

**MONDAY, JUNE 17, 2019**

**1:34 P.M.**

ACTING SPEAKER AUBRY: The House will come to order.

Reverend Elia will offer a prayer.

REVEREND DONNA ELIA: Let us pray. Holy and majestic God, we, created in Your holy image, pause in Your presence to give You thanks. You are above all, and in all and through all, and You cherish each person gathered here. Thank You for the ways in which You have empowered this Body to accomplish all that has been completed this past year. For the moments when understanding and compassion have prevailed, thank You. For the times that were less than smooth, we ask for new insight and better processes going forward. And let Your wisdom and energy continue to empower each legislator and staff person. Give them the ability to press on as this Session nears completion, and then give to each person a wholly- and

well-deserved time of rest. Bless their families and all they hold dear. Give wholeness and healing to any who need it this day. O God, You make peace in high places. Help us to make peace in our communities, our families and our hearts. 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 Sunday, June 16th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to dispense with the further reading of the Journal of June the 16th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, thank you for the opportunity to share a quote with my colleagues that are in the Chambers [sic] with their staffs and with guests that are in our Chambers [sic]. Yesterday, as many of you all know, was Father's Day. Happy Father's Day to all you fabulous fathers. This quote is from Billy Graham, and it actually is about fathers. It says, "A good

father is one of the most unsung, unpraised and unnoticed, and yet one of the most valuable assets in our society." I actually agree with Billy Graham. One of the most valuable assets in our society.

With that, Mr. Speaker, I want to make the members aware of our schedule for today. It is going to be a very busy schedule, so I'm going to start out by asking people to stay in the Chambers [sic] or in and around the Capitol, not to leave the area. We have a main Calendar on our desk. We are going to be going through several committees today as well, and if you think today is going to be busy, wait till tomorrow and Wednesday. It's going to be even busier. Again, we're going to be asking people to stay in and around the Chambers [sic] in order for us to be successful in all of our goals. We literally have hundreds of bills and roll calls to complete. We can't get through our work if members aren't here voting. Voting can either take five minutes or 25, and that is all dependent upon whether or not we're in and around the Chambers [sic]. Thank you so much in advance for your cooperation, and that will certainly help us get through these most productive days.

Let me now advise members of our schedule for today. On our desks we have a main Calendar and a debate list. After any introductions and/or housekeeping, we will be taking up resolutions on page 3, including one by Ms. Dickens commemorating Juneteenth in the State of New York. After resolutions we will continue on consent, bills to the main Calendar that have not yet been consented. We will begin with Rules Report No. 142 on page 9, and

work through the Rules Report on page -- work through to Rules Report No. 310, which is on page 41. In addition, we will also be taking up bills on debate. A number of committee meetings will be called, including Rules, which will produce an A-Calendar. Members of the Codes Committee and Ways and Means Committee should be ready for meetings to be called off the floor. Then, Mr. Speaker, a second Rules Committee meeting will be called to produce a B-Calendar. In addition, the following committees will be scheduled to meet: Local Governments, Banks, Election Law, Higher Ed, Judiciary, Labor, Real Property Taxation and Education. There will likely be a need for party conferences afterwards, Mr. Speaker, and we will make those announcements when that time is appropriate.

That's a general outline. If there are any introductions or housekeeping, now would be an appropriate time.

ACTING SPEAKER AUBRY: Certainly. We have housekeeping.

On a motion by Mr. Burke, page 18, Rules Report No. 182, Bill No. A7675, amendments are received and adopted.

For the purposes of an introduction, Ms. Hunter.

MS. HUNTER: Thank you, Mr. Speaker. I rise today to introduce a very distinguished guest from the City of Syracuse. We have visiting with us today the President of the Syracuse-Onondaga Chapter of the NAACP; her husband, who is the prior past President; and also a prior Common Council President of the City of Syracuse; and also members of the Syracuse-Onondaga

Chapter of the NAACP who are here today to participate in our annual Juneteenth ceremony.

So, I would ask, Mr. Speaker, if you can extend the cordialities of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf Ms. Hunter, the Speaker and all the members, we welcome these distinguished members of the NAACP in Syracuse here to the New York State Assembly. We extend to you the privileges of the floor. We thank you so very much for joining in this celebration, but also the work that you do in your hometown to provide equity and fairness and justice for all. Thank you so very much. Keep up that good work.

(Applause)

Mr. Barron for an introduction.

MR. BARRON: Thank you very much, Mr. Speaker. I want to caution you all -- all of you, I want to caution you. You'd better be nice to me today because my son is here, Jawanza Barron. Jawanza, for 15 years he did a lot of coaching. He coaches tennis for -- for young people. He's a part of our community organization Operation Power, a chair -- co-chair of the Youth Committee in Operation Power. He's done a lot of community work, organizing when he was a little baby. His mother and I got arrested at the South African Consulate, and he was in the carriage. Somebody had to take care of him while we went to jail.

(Laughter)

So he has been in the movement for a very long time.

He comes to all of our demonstrations, rallies. He has got his looks, his brains and his brilliance from his momma, and they let me hang out a little bit, so I'm a little smart, too. But I just wanted the Speaker of the House to grant the cordiality of this House to my beloved son, Jawanza Barron.

ACTING SPEAKER AUBRY: Certainly. On behalf of your father, young Barron, we are so happy to have you here. We -- you are family, so you are always extended the privileges of the floor. You know that you make your father very happy and very proud, obviously, from what he does. Please continue the great work that you're doing now and forever. Thank you so very much.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to interrupt our proceedings to introduce to you on behalf of myself and Member Ryan and Burke the Superintendent of the Buffalo School Board. Dr. Cash and his wife have joined us here today. Mr. Speaker, the Buffalo community is very excited about having Dr. Cash as our Superintendent. The District has never been in better condition. Under Dr. Cash's leadership, graduation rates have climbed to a 16-year high. Grades 3 through 8 proficiency rates in ELA and math are rising fast, from single digits five years ago, and a number of schools to standing nearly triple digits in current schools now. The number of receivership schools has dwindled from 25 to three. And that three will be gone

next year under the leadership of this gentleman.

So, Mr. Speaker, if you would please offer him the cordialities of the House and greet him in our Chambers [sic]. And just so that members are aware, later, in the Juneteenth opportunities upstairs on the fourth floor we will be presenting Dr. Cash with a proclamation for his fine work in the great City of Buffalo.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mrs. Peoples-Stokes, the Speaker and all the members, Dr. Cash, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. We celebrate you -- with you the great work that you're doing. That's such good news coming out of Buffalo. Thank you for that great work. Continue that. The children of our -- of your City, the children of this State, need that kind of encouragement. Thank you, and we will always welcome you here. Thank you.

(Applause)

Ms. Simon for an introduction.

MS. SIMON: Thank you, Mr. Speaker. We have a constituent group here today, the League Education and Treatment Center, which is located in DUMBO, in my district. And the CEO, Mark Handelman, is here, as well as one of the artists that I will tell you about in a moment, Carlo Daleo. The League Education Center is a not-for-profit community-based organization that provides a variety of programs designed to meet the needs of individuals of all ages with developmental disabilities throughout the metropolitan area. The

League Center operates a preschool program, which is a 4410 program, and a school-age 853 schools special education program and adult day habilitation programs. The group is here today spotlighting their Arts program, which gives individuals an opportunity to create and share their works of art. The League Center nurtures the adult -- the talents of participating artists while integrating individuals into the community as professional artists. Their collection is between the glass doors near the LOB entrance, and is being shown from 11 until 3 today. If you haven't had an opportunity, I think you'd find the art very interesting. One of the artists is with us today, Carlo Daleo. And he's spent most of his life living in Bushwick. And he's been attending the League Center program since its inception in 2005. He's a very talented draftsman, painter, writer, animator and voiceover artist. And he started making art at the age of five, following two pop culture tragedies; the unfortunate car accident injuring Jan Berry and the death of Walt Disney. He's decided he wanted to continue in the legacy of Disney and cartoonists, and he has been doing that. And if you have an opportunity to see his work, I think you'll find it very enjoyable.

So, please join me in -- in welcoming these people and giving them the cordialities of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Simon, Mr. Lentol, 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 thanks for the work that you're doing to assist individuals who have the need



for that kind of service. Please continue that work. We know you will make the world a better place and they will make the world a better place. Thank you so very much.

(Applause)

The Clerk will read resolutions on page 3.

THE CLERK: Assembly Resolution No. 585, Ms. Dickens.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 19, 2019, as Juneteenth Day in the State of New York.

ACTING SPEAKER AUBRY: Ms. Dickens on the resolution.

MS. DICKENS: Thank you, Mr. Speaker, and thank you to my colleagues for allowing me to take this time to explain Juneteenth. On this day we celebrate Juneteenth, the oldest known celebration commemorating the end of slavery in the United States. Two years after the Emancipation Proclamation in 1863, it wasn't until June 19th of 1865 that the Union soldiers led by Major General Gordon Granger landed at Galveston, Texas with news that the Civil War had ended and that the enslaved were now free. Juneteenth was formally established as an official holiday in the State of Texas in 1980 by Al Edwards, an African-American State Legislator who continued to bring awareness about the observance of this holiday. It is with great honor that I bring forward this resolution to be recognized by my colleagues here in the Legislature. It is not a single

day that awareness which is held on the 19th of June, but a continuous commemoration of freedom obtained by our ancestors, and to symbolize the growth our African-American brothers and sisters have sustained amidst success and adversity. Today we will honor the tireless plight and perseverance of our ancestors and celebrate prosperity and our rich history and culture, and hope that all of you will join us in honoring the spirit of Juneteenth. And hopefully one day we will all reach the mountaintop when our great country recognizes that slavery existed, and de facto slavery still exists today.

I want to also thank my colleague, Assemblymember Latrice Walker, for the Kente Cloth and the explanation of Juneteenth that she put on each desk -- desk, and I want to acknowledge Tamara Holmes, a dancer that will be performing on the fourth floor of the Capitol today shortly.

Thank you, Mr. Speaker, and thank you to my colleagues.

ACTING SPEAKER AUBRY: Thank you, Ms. Dickens.

Ms. Walker on the resolution.

MS. WALKER: Thank you, Mr. Speaker. Please allow me to bestow an immense level of gratitude to my colleague, Member Dickens, for bringing this resolution today which allows us to celebrate a rich history here in America as people of African ancestry. Many times we have conversations, and we hear people being able to direct their lineage back to a location, back to, in many instances, a

street. But I feel like I'm lucky and I'm fortunate, because I get to direct my ancestry back to an entire continent. At least that's what I thought before I ran across some very important records. I would like to take this opportunity to introduce everyone to my great-great-great-grandfather, Guinea Charles McMillan. His African name we do not know, but he was born in Guinea, West Africa in May of 1825, and he was bought in Charleston, South Carolina as a slave. He was sold to James W. McMillan, a family in Cowpens Township, later, Three Mile Township in Barnwell, South Carolina. Guinea Charles later became a slave to Henry W. McMillan, II, family of that same community. He was one of 35 slaves on the plantation in 1860. We know that due to the census records his master, H.W. McMillan, recorded in July of that very year. The master trusted Guinea Charles to assist Carey Columbus McMillan, who was the son of Henry McMillan, II, on the battlefield during the Civil War. Guinea Charles was also the mail carrier during the war from the plantation to the battlefield where he carried Carey McMillan food, clothing and letters from home. After emancipation in 1865, Guinea Charles continued to serve after and during the Reconstruction Era, as he attended many legislative meetings and attended the voting polls with Carey McMillan. This probably explains why he and his family did not appear in the 18 Federal Census. By 1875, he accumulated land in the Township of Bamberg, which was inherited by his children. They sold some of it off to Odella Hartsick in 1896, and more in 1897 to his son, Charles McMillan. He referred to himself as Charles McMillan,

Sr. once his daughter Cam married a man, together with his wife, Annie, also a slave purchased in Charleston, South Carolina. The final resting place of my great-great-great grandfather is still a location that we call home. It's where I go and visit each and every summer with my family, and I appreciate having that benefit. In that regard, today I take a -- a special liberty, with special thanks to you, Mr. Speaker, to -- in observance of Juneteenth and in honor of my African ancestry, to bestow Kente Cloth and a poem in remembrance of our legacy.

I would like to recite the poem. "From Africa's heart, we rose. Already a people, our faces ebon, our bodies lean, we rose. Skills of art, life, beauty and family crushed by forces we knew nothing of, we rose. Survive we must, we did, we rose. We rose to be you, we rose to be me. Above everything expected, we rose. To become the knowledge we never knew, we rose. Dream, we did. Act, we must."

Thank you very much for allowing me to honor my family, our rich African ancestry, our legacy. And to a wonderful group of people in Galveston, Texas, thank you for giving this day, Juneteenth, for us to remember our rich history forever. Let's not forget. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Barron.

MR. BARRON: Thank you, Mr. Speaker.

Juneteenth -- I want to mention July 4th, the 4th of July, we call it the 4th of You Lie because we were not independent. July 4th is the

reason why we celebrate Juneteenth. Because on July 4, 1776 we were enslaved while you were celebrating independence. And through no sensitivity to us, you just celebrate the independence of the 13 colonies that liberated themselves from the King of England, but at that time we were actually enslaved. And when Betsy Ross stitched the first American flag, we were catching stitches in slavery. So when we celebrate Juneteenth, we also have to celebrate and demand reparations. We don't just want to dance and sing and eat and put on African cloth without making the point that African people built this country. Off the sweat, labor, tears of our community, we built capitalist, racist America. Off of our blood set -- sweat and tears. So every Juneteenth, when I think about what our people have gone through -- and the real liberators of African people wasn't the General who went to Galveston, Texas. It was the Africans who were a part of the calvary. They went from plantation to plantation, even with Harriet Tubman, freeing enslaved Africans from slave states that left the Union. And be it -- bear in mind that Abraham Lincoln, who was also a racist, didn't free a single enslaved African. In 1863 when Lincoln had the Emancipation Proclamation, he said all those slaves in the states that left the Union, he said you were free. But Lincoln didn't have the jurisdiction to free them because they left the Union and they were under the jurisdiction of Jefferson Davis, the Confederacy. There were four slave states that didn't leave the Union, and Lincoln said, *It doesn't apply to your states. You could keep your slaves because you didn't leave the Union.* So the great Abraham Lincoln,

the second biggest lie told to America that he freed the enslaved Africans. Well, if he did in 1863, then why did you have to have the 13th Amendment in 1865 after the Civil War? You wouldn't have had a 13th Amendment to abolish slavery if he already freed all the slaves. Because he didn't free anybody. There were four million of us enslaved. After the Civil War, after the Emancipation Proclamation, there were still 3.8 million enslaved Africans. Lincoln didn't free anybody. He was a racist. He wanted to free us and send us back to Africa so America can be all white. That was a Lincoln's dream. Later on he was forced, forced in supporting the abolition of slavery.

So I thought I'd just share a few of those little notes with you, give you some food for thought, because history has always been revised to make it appear that Christopher Columbus discovered America when he only discovered he was lost. People were already here. You can't discover a place where people already exist. Lincoln freed the slaves, the second lie, because we were still enslaved after the Civil War, two years later after the Emancipation Proclamation. So, on Juneteenth when we celebrate this, we have to demand our reparations. You can't work us for free. You can't steal this land from the indigenous people and then talk about your greatness as a nation and never repay the people that built this nation for you. You stole us. You worked us. You sold us. You owe us. Reparations now. A crime has been committed. Our people have been injured and compensation is due. Pay us our reparations and then can have some food with us as we celebrate Juneteenth.

(Laughter)

ACING SPEAKER AUBRY: Ms. Wright.

MS. WRIGHT: Thank you, Speaker. I want to welcome our visitors that are here today to celebrate with us, and I lend my voice as we here in New York State affirm and honor Juneteenth (adjusting mic). I'm sorry, thank you, Speaker. Today I stand and I'm honored to lend my voice as we in New York State honor and observe Juneteenth. And I would like to say welcome to our visitors, in particular, one of our younger visitors who was not mentioned earlier, the son of our dancer, Tajon Thomas. Thank you for joining us today.

Juneteenth celebrates freedom in the United States. Black freedom. Although the Emancipation Proclamation was dated January 1, 1863, it was not until June 19, 1865, two-and-a-half years later, when Union soldiers entered Galveston, Texas and announced the abolition of slavery in the United States, that some 250,000 slaves in Texas were finally free. Oh, what a time of joy and celebration. The new and free -- the newly-freed people marked that occasion with community-wide celebrations, and we continue the tradition today. Our celebrations are often a fusion of education and culture. A time for reflection and renewal. For example, this year's celebration in the 56th Assembly District was the 9th annual celebration curated and sponsored by Cal Tech's African Dance Company. They offered dance classes, art sessions, lectures, musical performances and a house music dance party. It was a celebration that honored the resiliency of

a people that were enslaved, terrorized, lynched, discriminated against, beaten, robbed, cheated and imprisoned. Yet, who are the very same people who are hopeful enough to stand in the gap and stay ready to fight for and secure the rights of all people. The very spirit-filled people that have produced music and art to nourish the soul. The people who have fought in every branch of the Armed Services to protect this country and the rights that are often denied to them. The people of faith and determination who continue to dream. Because as so aptly captured by the poet Langston Hughes, *I, too, sing America. I am the darker brother. They send me to eat in the kitchen when company comes. But I laugh and eat well and grow strong. Tomorrow I'll be at the table when company comes. Nobody will dare to say to me "Eat in the kitchen" then. Besides, they'll see how beautiful I am and be ashamed. I, too, am America.*

Thank you.

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. 586, Ms. Solages.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim July 2019, as Plastic Free 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. 587, Ms. Malliotakis.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 21, 2019, as Yoga Day in the State of New York, in conjunction with the observance of International Day of Yoga.

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. 588, Mr. Cusick.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim September 20, 2019, as POW/MIA Day in the State of New York.

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

THE CLERK: Assembly Resolution No. 589, Mr. DeStefano.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim September 2019, as Dystonia Awareness Month in the State of New York.

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

adopted.

THE CLERK: Assembly Resolution No. 590, Mr. Byrne.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim October 2019, as Eczema Awareness Month in the State of New York.

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

Mr. Abbate.

MR. ABBATE: Mr. Speaker, I'd like to star a bill, Assembly Bill No. 7133-A, page 36, Rules Report No. 279.

ACTING SPEAKER AUBRY: The bill is starred. Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker. If we can start on consent on page 9 with Rules Report No. 142 by Mr. Crouch.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A05960, Rules Report No. 142, Crouch, Lupardo. An act to amend Chapter 125 of the Laws of 2017, amending the Environmental Conservation Law relating to hunting in the County of Broome west of the Susquehanna River, in relation to making the provisions thereof permanent.

