals to the New York State Assembly, extend to you the privileges of the floor. Thank you for joining us here in Albany knowing that you are always welcome here. Thank you so very much.

(Applause)

Mr. Michael Miller.

MR. M. MILLER: Thank you, Mr. Speaker. Today I have the pleasure of introducing a friend from Glendale and Ridgewood, Pat Grayson. Pat, could you stand up? Pat is a member of the Ridgewood Property Owners, the Glendale Civic Association, 104th Precinct Community Council, but, more importantly, Pat developed the New York City recycling program that we have today and she's known as "the recycling lady" in Glendale and Ridgewood. She's joined here today by her granddaughter, Olivia DiTizio, who is one of the winners of Assemblyman Cusick's Disability Awareness contest, and would you please extend to them the cordialities of the House. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Miller, the Speaker and all the members, we welcome you here to the New York State Assembly for dual reasons, certainly the

mother of recycling in the City of New York is a grand title, and for that grandchild who has done so well and made you proud. Thank you so very much for joining us. We extend the privileges of the floor. Hope you will come back and visit us again. Thank you.

(Applause)

Mr. Finch.

MR. FINCH: Mr. Speaker, for the purpose of acknowledging the presence of the Cortland County Access for Independence. We have with us today Aaron Baier, who is the new Executive Director, Lawrence Woolheater, Alison McCabe, Braedon Sopp, Maria McCura and Jarett Withers. They represent Cortland County, the Access for Independence organization. Newly-elected appointed director, but no stranger here to Albany. He's been coming down for years, being an advocate for the people of the City of Cortland and the County. Please offer them all the -- all the welcoming to this group.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Finch, the Speaker and all the members, we welcome these distinguished citizens of Cortland County here to the New York State Assembly, commend you on the work that you're doing to help those who are in need of that help, and also hope that you will continue that work. You are given the privileges of the floor and our undying gratitude for the work that you do. Thank you very much.

(Applause)

Resolutions on page 3, the Clerk will read.

THE CLERK: Assembly Resolution No. 448, Ms. Joyner.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 2019, as Global Employee Health and Fitness Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 449, Mr. Zebrowski.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim August 17, 2019, as Model Aviation Day in the State of New York.

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

THE CLERK: Assembly Resolution No. 450, Mr. Brabenec.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim Wednesday, August 21st, 2019, as Onion Appreciation Day in the State of New York.

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

THE CLERK: Assembly Resolution No. 451, Mr.

Steck.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim Wednesday, May 29, 2019, as the New York State Assembly Legislative Disabilities Awareness Day for the -- in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; Mr. Steck is going to interrupt me.

Mr. Steck on the resolution.

MR. STECK: So, first of all I'd like to thank Speaker Heastie for appointing me as Chair of the Task Force on People with Disabilities, and as new Chair of the Task Force, I'm excited to announce that today we are celebrating the 39th Annual Legislative Disabilities Awareness Day.

ACTING SPEAKER AUBRY: One minute, Mr. Steck. The gentleman has the floor. He's talking. You should not be talking.

Continue.

MR. STECK: Thank you, Mr. Speaker. We will be taking up a package of legislation in honor of Disabilities Awareness Day to show our commitment to New York's disability community. Earlier today, several of my colleagues and I enjoyed the many events of the day, including an exhibiter fair consisting of over 50 organizations, two seminars and a very inspiring photo contest courtesy of Member Cusick. We thank all who participated today,

and the key to all of this is to honor and promote the important goals of integration, inclusion and independence. Thank you, Mr. Speaker.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, could you please call the Housing Committee to the Speaker's Conference Room for a meeting?

ACTING SPEAKER AUBRY: Committee on Housing, Speaker's Conference Room immediately.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Then we'll go to page 4, Mr. Speaker, Calendar No. 364 by Mr. Perry.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A00086, Calendar No. 364, Perry, Dickens, Taylor, Barron, Blake, Colton, Cook, Williams, D'Urso, Seawright. An act to amend the Insurance Law, in relation to prohibiting an insurer from cancelling or refusing to renew of condition its renewal of automobile insurance policies in certain areas.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00092-A, Calendar No. 365, Perry, Galef, Montesano. An act to amend the Banking Law, in relation to requiring a bank or financial institution selling or transferring a mortgage during a modification process to provide the

borrower with a written list of all documents relating to such application for modification that were provided to the bank or financial institution to which such mortgage was sold or transferred; and relating to the obligations of subsequent mortgage servicer shall assume all duties and obligations related to any previously approved first lien loan modification or other foreclosure prevention alternative.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, this -- this is our first vote of today. If colleagues are in and around the Chambers [sic], if they could vote with some speed, it would be greatly appreciated. This is the first vote of the day.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could now proceed with our Legislative Disability Awareness Package,

beginning with Assembly No. 4236 by Mr. Hevesi. It's Calendar No. 115, Mr. Speaker, and it's on page 28.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A04236, Calendar No. 115, Hevesi, Glick, Jaffee, Barron, Colton, Mosley, Epstein. An act to amend the Social Services Law, in relation to establishing factors to be considered when a health care practitioner upon examination has a different opinion from an applicant's treating health care practitioner's opinion as to an applicant's disability.

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

Mr. Goodell.

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

ACTING SPEAKER AUBRY: Mr. Hevesi, will you yield? But of course Mr. Hevesi won't yield until I have some quiet in the Chamber. We are on debate. If you're not a part of that debate, you should be sitting and out of the aisles.

MR. HEVESI: Mr. Speaker, am I yielding or explaining?

ACTING SPEAKER AUBRY: It appears to me that he wanted you to yield if I understood him correctly.

MR. HEVESI: All right. I can roll with that, sure.

ACTING SPEAKER AUBRY: Mr. Hevesi will

yield, Mr. Goodell.

MR. GOODELL: Thank you, sir. Thank you, Mr. Hevesi.

MR. HEVESI: Sir.

MR. GOODELL: As I understand this bill, it is focused on the procedure for evaluating whether someone has a disability that would exempt them from any work or job training requirements that are under our current Social Services Law, correct?

MR. HEVESI: Yes.

MR. GOODELL: And if I'm not mistaken, there's currently a, I think you'd say a four-part process. First, the individual who is seeking the exemption submits an application supported by documentation from his own physician and if the Department agrees that the documentation is sufficient and justifies the determination, they grant the exemption, right? That's the first step, if you will.

MR. HEVESI: Yes.

MR. GOODELL: And then the second step is if for some reason the local Social Services Department does not believe that the documentation justifies an exemption or that the documentation is inadequate, then the Department of Social Services can refer it over to an independent medical exam by a physician that's been approved by the State Office for Temporary and Disability Assistance; that would be the second step, correct?

MR. HEVESI: Yeah, they're hired through the Social Services district, yes.

MR. GOODELL: And then the third step, if the applicant, for some reason, disagrees with the second step, which is the determination by an independent medical examiner, then the third step would be that the applicant could request a fair hearing in front of an administrative tribunal and pending that fair hearing, they would be exempt, correct?