ACTING SPEAKER AUBRY: On a motion by Mr. Crouch, 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.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, my colleagues, this is our first vote of today. If you're in and around the Chambers [sic], please cast your vote so that we can keep our agenda moving with some speed. First vote of today.

ACTING SPEAKER AUBRY: First vote of the day, members. If you're in your seats, please vote now. If you're in the sound of our voice, if you hear us, come to the Chamber and vote.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05991, Rules Report No. 143, Weinstein, Seawright, Abinanti, Lupardo, Simotas, Taylor, Steck. An act to amend the Civil Rights Law, in relation to actions involving public petition and participation.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06214, Rules Report No. 144, Abbate, Wallace, Colton, Steck, McDonough, Weprin, Griffin, Buttenschon, Benedetto, Santabarbara. An act to amend the Retirement and Social Security Law, in relation to disability retirement

for members of the Department of Environmental Conservation, forest rangers, university police officers and the regional State Park Police.

ACTING SPEAKER AUBRY: On a motion by Mr. Abbate, 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.)

Vote on the floor, members.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06241-A, Rules Report No. 145, Abbate, Colton, Jaffee, Griffin. An act to amend the Retirement and Social Security Law, in relation to providing a lung disease presumption for correction officers, correction supervisors, deputy sheriff patrol or deputy sheriff patrol supervisors.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06246-A, Rules Report No. 146, LiPetri. An act to amend -- an act in relation to authorizing the West Babylon Church of God of Prophecy, Inc., to file an application for exemption from real property taxes for certain assessment rolls.

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.)

That -- excuse me. That vote will be withdrawn.

The Clerk will read. Same bill.

On a motion by Mr. LiPetri, 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.)

Here's a first. His first, and he's not home.

(Applause)

Let's hear it for him. This is the year that never was.

(Laughter)

The Clerk will read.

THE CLERK: Assembly No. A06260-A, Rules  
Report No. 147, Gunther, Magnarelli, Buttenschon, Wallace, D'Urso,  
Bronson, McDonald, Steck, Manktelow, Mosley, L. Rosenthal, Thiele,  
Ortiz, Colton, Williams, Galef, Gottfried, Barron. An act to amend

the Environmental Conservation Law, in relation to prohibiting the use of chemical flame retardants.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06306-B, Rules Report No. 148, Rozic, Santabarbara, McDonald, McMahon, Blake, Perry. An act to create the Empire State Cricket Task Force; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Ms. Rozic, 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. A06367, Rules Report No. 149, D'Urso. An act to authorize the Assessor of the County of Nassau to accept an application for exemption from real property taxes from Lubavitch of Roslyn for a certain parcel in the Hamlet of Roslyn Heights in the Town of North Hempstead.

ACTING SPEAKER AUBRY: On a motion by Mr. D'Urso, 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. A06368, Rules Report  
No. 150, D'Urso. An act to authorize the Assessor of the County of  
Nassau to accept an application for exemption from real property taxes  
from Shelter Rock Islamic Center, Inc. for a certain parcel in the  
Village of Roslyn in the Town of North Hempstead.

ACTING SPEAKER AUBRY: On a motion by Mr.  
D'Urso, 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. A06466, Rules Report No. 151, D. Rosenthal, Blake, Stirpe, Arroyo, Galef, Sayegh, Cruz, Ortiz, Gottfried, McDonough, Schmitt, Ashby, Williams, Simon, Mosley, Hyndman, Crespo, Steck, Fernandez. An act to amend the Insurance Law, in relation to requiring health and motor vehicle insurance policies to notify policyholders of cancellation, discontinuance or major changes to their policy via email and to offer paperless notification upon the issuance of such policies.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06553, Rules Report No. 152, Otis. An act to amend Chapter 509 of the Laws of 2016, amending the Tax Law relating to authorizing the imposition of an occupancy tax in the Village of Port Chester, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Otis, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.



THE CLERK: Assembly No. A06739, Rules Report No. 153, Jean-Pierre. An act to amend the Not-for-Profit Corporation Law, in relation to the merger of certain cemetery corporations.

ACTING SPEAKER AUBRY: On a motion by Ms. Jean-Pierre, 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. A06753-A, Rules Report No. 154, Eichenstein, Hevesi, Aubry, Pichardo, Fernandez, Reyes, Solages, Hunter, D. Rosenthal, Barron, Joyner, Cymbrowitz, Frontus, Otis, Cahill, Williams, Steck, Vanel, McMahon, Arroyo, Englebright, Abbate, Colton, Perry, Rivera, Rodriguez, McDonald, Fall, Griffin, Fahy, Dickens, Benedetto, Cruz, Epstein, Sayegh, Romeo, Jacobson, M.G. Miller, Mosley, Cusick, Simon, Lentol, Ramos, Quart, Jean-Pierre, Pretlow, Abinanti, Taylor, Galef, Simotas, Wallace, D'Urso, Crespo, Ortiz, Niou, Stern, Pheffer Amato, Weprin, Lavine, Rozic, DenDekker, De La Rosa, Ryan, Carroll, Lupardo, Magnarelli, L. Rosenthal, Blake, Titus, Walker, Hyndman, Nolan,

Paulin, Gottfried, O'Donnell, Dinowitz, Zebrowski, Stirpe, Richardson, Bichotte, Bronson, Raynor, Seawright, Woerner, Buttenschon, Lifton, Burke, Buchwald. An act to amend the Social Services Law, in relation to exempting income earned by persons under the age of 24 from certain workforce development programs from the determination of need for public assistance programs.

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. A06771, Rules Report No. 155, D'Urso. An act to amend Chapter 280 of the Laws of 2016 authorizing the Village of Plandome Manor to enter into a contract to sell or pledge as collateral for a loan some or all of the delinquent liens held by such village to a private party or engage a private party to collect some or all of the delinquent tax liens held by it, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. D'Urso, 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: Home Rule message  
is at the desk.

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. A06773-A, Rules  
Report No. 156, Stirpe. An act in relation to authorizing the Liverpool  
Central School District to receive State aid for certain approved  
capital-funded projects.

ACTING SPEAKER AUBRY: On a motion by Mr.  
Stirpe, 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. A06971-B, Rules  
Report No. 157, Taylor, L. Rosenthal, D'Urso, Solages, Ortiz,

Richardson, Crespo, Fernandez, De La Rosa, Cook, Weprin, Pretlow, Gottfried, Lavine, Hyndman, Dickens, Bronson, Cusick, Abinanti, Arroyo, Rivera, Jean-Pierre, Davila, McDonald, Steck, Williams, Joyner, Epstein, D. Rosenthal, O'Donnell, Stern, Vanel, Barron, Dinowitz, Jaffee, Brabenec, Raia, Wright, Paulin, Fall, Seawright, Galef, Mosley, Raynor, Magnarelli, Reyes. An act to amend the Public Health Law, in relation to requiring anaphylactic policies for child care services.

ACTING SPEAKER AUBRY: On a motion by Mr. Taylor, 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. A07053, Rules Report No. 158, Thiele, Cahill, Crespo, Englebright, McDonough, Montesano, Morinello, Raia, L. Rosenthal, D'Urso, Lupardo, Fernandez. An act to amend the Agriculture and Markets Law, in relation to the confinement of companion animals in unattended motor vehicles under conditions that endanger the health or well-being of an

animal.

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. A07117, Rules Report  
No. 159, Abbate, Colton, Reyes. An act to amend the Retirement and  
Social Security Law, in relation to the maximum amount certain  
members of the New York State Teachers' Retirement System may  
borrow against retirement contributions and to making technical  
corrections thereto.

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. A07124, Rules Report  
No. 160, Cahill. An act to amend the Insurance Law and a Chapter of

the Laws of 2018 amending the Insurance Law relating to business entity license renewal dates, as proposed in legislative bills number S.6445-A and A.8484-A, in relation to registration fees and continuing education requirements for license renewal.

ACTING SPEAKER AUBRY: On a motion by Mr. Cahill, 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. A07169, Rules Report No. 161, Glick, Jaffee, Simon, Blake, De La Rosa, Englebright, Rozic, Ortiz, Cruz, Williams, Epstein, Reyes, Gottfried, M.G. Miller, Joyner, Ramos, Fall, Fernandez, Crespo, Weprin, Griffin. An act to amend the Executive Law, in relation to equal pay disclosure with respect to State contracts.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07199, Rules Report No. 162, Gunther. An act to amend the Mental Hygiene Law, in relation to the suspension of service of State-operated individualized

residential alternatives.

ACTING SPEAKER AUBRY: On a motion by Mrs. Gunther, 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. A07289, Rules Report No. 163, Barrett, DenDekker, Santabarbara, Norris, Raia, D'Urso, Wallace, Cusick, Stern, Griffin, Malliotakis. An act to amend the Real Property Tax Law, in relation to establishing a tax exemption for improvements to the property of severely injured members of the Armed Forces of the United States.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect January 2nd.

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.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, we're just going to pause for a minute. Mr. LiPetri, who passed his first and we don't know how many times it'll happen again, we should give him an applause.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A07293, Rules Report No. 164, Thiele, Woerner, Paulin, D'Urso, Stern, Burke, Abbate, Jean-Pierre, Epstein, DeStefano, Ashby, Brabenec, Montesano, Schmitt, Mikulin, B. Miller, McDonough, Raia, Palumbo, Manktelow, Griffin. An act to amend the Education Law, in relation to military voters and ballots for election of members of the board of education and school district public library trustees, and the adoption of the annual budget and school district public library budget and referenda.

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

Read the last -- 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. A07417, Rules Report No. 165, Lifton, D'Urso. An act to amend Chapter 210 of the Laws of 2009, amending the County Law relating to communication service surcharges applied to Tompkins County, in relation to extending the provisions of such chapter.

ACTING SPEAKER AUBRY: On motion by Ms. Lifton, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07432-B, Rules Report No. 166, McMahon, B. Miller, D'Urso. An act to amend Chapter 635 of the Laws of 1963 relating to incorporating the Snyder Volunteer Firemen's Benevolent Association, in relation to its purpose and the use of foreign fire insurance premium taxes.

ACTING SPEAKER AUBRY: On a motion by Ms. McMahon, 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. A07433, Rules Report  
No. 167, Zebrowski. An act in relation to permitting the Village of  
Upper Nyack to file an application for a real property tax exemption.

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. A07450, Rules Report  
No. 168, Stec. An act to amend the Tax Law, in relation to increasing  
hotel and motel taxes in the County of Essex.

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

Read the last section.

THE CLERK: This act shall take effect January 1, 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. A07458, Rules Report No. 169, Wallace. An act to amend Chapter 462 of the Laws of 2015, amending the Elder Law relating to long-term care ombudsman access to assisted living facilities, in relation to the effectiveness of certain provisions of such chapter.

ACTING SPEAKER AUBRY: On a motion by Ms. Wallace, 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.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could call the Rules Committee to the Speaker's Conference Room. Rules Committee.

ACTING SPEAKER AUBRY: Rules Committee, Speaker's Conference Room immediately, please.

The Clerk will read.

THE CLERK: Assembly No. A00109, Rules Report No. 170, L. Rosenthal, Seawright, Arroyo, Simon, Galef, Mosley, Dinowitz, Ortiz, D'Urso, De La Rosa, Quart. An act to amend the Public Buildings Law, in relation to requiring that all single-occupancy bathrooms in State-owned or operated buildings be designated as gender neutral.

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

Read -- read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07484, Rules Report

No. 171, Pheffer Amato. An act to amend Chapter 100 of the Laws of 2013, relating to authorizing the reinstatement of prior approved work permits and waiving the requirements of Section 35 and subdivision 2 of Section 36 of the General City Law as such provisions relate to rebuilding and repairing homes devastated by Hurricane Sandy in the City of New York, in relation to the effectiveness thereof.

ACTING SPEAKER PICHARDO: On a motion by Ms. Pheffer Amato, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: 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. A07489-A, Rules Report No. 172, Gunther. An act to create a temporary commission relating to the Office of Mental Health housing programs.

ACTING SPEAKER PICHARDO: On a motion by Mrs. Gunther, 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 PICHARDO: 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. A07496-A, Rules Report No. 173, Peoples-Stokes, Burke, McMahon, Ryan, Wallace, Schimminger. An act to amend Chapter 5 of the Laws of 1997 relating to the creation of the Roswell Park Cancer Institute Corporation and providing for the rights, powers, duties and jurisdiction of such corporation, in relation to procurement contracts awarded by the Institute.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: 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. A07497, Rules Report No. 174, Raynor, Hyndman. An act to amend the Highway Law, in relation to designating a portion of the State highway system as

"Melvin Harris, Jr. Way."

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect immediately

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Raynor to explain her vote.

MS. RAYNOR: Thank you, Mr. Speaker, for allowing me to speak on the bill. The late and great Mr. Melvin Harris, Jr. was a civil rights leader and advocate who called Uniondale, New York his home. Mr. Harris served as the Nassau County Commissioner on Human Rights, and president of the Hempstead Chapter of the NAACP. He also served as vice president of the Uniondale Community Council, and president of the Nostrand Gardens Civic Association. Mr. Harris advocated strongly for the Uniondale community. He fought for positive change, inclusion, opportunity and upward mobility for the underserved and disenfranchised. Mrs. Patty Harris, the wife of Mr. Harris, carries on his legacy today. She serves as a leader in the Nostrand Gardens Civic Association, an ambassador for education. Mrs. Harris, members of the Nostrand Gardens Civic Association and the wonderful residents of Uniondale requested that Front Street be renamed in Mr. Harris' honor because it is the street nearest to the Harris home.

I would like to share a quote by Mr. Harris. "If we

agree to put down our petty differences and lift up the greatness in each other, then collectively, we can change the direction of our communities." It is quite evident that Mr. Harris understood the importance of civic leaders and community-based organizations for the protection and progression of our community.

It is an honor and a privilege to be the proud sponsor of this bill. Thank you, and I vote in the affirmative.

ACTING SPEAKER PICHARDO: Ms. Raynor in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07560-B, Rules Report No. 175, Fitzpatrick. An act in relation to authorizing the Assessor of the Town of Smithtown, County of Suffolk, to accept from the Monastery of the Glorious Ascension, Inc., an application for exemption from real property taxes.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: 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. A07564-B, Rules Report No. 176, Fernandez, McDonald, Sayegh, Dickens, M.G. Miller, Reyes, Simon, Gottfried, McDonough, Crouch, Ortiz, Jaffee. An act to amend the Mental Hygiene Law, in relation to requiring a written report on plans and programs related to the prevention of suicide.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Fernandez to explain her vote.

MS. FERNANDEZ: Thank you, Mr. Speaker. The purpose of this bill is to provide a written report upon -- or after the task force that has been developed in regard to the suicide issue that is happening all over the State. A -- a task force has been put, but we need to see the report so we know how to better assess and to move forward in providing programs and resources for the epidemic at hand.

So I encourage everyone to vote in the affirmative, and I thank the Speaker for bringing this to the floor.

ACTING SPEAKER PICHARDO: Ms. Fernandez in the affirmative.

Mr. O'Donnell to explain his vote.

MR. O'DONNELL: Thank you very much. I'd like to commend the sponsor, who managed to get her hands on this bill before I got a chance to do so. So, very much something that I'm interested in my community, and particularly in the month of June as it relates to LGBT youth, who have ten times higher suicide rates than all other children. And we seem to not understand on how the impacts of the Internet and the impact on bullying affects children who don't feel like they belong in the world where they are placed. And so it takes a long time to overcome that, and we need to do a much better job, and I want to commend the sponsor for her fine work on this.

I'll be voting in the affirmative.

ACTING SPEAKER PICHARDO: Mr. O'Donnell in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07570, Rules Report No. 177, Fahy. An act authorizing the Assessor of the City of Albany to accept from Congregation Ohav Shalom an application for exemption from real property taxes pursuant to Section 420-a of the Real Property Tax Law.

ACTING SPEAKER PICHARDO: On a motion by Ms. Fahy, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: 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. A07571-A, Rules Report No. 178, Dinowitz. An act to amend the Surrogate's Court Procedure Act, in relation to raising the value of a small estate.

ACTING SPEAKER PICHARDO: On a motion by Mr. Dinowitz, 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 PICHARDO: 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. A07572, Rules Report No. 179, Dinowitz, Weinstein, Gottfried, Seawright. An act to amend the Civil Practice Law and Rules, in relation to arbitration awards in consumer and employment disputes.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect in 180 days.

ACTING SPEAKER PICHARDO: 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. A07591, Rules Report No. 180, Reyes, Rozic, De La Rosa, Buttenschon, Hevesi, Thiele, Englebright, Cruz, Hunter, D'Urso, Jean-Pierre, Titus, Blake, Seawright, Epstein, Simon, Gottfried, Zebrowski, M.G. Miller, Ashby, Schmitt, Morinello, Glick, Fernandez, Jaffee, Raynor, Lawrence, Barron. An act to amend Chapter 74 of the Laws of 2007 amending the Penal Law, the Criminal Procedure Law, the Correction Law, the Social Services Law and the Executive Law relating to human trafficking, in relation to extending the Interagency Task Force on Human Trafficking.

ACTING SPEAKER PICHARDO: On a motion by Ms. Reyes, 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 PICHARDO: 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. A07611, Rules Report No. 181, Gunther. An act to amend the Mental Hygiene Law, in relation to requiring monthly status reports of community investments and the impact on inpatient census.

ACTING SPEAKER PICHARDO: On a motion by Mrs. Gunther, 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 PICHARDO: 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. A07675, Rules Report No. 182 has been amended.

Assembly No. A07686, Rules Report No. 183, Quart, Blake. An act to amend the Correction Law, in relation to providing records for protection and advocacy services in a timely manner.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: 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. A07690, Rules Report No. 184, Santabarbara, Lupardo. An act to amend the Agriculture and Markets Law, in relation to diesel fuel grade posting requirements.

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

Read the last section.

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

ACTING SPEAKER PICHARDO: 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. A07691, Rules Report No. 185, Englebright, D'Urso. An act to amend Chapter 366 of the

Laws of 2011 amending the Environmental Conservation Law relating to youth pheasant hunting days on Long Island, in relation to the effectiveness of such chapter.

ACTING SPEAKER PICHARDO: On a motion by Mr. Englebright, 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 PICHARDO: 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. A07694, Rules Report No. 186, Benedetto, McDonald. An act to amend the Education Law, in relation to authorizing boards of cooperative educational services to enter into contracts with preschool special education program providers.

ACTING SPEAKER PICHARDO: On a motion by Mr. Benedetto, 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 PICHARDO: 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. A07701, Rules Report No. 187, Jacobson, D'Urso. An act to amend the Town Law, in relation to authorizing the Town of Newburgh, Orange County, to establish a road improvement district in the Ridge Hudson Valley development area.

ACTING SPEAKER PICHARDO: On a motion by Mr. Jacobson, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: 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. A07705, Rules Report No. 188, Jacobson. An act to amend the Tax Law, in relation to authorizing the Town of Newburgh to impose a hotel and motel tax; and providing for the repeal of such provisions upon expiration



thereof.

ACTING SPEAKER PICHARDO: Home Rule message is at the desk, and the bill is laid aside.

THE CLERK: Assembly No. A07706, Rules Report No. 189, Hunter. An act to amend the Tax Law, in relation to the imposition of an occupancy tax in the Town of DeWitt; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER PICHARDO: Home Rule message is at the desk, and the bill is laid aside.

THE CLERK: Assembly No. A07709, Rules Report No. 190, Lifton, Jacobson, D'Urso. An act to amend Part BBB of Chapter 55 of the Laws of 2019 amending the Election Law relating to providing uniform polling hours during primary elections, in relation to the effectiveness thereof.

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

THE CLERK: Assembly No. A07723, Rules Report No. 191, Gottfried. An act to amend the Public Health Law, in relation to a quorum of the State Camp Safety Advisory Council.

ACTING SPEAKER PICHARDO: On a motion by Mr. Gottfried, 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 PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07752, Rules Report No. 192, Dinowitz, Glick, Colton, Dickens, D'Urso, Paulin, Simon, Griffin, Jaffee, Santabarbara, L. Rosenthal, Pichardo. An act to amend the Penal Law, in relation to the transport of pistols or revolvers by licensees.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07773, Rules Report No. 193, Buttenschon, Lupardo, Hunter, Otis, Jacobson, Pheffer Amato, Woerner, Burke, Gunther, Solages, Cruz, Fall, Wright, Rivera, M.L. Miller. An act to amend Part I of Chapter 61 of the Laws of 2017 amending the Tax Law relating to operational expenses of certain gaming facilities, in relation to extending the effectiveness thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07779, Rules Report No. 194, Fahy. An act to amend the Energy Law, in relation to requiring an annual report on appliance and equipment energy efficiency standards and resulting energy and utility bill savings; and providing for repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

Real Property Taxation -- the bill is passed.

Real Property Taxation in the Speaker's Conference Room immediately, please.

The Clerk will read.

THE CLERK: Assembly No. A07789, Rules Report No. 195, Magnarelli. An act to amend the Vehicle and Traffic Law, in relation to increasing insurance limits for certain for-hire vehicles.

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

Read the last section.

THE CLERK: This act shall take effect January 1, 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. A07821, Rules Report No. 196, Zebrowski. An act authorizing the Commissioner of General Services to transfer and convey certain unappropriated State land to Rockland Recovery Homes, Inc.

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. A07854, Rules Report No. 197, Gottfried, Bronson. An act to amend the Public Health Law, in relation to including the record of completion of annually-required in-service education in the State Home Care Worker Registry.

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

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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07863, Rules Report No. 198, Peoples-Stokes. An act to amend the Parks, Recreation and Historic Preservation Law, in relation to the membership of the Michigan Street African American Heritage Corridor Commission; and to amend Chapter 595 of the Laws of 2007 amending the Parks, Recreation and Historic Preservation Law relating to establishing the Michigan Street African American Heritage Corridor Commission in Buffalo, in relation to extending the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Mrs. Peoples-Stokes, 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. A07882, Rules Report No. 199, Niou, Englebright, D'Urso. An act to amend the Environmental Conservation Law, in relation to extending the authority of the Department of Environmental Conservation to manage the American eel.

ACTING SPEAKER AUBRY: On a motion by Ms. Niou, 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. A07892, Rules Report No. 200, Abbate. An act to amend the Retirement and Social Security Law, in relation to extending the period of time to file an application for an accidental death benefit after the death of a member of the New York State and Local Employees' Retirement System or the New York

State and Local Police and Fire Retirement System.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07915-A, Rules Report No. 201, Magnarelli, D'Urso, Palmesano. An act to amend the Public Health Law and the Environmental Conservation Law, in relation to allowing Donate Life registration when applying for or renewing a hunting, fishing or trapping license.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect in 365 days.

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. A07921, Rules Report No. 202, Magnarelli, Salka, Barclay. An act to amend the Penal Law, in relation to possession of firearms on property owned by or held in trust for SUNY ESF.

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

Read the last section.

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

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. A07924-A, Rules Report No. 203, Magnarelli. An act to amend the Education Law, in relation to certain increases in non-resident undergraduate rates of tuition for the State University of New York College of Environmental Science and Forestry.

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. A07926, Rules Report No. 204, Frontus. An act to amend Chapter 413 of the Laws of 2015, amending the Executive Law relating to quarterly claim reports for certain disaster assistance, in relation to the expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Ms. Frontus, 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.

Ms. Frontus, never better than this. Happy first.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A07929, Rules Report  
No. 205, Bronson, Seawright. An act to amend the Executive Law, in  
relation to requiring the collection of certain demographic information  
by certain State agencies, boards and commissions.

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

THE CLERK: Assembly No. A07937, Rules Report  
No. 206, Walker, Blake. An act to amend the Correction Law, in  
relation to the definition of "direct relationship" for the purposes of  
Article 23-A of the Correction Law regarding the licensure and  
employment of persons previously convicted of one or more criminal  
offenses.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07969, Rules Report No. 207, Dinowitz. An act to amend Chapter 237 of the Laws of 2015 amending the Judiciary Law, the Civil Practice Law and Rules and other laws relating to use of electronic means for the commencement and filing of papers in certain actions and proceedings, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Dinowitz, 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. A07981-A, Rules Report No. 208, Walker. An act to amend the Criminal Procedure Law, in relation to issuance of appearance tickets to adolescent offenders pending appearances before youth parts of superior courts of criminal jurisdiction.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07982, Rules Report No. 209, Taylor. An act to amend the Criminal Procedure Law, in

relation to notification to, and engagement of, parents in proceedings involving 16- and 17-year-old defendants in youth parts in superior courts.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A08003, Rules Report No. 210, Abbate. An act to amend the Retirement and Social Security Law, in relation to mandatory retirement age.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I'm taking the opportunity to interrupt our proceedings to introduce some very special guests that are in our Chambers [sic] on behalf of Mr. Steck. These young ladies are from the Niskayuna High School. They're the Girls Junior Varsity Rowing Team. The crew, made up of Maddy Castle, Heather Schmidt, Leslie Ab -- Abad-Neagu, Jackie Lasek, competed against teams from around the country at the Scholastic National Champions in Nashport, Ohio over the Memorial Day weekend. They were named National Champions, Mr.

Speaker.

Please welcome these young ladies who are both skilled in academics and athletics, as well as their coaches, to our Chambers [sic] and provide them with the cordialities of our House.

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. We extend to you the privileges of the floor. We congratulate you on your championship. I'm sure that will be something that will live with you for the rest of your life, but more championships to come, no doubt. Continue your great work both academically and athletically. Thank you so very much, and to all that come with you.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A08011, Rules Report No. 211, Gunther. An act to amend the Highway Law, in relation to designating a portion of the State highway system in the Town of Fremont as the "Specialist Allan Milk Memorial Bridge."

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08014, Rules Report No. 212, Richardson. An act to amend the Mental Hygiene Law, in relation to reports on short-term crisis respite and intensive crisis respite programs.

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 ROZIC: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, could you please call the Local Governments Committee to the Speaker's Conference Room?

ACTING SPEAKER ROZIC: Local Governments in the Speaker's Conference Room.

The Clerk will read.

THE CLERK: Assembly No. A08020, Rules Report No. 213, Fall, Dickens. An act to amend Chapter 206 of the Laws of 2010 amending the Public Authorities Law relating to establishing the Metropolitan Transportation Authority Small Business Mentoring

Program, in relation to the effectiveness thereof.

ACTING SPEAKER ROZIC: On a motion by Mr. Fall, 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 ROZIC: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Fall to explain his vote.

MR. FALL: Thank you, Mr. [sic] Speaker. This bill will give small businesses and MWBE businesses a unique chance to learn, earn and grow. By extending this program, we will continue to provide supportive services, including business development and construction training, access to capital, business plans and back-office support in a cost-effective and diverse manner. We all know how bureaucratic government could be, so this bill will help address that. I think this is also an example of how one of the largest agencies in the world can help small businesses and inspiring entrepreneurs to succeed.

With that being said, I proudly vote in the affirmative.

ACTING SPEAKER ROZIC: Mr. Fall in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Congratulations, Mr. Fall. Your first.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A08023, Rules Report No. 214, Williams. An act to amend the Executive Law, in relation to domestic violence-related activity of the New York State Office for the Prevention of Domestic Violence and adding a member of the Advisory Council; and to repeal certain provisions of such law relating thereto.

ACTING SPEAKER ROZIC: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ROZIC: 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 will read.

THE CLERK: Assembly No. A08024, Rules Report No. 215, Zebrowski. An act to amend the Executive Law, in relation to clarifying the employee requirements for appraisal management companies.

ACTING SPEAKER ROZIC: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ROZIC: 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. A08026, Rules Report No. 216, Cruz. An act to amend the Alcoholic Beverage Control Law, in relation to filing of notification to municipalities.

ACTING SPEAKER ROZIC: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ROZIC: 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 will read.

THE CLERK: Assembly No. A08032, Rules Report No. 217, Gottfried. An act to amend Chapter 81 of the Laws of 1995, amending the Public Health Law and other laws relating to medical reimbursement and welfare reform, in relation to extending the effectiveness of certain provisions thereof.

ACTING SPEAKER ROZIC: On a motion by Mr. Gottfried, 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 ROZIC: 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. A08033, Rules Report No. 218, Seawright, Dinowitz. An act to amend the Civil Practice Law and Rules, in relation to notification of allowance for infant's support.

ACTING SPEAKER ROZIC: On a motion by Ms. Seawright, 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 ROZIC: 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. A08035, Rules Report No. 219, Fall, Crespo, Colton. An act to amend the Labor Law, in

relation to the definition of employer for purposes of the  
Unemployment Insurance Law.

ACTING SPEAKER ROZIC: Read the last section.

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

ACTING SPEAKER ROZIC: 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. A08043, Rules Report  
No. 220, Frontus, Englebright, D'Urso. An act to amend the  
Environmental Conservation Law, in relation to extending the  
authority of the Department of Environmental Conservation to manage  
alewife.

ACTING SPEAKER ROZIC: On a motion by Ms.  
Frontus, 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 ROZIC: 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. A08044, Rules Report No. 221, Ramos, Englebright, D'Urso. An act to amend the Environmental Conservation Law, in relation to extending the authority of the Department of Environmental Conservation to manage the American shad.

ACTING SPEAKER ROZIC: On a motion by Mr. Ramos, 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 ROZIC: 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. A08045, Rules Report No. 222, Griffin, Englebright, D'Urso. An act to amend the Environmental Conservation Law, in relation to extending the authority of the Department of Environmental Conservation to manage blackfish.

ACTING SPEAKER ROZIC: On a motion by Ms. Griffin, 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 ROZIC: 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. A08046, Rules Report No. 223, Stern, Englebright, D'Urso. An act to amend the Environmental Conservation Law, in relation to extending the authority of the Department of Environmental Conservation to manage weakfish.

ACTING SPEAKER ROZIC: On a motion by Mr. Stern, 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 ROZIC: 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. A08054, Rules Report No. 224, Dilan. An act to amend the Executive Law, in relation to

expanding the scope of unlawful discriminatory practices to include public education institutions.

ACTING SPEAKER ROZIC: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ROZIC: 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 --

ACTING SPEAKER ROZIC: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, would you please call the Higher Ed Committee to the Speaker's Conference Room? Ms. Glick is on her way.

ACTING SPEAKER ROZIC: Higher Ed in the Speaker's Conference Room. Ms. Glick will be there.

THE CLERK: Assembly No. A08055, Rules Report No. 225, Raynor, Englebright, D'Urso. An act to amend the Environmental Conservation Law, in relation to extending the authority of the Department of Environmental Conservation to manage hickory shad.

ACTING SPEAKER AUBRY: Read the last section.

Excuse me. On a motion by Ms. Raynor, 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. A08089, Rules Report  
No. 226, Ryan, Stirpe, Lupardo. An act to amend the Economic  
Development Law, in relation to an advisory panel on  
employee-owned enterprises within the Division of Small Business  
Services; and to amend Chapter 435 of the Laws of 2017 amending  
the Economic Development Law, relating to establishing an advisory  
panel on employee-owned enterprises within the Division of Small  
Business Services, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Mr.  
Ryan, 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. A08094, Rules Report No. 227, Barrett, Wallace, D'Urso, Blake, Cusick, Ashby. An act requiring the Division of Veterans' Services to review issues relating to veterans' ability to access State parks, lands and facilities; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mrs. Barrett to explain her vote.

MRS. BARRETT: Thank you, Mr. Speaker. I just wanted to share with colleagues that this is a very special opportunity for us to look at how we, in New York State, could lead on wellness and mental and behavioral health initiatives around our veterans' community, using the incredible resources that we have here in New York State, and looking at -- we -- we have so many different bills that come up about free this -- this kind of, you know, license or free driver's license plates or any number of different things, access. We're taking this whole look at how we can really be a model for other states in engaging our veterans in the great outdoors that we have available here, and I'm really pleased to be able to vote in the affirmative.

Thank you.

ACTING SPEAKER AUBRY: Mrs. Barrett in the

affirmative.

Mr. Blake to explain his vote.

MR. BLAKE: Thank you, Mr. Speaker. Just first, I want to commend the sponsor, our Chair, on this bill. It -- it is a great importance and necessity. We're seeing pretty regularly that our veterans are coming back home and involved in the communities and they need additional support. And the reality of being able to go out into the outdoors, being able to engage in the parks, being able to have those opportunities, it is a part of our mental health and physical health. As someone who comes from a military family -- home myself, we see this regularly, and often, whether it be at Crotona Park or other places throughout the City and throughout the State, this kind of bill, it may seem like it's an easy one, but it's a necessary one because having the opportunity to be outdoors and that support does help our veterans as they're returning home.

So, I proudly support this bill and am really grateful for our sponsor in driving and leading this before us, and I --

ACTING SPEAKER AUBRY: Mr. Blake in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08135, Rules Report No. 228, Englebright, D'Urso. An act to amend the Environmental Conservation Law, in relation to the Central Pine Barrens area and the



core preservation area.

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. A08140, Rules Report  
No. 229, Woerner, D'Urso. An act to amend Chapter 455 of the Laws  
of 2011 amending the Environmental Conservation Law relating to  
authorizing angling by a single individual with up to three lines in  
freshwater, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will  
record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

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

Mr. Zebrowski is on his way.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if I could have members' attention, we are going to go now to our debate list. There are four bills on there that we'll go onto consent. They are No -- Rules Report No. 97, Assembly No. 1801 by Ms. Pheffer Amato; Rules Report No. 135, Assembly Bill No. 5635 [sic] by Mr. DenDekker; and Calendar No. 131, Assembly Bill No. 2349 by Mr. Perry; as well as Calendar No. 469, Assembly Bill No. 413-A by Ms. Jaffee. In that order, Mr. Speaker.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A01801-B, Rules Report No. 97, Pheffer Amato, D'Urso, Ortiz, Cook, Colton, Jones, Nolan, Griffin, DenDekker, Carroll, Cusick. An act to amend the Education Law, in relation to providing for the observance of September 11th Remembrance Day and providing for the observance of a brief period of silence in public school classrooms at the opening of such day.

ACTING SPEAKER AUBRY: On a motion by Ms. Pheffer Amato, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect 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. A05635-B, Rules Report No. 135, DenDekker, Paulin. An act to amend the General Business Law and the State Technology Law, in relation to notification of a security breach.

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.)

We will withdraw the roll call and substitute.

On Mr. DenDekker's motion, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02349, Calendar No. 131, Perry, Abinanti. An act to amend the Public Health Law, in relation to the transfer of patient medical records upon the closure of a health care provider's office.

ACTING SPEAKER AUBRY: On a motion by Mr. Perry, 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. A00413-A, Calendar No. 469, Jaffee, Cook, Gottfried, Perry, Pichardo, Steck, Joyner, Simon, Walker, Abinanti, Ortiz, Gunther, Jean-Pierre, Vanel, Zebrowski, Dickens, Barron, Taylor, McDonald, Paulin, Englebright, Sayegh, Hunter, Schmitt, Cruz, Griffin, Aubry, Glick, Bichotte, Arroyo, Bronson. An act to amend the Social Services Law, in relation to parents and caretakers who work non-traditional hours.

ACTING SPEAKER AUBRY: On a motion by Ms.

Jaffee, 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.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, could you call the Election Law Committee to the Speaker's Conference Room?

ACTING SPEAKER AUBRY: Certainly. Election Law, Speaker's Conference Room immediately, please.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Colleagues, if we could move towards our seats, we're about to go on debate. We want to start with Rules Report No. 68, 2029 Assembly bill, and its sponsor is Mr. Abinanti. The second one is Rules Report No. 69, it's 2669 by -- -A, by Peoples-Stokes. And the third one is 7 -- Rules Report No. 71, 3168 by Mr. Ortiz. Mr. Ortiz.

ACTING SPEAKER AUBRY: We are going to be on debate. Would you finish up the conversations, ladies and

gentlemen, and have your seats? If you have conversations that have to take place, take them outside of the Chamber.

The Clerk will read.

THE CLERK: Assembly No. A02029, Rules Report No. 68, Abinanti, Morinello, Hevesi, Brabenec, Paulin, Santabarbara, Quart, Mosley, Dilan, Jean-Pierre, Taylor, Byrne, Stirpe, McDonough, Jones, Ra, Walsh, Palmesano, M.L. Miller, Gottfried. An act to amend the General Business Law, in relation to notices pertaining to children's non-regulated camp.

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

Mr. Goodell requests an explanation.

MR. ABINANTI: Thank you.

ACTING SPEAKER AUBRY: Folks -- one minute, please. I asked you, ladies and gentlemen over on this side.

(Pause)

Proceed, Mr. Abinanti.

MR. ABINANTI: Thank you. Mr. Speaker, this bill would amend the General Business Law to provide that any camp or organized activity that advertises itself as a camp and is not regulated by Article 13(b) of the Public Health Law would provide to the parents or guardians of any children under the age of 16 who participate in that activity that they are not regulated and not governed by the Health Department.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

ACTING SPEAKER AUBRY: Will you yield, sir?

MR. ABINANTI: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Now, as I understand the law, you have overnight camps for children that are regulated under Article -- or Title 13(b) -- Article 13(b) of the Public Health Law. You have day camps that are not, obviously, overnight and so they're not regulated by Title 13(b) of the Health Law. But those day camps, they do have to comply with all the rest of the New York State Public Health Law provisions, don't they?