(Pause) (Sidebar)

MR. HEVESI: Andy, sorry. Give me one second. I apologize.

MR. GOODELL: Certainly.

(Pause) (Sidebar)

MR. HEVESI: Yeah. So the basic answer is yes, but there's a little bit of a piece beforehand. So if the -- if the doctor that's hired by the local Social Services district disagrees with the personal physician, now under current law the doctor from the Social Services district has to provide documentation as to why - by the way, we did this in the budget a couple of years ago - why they disagree, but you're right, if there's a disagreement, there can be a fair hearing after that.

MR. GOODELL: And during the fair hearing, the applicant is exempted from any of these job training or work requirements pending the fair hearing, correct?

MR. HEVESI: Yes, I believe you're correct; yes, sir.

MR. GOODELL: And then the fourth step is if the applicant disagrees with the fair hearing, the applicant, of course, can bring an action for judicial review under Article 78 of the CPLR.

MR. HEVESI: That is correct as well.

MR. GOODELL: And so right now we have a four-step process all designed to provide checks and balances. The applicant using the attorney of their choice submits the documentation. Most of the claims, I would imagine, are accepted, assuming there's reasonable documentation. If not, it's referred to an independent medical examiner. That independent medical examiner is required by law to consider all the medical documents provided by the applicant's physician.

MR. HEVESI: Right.

MR. GOODELL: And even though that's an independent evaluation, they still have a right to a fair hearing.

MR. HEVESI: Yes.

MR. GOODELL: And a right to a judicial review. So, what this bill does is changes, if I understand it correctly, changes the third step by saying if there's a public -- if there's a fair hearing, this bill would require the hearing officer not to treat all the evidence equally, but instead to give a statutory preference to the applicant's physicians' determination.

MR. HEVESI: You're correct in the substance, you're wrong in the step. This is prior to a fair hearing. What we're trying to do is give controlling weight to the treating physician as opposed to the doctor that's been hired by the Social Services district. So, that happens pre-fair hearing. So, I would say step two in your analysis, not step three.

MR. GOODELL: Well, already the independent physician is required to consider all the evidence presented by the treating physician or the applicant's physician; that's already there, correct?

MR. HEVESI: That's correct. That's correct. And, by the way, the part of the impetus of this bill is that we've come across an unfortunate circumstance where the doctors who've been hired by the local Social Services districts have received pressure from those districts to either classify or not classify somebody as having a disability. What we're trying to do -- and it's also important to note that those doctors have only had a very short time with the patient anyway. What we're looking to do is have the treating physician have controlling weight if they are in compliance with four different pieces. I don't need to read them, but we based them off the same standards that the Federal government uses for SSI.

MR. GOODELL: But if I can go back -- I apologize. This proposed legislation only applies in the event the independent physician disagrees with the applicant's physician, correct?

MR. HEVESI: Yes.

MR. GOODELL: Which means that the only time this would kick in is if you already have completed the second step, the independent physician has disagreed and now you're going to a fair hearing, otherwise it wouldn't make any difference --

MR. HEVESI: No --

MR. GOODELL: -- because it only kicks in --

MR. HEVESI: Andy, we're not at the fair hearing stage. We haven't gotten that far yet.

MR. GOODELL: Right, but this already says in the event the independent physician disagrees, then the applicant's physician is generally controlling.

MR. HEVESI: Yes, prior to a fair hearing.

MR. GOODELL: What's that mean? You mean to say that this bill would require Social Services --

ACTING SPEAKER AUBRY: I'm having a hard time following the debate. I don't know what you guys are doing back in the corner over there, but if you're here, you're here to hear the debate. It's not a social.

MR. HEVESI: I'm having a hard time following the debate, too.

ACTING SPEAKER AUBRY: Before we go back to debate, Mrs. Peoples-Stokes.

MR. HEVESI: Go ahead, sir; I'm sorry.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If you can call Banks Committee to the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Banks Committee, Speaker's Conference Room. Please try to get there silently. If there's staff associated with that, please move quickly.

MR. HEVESI: Yeah, Andy, I think -- just -- just to clarify, this is before we get to the fair hearing portion. This is what --

what doctor's opinion has controlling weight prior to the fair hearing, whether it's a doctor whose had experience with the patient and has been treating them for a long time, or a doctor hired by the Social Services district with a shorter amount of time, limited experience and -- and in some cases as, unfortunately has been shown, a bias to push one way or the other.

MR. GOODELL: And so what this bill says is if the independent physician that's been pre-approved as being independent by OTDA issues an opinion that differs from the applicant's physician --

MR. HEVESI: Right.

MR. GOODELL: -- then the opinion of the independent physician is irrelevant, it's not controlling.

MR. HEVESI: It's not controlling, that is correct. And, by the way, I -- I understand and appreciate that you want to call them "independent physicians." I would say they're hired by the local Social Services district, they're not independent.

MR. GOODELL: Looking -- you mentioned that you believe this proposed process would track that of the SSI program --

MR. HEVESI: Yes.

MR. GOODELL: -- the Federal disability program?

MR. HEVESI: Yes.

MR. GOODELL: But in that situation, isn't it true that the regulations -- the SSI regulations are very clear, and I quote from 20 CFR 416.927 (1) that "A statement by a medical source that

you are disabled or unable to work does not mean that we", meaning SSI, "will determine that you are disabled", correct?

MR. HEVESI: Read that again; I'm sorry.

MR. GOODELL: Certainly. This is what it says: "A statement by a medical source that you are disabled or unable to work does not mean that we will determine that you are disabled." That's the Federal regulation.

MR. HEVESI: I'm reading from the same Federal statute that you are and what I'd reference you to is the portion that we took from the Federal government is about the efficacy of the -- the doctor, the patient's doctor, to make sure that there is a significant length and frequency of treatment that -- this may be subsequent to what you just read. We're also looking to make sure that there's consistency of the doctors' opinion versus the person's whole record to see if there's an anomaly. We want to make sure the opinion is supported by evidence and, finally, that the speciality of the doctor is applicable. You don't want a, you know, a foot doctor saying he's got a heart problem. So, that's what we're taking from that Federal section.

MR. GOODELL: I understand that you're taking that part from the Federal statute, but I would point out that the Federal regs go on to say very clearly that a medical determination and a disability determination are two separate determinations, because one deals with your medical condition. The other deals with your vocational ability.

MR. HEVESI: Right.

MR. GOODELL: And so, the SSI regulations are very clear that a determination of disability for the purposes of SSI is different than a medical evaluation.

MR. HEVESI: I appreciate that, yes.

MR. GOODELL: I want to change the subject, just the focus a little bit. It's my understanding, looking at the 2018 annual report from the Department of Social Services, that there were only 4,473 fair hearing requests for a disability review; is that your understanding, as well?

MR. HEVESI: I'll trust your numbers.

MR. GOODELL: And of that, only 503 were reversed, which suggests to me that when you're looking at the entire base of 60- or 70,000 people, it's a very small percentage that even question the current system.