MR. ABINANTI: The camps that are regulated by 13(b), the answer is yes. Those camps need to do background checks, have insurance, have inspections. What we're -- we're targeting here are those activities that are usually single purpose. Maybe a basketball clinic by one of the coaches who during the summer will say, *We're going to have a summer camp where we're going to raise the skills of the kids and we're going to practice three hours a day.* There's an impression given that because it is at a local school or at the local playground that somehow they're regulated, somehow they're protected, that all of the people that are going to be working with the kids have background checks and if they have insurance. And most parents never think to ask, *Is this a regulated camp? Do they, in fact,*

*do all of those things*, and they -- they don't do those things. We're not by this bill requiring them to do those things, we just want give parents a choice. We want them to have -- to be educated in what's happening - you know the old line "education is power" - so the parents can make the decision whether they want to trust this activity, this clinic or whether they want to go someplace that is regulated.

MR. GOODELL: Well, looking at Title 13(b), it's clear that that requires that an overnight camp have insect repellent available, sunscreen available, a nurse or a health care professional available. They have certain requirements that they have to check the sex registry, for example.

MR. ABINANTI: Correct.

MR. GOODELL: But all camps, whether they're overnight or just day camps, if they have a pool, the pool has to comply with Health Department regs. Correct?

MR. ABINANTI: Correct.

MR. GOODELL: And if they have water, the water has to be potable.

MR. ABINANTI: Correct.

MR. GOODELL: And if they have bathrooms, they have to meet Health Department requirements.

MR. ABINANTI: Correct.

MR. GOODELL: And if they have grass, it has to be less than -- it has to be mowed less than 18 to 24 inches for ticks and fleas, right?



MR. ABINANTI: I'll take your word for it on that one.

MR. GOODELL: And, of course, there's requirements as well on, you know, various food preparation. They have to comply with food sanitation and preparation standards that are -- that are developed by the Health Department.

MR. ABINANTI: What we're targeting, though, are those clinics or other activities that are not now regulated by 13(b) --

MR. GOODELL: Right, I understand. So they're not required to have sunscreen, they're not required to have insect repellent. Those are the 13(b) camps. But if they're -- if they have a sports trainer, that sports trainer has to meet the qualifications for DOH, right?

MR. ABINANTI: No. Because there's no requirement here that they be subjected to 13(b) at all. If the person is a qualified --

MR. GOODELL: No, I understand, but sports --

MR. ABINANTI: But there's no requirement --

MR. GOODELL: -- sports trainers are not covered by 13(b). Sports trainers are in a different section of DOH requirements.

MR. ABINANTI: But that's assuming that they are, in fact, using someone who's a qualified sports trainer. They may be advertising to the parents that they have someone who does sports training and not use the technical term "sports trainer." Therefore, they are giving a misimpression to the parents. And all we're saying,

and all this bill does is require that they give a notice to the parents that the camp is not regulated or inspected and not required to follow Health Department regulations. That's all this bill does.

MR. GOODELL: Thank you, Mr. -- Mr. Abinanti.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: As my colleague pointed out, this is a statutory notice that says, quote, "This camp is not required to file -- follow Department of Health regulations." That's part of the statutory warning. The problem is, even day camps follow a large number of Department of Health regulations. It's not like they're part of a foreign country operating completely devoid of any regulatory oversight, as this statutory language would suggest. All their water has to be potable. All their bathroom and sanitary facilities have to meet Department of Health regulations. They're under the supervision and control as it relates to toxic substances, lead, food handling, rabies. They have to comply with the Department of Health standards on the length of the grass to prevent ticks and fleas. If they have a swimming pool they have to comply with the Department of Health regulations on swimming pools. If they use trainers or staff, they have to comply with the DOH requirements that might be applicable. I understand the sponsor's desire to make sure that parents realize that if they're going to a day camp that is not permitted by DOH, there might not be sunscreen, they might not have insecticide. They might not be doing a background check. But all the rest of the extensive

regulations from the Department of Health still apply. And so I think it's a mistake for us, by statute, to require notice that incorrectly states that this day camp is not required to follow Department of Health requirements when, in fact, it follows every single Department of Health regulation except those limited exceptions that apply to overnight camps, which include requiring sunscreen availability, insecticide, health care staff on -- health care staff on staff, if you will, and background checks.

So, I'd prefer if we are going to develop a statutory warning that it be accurate and not inaccurate. For that reason, I will not be supporting this. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Montesano.

MR. MONTESANO: Mr. Speaker, will the sponsor yield, please?

MR. ABINANTI: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. MONTESANO: Thank you. Mr. Abinanti, just one question regarding the sex offender registry. Do they have to -- when they're going to hire an employee, do they have to check that against the sex offender registration --

MR. ABINANTI: I -- I think there's a misimpression being given here. What we're talking about are unorganized activities that present themselves to the public as if they are a camp but, in fact, are not a camp. They could be in somebody's backyard with a swimming pool that is not regulated. They could be down at the local

playground where there's no regulation by anyone. There is no requirements for these activities to do any background checks. That is why we want to put out the notice to warn parents that what you're dealing with -- with here is an ad hoc activity that was put together by one, two or three people which advertises itself as a camp, but which, in fact, is not really a camp and is not regulated by the Health Department. That's the whole point of this notice to the parent. There are some people who say that we should actually ban this kind of activity or that we should regulate this activity. All we're doing is giving choice to the parents, say, *Beware: This is not an organized camp under the Health Law. This is an ad hoc activity which you have a right to send your kids to, you have a right to pay for. But just beware, there'll be no insurance, there will be no background checks. There won't be any regulation by the State Health Department. Buyer beware.*

MR. MONTESANO: Okay. Thank you very much.  
Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02969-A, Rules Report No. 69, Peoples-Stokes, Barrett, Niou, Ortiz, Galef, Abinanti, Lavine, Colton, Jean-Pierre, Taylor, Byrne, Weprin, Seawright, Barron, Mosley, Lupardo, Ashby, Reyes, L. Rosenthal, Vanel, Stirpe, D. Rosenthal, Griffin, Jaffee, Buchwald, Gottfried, D'Urso, Magnarelli, Stern, Hunter, Jacobson, LiPetri, Hevesi, Otis, Carroll, Steck, Simon, Mikulin, Pichardo, Epstein, Rozic, Wallace, Malliotakis, Buttenschon, Schmitt, Dinowitz. An act to amend the Insurance Law and the Public Health Law, in relation to prescription drug formulary changes during a contract year.

ACTING SPEAKER AUBRY: An explanation is requested, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. This bill seeks to make sure that insurers will honor the contracts that they have entered into with patients for the prescription formula they have been assigned by their doctor. And it discourages insurance companies from changing the formula of their prescriptions mid-prescription. It works in the interests of protecting the consumer from multiple drugs when the doctor has only prescribed one.

ACTING SPEAKER AUBRY: Mr. Garbarino.

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

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Yes, of course, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GARBARINO: Thank you. Just a couple of questions. This bill would -- would effectively stop health plans from making formulary changes in the middle of the year, policy year. Policies currently renew monthly. Would this have an unintended consequence of creating 12 different formularies because for each one for each month?

MRS. PEOPLES-STOKES: I believe they already have the different formularies. And the idea here, Mr. Garbarino, is that the physician, your doctor, probably knows better which prescription you can be on than the insurance company does.

MR. GARBARINO: Okay. So you don't anticipate any higher administrative costs by the insurance companies here?

MRS. PEOPLES-STOKES: I'm sorry, I -- I need you to speak up just a little louder.

MR. GARBARINO: Just about administrative costs, do you anticipate any higher administrative costs for the insurance companies because of this?

MRS. PEOPLES-STOKES: Actually, I think it's a higher administrative cost when they go and ask the patient to take a -- change the prescription when they really shouldn't have to change it. And by the time their doctor weighs in, then they've added a cost, then, for themselves by trying to get something that they shouldn't

have done. So what it does is it keeps the consumer costs down, and it -- it also helps the consumer because it doesn't change their medication midstream. Or a month by month, however you want to assume that it's being done.

MR. GARBARINO: Okay. Do you think this bill could hurt consumers in any way by -- by these changes to the formularies by not allowing new drugs or --

MRS. PEOPLES-STOKES: Actually, I do not think this hurts consumers at all. As a matter of fact, this bill is supported by 40 different patient advocacy organizations - and provider organizations, by the way - that believe it would actually save money and preserve patients' health. It's -- it's important to a doctor prescribing you a formula is the one you should have. The insurance company should not have a role in deciding to change that formula midstream by month or however it is they choose to do it. So it is a consumer protection item and we think it's the right thing to do.

MR. GARBARINO: Okay. Following up on that, I just -- this bill was amended to exclude collectively-bargained benefits that unions use. Why was that -- why was -- were unions excluded from this?

MRS. PEOPLES-STOKES: Insurers are clearly trying to destruct the bill by driving a wedge between unions and commercial plans. It's not a good look. It's destructive to the patients. And, quite honestly, their mission reads that they should have patient interests first as opposed to creating, I would say, red herrings and

chaos and crisis when they should be looking at what's in the best interests of the patients.

MR. GARBARINO: Okay. Thank you. Just -- doesn't DFS already regulate how often a plan may update its formularies in the year? I think it's six right now? They can only do it up to six times?

MRS. PEOPLES-STOKES: Yes.

MR. GARBARINO: So since there's a limit, why is there -- does the six seem too much to you, or is it just -- you know, why change it from what DFS already regulates?

MRS. PEOPLES-STOKES: Some people are choosing their plans on a six-month plan and -- and they, quite frankly, pay for it like that. So there should be no changes in their plan unless it's something that they have agreed with.

MR. GARBARINO: Okay. Thank you.

MRS. PEOPLES-STOKES: You're very welcome.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 60th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.



Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could please call the Education Committee to the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Education Committee, Speaker's Conference Room. Mr. Benedetto is on his way. Thank you.

Mrs. Peoples-Stokes.

The Clerk will read.

THE CLERK: Assembly No. A03168, Rules Report No. 71, Ortiz, Weprin, Blake. An act to amend the Banking Law, in relation to requiring posting notice of the Department of Financial Services toll-free consumer's hotline telephone number.

ACTING SPEAKER AUBRY: An explanation is requested.

But on a motion by Mr. Ortiz, the Senate bill is before the House. The Senate bill is advanced.

Proceed.

MR. ORTIZ: Thank you, Mr. Speaker. This bill amends the Banking Law requiring banking institutions post the New York State Department of Finance Services' toll-free telephone consumer hotline telephone number in their bank institution.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

MR. ORTIZ: Absolutely, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Ortiz yields.

MR. GOODELL: Thank you, Mr. Ortiz. This requirement for -- to be conspicuously posted, that would only apply to New York State-chartered banks?

MR. ORTIZ: Yes.

MR. GOODELL: And so it wouldn't apply to any Federally-chartered banks?

MR. ORTIZ: No, sir.

MR. GOODELL: And do you have an idea of how many of the banks in New York are State-chartered as opposed to Federally-chartered?

MR. ORTIZ: I don't have the number, but I do believe that New York State Department of Finance may have those numbers.

MR. GOODELL: Of course there is some concern by the New York-chartered banks that they are being subjected to different regulatory requirements than their competitors that are federally chartered, in particular a concern that if they have to conspicuously post all these hotlines for consumer complaints and their competitors don't, that there will be a misunderstanding in the sense that the State-chartered banks aren't as safe or a customer service-oriented as their Federally-chartered counterparts. What is your thought on that?

MR. ORTIZ: Well, I think -- I think you bring a very

important point, and if -- I think that we, as the State, have a responsibility to deal with our State institutions. I also do believe that the -- if it's -- the Federal government finally can get their self together and do something right, they will be able probably to come out with a piece of legislation as well to mandate that we take -- the Federal-regulated bank will have a toll-free number. And this toll-free number will be very helpful to be displayed in every bank as a result that many people doesn't have computers at home, they don't have access to any website, although sometimes the -- the number will appear in the website. But having something visible, completely visible once you walk into the bank that will specifically tell you if you have a problem and the bank cannot solve that problem you can call this number. I think that you can provide that kind of facility to the consumers, that will be something that I will applaud. I used to work in a bank, and I used to be a teller and a head teller, and I will tell you that this will benefit all the people in my community.

MR. GOODELL: Thank you very much. I appreciate your comments.

MR. ORTIZ: Thank you.

MR. GOODELL: Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 120th 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, if we can continue our work here on Rules Report No. 98 by Mrs. Gunther. It's on page six. Rules Report No. 109 by Mr. Gottfried. It's on page seven. And Rules Report No. 121 by Mr. Hevesi. It's on page eight.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Senate No. S06041-A, Rules Report No. 98, Senator May (A02037-A, Gunther, Norris). An act directing the Department of Public Service to study the feasibility of a municipal broadband program within the State.

ACTING SPEAKER AUBRY: Mrs. Gunther, an explanation is requested.

MRS. GUNTHER: This bill would direct the Department of Public Service to study the feasibility of a municipal broadband program within our State.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MRS. GUNTHER: Yes.

ACTING SPEAKER AUBRY: Mrs. Gunther yields.

MR. GOODELL: Thank you, Mrs. Gunther. As you know, a few years ago, in 2015, Governor Cuomo established a half-a-billion-dollar program to expand broadband access. Is it your view that program was not successful?

MRS. GUNTHER: This -- that program is different than this one. This has nothing to do with that program, absolutely nothing. The reason that I sponsored this bill and thought it was important is because we're spending millions and millions of dollars to privately-owned service -- Internet service providers and we all know their names and in return for promises, a lot of our communities do not have access to the Internet, or if they have do have access to the Internet it's slow and they are not, I think, fulfilling the promises made.

MR. GOODELL: Well, of course, when the Governor with great fanfare announced his program in 2015 and promised to invest a half-a-billion dollars on broadband expansion, and he -- he took great pride, and rightfully so, that was the largest program of any state in the nation at that time. Is it your view that it was not successful in expanding broadband access?

MRS. GUNTHER: One is -- you know, that's a private business. All I would say is that in my community, many areas, especially by the Delaware River, do not have access to Internet service, and one doesn't have anything to do with the other. And I really think that this program and this legislation would enhance

Internet service for people in very rural areas and their children who at this point do not have access to it. And if they do have access, it's usually on and off and very difficult to download any kind of -- any kind of information. I know, because I live in one of those areas.

MR. GOODELL: Now, this bill itself, though, doesn't expand broadband access at all or provide any funding, correct? It's just a study.

MRS. GUNTHER: It's a -- it's a -- it's a study.

MR. GOODELL: And the study is for the purpose of determining the feasibility of government actually owning, operating and maintaining Internet service?

MRS. GUNTHER: Yes. Yes, it is

MR. GOODELL: And, of course, the idea is that government would operate -- own, operate and maintain the service in areas where it's not profitable for the private sector to do so.

MRS. GUNTHER: Yeah, I mean, this -- this -- we didn't invent this, we are -- we're -- and we don't want to reinvent the wheel, and they're doing this in different parts of the country now. And I think that in terms of the places that, you know, I represent, this would be import -- this study would be important, and it perhaps would bring them and their children and their families and businesses the services that they need that they don't have at this moment.

MR. GOODELL: And would you envision that this government-owned, operated and maintained system would be paid for entirely by the consumers in that service area, or would you

envision that it would be an additional expense on all the taxpayers?

MRS. GUNTHER: Well, I'm actually doing this study to figure out things like the financial aspect of doing municipal service and I - I think, again, that maybe we could drive down the cost and I think that would be very, very important.

MR. GOODELL: And does the study also evaluate the feasibility of other alternatives like direct satellite access or wireless service?

MRS. GUNTHER: Just municipal broadband. No, not the others.

MR. GOODELL: I see.

MRS. GUNTHER: No. Plus the fact -- I'm not going to say anything, up here we have DirectTV and my shows aren't on there.

(Laughter)

MR. GOODELL: Gotcha. Thank you very much for your comments.

MRS. GUNTHER: Thank you.

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

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

MR. GOODELL: Thank you, Mr. Speaker. I -- I certainly appreciate the sponsor's desire to expand broadband access into all parts of our State. As you know and has been discussed, the Governor made this a major initiative four years ago when he

committed a half-a-billion dollars to expand broadband access throughout New York State. And this bill goes on to say well, there are still areas that don't have broadband access, and so we should move forward in evolving -- evaluating and developing a government-owned broadband service that would presumably compete with the private sector, with the exception that the government-operated system would focus on those areas that are inherently unprofitable which is another way of ensuring that the system would be supported by all the taxpayers. And before we go down the path of creating a government-operated system to compete with the private sector, supported by taxpayers across the State, I think it would be better for us to evaluate the nature and extent of the Governor's initiative, why it was successful or not successful, and look to tweak that program so that we don't create more ways to spend taxpayer money in competition with the private sector.

For that reason and others, I suspect many of our colleagues will have concerns over this bill. Thank you, Mr. Speaker, and again, thank you to the sponsor.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)



The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could please call the Judiciary Committee to the Speaker's Conference Room. Judiciary Committee. Mr. Dinowitz is on his way.

ACTING SPEAKER AUBRY: Mr. Dinowitz has called a Judiciary Committee. Please proceed to the Speaker's Conference Room.

The Clerk will read.

THE CLERK: Assembly No. A03059, Rules Report No. 109, Gottfried. An act to amend the Public Health Law and the Insurance Law, in relation to utilization review of coverage of nursing home care following an inpatient hospital admission.

ACTING SPEAKER AUBRY: An explanation is requested. We need some quiet so that we can hear the explanation.

MR. GOTTFRIED: Yes, Mr. Speaker. Current Insurance Law calls for expedited utilization review of certain services when someone is being discharged from a hospital, such as home health care. This adds nursing home care to the list of things that require expedited review so that people don't spend unnecessary days using up a hospital bed at considerable expense either to them or their insurance company or the hospital.

ACTING SPEAKER AUBRY: One minute.

On a motion by Mr. Gottfried, the Senate bill is before the House. The Senate bill is advanced.

Mr. Ra.

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

MR. GOTTFRIED: Yes.

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

MR. GOTTFRIED: Yes.

ACTING SPEAKER AUBRY: Mr. Gottfried yields.

MR. RA: Thank you, Chairman. So just a few questions on this. Obviously, as you said, this is being extended, this is utilized in other areas within health care, that there is a basically, you know, a -- a presumption during that review, correct?

MR. GOTTFRIED: Well no, there's no presumption.

MR. RA: Or a --

MR. GOTTFRIED: There is a timetable.

MR. RA: A timetable.

MR. GOTTFRIED: It just says make a decision, don't make the person lie there using up a hospital bed.

MR. RA: Okay.

MR. GOTTFRIED: If they don't need to.