MR. HEVESI: Yeah, that's one way to read it. Another one way to read it -- and I think you and I should have a follow-up conversation about fair hearings in general. I'm hearing a lot of problems with the fair hearing system in and of itself, what gets to a fair hearing, whether the rulings of the Administrative Law Judges are actually followed through. This is a big conversation that should be post -- post this conversation, Andy. So, what I would respectfully recommend is don't read too much into those numbers. That's not an indication of the reality of whether these are appropriate rulings or not.

MR. GOODELL: One other question and perhaps you could address it, in the past we received memos of opposition from New York City pointing out that they projected the cost to be in excess of \$6 million; is that still their position?

MR. HEVESI: Let me see.

(Pause) (Sidebar)

Okay. So -- so, you're correct. I'm not sure if your number's correct, but you're right in principle that the City attaches a finance -- a fiscal to this. Except, I don't care and I'll tell you why. Their argument is -- their argument essentially is if we implement this, we're going to find that more people are actually disabled which means that the City will have to come up with more money for SSI. My argument will be, hey, if you're disabled, you're entitled to SSI. So, I don't think not saying somebody is disabled to save money is an appropriate thing we should be doing.

MR. GOODELL: Thank you very much, Mr. Hevesi, for your comments on it.

MR. HEVESI: Thank you, sir. I appreciate it.

MR. GOODELL: On the bill, sir.

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

MR. GOODELL: Thank you very much, sir. Our current system has a series of checks and balances to make sure that those people who are disabled are exempt from inconsistent work requirements or training requirements or job education requirements

under our current Social Services system. That system of checks and balances include having an applicant who wants to be exempt from any work requirement while on welfare, it requires said applicant to submit documentation. And if the Department of Social Services determines the application is -- is satisfactory, that there's adequate medical information, that's the end of it. The application is approved. But, if the information is insufficient or inadequate to establish any exemption, the current system allows for an independent review. Were the county of Department of Social Services, whose responsibility it is to prevent fraud or abuse, they can have it referred to an independent physician who is approved not by the local department, but is approved in advance by the State Office for Temporary and Disability Assistance. That approval is designed to ensure that the independent medical review is, in fact, independent. But if the applicant doesn't agree with the independent review, which by law includes an evaluation of their evidence, they have an opportunity for a fair hearing. And at the fair hearing, all the evidence from both physicians, all of it, is considered carefully by a hearing officer. And there's one last step. If the applicant still isn't happy, they can appeal it to a court under Article 78.

What this bill does is eliminate one of those checks that are so important to the checks and balances. And what it does is it says if the independent reviewer says that that medical condition doesn't justify an exemption, that we don't treat that independent reviewer's opinion with the same level of respect as we would the

applicant's physician.

Is there anyone else?

ACTING SPEAKER AUBRY: No, sir.

MR. GOODELL: I'd just suggest that this is an unusual bill in the sense that we are saying that a person who is seeking public benefits at the expense of the taxpayer, their documentation should be worth more and given more credit than an independent review. Our job is to make sure those who are disabled get the benefits and exemptions they're entitled to. That's part of our job, and I'm on board with that, but we also have a responsibility to make sure that the system has appropriate checks and balances to minimize fraud and abuse. And as my colleague acknowledged and the City has pointed out, the City of New York estimates that this will increase the cost by upwards of \$6 million a year because applicants who have hired their own physician to give them the opinion they hope to get and, by the way, they can keep hiring a different physician until they get the opinion they like, will now be exempt from welfare work requirements.

One last comment. The welfare work requirements are not a punishment for those who are on welfare. The welfare work requirements are designed to help people get job experience and get training and education so that they can become successful members of society and maximize their potential and maximize their opportunity to be successful. So as a matter of public policy, we ought to encourage as many people as possible to take advantage of those

training opportunities and move forward with their lives and maximize their success, not set up a system that eliminates the checks and balances that have worked so well in the past.

Thank you so much, sir.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Gottfried to explain his vote.

MR. GOTTFRIED: Mr. Speaker, I think it's appropriate, considering the sponsor, that this is the first bill in the Package today. I just wanted to acknowledge that former Assemblymember Alan Hevesi many years ago was the original sponsor of the Assembly Disability Awareness Day, and I remember vividly his extraordinary staff member Mark Schwartzberg spending the day in a wheelchair to understand and demonstrate the difficulty, certainly in those days, of navigating our work world from a wheelchair. This is a tradition we have been honoring for I guess about 40 years now. And I just wanted to acknowledge our former colleague, Alan Hevesi, for having begun this tradition and I'm happy to vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Gottfried in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could please call the Environmental Conservation Committee to the Speaker's Conference Room. Mr. Englebright has stood right up and he's --

ACTING SPEAKER AUBRY: Environmental Conservation, Speaker's Conference Room immediately. Thank you.

The Clerk will read.

Page 35, Calendar No. 213.

THE CLERK: Assembly No. A00163, Calendar No. 213, L. Rosenthal, Benedetto, Buchwald, Abinanti, Galef, Steck, Ashby, McDonald, Jacobson, Griffin. An act to amend the Election Law, in relation to requiring the posting of sample ballots on a Board of Elections website.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect January 1st, 2021.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07251, Calendar No. 312, Cusick, Stirpe. An act to amend Chapter 219 of the Laws of 2003, amending the Education Law relating to publishers or manufacturers providing printed instructional materials for college students with disabilities, in relation to extending the provisions of such chapter.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01092, Calendar No. 323, Lifton, Titus, Cahill, Cook, Dinowitz, Gottfried, Ortiz, Paulin, Rivera, Benedetto, Englebright, Cusick, Colton, Bronson, Perry, Simon, Mosley, Seawright, Steck, Williams, Reyes, Wallace. An act to amend the Civil Rights Law, in relation to waiving the State's sovereign immunity to claims under the Americans with Disabilities Act of 1990, the Fair Labor Standards Act of 1938, the Age Discrimination in Employment Act of 1967, and the Family and Medical Leave Act.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02493, Calendar No. 336, Lavine, Lifton, Romeo. An act to amend the Tax Law, in relation to providing a tax credit for universal visitability; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER LAVINE: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER LAVINE: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07475, Calendar No. 363, Cusick, Lupardo, Blankenbush, Colton, Weprin, Stern, Walsh, Hunter, Mosley. An act to amend the Tax Law and the Labor Law, in relation to establishing a small business tax credit for the employment

of disabled persons; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER LAVINE: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER LAVINE: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. I rise just to commend the sponsor on this piece of legislation which will establish a small business tax credit for the employment of disabled persons. As many people know, the rate of unemployment for people with disabilities is very high, and for those who are lucky enough to have employment at all, they're largely underemployed in terms of wages. So, I think anything that we, as a legislative Body, can do to encourage businesses to employ people who are differently-abled, I think that in the end it will enrich the workplace, it will make people who do have disabilities feel more valued and be able to live a more independent life.