MR. RA: Okay. So, the -- the current law, though, is -- is three days following the inpatient hospital stay. This will make that one day, correct?

MR. GOTTFRIED: Yes.

MR. RA: Okay. And does -- does that, though, not

create a situation where -- you know, the purpose of the utilization review is to determine, you know, what -- what the medical needs of the patient are, correct? Whether -- whether they -- it would be appropriate for them to go to a nursing home or -- or some other type of facility or home, correct?

MR. GOTTFRIED: That's what it's supposed to be, yes.

MR. RA: Okay. Well, I assume you don't believe that's what happens, given that you're putting this bill forward to -- to shorten that timeframe.

MR. GOTTFRIED: Well, I guess experience teaches that insurance companies think that their duty is to their stockholders more than to the patient. I think that's a fair assumption. Certainly, I've -- I've never seen evidence to the contrary. But, you know, maybe I'm cynical.

MR. RA: But -- but under -- under this, you know, the patient would then go to the nursing home -- I mean, presumably, you know, they're going to have a day to make -- make the review. Could that not, you know, cause -- cause a situation where, you know, if you have to make a decision quick -- quickly, could that not have some unintended consequences as opposed to going through the complete utilization review? I mean, I -- I certainly agree with --

MR. GOTTFRIED: Well, the utiliza -- there will be complete utilization review. The question is whether these cases are put on the bottom of the pile or the top of the pile. And I think if

you've ever had a -- a family member or -- or someone close to you who was in this situation, you'd regard being in an expedited situation as being pretty darn important. You know, there are some kinds of health care where you might worry that some people might be rushing to use it when they don't really need it. Some people, you know, might -- might welcome the attention of physical therapy or -- or something else, I don't know. But I don't think we've ever heard of anybody who was eager to make unnecessary use of a nursing home.

MR. RA: Well, I -- I don't know that that's necessarily what -- what the concern is here, as opposed to, you know, it being that, you know, they're going to be required to cover it while that utilization review is still pending under -- under this. So I think the concern there is -- is that before there has necessarily been a determination of medical necessity, that they're going to be required to cover the patient being -- being put into the nursing home facility.

MR. GOTTFRIED: Well, no, it's not before there's been a determination. The determination doesn't take very long to make. What takes a long time is deciding to open the folder and pay attention to it. That's what takes time, and we're saying do that quicker, move it up in the pile, because you've got somebody in a hospital bed who's really in bad shape and needs -- the hospital needs them not to be wasting a hospital bed, which is a precious commodity, and they really need to be in a nursing home. It's not all that complicated. And I think what it comes down to is who do you trust and whose interest you care more about. And that's a fair question.

Some people have answered that question differently. I would answer it the way this bill does. I suspect if you asked a thousand of your constituents, you'd probably find that about 900 of them would also want to answer it the way the bill answers it.

MR. RA: And -- and I -- I think that, you know, this has, you know, gone through unanimously in the past and perhaps it will again. I -- I will tell you that I -- I do plan to support the bill, but I'm just -- I -- I just have one other question, really, Dick.

MR. GOTTFRIED: Okay.

MR. RA: So, under a circumstance where a, you know, where -- where they ultimately make a determination, you know, and maybe it's a couple of days later because they haven't gone and -- and processed it completely, and they make a determination that it's not the appropriate -- it's not the appropriate place to send a person to the nursing home and -- and maybe the person has been there at the nursing home for a day or two. What -- what would occur under -- under this?

MR. GOTTFRIED: Well, I don't know that they would go to the nursing home if insurance hadn't agreed to pay for it. But if they went to the nursing home and it then turned out the insurance company wasn't going pay, what would happen is probably what would have happened if they had gotten that answer before they went to the nursing home, which is hopefully they can find somebody else's home to go to, whether it's their own or somebody else's. But they would be in that difficulty whether they simply left the hospital

and went who knows where, or if they went first to the nursing home and then went who knows where.

MR. RA: Okay. Thank you very much.

MR. GOTTFRIED: You're welcome.

MR. RA: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04256-A, Rules Report No. 121, Hevesi, Barron, Aubry. An act to amend the Social Services Law, in relation to any unearned income of a child in certain circumstances.

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

Explanation is requested, Mr. Hevesi.

MR. HEVESI: Thank you, Mr. Speaker. This bill is intended to deal with a specific problem that is arising in public

assistance cases too often. Right now, if you are a child who has lost their parent either to a fatality or the parent is absent for some reason, the parent [sic] will now go and live with the grandmother and the income of the grandmother will be counted for the public assistance grant, which makes sense. The problem arises if the grandmother then takes in the half-sibling of the first child. The unearned income from the second child, the half-sibling, they receive either a death benefit if their parent died, or child -- childcare -- child support or disability assistance. Under current law, the unearned income of the second child, the half-sibling, will now be counted for the household income. And the result is, the first child and the grandmother are frequently kicked off of public assistance because with the addition of the unearned income from the second child, that increases the threshold, the amount of money that the family takes in and kicks them off public assistance. So what essentially is happening is because we're counting the unearned income of the second child, the first child is being hurt. And I can give you a different example if it illuminates the point. If a mom has a child from two different fathers, the first father is a deadbeat dad, okay? Can't -- doesn't pay his child support. The second father -- I'm sorry -- the second father pays his child support. When the second child comes to live in that household, okay, the unearned income of the second child, the child support, will now be calculated as part of the household income, again, raising it -- the household income above the threshold for public assistance. So we are penalizing the first kid. It's a very specific circumstance, but it

happens a lot. For context, the Federal government allows states to decide whether to count this unearned income. Prior to 2004, New York State didn't count the unearned income. Since 2004 we have been counting it, and the result is kids are being hurt and families are being kicked off of public assistance. So what this bill does, very specifically, it allows the social services district to not calculate the unearned income of the second kid towards the household income.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

MR. HEVESI: Yes, sir.

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

MR. HEVESI: It's my pleasure.

ACTING SPEAKER AUBRY: Mr. Hevesi yields.

MR. GOODELL: As you know, in calculating the amount of benefits a family receives, they also are -- the benefit level is also based on the number of people in the household. So, of course, a family of four gets more benefits, and should, than a family of three.

MR. HEVESI: That's correct.

MR. GOODELL: If -- if the child's unearned income is excluded, are they also excluded from the calculation of the benefits?

MR. HEVESI: Yes.

MR. GOODELL: So, if it -- as an example, if it's a



household of three and one of the children is getting substantial unearned income, then that child is excluded from the calculation of the amount of benefits the remaining household would get? It would be calculated on the basis of a household of two?

MR. HEVESI: Yes.

MR. GOODELL: And that, of course, then reduces the benefit to the remaining household in that case by one-third.

MR. HEVESI: It does, but the alternative is you count the unearned income and the kids get kicked off of public assistance.

MR. GOODELL: Now, we're only talking about unearned income from minor children?

MR. HEVESI: Yes.

MR. GOODELL: And is that income then income that's given to the parent, the custodial parent? I mean, obviously, we don't send unearned income to a 10 year-old or a 14 year-old, we send it --

MR. HEVESI: Yeah.

MR. GOODELL: -- to the parent, correct?

MR. HEVESI: That is correct. But we -- part of the logic of this bill is to make sure that the unearned income of the second child is used for its intended purpose. So child support, we want that to be used for child support for the second child, not to pay the rent of the household. Same thing with a disability benefit. If the second child is disabled, we want those disability benefits to

be used to help the child with the disability, not to go to other costs that the household might incur.

MR. GOODELL: But there's no obligation in this bill, certainly, that that un -- unearned income be placed in a trust for the sole benefit of that child?

MR. HEVESI: No, no. I understand where you're going, but no.

MR. GOODELL: I see. Thank you very much, sir.

MR. HEVESI: Thank you, sir.

MR. GOODELL: On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: So we have a situation where you may have a family, as explained by my colleague, and let's say there's two kids. A single parent, two children. And one of the two children for whatever reason has unearned income, and it could be substantial. It could be child support payments, as mentioned by my colleague. It could be a -- a settlement of some sort. It could be investments that they inherited from a deceased parent. But the income could be substantial. And the question then is, where does that income go? Income is not paid into a trust dedicated to the sole care and custody of that child who is getting the unearned income. The income doesn't go to the minor child. All of that unearned income goes to the head of the household. So then the question facing us on this bill is if the head of the household is getting a substantial amount of unearned income attributable to one of the children, should the head of the household be

able to keep all that money and use it without restriction and receive a higher subsidy from the State taxpayers, our residents who are paying taxes? Or should we reasonably ex -- and I apologize -- should we expect that that income that's going to the parent be used to offset the expenses of the household, as we would expect earned income to also be used? Now keep in mind, this bill only applies to unearned income. So if you have members of the household who are earning income, we expect that the earned income be part of the household assets. That makes sense, right? Because otherwise you're going to have somebody making a lot of money and the State taxpayers, local taxpayers, are still subsidizing that family. So our objective, it seems, ought to make sure that those who are on public assistance have the resources they need, consistent with the standards that we've developed and implemented, and they're neither below that standard nor making more than that standard. And recognizing that the cost of our social services programs is the largest single source of unfunded State mandates on the local level, often accounting for more than 50 percent or 60 percent of the tax burden, we also have that obligation to minimize the tax burden on our friends and our neighbors and everyone else in New York. And so I think the current system, which recognizes that there can be substantial unearned income and recognizes that that unearned income now is already paid to the head of household, I think it's reasonable to include it in calculating how much additional assistance we should expect the property taxpayers to provide.

Thank you, sir.

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: Mr. Speaker, if you could please call the Labor Committee to the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Certainly. Labor Committee, Speaker's Conference Room immediately.

MRS. PEOPLES-STOKES: And if we can continue on debate --

ACTING SPEAKER AUBRY: Mr. Crespo is on his way.

MRS. PEOPLES-STOKES: -- Mr. Speaker, we're going to Calendar No. 308. It's on page 58 by Ms. Lifton. We're going to follow that with Calendar No. 293 by Mr. Hevesi on page 57. And lastly, Calendar No. 176 by Ms. Simotas. It's on page 49 -- 48.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Senate No. S05069, Calendar No. 308, Senator Parker (A07125, Lifton, Colton.) An act to amend Chapter 403 of the Laws of 2018, directing the president of the Civil Service Commission to study and publish a report evaluating wage disparities among public employers, in relation to directing the Department of Civil Service to study and publish such report

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

MS. LIFTON: This bill simply offers small amendments, technical amendments, to last year's pay equity bill that establishes a public study on comparable worth within the public sector.

ACTING SPEAKER AUBRY: Mr. Ra.

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

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

MS. LIFTON: I'm happy to, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RA: Thank you very much. So, as you -- as you stated, this is a bill that would, you know, do a -- a study amongst Civil Service titles. You know, obviously --

MS. LIFTON: Well, we -- we did the study bill last year. This just simply fleshes it out, offers some more details about how that study would happen.

MR. RA: Okay. So is that study already underway, or are they developing this?

MS. LIFTON: You know, I'm not sure, it may be...

(Pause)

It's my understanding that the study has started, but this bill -- bill does extend the time available for the study to three years.

MR. RA: Okay, and --

MS. LIFTON: It started at one year, so we're giving them more time. There were concerns about the pinch on time and we're allowing that in this amendment.

MR. RA: Yes. So -- so that was -- that was one of my questions, because I know the bill says it takes effect immediately but then it says it shall be deemed to have been in full effect as of the effective date of the previous bill. So it would be three years from the effective date of the previous --

MS. LIFTON: Correct.

MR. RA: -- piece of legislation, correct?

MS. LIFTON: Correct.

MR. RA: Okay. And -- and I -- and I think that's certainly a good thing, as I -- I actually read the transcript from last year and, you know, one of the concerns that was raised is when you're looking at our Civil Service titles in our State, you know, we have lots of different titles and -- and a lot of different things that have to be considered with each of those titles. And we have to develop, I

assume, some type of methodology to evaluate, you know, the -- the items that we're asking them to evaluate in terms of whether there are wage disparities, which is what this is getting at. So, you know, is --

MS. LIFTON: Within -- within segregated --

MR. RA: Yes.

MS. LIFTON: -- area -- in job titles where there's segregation.

MR. RA: Yes. So have -- have they begun in beginning to do this to -- to develop the methodology? I know that was one of the concerns that was raised last year. There are other states, I believe, who have done some things of this nature before. But is -- is that something that's ongoing, do they need more clarification --

MS. LIFTON: Well, again, this bill says that it's up to the Civil Service Commission to determine their methodology. But let me check on where they are on that -- on that.

(Pause)

Okay. Yeah, it's not clear where they are, but they have authority over -- they have discretion over the use of the methodology.

MR. RA: Okay. And --

MS. LIFTON: Understanding that the methodology has to speak to the issues that we're trying to look at.

MR. RA: Okay. And -- and, you know, this is going to apply to titles all across from State and local governments, correct?

MS. LIFTON: Yes, correct.

MR. RA: So that the local governments will presumably be providing data that --

MS. LIFTON: Yes.

MR. RA: -- would be requested based on this methodology and --

MS. LIFTON: That's -- that's part of what's getting fleshed out here.

MR. RA: Okay.

MS. LIFTON: Fleshed out to make clear that local governments have to respond to this study, have to respond to the president of the Civil Service Commission and offer the available data in conjunction with the employees at the local level.

MR. RA: Okay. And -- and lastly -- and -- and maybe this is something that's more of what the Department's going to determine, but, you know, many of these titles -- you know, I mean, it's kind of like a grid, how people are paid and it's based on a number, you know, what they are in the titles and --and -- and how much seniority they -- they may have, and oftentimes that may be a reason for a discrepancy. So is this methodology going to take into account seniority and how that may impact the difference in pay?

MS. LIFTON: This is not about seniority, this is about looking at the issues of comparable worth, equitable pay -- wages, again, which is more fully defined in this bill. And, you know, defined as we've heard this phrase many, many times, job qualifications, the kind of work performed, the level of responsibility



for that work, the skills required, the effort required and the working conditions required by this work. So it's -- it's not looking at issues of seniority and people going up in their -- in their job with promotions and so on in their pay scale. It's really about looking at segregated titles and whether or not issues of equity and comparable worth are being taken into proper consideration.

MR. RA: All right. Thank you very much.

Mr. Speaker, on the bill.

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

MR. RA: I'm -- well, I certainly think it's, you know, a positive to give more time to do something of this nature. We had in the discussion last year with regard to this bill, that was one of the concerns raised, was that it was going to take some time to develop the methodology, go through, you know, just the many, many different Civil Service positions, ones that might qualify and be triggered by this. And -- and certainly, just going through the points of data that are going to be -- that are going to be provided from the different levels of government where, you know, presumably you're going to be talking about trying to find trends and identify certain things amongst certainly thousands and thousands of -- of employees, people in different titles and -- and then obviously, what data comes out the other end, which I think presumably would be -- would be for both our action and maybe action, you know, within, you know, the Civil Service Department. But one of the things that -- with a lot of these types of bills, you know, we have -- we have equal pay statutes, we've

done some things over the last few years even to strengthen those laws. But as we get into areas where we're trying to take different types of jobs and -- and try to equate them with one another, it gets very complex. So I -- I do think it's appropriate to have some additional time, but -- but I still think that -- that the Department, you know -- I don't know, I -- I think we -- we still need some clarity as to what -- what we're looking to really determine under this piece of legislation. I know there were a number of people who -- who did not support the bill last year. I'm sure in part because of the timeframe it was under, and I think in part because it -- it just was -- was not clear exactly what we're expecting the Department to do in terms of trying to equate what may be very, very different jobs for purposes of determining wage disparities.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. LIFTON: I'd be happy to yield, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Lifton yields.

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

MS. LIFTON: You're welcome.

MR. GOODELL: As you know, we've often discussed this bill in the context of comparative wages or comparable

work.

MS. LIFTON: Comparable. Mm-hmm. Yes.

MR. GOODELL: Does this bill, which lists the criteria that the Civil Service Commission is to consider, does this bill reference market rates?

MS. LIFTON: No. These are -- these are government jobs. This is comparing jobs within the public sector. What one employees makes in relation to another, in relation to their responsibilities, their skills and so on. Working conditions. It's simply looking at comparable issues of those comparabilities within the public sector -- within the Civil Service sector.

MR. GOODELL: Well, as you know, even in government work we often have requirements for prevailing wages which are based on surveys of what the market rates are in a particular community. Any reference to prevailing wages in this?

MS. LIFTON: Nothing.

MR. GOODELL: And so we're asking the Department of Civil Services to determine what people should be paid without knowing whether that pay would be in excess of prevailing wages or below prevailing wages that might be paid for comparable positions in the private sector?

MS. LIFTON: Well, they already have -- you know, most of this is already in place. They've been doing all of this for decades upon decades. You know, we have Human Resource departments within local governments, we have people that do the

hiring, look at job descriptions. These things have been put in place. Many Human Resource departments use these methodologies, actually, in hiring. Some local governments have done reviews of these things. Much of this is current practice. This is a question of looking at it Statewide and taking another look -- something that hasn't been done in quite a long while, and taking a comprehensive look at it and seeing where we are. It may be that some local governments are going to have to do some work to look at those issues that come into play in comparable worth. But it's -- it's -- you know, it has to do with -- you know, it's not talking about comparing it to the private sector and what their prevailing wage is there. It's looking at the wages in the government sector and saying, *Does this job title, based on comparable worth, based on segregated titles, need to be paid more than it is?* It's often -- we know women and people of -- minorities sometimes that end up in segregated titles and are sometimes paid more even though they're doing work that's of comparable worth to someone else in the public sector.

MR. GOODELL: And do you have --

MS. LIFTON: Within -- within that -- within that government.

MR. GOODELL: I see. And -- and do you have any data on the nature and extent of discriminatory wages paid, say, by the State of New York? We have about 225,000 employees. Do you have any data documenting the nature or extent of any discrimination against women or minorities within the State government itself?

MS. LIFTON: Well, that's what this study is doing. It's State and local governments. We -- we had old studies that looked at it and found things that needed to be corrected years ago, a couple of decades ago, and we thought it was time to do this again. And so we're trying to, in fact, get that study. This study, after three years, would be a report to the Legislature, and we would indeed be trying to find that out and also make sure that it gets corrected if there are indeed inequities based on comparable worth.

MR. GOODELL: And I think I -- you answered this question. That's three years from when the original bill is enacted or three years from when this bill would go in --

MS. LIFTON: Three years from 2018.

MR. GOODELL: Great. Thank you very much.

MS. LIFTON: Thank you.

MR. GOODELL: On the bill, sir.

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

MR. GOODELL: In the private sector, of course companies are very, very sensitive to what the prevailing wages are, what competitive wage rates are, because everyone in the private sector knows that if you want to be successful, you need to be able to recruit and retain high-quality people. And at the same token, the private sector recognizes that if you pay more than the prevailing wage, it affects the profitability of the company. And so the private sector is constantly evaluating the wage structure to make sure it

reflects market conditions. And, of course, it's not just in the employment field, it's throughout the entire competitive market. And when government gets involved in this field, the problem many of my colleagues may have on this bill is that we ask the Civil Service Department to evaluate whether or not the wage rates are appropriate across literally hundreds, if not thousands, of job classifications without considering what comparable salaries are being offered by other governments or in the private sector for those positions. And so, if you start out with a study that has a premise that we should ignore what's happening in the rest of the private sector, you're going to get results that aren't helpful because they won't reflect the competitive pressures that we're facing.

So I appreciate my sponsor's desire to study this issue further. I simply wish that the study included all the relevant factors, including prevailing wages. Thank you, sir.

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. A04267-A, Calendar No. 293, Hevesi, Englebright, L. Rosenthal, Gunther, Arroyo, Rozic,

Lavine, Giglio, D'Urso, Galef, Joyner, Simon, Rivera, Taylor, Hunter, Seawright, Bichotte, Mosley, Niou, Ortiz, Barron, Williams, Richardson, Gottfried, Epstein, Wright, Blake, McDonald, Walczyk, Buttenschon, Wallace, Cruz, Reyes. An act to amend the Real Property Law, in relation to the termination of a residential lease by a victim of domestic violence; and to repeal certain provisions of such law relating thereto.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MR. HEVESI: Yes, sir.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Mr. Hevesi. As you know, I think we debated this, like, within the last couple weeks and --

MR. HEVESI: Yep.

MR. GOODELL: -- there were a number of issues that -- that were brought up during the course of that extensive debate. And we're always delighted to see amendments come to the floor --

MR. HEVESI: Yep.

MR. GOODELL: -- and it gives us reassurance that all the points we made were considered. And what was the amendment on this one?

MR. HEVESI: Not the points that you raised, sir, but

thank you for bringing it up. There's a technical amendment that the Senate caught on this specific bill. Just for a little bit of context, if I might, and I'll do it quickly. We passed this during the Domestic Violence Day a couple weeks ago. This is the bill that creates a mechanism for domestic violence survivors to break their lease. The bill has 11 components. I remember that specifically, because when I said 11 components during the -- the debate last time, a vein in the top right of Brian Coyne's forehead start to pulsate in anger, so I'm not going to repeat them now.

(Laughter)

There he goes. But this is strictly a technical amendment, but I'm happy to address any substantive concerns that you have.

MR. GOODELL: Thank you. No, that's -- that's fine. We just wanted to make sure it was just a technical amendment, it didn't address any of the substantive provisions of the bill.

MR. HEVESI: No, but it did provide me a mechanism to make fun of Brian Coyne, which I appreciate. Thank you, Mr. Goodell.

(Laughter)

MR. GOODELL: Always appreciate the opportunity to be of assistance. Thank you, sir. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will



record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please call the Codes Committee to the Speaker's Conference Room? I believe Mr. Lentol is already there.

ACTING SPEAKER AUBRY: Mr. Lentol is on his way. I suggest Codes Committee members precede him and greet him when he gets there.

The Clerk will read.

THE CLERK: Assembly No. A01047-B, Calendar No. 176, Simotas, Colton, Seawright, Blake, Otis, Ortiz, Wallace, Bronson, Perry, Cruz, Wright, Fernandez, Weprin. An act to amend the Civil Service Law, in relation to a fair, non-biased compensation structure.

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

Mr. Goodell.

Ms. Simotas, an explanation is requested. But those who are around Ms. Simotas, why don't you....

MS. SIMOTAS: This bill amends Section 115 of the

Civil Service Law to clarify that New York State's longstanding policy of fair, equal and unbiased compensation applies to all government employees. In 2014, the Court of Appeals settled a split between the First and Third Departments about whether certain State employees can sue in our courts when they are not compensated fairly. The Court of Appeals sided with the Third Department, finding that Section 115 merely states a policy and does not confer a right to public employees. In 1966, New York enacted a provision in Labor Law explicitly providing employees with the right to bring suit if they are discriminated against in their compensation. This bill ensures that public employees are granted the same right.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. SIMOTAS: Of course I yield.

ACTING SPEAKER AUBRY: Ms. Simotas yields.

Quiet, please. We're on debate.

Proceed.

MR. GOODELL: Thank you very much, Ms. Simotas. Right now, of course there are -- are more than one Federal statute requiring equal pay for equal work, including the Equal Pay Act of 1963 and the Civil Rights Act. Those acts apply throughout the nation, including here in New York, right?

MS. SIMOTAS: Yes, they do.

MR. GOODELL: And they apply to municipal employees as well?

MS. SIMOTAS: Of course they do.

MR. GOODELL: And so why do we need a State law saying that municipal employees have rights that are granted to them under Federal law that they have already have?

MS. SIMOTAS: As I mentioned, there was a split in the circuits, and the Court of Appeals mentioned that the longstanding policy, 115 of the Civil Service Law, it really doesn't create a right -- a right, it just -- it just asserts a policy. And what we're doing is clarifying that a government employee, if they feel that they've been discriminated in their pay, does have access to the courthouse.

MR. GOODELL: So this is really designed to make it make it so that New York State courts are available to enforce Federal statutory provisions?

MS. SIMOTAS: I'm sorry, can you repeat that?

MR. GOODELL: So the purpose of this law is to make sure that New York courts are available to enforce Federal protections?

MS. SIMOTAS: No, to -- to enforce our own civil -- to our own rights, to our own laws that we have created here. But also Federal -- I mean, the Federal rights as well. The -- the truth is that private employees have the ability to go to court when they feel that they haven't been compensated fairly, and I think that we would all

agree that public employees should have the same right.

MR. GOODELL: Now, the Federal statutes that are referenced in this bill deal with equal pay for equal work. And that's been the law of the nation for over 50 years, since 1963. So it would be 55 -- 56 years. But the language in this bill goes on to talk about pay for similar work or substantially similar work. So was it your intent that this bill would apply in situations where the Federal equal pay for equal work didn't apply? Was it your intent that this bill would be even broader than the Federal provisions?

MS. SIMOTAS: My intention with this bill is to not create a standard. My intention with this bill is to make sure that courts are clear that when there's a violation in policies that are adopted either in -- by -- by the Federal government or by the State, that public employees have access to the courthouse. That they shouldn't be prevented from filing suits against their employer if they feel that they've been discriminated against in their pay.

MR. GOODELL: This bill, of course, applies specifically to local governments in every political jurisdiction, right? So, school districts, local governments, fire departments. Any -- any public employer would be covered by this legislation, correct?

MS. SIMOTAS: Yes, any employer. And as I said, all government employees.

MR. GOODELL: Now your -- this bill states -- and I'm looking on page 2, line 51, that as part of the judgment the court could award attorneys' fees, reasonable expert witness fees and other

costs of the action. But only to the employee if the employee is successful, correct?

MS. SIMOTAS: Correct.

MR. GOODELL: There's -- so why is it that the employer - which might be a small local municipality - why is it that the local municipality has to pay all those expenses even if they're successful, but a disgruntled employee that is suing them could have those covered expenses by statute?

MS. SIMOTAS: I don't think that an employer would be responsible for those fees if they're successful. This is only if the employee goes to court, files an action, gets through a Motion to Dismiss, is able to establish after discovery that they have a -- they have a good claim and actually are successful that a -- that a court can determine, a judge can determine whether or not they would be entitled to additional costs in addition to their compensation and the back pay that they haven't been paid.

MR. GOODELL: I -- I guess my question wasn't that clear, which should be no surprise to you. But if an employee who is suing a small municipality is successful, the employee could have their attorney fees, expert witness fees and other costs paid for by the municipality in addition to the judgment, right?

MS. SIMOTAS: Yes.

MR. GOODELL: And if the small municipality is successful in defending itself, this bill does not provide for the municipality to be reimbursed for the municipality's legal fees or

expert witness fees or other costs, correct?

MS. SIMOTAS: Correct.

MR. GOODELL: Now, Upstate, a lot of our municipal entities are quite small. And some of our fire districts, for example, you know, the fire commissioners work without pay and 100 percent of the money they raise goes right into that fire department. And even then, sometimes the fire departments have to have fundraisers. Why don't we have a standard for reimbursement that's equal on both sides? In other words, regardless of which side wins, they get their attorneys' fees and expert witnesses or, alternatively, regardless of whether you win or not, you don't get those fees. Why do we have a standard that benefits, presumably, a disgruntled employee, but not the local municipality or the taxpayers that are -- that are supporting that municipality?

MS. SIMOTAS: I don't think that a successful employee would be disgruntled. I believe that if they actually filed a lawsuit, went through the process of discovery and actually came to judgment, then they had -- then their case had merit. Your question is why if the municipality was successful in defending itself, wouldn't it be entitled to attorneys' fees. The bill doesn't explicitly say that they are, but that doesn't mean that a court couldn't award those fees if you have an employee that's bringing frivolous -- a frivolous lawsuit and has no basis or is fraudulent in their claims in their -- in their complaint.

MR. GOODELL: One last question, and maybe it's a

technical question. But Article 3, Section 16 of our State Constitution prohibits us, as a Legislature, from enacting legislation that incorporates by reference other legislation. Doesn't the provisions of this bill that incorporate all those other listed Federal statutes - which we don't even have access to here - violate the constitutional prohibition against incorporation by reference?

MS. SIMOTAS: I don't believe so. Last year we passed a -- a bill that chaptered, it's Chapter 403 of 2018 that actually referenced these same provisions of the law. It referenced the Federal Civil Rights Act and the Equal Pay Act of 1963, and there was no challenge and a court has not found that it is unconstitutional. But I certainly will look into the issue, and -- and if there's a problem, we will certainly look to amend it.

MR. GOODELL: As you know, at least in -- in my opinion, we often pass laws that violate with State Constitution, which is -- which is no surprise. Because we go through mandatory training on other things, but most of us have never read the State Constitution, even though we do an oath of office to uphold it. But thank you so very much for your comments.

On the bill, sir.

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

MR. GOODELL: Thank you very much. In the vast, vast majority of lawsuits, we, as a society, do not normally allow for the recovery of attorney fees, expert witness fees or other costs for the

winning party. And there's a very good reason why we limit those recoveries, because we don't want to have a situation where the value of the legal fees or the expert witness fees far exceed the claim. And so in an effort to keep legal fees reasonable, to keep the litigation focused, to avoid a run to hire the most expensive witness fees, we, as a general rule, say that each party bears their own expenses and it's very, very helpful. And so I'm very hesitant to support legislation that says one party can get all those expenses reimbursed. You have an open checkbook backed by all the taxpayers in that municipality. And the other side, which is, by the way, our local governments who are backed by the taxpayers, they have no protection. So I think as a matter of fairness and equity, the rule should apply equally to both the taxpayers and the local governments that are being sued by a disgruntled employee, namely an employee who is suing them. Most of those employees that sue you are not happy employees, that's why they're suing you. And I would recommend that in the future we consider keeping the playing field even for all parties.

I appreciate the sponsor's comments clarifying that this bill, though, is focused on equal pay for equal work and not a comparable pay bill, and I appreciate that clarification. Thank you very much to the sponsor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will



record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we can continue with our debate list, we're going to go now to Calendar No. 196. It is on page 40 [sic] by Mr. Crespo. Following that we will go to Calendar No. 360. It's on page 60, and it's by Mr. Benedetto. And then we're going to go to Calendar No. 372. It's on page 61 by Ms. Rosenthal.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A05501, Calendar No. 196, Crespo, Ortiz, De La Rosa, D'Urso, Pichardo, Arroyo, Blake, Reyes, Sayegh, Colton, D. Rosenthal, Perry, Cruz, Ramos, Fernandez, Raynor. An act to amend the Labor Law, in relation to penalties for discrimination or retaliation against immigrant employees.

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

Mr. Goodell.

MR. GOODELL: Will the sponsor yield?

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

MR. CRESPO: Already awaiting your questions, Mr. Goodell.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Mr. Crespo. As I understand this bill, it would make it a violation for an individual or an employer to threaten, penalize, or in any manner discriminate or retaliate against an employee by reporting them to Immigration Services for possible deportation. Is that correct?

MR. CRESPO: Yes. But to be very clear, Section 215 of the Labor Law already prevents employers from taking actions against employees. What we are adding is a clarification that the threat to call ICE or refer them to deportation or anything along those lines or any threats based on a retaliation based on their immigration status, also falls under those protect -- protections of that section of law.

MR. GOODELL: And so if an employer or another individual - I suppose it could be not necessarily the employer - but if they -- if they call and report that the individual is working illegally and they call Immigration Services or Immigration Control and Enforcement, there would be a \$10,000 fine?

MR. CRESPO: The fines and the protections apply if they are done in retaliation for the worker, the employee, seeking remedies or making a complaint or any other actions that the law allows an employee to seek protections from or for. So in the scenario that an -- that an employer is not prompted by any actions by the

employee, I'm not so sure that this section of law would apply.

MR. GOODELL: I see. But the penalty is \$10,000 for the first violation, \$20,000 for the second violation?

MR. CRESPO: Bear with me.

(Pause)

I think you're correct.

MR. GOODELL: And it's also a Class B misdemeanor, correct?

MR. CRESPO: It -- it could be -- the -- the bill would allow -- the Commissioner may assess the employer or person a civil penalty between \$1,000 and \$10,000, and if there -- if the Commissioner finds that the employer has committed similar violations in the preceding six years, he or she may assess a civil penalty between \$1,000 and \$20,000.

MR. GOODELL: And it's also a Class B misdemeanor, am I correct?

MR. CRESPO: Yes. That's current law.

MR. GOODELL: I see. All right. Thank you. I appreciate those clarifications.

On the bill, sir.

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

MR. GOODELL: None of us, of course, think an employer should in any way retaliate against any employee. But it is somewhat ironic that we're passing a bill saying that there's a \$10,000

-- up to a \$10,000 fine and a Class B misdemeanor if you report to Immigration Services that one of your employees is here illegally. So we've taken, if you will, the employer whistle blower, where an employer ought to be reporting violations of Federal law, and we say if you report a violation of Federal law to the Federal authorities, you can be fined up to \$10,000 the first time you report a violation of Federal law to Federal law enforcement, and you can be fined up to \$20,000 the second time that you report a violation of Federal law to the Federal authorities and you could be arrested for a criminal offense. And I acknowledge, as my colleague has pointed out, this only applies in the context of retaliation. But I think we ought to encourage everyone to be involved in reporting illegal conduct, and I don't believe we should impose any fines or penalties on those who properly and correctly report illegal conduct, whether it's to local authorities or to Federal authorities.

Thank you, 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. Crespo to explain his vote.

MR. CRESPO: Thank you, Mr. Speaker. I just want to make very clear to our colleagues as they hopefully vote in support

of this, this -- what we are doing today in this bill is clarifying that existing protections -- we're not changing the penalties, we're not changing those protections. We are making very clear something that is consistent with what Federal courts have held, as well as what is -- continues to be a common find by the Attorney General in her investigations and the Department of Labor, of abuses and/or threats being made, especially in this political climate coming from Washington, and severe abuses against workers, especially undocumented workers across our State. And -- and this only applies to clarifying when retaliation is made and where the employer is the one looking to threaten or make those calls and referrals in retaliation for the employee seeking remedies to a violation of law taking place in the workplace. So this is consistent with our efforts to ensure that all workers who are currently covered by Labor Law continue to be protected, and this is clarifying that we will not allow employers to use these threats as -- as the Federal courts have already found. And one quick example: The Trump Golf Course in New Jersey was one of the reasons why we prompted this. An employee, an undocumented worker there, was threatened that if they complained about their supervisor that ICE would be called on them and their family. And we are trying to make sure that the law reflects what it currently does, and that is that it -- retaliation against an employee is protected under Labor Law, under Federal Labor Law, and we want to remain consistent with that. And so a vote in support of this is a vote to support our labor practices.

ACTING SPEAKER AUBRY: Mr. Crespo in the affirmative.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07044, Calendar No. 360, Benedetto. An act to amend the Public Authorities Law, in relation to certain contracts of the New York City School Construction Authority; and to amend Chapter 738 of the Laws of 1988, amending the Administrative Code of the City of New York, the Public Authorities Law and other laws relating to establishing the New York City School Construction Authority, in relation to extending certain provisions of such chapter relating to certain contracts of the New York City School Construction Authority.

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

Read the last section.

An explanation is requested.

MR. BENEDETTO: This bill will extend for five more years the -- New York City's School Construction Authority's exemption from the Wicks Law.

ACTING SPEAKER EICHENSTEIN: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Would

the sponsor yield?

MR. BENEDETTO: Absolutely.

ACTING SPEAKER EICHENSTEIN: Mr.

Benedetto yields.

MR. GOODELL: Thank you very much, Mr.

Benedetto. What is the advantage of excepting the New York City School system from complying with Wicks?

MR. BENEDETTO: I'm sorry. What is the --

MR. GOODELL: What is the advantage of giving this exception to the New York State -- New York City School District from complying with the Wicks Law?

MR. BENEDETTO: We are hoping and expecting an experience of the last 31 years has shown us by excluding New York City School Construction Authority from the Wicks Laws, that they are able to basically build faster. And in New York City, where there is always, it seems, a crisis in education and the buildings of education and root for -- for the students, time is of the essence.

MR. GOODELL: Has this legislation over the last 30 years also saved them money?

MR. BENEDETTO: I would suspect that they always also save money by using their exemption, yes.

MR. GOODELL: And has the New York City School Construction Authority documented either the savings in time or the savings in money?

MR. BENEDETTO: I believe that has been

documented not only by the School Construction Authority, but other independent outside researchers.

MR. GOODELL: And is there any reason why we don't exempt other municipalities from the Wicks Law?

MR. BENEDETTO: Well, I guess there is a reason. And I know in the State, that State DOT and the Office of Governmental Services, when they use Design-Build for their projects and enter into project labor agreements that they are exempt from the Wicks Law as well.

MR. GOODELL: Okay. Thank you very much. I appreciate that background information.

Mr. Speaker, on the bill.

ACTING SPEAKER EICHENSTEIN: On the bill.

MR. GOODELL: There's a lot of opposition to the Wicks Law from municipalities all across New York State because they point out that in their opinion, the Wicks Law causes construction to take much longer and costs much more money. And the reason why is because the Wicks Law forces a municipality to break a construction contract into multiple components, which forces, then, the municipality to deal with all the challenges of dealing with different contractors who have to interface between each other. And when a -- when there's a problem or a delay, not surprisingly, often the contractors point fingers at each other. And as my colleague pointed out, eliminating the Wicks Law has enabled the New York City School Authority [sic] to proceed much faster and much more



efficiently and with a lot less expense, and that same exact experience would likely be experienced across New York State if we eliminated it Statewide.