I would note that last year, the Governor vetoed this bill. It had passed our -- our Chamber 135-1, and I'm grateful to see that the -- the issues raised in the veto message have been addressed by the sponsor in this bill. And I will be supporting it again, and I would encourage all of my colleagues to do the same. Thank you.

ACTING SPEAKER LAVINE: Thank you, Ms. Walsh.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03385-A, Calendar No. 400, Dickens. An act to amend the Public Officers Law, in relation to the accessibility of public hearings and meetings.

ACTING SPEAKER LAVINE: An explanation is requested.

Ms. Dickens.

MS. DICKENS: Thank you very much. This is a bill that we passed last year, and the advocates wanted clarity and a change of wording from "hearing impaired" to "deaf or hard of hearing." So, that's basically what we did, we changed the wording only. And this is to provide hearing -- things to help people to hear when there's a room of 100 or more persons. It's only for those that -- those who it can accommodate and there's a hardship provision if retrofitting is going to be too costly, then they would be exempted from -- from doing so - a municipality.

ACTING SPEAKER LAVINE: Mr. Ra.

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

MS. DICKENS: Do I really have to?

(Laughter)

ACTING SPEAKER LAVINE: Will the sponsor yield? I bet she does.

MR. RA: Your choice.

MS. DICKENS: Yes, yes.

MR. RA: Thank you very much. And, certainly, I think, you know, this is a laudable goal is to, you know, make sure anybody who wants to participate in -- in their local governments has the opportunity to and that any disability they may have does not become an obstacle to them doing so. I know we've taken initiatives in -- in my county, in Nassau County, with regard to this, but I just had a couple questions just in terms of the applicability of this. First off, it's what -- what levels of government will this apply to? Is it everything from, you know, villages and towns? Would it include things like, you know, like local water districts or fire departments, things like that?

MS. DICKENS: That's exactly what it would be, as long as the room holds 100 or more persons.

MR. RA: Okay. And as long as the room holds 100 or more people, correct?

MS. DICKENS: Yes.

MR. RA: Okay. And I know there is basically a provision in here that says so long as it's not an un -- does not impose an undue hardship on the public body holding the hearing.

MS. DICKENS: Correct.

MR. RA: What exactly is meant by that?

MS. DICKENS: That means that the municipality or the village is unable to outfit the room. Maybe the electricity needs to be upgraded. Maybe there's a -- it's a cost affiliated with that. If there is a hardship, then there is a provision that allows that they do not have to retrofit the room. And the requirement is by January 1 of 2022.

MR. RA: Okay. So it could be a financial burden or it could perhaps be something with just the physical plan of the building that maybe it's not conducive to be able to do this.

MS. DICKENS: Correct, correct.

MR. RA: I'm sure, as we know, we have some of our governments in fairly old facilities in different parts of the State, so it could be either the financial side --

MS. DICKENS: It could be either.

MR. RA: -- or it could be just a physical issue --

MS. DICKENS: Certainly.

MR. RA: -- with doing so. The types of devices contemplated here, any general idea of cost, how much those generally cost?

MS. DICKENS: I don't have it right now, but I can get it for you, the cost of the device. Last year when we passed the bill, I did have the cost and I don't have that with me today, but I will see that you get it --

MR. RA: Okay.

MS. DICKENS: -- again.

MR. RA: Okay. And I think the one other question I would have is, are we proposing in this bill or contemplating in the future maybe providing some funding so that, you know, each of these entities can put in some type of system to allow people to participate in the -- in the meetings, or this is -- because without the funding, this is, this is in essence, an unfunded mandate on -- on those municipalities, correct?

MS. DICKENS: At this point, no, we have not made any arrangements for there to be funding in the budget for this to be done. The cost would be borne by the municipalities or the city, but like I said, if there is a hardship, whether financial or because of the age of the building, then they would not -- they would be exempted from doing so.

MR. RA: Okay. Thank you very much.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: Briefly. Again, I think this is a -- a good initiative in terms of trying to make sure that all the people of our State have the opportunity to participate in their government and, in this case, in local government meetings and hearings and things. But I do understand that some of the small villages and other entities in the State, this could become a -- a big financial cost to them relative to the size of their budgets.

So, while I'm going to be voting in the affirmative on this, I do think that we should look at, going forward, you know, we've

done a couple bills today to try to provide financial incentives and financial help to individual homeowners so that they can outfit their -- their homes with, you know, with certain physical structures or other things to help -- help their homes be accessible, that perhaps we look at some funding that will allow local governments to put in the types of devices that they would need to ensure that all of their residents have the opportunity to participate in their local government meetings and hearings. Thank you.

ACTING SPEAKER AUBRY: Mr. Barclay.

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

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

MS. DICKENS: Yes, I'll yield.

MR. BARCLAY: Thank you. Just very briefly. I want to go back to the question about undue hardship. How is that determined? Is there any enforcement mechanism here, or is it someone -- if you don't provide the interpreter or the hearing devices, someone could bring a lawsuit, I suppose, and try to do an Article 78 to force them to follow the rule of this potential bill if it becomes law?

MS. DICKENS: Well, like I said, this legislation calls for only rooms of 100 or more.

MR. BARCLAY: Understood.

MS. DICKENS: And the hardship is for financial for the village or the city, whatever, and it could be also due to the age of

the building --

MR. BARCLAY: Understood.

MS. DICKENS: -- because some of our buildings will not accommodate. The cost is approximately \$2,500 to \$4,000 is the cost to out -- retrofit a room.

MR. BARCLAY: The bill sets out how much, so if it costs more than \$4,000, then that's going to be qualified as a financial hardship and then they don't have to comply with this bill?

MS. DICKENS: No, it does not, because it really depends upon the size of the room, how many people it can --

MR. BARCLAY: What I'm trying to get at, and I appreciate you putting this exception in to try to take out of the unfunded mandate realm, I guess, is what you're trying to accomplish here. What I'm trying to flesh out is what's meant by an "undue hardship," financial hardship? Is the -- I mean, any money that a municipality has to spend could be an undue financial hardship. Is it \$5, is it, you know, \$200, is it \$4,000?

MS. DICKENS: If -- if -- if their room -- if the room that they're -- that requires to be retrofitted and they -- their budget will not allow them to pay the \$2,500, then they can so state that, that it does not -- they do not have the budget for \$2,500.

MR. BARCLAY: So presumably it would be a defense for them if someone ended up suing them for not complying with this provision of the law, correct?

MS. DICKENS: Well, the legislation says it right

here, so...

MR. BARCLAY: Okay. Thank you.

MS. DICKENS: I assume that would be the defense.

MR. BARCLAY: Thank you.

On the bill, please, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill.

MR. BARCLAY: Just, as my colleague mentioned, I think the goals of this bill are very good and I generally would support it, but I represent a lot of rural areas, a lot of their conference rooms can hold 100 people or 100 more. But, you know, the town budgets, the village budgets are very, very small and the idea of them having to put in some of these devices for the hearing impaired or having interpreters would be, you know, maybe not in New York City levels be expensive, but for these small towns and villages, it would be very expensive for them.

So, I do appreciate the undue financial burden and the exception of that. I just hope that isn't so high that it causes financial hardship on some of the localities that I represent. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could call the Local Governments Committee to the Speaker's Conference Room. Mr. Thiele is already there waiting.

ACTING SPEAKER AUBRY: Local Governments,

Speaker's Conference Room immediately.

Read the last section.

THE CLERK: This act shall take effect January 1st, 2022.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to explain my vote. I know that it's -- it could be difficult at times when you understand that in order to allow every citizen to have the same right as the citizen who sits next to them, stands next to them and maybe even in some cases lives next to them, that you have to spend additional resources to do that. I want to commend the sponsor of this legislation because sometimes you do have to spend more to allow all citizens an opportunity to participate. It is not the kind of society or environment that we live in, Mr. Speaker, where it's okay to say that some are excluded because you don't have the necessary resources. When things become really critically important to us, we always find the resources and I think the lives and the opportunities for people to be able to hear what's going on in their public discourse should be important to all of us, whether we can hear or are lacking the opportunity to hear.

So, I want to, again, commend the sponsor of this for having the heart to step out and ask for something that a lot of people

would say is over the top as it relates to cost. So, again, Mr. Speaker, I want to commend the sponsor and I'm very, very pleased to vote in the affirmative.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03923, Calendar No. 405, Weprin, Cusick, Benedetto, Abinanti, Mosley, Seawright, Stern, Reyes. An act to amend the Executive Law, in relation to requiring counties to maintain a confidential registry of people of all ages with disabilities for evacuation and sheltering during disasters.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Weprin. Ladies and gentlemen, we are on debate. Members, have your seats, please, clear the aisles. A little quiet.

MR. WEPRIN: Thank you, Mr. Speaker. This bill would require counties to maintain a confidential registry of people of all ages with disabilities for disaster preparedness. It amends Section 23-A of the Executive Law to require that local counties compile and maintain a list of people of all ages with disabilities located within the county. The purpose is to assist local governments with identifying such information, the County Department of Health, the County Department of Social Services and/or the County Department of Mental Health or any other such -- other county department or agency

are authorized to provide information pursuant to maintaining a confidential registry.

It will greatly aid localities in preparing for and responding to disasters. It creates a standardized registry in counties. It allows information to be sent out quickly and efficiently in an emergency. It will help protect persons with disabilities of all ages and, as we all know, there've been a number of disasters and superstorms over the last couple of years which makes this confidential registry even more important. Thank you.

ACTING SPEAKER AUBRY: Mr. Ra.

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

MR. WEPRIN: I'd be happy to yield, Mr. Ra.

ACTING SPEAKER AUBRY: Mr. Weprin yields.

Shh, ladies and gentlemen.

MR. RA: Thank you. I just wanted to quickly go through a couple of items with regard to this. First, starting off with under current law, I believe, there is the ability for counties to do this, but it's a permissive situation; is that correct?

MR. WEPRIN: That is true. Counties on their own could do it, but it's -- it's not mandated.

MR. RA: Okay. So under -- under this, though, the county would be mandated to create this registry, correct?

MR. WEPRIN: Correct.

MR. RA: And the individuals within the county

would have the opportunity to, I assume, you know, individuals with disability, they might in enroll in it, they might decide not to enroll in it --

MR. WEPRIN: Yeah, the confidentiality is on the part of the person with disabilities. There are some people with disabilities that do not want to -- that want to keep that confidential and don't want that disclosed. We will protect their privacy in this legislation.

MR. RA: Okay. Now, do we have any idea in terms of what, you know, costs might be incurred by the municipality in maintaining this? Is it just, you know, taking in the information, is there some -- some type of system they're going to have to put together once they do that to allow notifications and communications with these individuals in the event of an emergency?

MR. WEPRIN: Well, there was a previous version of this bill that was vetoed by the Governor. At that time, they were -- they vetoed it -- he vetoed it on the basis of the cost which they estimated at \$10 million. I believe that that cost has gone down significantly since then because of the Internet and because of resources that can quickly put together these types of registries. So, I think \$10 million is -- is probably a very high number; I believe it would be much lower. But if this registry can save one lives -- one life, it's worth it.

MR. RA: Sure. Now, what is contemplated that the county would do with this information, because I think depending on

the part of the State, you know, say if New York City has this information, I think it's very easy within those entities to, you know, share it with the police department, share it with the fire department, as opposed to maybe a county, you know, like Nassau County where -- where I represent. There's a number of -- there's the Nassau County Police Department, but then there's also, you know, many of our first responders are through the volunteer fire department. Is there any requirement that this information would be shared with those types of entities, our local volunteer fire departments who would likely be assisting in the event of an emergency?

MR. WEPRIN: Well, the intention is to share it with as many people in government that are in a position to assist. Again, you know, we're basically, you know, providing the information to those that are generally first responders, but there are other exceptions obviously, but the idea is in the event of an emergency that the people that need to know who has a disability and who should be evacuated sooner know.

MR. RA: Sure. So, is there any issue, though, with regard to, you know, obviously it's confidential and, you know, that's a positive thing that we want to make sure people have faith in this system and they're -- they're willing to share their information, but in terms of making sure that can be shared with those different entities who may be responding to an emergency.

MR. WEPRIN: We would hope it would be shared with all of them. The idea is to share it with as many people that are

in a position to help.

MR. RA: Okay. And I think, lastly, you know, we have something currently called the Smart911 system that's available Statewide, so, you know, what -- what would this provide that some type of system like that wouldn't?

MR. WEPRIN: Well, you know, not everybody is in that Smart911 system and the idea is that in the case of an emergency, in a disaster - and we've had quite a few of them over the last few years - that the people that are in a position to help know who the people are in that area that have disability and should get special attention or early attention. That's the purpose of bill. I'm not looking to overrule the Smart911, but this is an additional resource that can supplement that.

MR. RA: Okay. Thank you very much, Mr. Weprin.
Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: So as was mentioned previously, you know, there was a version of this bill that was -- that was vetoed years ago with regard to costs. You know, I would hope that with changing technology, whether it's, you know, our -- our more widespread use of things like smartphones and apps and things like that that perhaps it could be done more cheaply than -- than it was estimated at that time. But -- but I do know that many of our colleagues have -- have voted no on this bill over the years because of that concern, because local governments have raised an issue with regard to costs. Certainly, like

the previous bill, very laudable thing, especially when you consider in an emergency that many -- many of these individuals might be more vulnerable and have a harder time, whether it's evacuating or getting, you know, or getting whatever they may need if they're sheltering in place or something of that nature.

But, you know, our local governments, time and time and again do raise the issue of -- of what the costs are going to be when we put new mandates on them, because, you know, we have, you know, a tax cap. We -- we have a reduced amount of aid that is going from the State to our local governments and I think because of that reason, you know, many have opposed and may continue to oppose this legislation, but I do, you know, commend the sponsor for trying to find ways in which we can ensure that those with disabilities are protected and -- and we're able to get our first responders to them in the event of an emergency. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Ortiz to explain his vote.