So I will be supporting this bill, and only wish that it was broader in scope. Thank you, sir. Thank you, Mr. Speaker.

ACTING SPEAKER EICHENSTEIN: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER EICHENSTEIN: 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-B, 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, Cruz. 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 EICHENSTEIN: On a motion by Ms. Rosenthal, the Senate bill is before the House. The Senate bill is advanced.

An explanation is requested, Ms. Rosenthal.

MS. ROSENTHAL: This bill is a bill to combat wage theft in New York State.

(Laughter)

That's it.

ACTING SPEAKER EICHENSTEIN: Mr. Goodell.

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

ACTING SPEAKER EICHENSTEIN: Do you yield, Ms. Rosenthal?

MS. ROSENTHAL: I do.

ACTING SPEAKER EICHENSTEIN: The sponsor yields.

MR. GOODELL: Thank you, Ms. Rosenthal. Isn't wage theft already illegal in New York State?

MS. ROSENTHAL: Yes, it is.

MR. GOODELL: And what is the penalty for wage theft already?

MS. ROSENTHAL: I don't know right now, but what this bill does is it lets workers who go to court and prove the case to the judge that they have a good possibility of succeeding in the case, to put a lien on the business's assets, buildings.

MR. GOODELL: Well, under current -- under current law there's both civil and criminal penalties, right, for wage theft?

MS. ROSENTHAL: Well, what we found is that some unscrupulous employers don't care that there's a law against it and they deprived workers of their earned wages.

MR. GOODELL: And if you find an employer that has engaged in wage theft, what are the penalties under current law?

MS. ROSENTHAL: I'm talking about this. I don't know what they are right now.

MR. GOODELL: Well, I mean, your -- your explanation of the bill is that this was designed to combat wage theft, and it was my understanding that there's a large number of bills and statutory provisions that already apply.

MS. ROSENTHAL: But we're talking about --

MR. GOODELL: It's not like we are saying it's okay to steal somebody's wages right now. I mean, we have civil penalties, we have criminal penalties, we have personal liability, right? We have the full array of the law enforcement power of the State against wage theft, correct?

MS. ROSENTHAL: This -- this bill concerns the

employee being able to actually get their owe -- their owed wages. So it's not about a penalty on the employer. It's about forcing the -- the employer to pay the employee the wages that they were deprived of.

MR. GOODELL: Well under current law, if an employee files a claim against an employer for unpaid wages, wage theft, they can get a judgment, correct?

MS. ROSENTHAL: Well, here's the crux of this bill, is that the employee may be successful in court and the court orders the employee -- employer to pay. However, what we found is that unscrupulous employers often dodge that by declaring bankruptcy, selling the business to an LLC, disappearing and creating a situation where there are no assets to be distributed. So this is to stop that in its tracks and make sure that there's actually an asset so that the employee can receive the wages they've earned but not been paid.

MR. GOODELL: Well, I appreciate that, but under existing Federal bankruptcy law, there are certain expenses that, if you will, burn through the bankruptcy, that are not discharged by bankruptcy. Isn't that correct?

MS. ROSENTHAL: You know, credit card companies are first on the list. I would say that workers are among the last creditors to be paid.

MR. GOODELL: Well, actually, the Federal bankruptcy law doesn't provide --

MS. ROSENTHAL: Well, you mentioned the Federal bankruptcy law.

MR. GOODELL: Well, you brought up the fact that a -- a wage theft claim might not be paid because the company declares bankruptcy. But when a company declares bankruptcy, there are certain expenses that burn through the bankruptcy, meaning if someone declares personal bankruptcy, that -- that liability will still exist. It's not discharged in bankruptcy. Isn't this one of those claims that deal with fraud or illegal activity that is not discharged in bankruptcy?

MS. ROSENTHAL: You know, I don't think that's true. And the U.S. Department of Labor estimated there is \$1 billion of wage theft each year in New York State. So obviously, all the laws and the penalties are not working.

MR. GOODELL: And do they estimate how many judgments for wage theft are not collected? Because that's really what we're talking about, right?

MS. ROSENTHAL: That's \$1 billion.

MR. GOODELL: No, that was the amount of wage theft claims, right?

MS. ROSENTHAL: Yes, that's what I'm saying.

MR. GOODELL: Now what this bill does, if I understand it correctly, is that it says that if an employee files a wage claim, it has a super priority, a priority -- a preference priority even above any other priority that might already exist. Even after -- above a mortgage lien or a lien for a line of credit or anything else. Is that correct?

MS. ROSENTHAL: I'm sorry, I didn't hear the question.

MR. GOODELL: Am I correct that under this -- the language of this bill that an employee claim would have a preference lien over and above a security interest, for example, a line of credit, a mortgage or any other lien?

MS. ROSENTHAL: Yes, it would.

(Pause)

We would actually be adopting the same standard used in Connecticut, so this has been done before.

MR. GOODELL: And what standard were you proposing for New York? Would it have a priority lien?

MS. ROSENTHAL: It would allow courts to temporarily attach property during the pendency of a court case if the employee can demonstrate that they're likely to win this case.

MR. GOODELL: Well, we already have several statutory provisions dealing with attachment, correct? It's in the CPLR. There's an entire article dealing with attachment.

MS. ROSENTHAL: Not prejudgment.

MR. GOODELL: Well, that's the only time you would use an attachment. After the judgment you have a lien. So how is this different than the existing provisions that deal with attachments in the situation where there's a question of whether or not you can collect the judgment?

MS. ROSENTHAL: This -- this bill is intended to

ensure that employers don't hide their assets.

MR. GOODELL: Well, how's that -- it -- it doesn't have anything to do with hiding assets, right? It only gives an employee lien over assets that are open and upfront, right? I mean, that's what the whole purpose of this is, is to give it a preference lien. Am I -- am I mistaken? It is a preference lien, right, over and above any consensual lien, some mortgage lien, line of credit, other judgments, for example.

(Pause)

MS. ROSENTHAL: Okay, so this -- this bill allows an employee to upfront put an attachment on the property so that an employer does not hide or sell their property.

MR. GOODELL: Well, of course, as soon as you file a lawsuit, the instant you file it, it's a matter of public record - assuming that you're in a court of record and I would assume these would be - which is then notice to any potential buyer of that business that there is an action pending. And under the Bulk Sales Law, isn't it a requirement, a statutory requirement under the Bulk Sales Law that a seller of a business notify the buyer of all outstanding claims?

MS. ROSENTHAL: This bill isn't concerning the buyer. This bill is about paying the employee the wages that they have been deprived of.

MR. GOODELL: Right. But you told me earlier that the reason that you had this bill is you wanted to prevent a person from selling the business and avoiding paying a claim. But we already

have provisions with the Bulk Sales Law --

MS. ROSENTHAL: It's not selling their business, it's hiding their assets by declaring bankruptcy, hiding behind an LLC, and in other ways making it appear as if they have nothing to pay the employee.

MR. GOODELL: Well, you are aware, of course, that hiding assets is a Federal crime when you file bankruptcy, right? I mean, that's a very serious offense. Under the Bankruptcy Code, you have to be honest and upfront over where all your assets are. Does this deal with hiding assets under the Federal bankruptcy law? You're -- are you saying that --

MS. ROSENTHAL: No, no.

MR. GOODELL: So are you saying the Federal bankruptcy law provisions and the criminal sanctions that apply on hiding assets are insufficient?

MS. ROSENTHAL: No. It doesn't have to do with that.

MR. GOODELL: I see. So we know an employer can't hide assets and declare bankruptcy because that violates Federal bankruptcy law. We know that an employer can't use bankruptcy as a shield to protect against fraudulent or illegal action because those kind of claims burn through bankruptcy. We know that you can get an attachment under current law, depending on the circumstances. What does this bill do that doesn't -- we know it's a crime if you engage in wage theft. We know that's a personal liability under both State and



Federal law. We know you can go to jail if you engage in this. So what does this bill do that is different than all the current protections on wage theft?

MS. ROSENTHAL: This bill would -- would allow the assets to be attached. Employers going to jail is a separate issue. The goal of this bill is to get the money that the employees were not paid, even though they worked for those hours.

MR. GOODELL: So you're talking about a priority lien, a preference lien. A lien that applies above all other liens. Is that what you're saying?

MS. ROSENTHAL: You know, the -- the -- the lien can reach real or personal property, expands the existing Lien Law. So workers outside the construction industry can put a lien on their employer's property while the courts determine what wages are owed, and would prevent employers from transferring the property, yes.

MR. GOODELL: Now if you're a current employee --

MS. ROSENTHAL: If you're what?

MR. GOODELL: -- and you've been a victim -- if you're a current employee, under current law and you're a victim of wage theft and you sued the employer and you got a judgment and this law were adopted, it goes into effect. Am I correct that the new employee lien that's authorized by this legislation would actually take priority over all the judgments of any other employee that was previously issued?

MS. ROSENTHAL: It's -- it's unclear what you're -- what situation you're -- you're creating here.

MR. GOODELL: Well, let me give you a simple example. Let's say a business --

MS. ROSENTHAL: But let me -- let me just answer one part of it. You say that when the employee goes to court and gets a judgment, often by that time the business is gone and there is -- no judgment can be paid because the business does not exist and there's no assets. Therefore, we need to put a lien so that action can't happen.

MR. GOODELL: So if a business is suffering with cash flow issues --

MS. ROSENTHAL: With what?

MR. GOODELL: Has cash flow issues.

MS. ROSENTHAL: That's not what the issue is. The issue is --

MR. GOODELL: Let me just give you a hypothetical.

MS. ROSENTHAL: Let me just finish. You're supposed to be paid for the hours that you work. There's no excuse --

MR. GOODELL: There's no argument on that.

MS. ROSENTHAL: -- to not pay employees, and that's what this is about.

ACTING SPEAKER AUBRY: Hello, hello. Ms. Rosenthal?

MS. ROSENTHAL: Yes?

ACTING SPEAKER AUBRY: Hi, how are you?

(Laughter)

MS. ROSENTHAL: You know, I'm having trouble hearing --

ACTING SPEAKER AUBRY: Okay. And that's why I wanted to --

MS. ROSENTHAL: -- so I'm raising my voice so that he can hear me.

ACTING SPEAKER AUBRY: Right. So, the best way to do this is for the rest of us to be quiet --

MS. ROSENTHAL: Yes, that would be great.

ACTING SPEAKER AUBRY: -- and then for the two debaters to ask a question and have it answered, but not to cross each other because that will cause more confusion, doesn't it, Mr. Goodell?

MR. GOODELL: Absolutely. Thank you, sir.

ACTING SPEAKER AUBRY: Okay. So, shall we try this again or shall we pause for a minute?

MS. ROSENTHAL: Okay.

ACTING SPEAKER AUBRY: You're ready?

MS. ROSENTHAL: Sure.

ACTING SPEAKER AUBRY: Thank you.

MR. GOODELL: Thank you, Ms. Rosenthal. And I'll -- I'll try to be -- I'll try to stand closer to this microphone. That might help.

MS. ROSENTHAL: Thank you.

MR. GOODELL: So if a business is -- has judgments that are entered against, if those judgments might be from a supplier or -- or from even other -- prior employees that weren't paid properly, and this bill then becomes law, am I correct that the lien created by this law would take priority over all the existing judgments, including existing judgments from prior employees, correct? I mean, that's the purpose of this bill.

MS. ROSENTHAL: There's a difference between the judgments and the liens. If the prior -- prior cases didn't put a lien then it's different.

MR. GOODELL: Well, you are aware, right, that as soon as a judgment's entered, that judgment is automatically a lien?

MS. ROSENTHAL: No, it's not on the property.

MR. GOODELL: Under what circumstances is a court judgment not a lien?

MS. ROSENTHAL: We don't -- we don't put liens on property.

MR. GOODELL: All courts judgment are liens, ma'am.

MS. ROSENTHAL: Liens on the -- on the business?

MR. GOODELL: Oh, yeah. On all your assets. That's why I would recommend we not have a judgment against us.

MS. ROSENTHAL: Not on the property.

MR. GOODELL: Okay.

Sir, on the bill.

MS. ROSENTHAL: If that were true, I wouldn't need the bill.

MR. GOODELL: Thank you, Ms. Rosenthal. Thank you for your comments.

On the bill.

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

MR. GOODELL: What this bill does is it says that if you have a claim for unpaid wages, a claim that has not yet been adjudicated. So there's no court action, you just have a claim. That claim is given a priority lien status, which means that you have a claim that has priority over any other judgments, including earlier judgments from prior employees. It means you have a claim that is above any lien by a mortgage company or for a line of credit. And the problem that this bill creates is that if a company is facing cash flow issues - and some companies do from time to time - if their employee liens automatically take priority over any secured loans like lines of credit, the -- the company will not be able to get a loan. They won't be able to get a line of credit because the bank or lending institution is not assured that their money that they're advancing this company will be secured in the future. And that will eliminate the very credit necessary for these businesses to survive and pay their employees.

Thank you, sir, and thank you to my colleague.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Epstein.

MR. EPSTEIN: On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. EPSTEIN: So, I want to applaud the sponsor to introduce this legislation. Prior to coming to the Assembly, I'd worked with probably hundreds of low-wage workers in New York State who were deprived of millions of dollars in their back wages by employers who stole their wages. And then when we would go to court to represent them and then get judgments, by the time we got our judgment against them, there would be no asset left in the business. There would be no opportunity for those workers who were exploited and had their wages stolen be able to get those wages back. And it happened time after time after time. This bill seeks to rectify that problem. This bill says at the time of filing, we will put a lien on whatever property you have so you just can't sell the house and the business has no -- no interest anymore. You can't sell the underlying ability of that business. And you ensure that once those workers get a judgment, they will have no judgment to collect on. This bill protects workers. This bill does exactly what Assemblywoman Rosenthal talked about. It is there to ensure when wages are stolen, that businesses can't walk away. It's exactly our job, it's exactly what we should do, and I want to applaud the sponsor of this bill.

ACTING SPEAKER AUBRY: Mr. Palumbo.

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

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

MS. ROSENTHAL: Yep.

ACTING SPEAKER AUBRY: Ms. Rosenthal yields.

MR. PALUMBO: Thank you, Linda. So just a few questions regarding the contrast to a mechanic's lien. That with a mechanic's lien when it's filed, it has -- and obviously, this is essentially the same area of law -- those are for work that was actually performed and services and materials. It's not prospective at all. Is that accurate, to your knowledge?

MS. ROSENTHAL: Yes. And so is this.

MR. PALUMBO: Right. So if there was --but if there was a contract, say, for a \$100,000 renovation and a contractor did \$50,000 worth of that reno, they can only file a lien for \$50,000 specifically, not the full amount of the contract because they didn't complete those actual services, right?

MS. ROSENTHAL: Right.

MR. PALUMBO: So in that regard, the way I'm reading this, the employee's lien is a claim for wages. How do we determine what the full amount of that lien is prior to judgment?

MS. ROSENTHAL: How did you determine the full amount on your example?

MR. PALUMBO: Well, other than that, the lien is for all wages and other damages, right, that would otherwise be

awarded in a court.

MS. ROSENTHAL: That's -- that's -- is if there's a dispute, you go to court.

MR. PALUMBO: I understand, but I think the wrinkle is that this is some -- this is -- this notice of lien is filed prior to judgment --

MS. ROSENTHAL: Yes.

MR. PALUMBO: -- prior to prevailing, and as mentioned by my previous colleague, that it -- it's not -- we haven't even gone to the judgment phase yet. This is something that is prospective.

MS. ROSENTHAL: That's -- that's the same as a mechanic's lien.

MR. PALUMBO: Well, no, it's not, because a mechanic's lien is for a number certain, the value of services performed. This is -- this could also result in an award of an additional damages --

MS. ROSENTHAL: No, this is also for an amount certain.

MR. PALUMBO: But my -- my question is, how would that be determined? Where there are certain violations, for example, a failure to pay -- under the Labor Law, my understanding is a failure to pay overtime is -- there's another -- there are trouble damages on occasion, there are sometimes additional fines of \$5- to \$10,000 for a violation. So they would just actually lien for the



maximum amount and then hope that they prevail at trial?

MS. ROSENTHAL: You know, the -- the way this works is if an employee has not been paid, they go to court for the amount they have not been paid - whether it's overtime, whether it's just regular time - and the judge has to be convinced that going forward they would have a good shot -- shot at winning the case. So it is for an amount certain, and it is a lien on the property.

MR. PALUMBO: Well, how would the judge be -- be sure that they are going to prevail when they haven't actually adjudicated the case?

MS. ROSENTHAL: It's the same thing as a mechanic's lien. The judge gets to determine in this situation whether they have a good probability of winning the case.

MR. PALUMBO: In the event that that employee does not prevail, is there any mandatory attorneys' fee or damages that the employer could recover as a result of a -- of an improper or deficient employee lien?

MS. ROSENTHAL: If -- if in -- the employee who files the lien is found to have willfully exaggerated the amount of the lien and then tries to foreclose on it, the employee will be subject to damages.

MR. PALUMBO: Well, how about if it's a good faith basis and the employee -- and the employee really thought they should have been paid for something, say, overtime, and then it turns out under the Labor Law what they thought was overtime is actually not

overtime or not something that they were entitled to be paid for? That would be a good faith attempt at it, but they'd lose at trial.

MS. ROSENTHAL: Well, if there's a good faith attempt then they would not be subject to this.

MR. PALUMBO: Okay. Then they would not be -- I'm sorry, subject to any -- any --

MS. ROSENTHAL: They would not be subject to attorney fees.

MR. PALUMBO: Attorneys' fees or damages. So the employer would just have to deal with it?

MS. ROSENTHAL: Well, yes. I don't -- which side are you arguing on?

MR. PALUMBO: Certainly. On page 4, Section 6(b), line 44, that the notice of the employees lien may be filed at any time not later than three years following the end of the employment, giving rise to the wage claim. So ultimately, they can -- they can file it, say, two-and-a-half, almost three years later, and then they can renew it, is it three times under this bill?

MS. ROSENTHAL: Okay, it can be renewed once without permission, and then if you want to go another time you have to get --

MR. PALUMBO: You have to sue.

MS. ROSENTHAL: Yeah.

MR. PALUMBO: And then the lien stays valid through the pendency of the court action. Is that accurate?

MS. ROSENTHAL: Yes.

MR. PALUMBO: Okay, so we're -- we're talking -- this could extend out a significant period of time while -- until they ultimately obtain a judgment, right? Am I not getting this right?

MS. ROSENTHAL: But we're talking -- we're talking about a case where the worker has not been paid, so that extends it that long as well.

MR. PALUMBO: Now, if you could -- if I could draw your attention over to page 18.