MR. ORTIZ: Thank you, Mr. Speaker, for allowing me to explain my vote. I do -- would like to commend the sponsor for this particular piece of legislation and specifically because we did have some issues in the past about Sandy. I represent the area of

Sunset Park and Red Hook, and Red Hook was hit very badly by Sandy. And in order to identify how many people was disabled and the age group that was included within this 10,000 people that live in this development, was very difficult to quantify that. So -- but I also hope that and I agree with the -- with -- with the other side that -- that the new system and the new technology and the databases that we have will also be able to help to identify some of these disabled and the age group that live in this development, as well. So, I would like to commend the sponsor, Mr. Speaker, and I will be voting on the affirmative.

ACTING SPEAKER AUBRY: Mr. Ortiz in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could please call Racing and Wagering to the Speaker's Conference Room, Mr. Pretlow is there awaiting.

ACTING SPEAKER AUBRY: Racing and Wagering, Speaker's Conference Room. Please proceed.

The Clerk will read.

THE CLERK: Assembly No. A04737, Calendar No. 410, Steck, Reyes, Colton, Simon, Jaffee, De La Rosa, DeStefano, Crouch, Mosley, Cook, Stern, D'Urso, Englebright, Santabarbara,

M.G. Miller, Barron, Zebrowski, Rivera, Dickens, Romeo, Gottfried, Montesano, Morinello. An act to amend the Executive Law, in relation to establishing the Office of the Advocate for People with Disabilities.

ACTING SPEAKER AUBRY: On a motion by Mr. Steck, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect April 1st, 2020.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07473, Calendar No. 442, Gunther, Jaffee. An act to amend the Mental Hygiene Law, in relation to increasing the maximum account balance for the New York ABLE Program.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. I rise to, again, to commend Ms. Gunther for sponsoring this really great piece of legislation which would allow the ceiling for the NY ABLE account to rise from \$100,000 per eligible individual, up to \$520,000 per eligible individual, and that will make it the same as what we currently have for the New York 529 College Savings Program. I think it's really important because people with disabilities as they age, we want them to achieve their maximum independence, which costs money, and allowing families to set aside money to allow individuals to live their best lives to be able to hopefully be in supportive housing, to be able to obtain job training, to be able to, perhaps, go to school and achieve some level of degree or diploma, to be able to be employed. These are all really wonderful objectives and I think that allowing the NY ABLE account to be able to be at this higher level is -- is just very critical. And I'm just very glad to see it and I will vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Walsh in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for allowing an interruption in our proceedings to introduce guests in our Chambers. They are Al, Ivette and Angelo Amoros.

They're from Pomona, New York, and they're guests of our colleague, Mr. Zebrowski. Could you please welcome them to the floor, offer them the cordialities of the Chambers [sic] and welcome them.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mrs. Peoples-Stokes, Mr. Zebrowski, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. We thank you for sharing this day with us. This is the People's House, you are always welcome here. Thank you so very much.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A07492, Calendar No. 444, Steck, D'Urso, Dickens, Sayegh, Englebright, McDonald, Cruz, Colton, Buttenschon, Simon, Jaffee, Gottfried, Epstein, Santabarbara. An act to amend the Social Services Law, in relation to coverage and billing procedures in the Medicaid Program for complex rehabilitation technology for patients with complex medical needs.

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

MR. STECK: The purpose of this bill is to ensure adequate care for patients with complex medical needs. Many people depend on medically-necessary, individually-configured equipment, known as Complex Rehabilitation Technology, CRT, to maintain their mobility, quality of life and independence. CRT includes individually-configured manual and power wheelchairs, adaptive

seating and position items, and other equipment designed to meet a patient's unique needs. For individuals with significant physical or functional impairments, having the appropriate equipment can mean the difference between constant pain and immobility and an active, fulfilling life.

This bill would require the Commissioner of Health to maintain specific billing procedures for Complex Rehabilitation Technology products to ensure that Medicaid patients, for such products permit adequate access to such products and services for complex patient needs. So, for example, there are many people with disabilities for whom the, you know, off-the-rack wheelchair equipment simply does not work; it would actually cause them great pain and discomfort. They need to have equipment that is specifically denied [sic] for their unique conditions. For example, some that have extreme curvature of the spine would need this, and my understanding is that Medicare has developed a billing system for this -- for these particular items of equipment. This legislation ensures that Medicaid does the same.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

ACTING SPEAKER AUBRY: Will you yield?

MR. STECK: Absolutely, yes.

ACTING SPEAKER AUBRY: Mr. Steck yields.

MR. GOODELL: Mr. Steck, under current law,

doesn't the Department of Health have a process and procedure for approving this type of equipment to ensure that those who are disabled have the equipment that they need to live a productive life?

MR. STECK: Well, they do, but I would say at least from my perspective, I much prefer that matters be outlined more clearly in legislation than leaving things up to the Department to do in its discretion. We don't know what standards they're going to use and I, personally, am not one of a philosophy that believes in handing blank checks over to administrative agencies.

MR. GOODELL: Well, as you know, we rely on administrative agencies extensively to prepare rules and regulations that are submitted for public comment as part of the Administrative Procedure Act, unlike most of our legislation; advanced notice, also unlike most of our legislation. Is there a problem with the existing rules and regulations that the Department has promulgated that currently require physician authorization, a review and an evaluation as part of an approval process?

MR. STECK: So, quite frankly, from this Member's position, I think we give far too much leeway to New York State Administrative Agencies in many of the bills that we do. We don't give them clear criteria by which to operate. This legislation updates the current situation as provided in the regulations of the Department of Health to make sure that it is consistent with what Medicare is doing. And it's not so much that there's not a problem with the regulations that they need to be revised, but the legislation does

provide much clearer guidance on this issue than exists up to this point.

I would also note that this bill was vetoed previously by the Governor, and one of the issues that the Governor had with the bill was that he was concerned that there would be self-dealing by physicians recommending this type of customized and obviously expensive equipment for their patients, and I would point out that one of the things which this bill does is state that a qualified health care professional making the recommendation of this type of equipment must have no financial relationship with the complex rehabilitation technology supplier. So, I think, again, this is an update to make sure that Medicaid is as current as what's being done in billing for this equipment with Medicare, and also eliminate that possibility of conflict of interest.

MR. GOODELL: As you know, there's been a lot of concern over the cost of the Medicaid program; in fact, if I'm not mistaken, New York's Medicaid program costs more than California and Florida combined, even those both states are much larger than us, and as part of that, we've had a Medicaid Redesign Team all designed to at least control the growth. And, as you know, the growth on Medicaid has been capped at 3 percent which is actually, you know, 50 percent more than the growth that we've seen for school aid, for example. Has this proposal been reviewed by the Medicaid Redesign Team and do we have any recommendations as it relates to the cost of the program?

MR. STECK: I don't think that that is a relevant discussion in this bill, I'm sorry to say, because these folks cannot use regular, off-the-shelf equipment. It will cause them severe distress, pain and limit their mobility in a way that we should not be doing and I think sometimes we just have to bite the bullet and include this in the Medicaid system, regardless of what the cost might be. There's no showing that there's enough people that would be qualified for this type of equipment that it would put a substantial dent in Medicaid, but I am certainly very mindful of the general high cost of Medicaid in New York. We have a difference of perspective; that's why I support single-payer health insurance.

MR. GOODELL: So, is it your opinion that the Department of Health and this Administration is insensitive to the needs of people with special needs and are not adequately responding to this need?

MR. STECK: I generally philosophically favor legislation over bureaucratic solutions to problems. I think one of the things that we do in this Body very well is meet with people all the time and discuss these things very closely. And, you know, people can talk to me at any time about any legislation when I'm out in my district even having dinner with my family. That's not something you can do with an administrative agency. Yes, there's a formal comment period and all of that, but it's just not the same. I think that's why we're here in the Legislature to be more responsive and less distant from our constituents who have these issues.

MR. GOODELL: Have you reached out to the Department of Health and expressed your concern that they are not being adequately responsive and, if so, what was their response?

MR. STECK: Well, we have not reached out to the Department of Health. We feel that this legislation was necessary to provide for rights of persons with disabilities who have these unique characteristics and to try and avoid putting anyone in harm's way because of what might be some sort of slow and bureaucratic reaction to an issue which, by the way, we've all experienced with our constituents having relationships with administrative agencies in the State of New York; in fact, I think we deal with this maybe not every day, but about every week.

MR. GOODELL: Do you have any data on how slow and how bureaucratic and how unresponsive the current Administration is in responding to the unique challenges of those who need Complex Rehabilitation Technology? Do we have any data on what -- how long these applications are taking and how many are approved or rejected?

MR. STECK: No, I don't, and let me say, you will never see this Member advance a study bill in this Body or a bill to form a commission because generally the fastest way to get nothing done is to form a committee and to have a study. So, why not just do it right the first time.

MR. GOODELL: Certainly a lot of people, though, spend a great deal of thought and care in developing independent

evaluations. Oftentimes, as you know, we receive information, very thoughtful, comprehensive information prepared by advocate groups and others that document the extent and nature of the problem. Do we have anything of that nature for this issue?

MR. STECK: We do not, but the fact is that this is a definite need that have been identified to the Task Force on People with Disabilities by the disability community, and we know people, everyone knows people who use this technology and for us not to provide a system of adequate payment for it, I think we would be lax in our duties and sitting back and waiting for regulations from the Department, in my humble opinion, is not what we should be doing.

MR. GOODELL: Of course, as part of our memorandums that accompany our legislation, we explain, you know, the purpose, the justification and in relatively plain English what we're trying to accomplish, but one of the other requirements is the fiscal implications. Can you give us an idea of what you anticipate the fiscal implications will be for this bill?

(Pause) (Sidebar)

MR. STECK: Right. The difficulty is it's a very small population. We do not have the fiscal implications. That would -- I think without having this in place, we're not going to know the fiscal implications, but, quite frankly, as I said earlier that even if it has fiscal implications, I don't think we can say to this small class of people that we're going to cause them to live in pain with off-the-shelf equipment when that equipment just does not work for them.

MR. GOODELL: I note -- you noted, actually, that the Governor has vetoed similar bills twice; once in 2016, the last veto was in 2017. And when he vetoed it, he expressed concerns over unbudgeted cost increases, as well as integrity concerns with the Medicaid program. Have those issues been addressed with the Governor's staff, and he is now on board?

MR. STECK: Well, I don't know if the Governor's on board with this legislation. I think a lot of this is similar to the Governor saying that if he doesn't want to do a bill for a reason, that it should be part of the budget and then he himself put things in the budget that shouldn't be part of the budget. So, I don't -- we put a bill forward that tried to address the major concern of the Governor which allegedly was conflicts of interest, and we are confident that this Governor, with the support of the Assembly and the Senate, will not want to exclude this class of people from proper care under Medicaid, and that we will budget adequately for this when the time comes.

MR. GOODELL: Obviously, the Governor has a concern about the cost, I mean, that's -- he mentioned it in all of his veto messages. Was this legislation included in the Assembly one-House Budget Bill?

MR. STECK: It was not.

MR. GOODELL: I see. I'm just suggesting that might be one way to address those financial issues, as well.

MR. STECK: Well, we'll certainly, if we pass it today, we'll certainly make sure it's in there next time.

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

On the bill, sir.

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

MR. GOODELL: So, if I understand the comments correctly, the Department of Health currently has a process and a procedure for helping people with disabilities to help them get equipment that will help them maximize their -- their potential. So, we already have a system. It's my understanding we don't have any study documenting a problem with that. We don't know if there's any documented delays. We don't know how many people claim they aren't being properly serviced, and we don't have any study on that. We don't know the cost and we're told that we should adopt it first and figure out the cost later, but we do know that it hasn't been reviewed or approved by the Department of Health. We know the Governor's vetoed it twice over cost concerns. We know it hasn't been reviewed by the Medicaid Redesign Team, and we know that our current program is one of the most expensive in the nation; actually, on a per capita basis, it is the most expensive.

And so, I absolutely agree with the sponsor, Mr. Steck, absolutely agree that we want to make sure that people with disabilities have the equipment that is available for them. I'm just not sure that we have a need to set aside the current system that's designed to address that need, and I may be wrong, I'm just not yet convinced

that the Governor's Administration is ignoring the needs of these disabled individuals. Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

We will go to page 4, Calendar No. 366.

THE CLERK: Assembly No. A00119-A, Calendar No. 366, Buchwald, Galef, Paulin. An act to amend the Public Officers Law, in relation to accessing records under the Freedom of Information Law.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00123, Calendar No. 367, Buchwald, Ortiz, D'Urso. An act to amend the General

Municipal Law, in relation to insurance reserve funds for the Bedford Central School District.

ACTING SPEAKER AUBRY: On a motion by Mr. Buchwald, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00187, Calendar No. 368, D'Urso, Lentol, Arroyo. An act to amend the Penal Law, in relation to fines for corporations.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00230, Calendar No. 369, Braunstein, Abinanti, Zebrowski, Colton, Jaffee, Steck, Weprin. An act to amend the Public Health Law, in relation to the protection of private patient information by ambulance services.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00349-A, Calendar No. 370, Paulin, Galef, Abinanti, Buchwald, Pretlow, Otis, Jacobson. An act to amend the Election Law, in relation to the filing of papers in the County of Westchester.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00382, Calendar No. 371, Lifton, Stirpe, O'Donnell, Galef. An act to direct the Department of State to conduct a study on the use of legal material in an electronic format and access to such legal materials.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record

the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00486-A, Calendar No. 372, L. Rosenthal, Mosley, Gottfried, Otis, Weprin, Ortiz, Perry, Davila, Dinowitz, Simon, M.G. Miller, Lifton, Barron, Seawright, Richardson, Benedetto, Steck, Bronson, Crespo, Hunter, Rozic, Colton, Taylor, Pichardo, Epstein, Reyes, DeStefano, Zebrowski, Stirpe, Carroll, McMahon, Ramos, Jaffee. An act to amend the Lien Law, in relation to employee liens; to amend the Labor Law, in relation to employee complaints; to amend the Civil Practice Law and Rules, in relation to grounds for attachment; to amend the Business Corporation Law, in relation to streamlining procedures where employees may hold shareholders of non-publicly traded corporations personally liable for wage theft; and to amend the Limited Liability Company Law, in relation to creating a right for victims of wage theft to hold the ten members with the largest ownership interests in a company personally liable for wage theft.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00570, Calendar No. 373, Jaffee, Wright, DenDekker, D'Urso, Cook, Cruz, Dickens, Crespo, Mosley, Blake, Abbate, Hunter, Schmitt, Glick, Hyndman, Simon, Abinanti, McDonough, Fall, Raynor, M.L. Miller, Fernandez,

Ashby, Barnwell. An act to amend the Social Services Law, in relation to requiring agencies to provide potential adoptive parents with information concerning State-funded benefits or services received by a foster child that expire upon adoption.

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

THE CLERK: Assembly No. A00580, Calendar No. 374, Jaffee, Lupardo, Simotas, Abinanti, Zebrowski, Simon, Hyndman, Buchwald, Gottfried, Jean-Pierre, Woerner, Colton, Ashby, Mosley, Fahy. An act to amend the Social Services Law, in relation to implementing a cost estimation model for child care.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00754, Calendar No. 37 -- Assembly No. A00605-A, Calendar No. 375, L. Rosenthal. An act to amend the Vehicle and Traffic Law, in relation to adding a "School Bus Safety" awareness component to the pre-licensing driver's education course.

ACTING SPEAKER AUBRY: Read the last section.

On a motion by Ms. Rosenthal, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00754, Calendar No. 376, Joyner, Ortiz, Gottfried, Simon, Barron, D'Urso, Jaffee, Colton, Perry, Weprin. An act to amend the Judiciary Law, in relation to requiring the Office of Court Administration to collect and maintain data on limited English proficient litigants in the State.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00837, Calendar No. 377, L. Rosenthal. An act to amend the Election Law, in relation to voter notification of special elections.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00852, Calendar No. 378, Simotas, Steck, Jaffee, Zebrowski, Blake, Wright. An act to amend the General Obligations Law, in relation to the provisions of consumer and employment contracts.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01120, Calendar No. 379, Gottfried, Abinanti, D'Urso, McDonough, Colton, Galef, Sayegh, DeStefano. An act to amend the Public Health Law and the Mental Hygiene Law, in relation to patient health information and medical records.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01167, Calendar No. 380, D. Rosenthal, D'Urso, Steck, Stirpe, Seawright, L. Rosenthal, Ortiz, McDonald, Cruz, McDonough, Cook, Dickens, Arroyo. An act to amend -- an act to repeal certain provisions of the Insurance Law relating to anti-arson applications.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01184, Calendar No. 381, Glick, Fahy, Stirpe, Griffin. An act to amend the Education Law, in relation to mandatory reporting of certain convictions, professional misconduct and/or adverse employment actions; and to amend the Criminal Procedure Law, in relation to notice to the Education

Department.

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.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker, for the opportunity to interrupt our proceedings to introduce some guests in our Chambers [sic]. They are our neighbors from the North. Phyllis Yaffe is the Consul General from Canada; Ian Todd is from the Ontario Trade Representative; Peter Rose is the Government Relations, and Rachael Homewood is the Senior Advisor to the Consul General. Mr. Speaker, if you could please welcome our neighbors from the North to our Chambers [sic] today, offer them the cordialities of the floor, I would be greatly appreciated.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mrs. Peoples-Stokes, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. This is the People's House, you are always welcome here and always friends to the North. Thank you so

very much. Glad that you've joined us on this day. Thank you.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A01192, Calendar No. 382, Gottfried, Cahill, Rivera, Glick, Paulin, Jaffee, Lifton, Cook, Perry, Englebright, O'Donnell, Arroyo, L. Rosenthal, Hevesi, Bronson, Fahy, Mosley, Weprin, Otis, Steck, Pichardo, Aubry, Ortiz, Seawright, Lavine, D'Urso, Simotas, Dickens, Taylor, Raia, Simon, Barron, Sayegh. An act to amend the Public Health Law, the Education Law and the Labor Law, in relation to prohibiting participation in torture and improper treatment of prisoners by health care professionals.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01525-A, Calendar No. 383, Buchwald, Jacobson. An act to amend the Election Law, in relation to watchers during election.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01824, Calendar No.

384, Lavine. An act to amend the Criminal Procedure Law, in relation to claims of ineffective assistance of counsel in post-conviction motions.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01931, Calendar No. 385, Zebrowski, Weprin, Blake. An act to amend the Banking Law, in relation to the order in which a payor bank shall pay checks.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01971, Calendar No. 386, Zebrowski, Cook, Lupardo, Thiele, D'Urso, Blake, Steck, Palmesano, Crouch, Byrne, Friend, Stirpe. An act to amend the Alcoholic Beverage Control Law, in relation to expanding the amount of barrels that a restaurant brewer may sell at retail.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, could you call on Mr. Otis for an announcement?

ACTING SPEAKER AUBRY: Mr. Otis for the purposes if a [sic] announcement.

MR. OTIS: Everyone should simmer down a little. We're going to have a Majority Conference upon the conclusion of Session today in the Speaker's Conference Room. See you there.

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

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: Oh, we have both, Mrs. Peoples-Stokes. We have both.

On behalf of Mr. Gottfried, Bill No. A04072, Assembly bill recalled from the Senate. The Clerk will read the title of the bill.

THE CLERK: An act to amend the Public Health Law.

ACTING SPEAKER AUBRY: There is a motion to

reconsider the vote by which the bill passed the House.

The Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

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

On behalf of Mrs. Gunther, Bill No. A04109-A, Assembly bill recalled from the Senate. The Clerk will read the title of the bill.

THE CLERK: An act to amend the Social Services Law.

ACTING SPEAKER AUBRY: There is a motion to reconsider the vote by which the bill passed the House.

The Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

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

On behalf of Mr. Dinowitz, Bill No. A04745, Assembly bill recalled from the Senate. The Clerk will read the title of the bill.

THE CLERK: An act to amend Chapter 455 of the Laws of 1997.

ACTING SPEAKER AUBRY: There is a motion to reconsider the vote by which the bill passed the House.

The Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

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

Numerous 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. 452-463 were unanimously approved.)

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 5:37 p.m., the Assembly stood adjourned until Thursday, May 30th at 10:30 a.m., Thursday being a Session day.)