MS. ROSENTHAL: Page what? I'm sorry.

MR. PALUMBO: On page 1-8 -- I'm sorry, 18. It's Section 630. Liability of shareholders for wages due to laborers, servants or employees. Now you had indicated earlier that this legislation was necessary because corporations could ultimately hide assets or somehow try and avoid a judgment and -- and that was the need to now have a lien on the assets. But this section here, starting at line 13, *The ten largest shareholders as determined by the fair -- fair value of the beneficial interest as of the beginning of the period which the unpaid services referred to in this section are performed.* Then we move down a little bit further, it basically says, *shall jointly and severely be personally liable for all debts, wages or salaries due and owing to any of its laborers, servants or employees other than contractors for services performed by them for such corporation.* So now that pierces the corporate veil, and now extends personal liability to shareholders as if -- the ten largest shareholders. Is that accurate?

MS. ROSENTHAL: Yes, it is.

MR. PALUMBO: So in the event, say, it is a larger company and they have someone in payroll who may have inadvertently not complied with the Labor Law, they could ultimately jointly and severely, meaning they would have the option, then, to go after those shareholders personally, instead of going after a large corporation that may actually have all the assets. Does that -- is that accurate?

MS. ROSENTHAL: How -- how does -- how does someone inadvertently not pay their employer -- employee?

MR. PALUMBO: Well, there are Labor -- Labor Law violations that would be considered a wage violation where someone, for example, didn't properly pay a medical benefit, or they had somehow -- they had somehow improperly --

MS. ROSENTHAL: Okay, so --

MR. PALUMBO: -- withdrawn something from someone's --

MS. ROSENTHAL: Well, hopefully that --

MR. PALUMBO: It's -- I'm saying it's not intentional and malicious, it's a violation.

MS. ROSENTHAL: Okay.

MR. PALUMBO: -- and it's hypothetical.

MS. ROSENTHAL: Okay, but --

MR. PALUMBO: Absolutely. But then they could go after them personally if they so chose, instead of actually going

after, say, IBM, and taking it from corporate assets.

MS. ROSENTHAL: Well, I think that's a far-flung example. I think if it were inadvertent and, let's say, a medical benefit, then the employee would simply approach management and say, *Here's -- here's the stub. I see you -- you forgot to pay this*, and then I'm sure it could be resolved amicably. These are -- that's not what these cases are.

MR. PALUMBO: I understand that, but we still -- we still have -- the -- the purpose for this legislation is to secure the assets in the event there is a judgment for a wage violation. So now we have it overstepping that line and ultimately piercing the corporate veil, not allowing corporate protections for the ten largest shareholders in these companies for this -- this -- basically the same purpose that was indicated that you mentioned earlier was the purpose for this bill.

MS. ROSENTHAL: You know, if --

MR. PALUMBO: So if you can reconcile that for me, that would be great.

MS. ROSENTHAL: Well, the basis of this bill is actually -- there was a situation years ago in my district with a restaurant called Saigon Grill. It went to court. It was a very popular restaurant. They didn't pay their delivery workers, so it went to court. The court ordered a payment of wages, and the owner went to jail and sold the business to a new -- new company, which was open for a while and then closed. So the delivery workers -- this is more like -- more than maybe eight years ago -- never collected on their judgment.

So these are serious cases of wage theft. They're not regarding inadvertent nonpayment. If -- and I have said this for many years throughout the life of this bill, if a business pays their workers, then they have nothing to fear. Whether it's piercing the corporate veil or being dragged to court. If you pay your workers, then you have nothing to worry about.

MR. PALUMBO: I understand that. And in that example that you gave, that person was a thief. And that would clearly be an undercapitalized -- when you use the phrase "piercing the corporate veil", that's an undercapitalized corporation where they were clearly avoiding creditors, and the personal assets would be available and that person ultimately went to jail. And there may have been other remedies through the Crime Victim's Fund. But I think here, we're not talking necessarily about the crook. We're talking about some people where they had very technical or simple labor violations. Particularly in the smaller company, you can have these violations, and the personal liability is something that I think it would not be necessary in the event that we were thinking about the true intent of this bill would be to hold these assets in advance until judgment is rendered so we could ultimately liquidate them or seize them by way of either an attachment or by executing on the judgment and foreclosing.

MS. ROSENTHAL: What this bill is about is restoring justice to workers who have not been paid what they've been promised to be paid. So that's the basis of this. If it -- if it comes to an attachment, it's because the court has decided that there is a high

probability that the worker will succeed in their claim in court. It's not for little violations. It takes a lot to go to court. It takes a lot to go through the process, it takes time. That -- you know, no one's going to go to court and go through all of that, hiring an attorney, living without wages, if they didn't have a serious claim.

MR. PALUMBO: Thank you, Ms. Rosenthal.

MS. ROSENTHAL: You're welcome.

MR. PALUMBO: I appreciate your time.

On the bill, please, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALUMBO: Thank you, Mr. Speaker. Now see, these remedies are already available. And the fact that we're now going to make these mandatory by statute is a problem. You can pierce the corporate veil in our courts. You can receive a temporary restraining order by showing the likelihood of -- on the -- of success on the merits, balancing of the equities. And the fact that you might actually be losing, some assets may be -- be dissolved or -- in a -- or be hidden in an attempt to avoid a creditor. So we do have those remedies, but there's a court process for it. And that's what's important. Now, to not have that discretion and to make this all mandatory by statute is going to really be an onerous burden, specifically, and most importantly, because they will not have proven a thing. They don't necessarily need to have an attachment which would be specific to those assets. They just need to file the notice of lien three years after they left the business.

So this is something that I think is -- and -- and the intentions are understood, that -- it's a laudable intent. But to do it this way is so overly burdensome, it's going to further crush our businesses in New York. I think it's a bad idea, and I urge my colleagues to vote no. Thank you.

ACTING SPEAKER AUBRY: Ms. Rosenthal.

MS. ROSENTHAL: Thank you, Mr. Speaker. On the bill. This bill targets bad-apple employers who, faced with a court case or a Department of Labor investigation, hide and transfer their assets to avoid paying what they owe their workers. These bad-apple employers hurt workers, hurt their families, many of whom may need to rely on public benefits due to not getting paid. And they also hurt honest businesses that may struggle to compete with those who pay unlawfully low wages. So this bill provides tools to workers, the Department of Labor and the Attorney General to enforce existing legal protections. So this bill, one, expands the existing Lien Law so that workers outside the construction industry can put a lien on their employer's property while the courts determine what wages are owed. Liens can reach real or personal property, but they cannot reach goods or accounts the employer uses to conduct ongoing business. The lien will not interfere with the operation of an ongoing business. This bill would allow courts to temporarily attach property during the pendency of a court case. This is the law in Connecticut courts. All of this would be done under the supervision of a judge, and the -- of a judge, and the property owner is still able to use and enjoy their property



when it is subjected to attachment. They just can't transfer or diminish it. This would also streamline the process that exists under the Business Corporation Law and Limited Liability Company Law for holding the ten largest owners of privately-held corporations liable.

This bill, I've carried this for at least four or five years, and we made some amendments recently in response to concerns raised by different business groups. So we've added protections for employers. And under the amendments, if an employee serves a lien on an employer, the employer can force the employee to bring an action within 30 days of the employer's demand. If the employee does not do so, the lien is extinguished. If an employee files a lien is found to have willfully exaggerated the amount of the lien and then tries to foreclose on it, the employee will be subject to damages. Late payment of wages alone, which is unlawful under New York Labor Law Section 191, cannot give rise to a lien. And the amendments clarify that an employee can only file a lien on their own behalf, not on behalf of a class of workers. The amendments eliminate the proposed change to the burden of proof when an order of attachment has been granted by a judge and the employer wants to modify or vacate the attachment. The amendments clarify that an employee's right to inspect the records is limited to information relevant to pursuing their wage claims against shareholders and members.

So, what I'm saying is that this bill, which I introduced in response to serious problems with workers getting paid

and then going to court and finding that the assets disappeared, this allows them a tool to get -- to get their wages back. I'd just like to say as well that this bill is called SWEAT - Securing Wages Earned Against Theft - and the more than 100 groups that have poured time and energy into ensuring its passage and its comprehensiveness are many, and I will thank them during my two minutes. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Rosenthal to explain her vote.

MS. ROSENTHAL: Mr. Speaker, to explain my vote. I would like to thank the SWEAT Steering Committee members; JoAnn Lum from En Masse; Ricky Blum from Legal Aid Society; David Colodny, Catholic Migration Services; Kirsten Brown, Empire Justice Center; Mike Neidel, AFL-CIO; Sarah Ahn, Flushing Workers Center; NALA; NYU; RWDSU; New Immigrant Community Empowerment; National Center for Law and Economic Justice, Chinese Staff and Workers; The Urban Justice Center; and nearly 100 other groups who have been steadfast supporters and the advocates for this bill because they have seen the disaster that happens when workers who rely on their wages for day-to-day life, to pay their rent, their medical costs, food for their family, are deprived of the wages that they have earned. And so this is another tool. Perhaps this

will encourage employers who decide not to pay their employees that there will be grave consequences, and they will do what they have to by law: Pay their workers the wages that they have earned.

I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Rosenthal in the affirmative.

Mr. Raia.

MR. RAIA: Thank you, Mr. Speaker. I'll be voting in the negative. This is just yet another example of why New York State is 49th or 50th - depending on what year you're talking about - worse places for business. This is going to discourage businesses from relocating here. It's one thing to go after the corporation, it's another thing to pierce the corporate veil and go after the members of the board. That's the whole purpose of incorporating in the first place.

So, I encourage a no vote.

ACTING SPEAKER AUBRY: Mr. Raia in the negative.

Mr. Gottfried to explain his vote.

MR. GOTTFRIED: It would be great if all the people of New York could hear this debate and hear that there are so many legislators who are upset that we're being too hard on people who steal wages from workers. I don't often go around quoting the Bible, but Leviticus, Chapter 19, verse 13 says that, *You shouldn't hold on to the wages of your workmen, even overnight*. So there's a long tradition to the notion that we should pay our workers and pay

them promptly and not steal their wages.

I'm delighted 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 Ways and Means Committee into the Speaker's Conference Room. Helene Weinstein should be on her way.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker and colleagues, we actually have been doing very well today. I'm excited about our movement, but we still have a lot left to do this evening. So if I could give the next scheduled debates, it's Calendar No. 478 on page 67 by Mr. Santabarbara. Then it's Calendar No. 359 on page 60 by Mr. Blake. And then 550 on page 72 by Member Glick.

ACTING SPEAKER D. ROSENTHAL: The Clerk will read.

THE CLERK: Assembly No. A01434-B, Calendar No. 478, Santabarbara, Steck, D'Urso, Rivera, Bronson, Walsh. An act to amend the Agriculture and Markets Law, in relation to

authorizing the delivery of liquefied petroleum gas in times of emergency.

ACTING SPEAKER D. ROSENTHAL: An explanation has been requested.

MR. SANTABARBARA: Yes, thank you, Mr. Speaker. This bill will allow homeowners leasing LPG - Liquid Propane Gas - containers to receive emergency deliveries from multiple suppliers during times of emergent -- of -- of urgent -- urgent need in periods of high demand, should their regular supplier fail to deliver.

ACTING SPEAKER D. ROSENTHAL: Mr. Crouch.

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

ACTING SPEAKER D. ROSENTHAL: Will the sponsor yield?

MR. SANTABARBARA: Yes.

ACTING SPEAKER D. ROSENTHAL: The sponsor yields.

MR. CROUCH: So, what's the genesis of this legislation?

MR. SANTABARBARA: So, if you remember a few years back and even last year, earlier this year, there was a number of homeowners that did not receive their propane deliveries. Those deliveries were delayed or missed completely, and that caused a lot of property damage, a lot of damage that was unable to be undone,

actually. In my area and across the region, I heard from a lot of my constituents that they could not receive propane deliveries --

MR. CROUCH: Could you --

MR. SANTABARBARA: -- after multiple attempts.

MR. CROUCH: -- come just a little close to your mic?

MR. SANTABARBARA: Oh, sorry. Okay.

MR. CROUCH: I'm sorry.

MR. SANTABARBARA: Is that --

MR. CROUCH: So did -- how many customers were involved in this?

MR. SANTABARBARA: It was less this year, but a few years ago when this bill was first introduced, several dozen, I would say. I don't know exactly how many, but it was quite -- it was enough to cause concern.

MR. CROUCH: These are from your district. I would assume?

MR. SANTABARBARA: From my district, yeah. But there were others outside the area as well that had similar -- a similar experience.

MR. CROUCH: So these are customers that had a contract with the fuel company or propane company?

MR. SANTABARBARA: Yes. These are customers particularly that lease their tanks. Homeowners that own their tanks didn't run into this problem because they could go to multiple

suppliers as they choose. Unfortunately, those that lease their tanks are restricted to just the one supplier. So when that supplier fails to deliver, they were literally out in the cold and could not go to another supplier, even if it was under emergency circumstances.

MR. CROUCH: Did any of them actually run out of fuel?

MR. SANTABARBARA: Yes.

MR. CROUCH: Okay. Wouldn't it be that if the fuel company failed to deliver, they've actually broken the contract at that point in time?

MR. SANTABARBARA: Well, the bill is trying to address the problem of people not having the heat in the meantime. I -- there's certainly issues beyond this bill, as you're describing, but this bill intends to -- this bill is aimed at getting people the heat when they need it. There's, you know, contracts and all that sort of stuff that can certainly be sorted out later. But in the meantime, we can't have people going for days or weeks without heat. And during that time period when this bill was first introduced, there were -- it was extremely cold time of the year and there was a very high demand for propane.

MR. CROUCH: So if -- is there anything in this barring them from calling another propane company at this time?

MR. SANTABARBARA: I'm sorry?

MR. CROUCH: Is there anything that would prevent them from just getting on the phone and their contract dealer is not

going to deliver or be able to deliver? Is there anything preventing them from calling another company at this time?

MR. SANTABARBARA: I'm not -- I'm sorry, I'm having trouble hearing you.

ACTING SPEAKER D. ROSENTHAL: Can we have quiet in the Chamber, please? We are on debate.

MR. SANTABARBARA: You were asking if there's anything stopping people from doing that now?

MR. CROUCH: That's correct.

MR. SANTABARBARA: Yes. The fact that they lease their tank, they're under obligation only to do business with the supplier.

MR. CROUCH: So we have a container law, you're saying, in the State that would prevent any other company to fuel -- fuel that tank?

MR. SANTABARBARA: Could you repeat that question?

MR. CROUCH: So you're saying that we already have a law saying that they cannot call another company to come fill that -- that tank?

MR. SANTABARBARA: No, I'm told there's no law.

MR. CROUCH: Okay. So there's nothing preventing them at this point in time to call Propane Company B and say, *Look, I'm out of fuel. I need to have you come fill this tank.*



MR. SANTABARBARA: What prevents them from doing that is their agreement, their lease agreement with the supplier.

MR. CROUCH: Which already has been broken when the contractor failed to deliver.

MR. SANTABARBARA: Yes, and that's exact --

MR. CROUCH: They're not -- they're not bound by that contract if -- if the propane company didn't --

MR. SANTABARBARA: So under -- under the circumstances that we described, what happened when people ran out of the fuel, the suppliers wouldn't do this because it was unclear whether they could do it or not. This -- this puts it in statute that they can do it under these circumstances, how they can do it. The Commissioner of Ag and Markets will come up with the regulations, make it clear. It will be part of future contracts once this goes into law, so that every customer will be aware. And also, propane suppliers will be aware that they can provide emergency deliveries if people are completely out and no one's showing up to deliver that propane.

MR. CROUCH: But if there's nothing preventing them from calling at this point in time, I would say we don't really need this because the -- the propane company has already broken the contract. They failed to deliver as agreed. So most propane dealers understand that, okay, that could be some other tank, but there are dealers out there that willingly will go out and fill somebody else's tank, and that presents a liability issue in my mind.

MR. SANTABARBARA: Well, it is needed because the reg -- we need to have regulations on when this -- this is done. It's just not standard practice that we see this sort of thing happen. And you're right, there may be some people that do it out there, but I don't think they're supposed to be doing it on leased tanks. So this just clarifies so everybody's on the same page that it can be done, when it can be done. And it also limits when it can be done, which I think protects everybody. And -- and it improves the industry, because you can only do this if you fail to deliver or if the deliveries are delayed or maybe have too many customers and you can't deliver, and this allows other propane companies to be able to step in and -- and help each other out.

MR. CROUCH: On the liability issue. If somebody comes and -- and puts propane in a tank that doesn't belong to them, are they held liable? I mean, how do the -- how does the person that owns the tank, if there's damage to the -- the tank or the valve or the regulator, where does the liability fall?

MR. SANTABARBARA: So again, liability doesn't change. It -- it's as it's existed --

MR. CROUCH: So the original owner of the tank is liable for all the damages?

MR. SANTABARBARA: When a tank goes empty there are certain tests that have to happen; a leak test and other -- other inspections. The tanks themselves have to be certified. Those would all continue as they do today. The Commissioner of Ag and Markets

will come up with the regulations, the responsibilities, what those requirements are. Liability is unchanged in this. If some -- if there is something that were to happen even today, there's a procedure whether it's -- whether it's -- whether it's courts or whatever the liability, does need to be sorted out, as it would be today.

MR. CROUCH: Isn't that an -- an infringement on --

MR. SANTABARBARA: I guess my answer is it doesn't address -- it doesn't address that. If it was going to be addressed, the Commissioner of Ag and Markets would -- would speak to that.

MR. CROUCH: Well, I think it creates a -- a problem. You're legislatively saying the liability is still with the tank owner, and he is going to have to suck it up and sue maybe a company that he may not even been able to track down.

MR. SANTABARBARA: The -- the bill doesn't say that, though. The bill doesn't say that. So if the tank -- the tank -- the tank is leased, it's there. There's no way of telling if something were to go wrong if it was because of something existing with the tank or something a second supplier did, we really can't put that into the bill. So that's something that has to remain as it is today. If there was some issue with the tank or some sort of liability that had to be sorted out, that would be sorted out in the courts or in some other manner.

MR. CROUCH: And that could be -- get quite expensive, quite frankly.

MR. SANTABARBARA: Well, that happens today.

That's unchanged. It happens right now.

MR. CROUCH: Yup. And so, I mean, we don't have any law preventing that to happen. We -- we passed it a couple years ago a couple times, the Governor has vetoed it as far as a container law. But if -- if we look at the declaring of an emergency, who declares an emergency?

MR. SANTABARBARA: So, Federal, local or State officials could declare that under the circumstances described in the bill.

MR. CROUCH: My understanding, the customer could declare an emergency?

MR. SANTABARBARA: No, that's not correct.

MR. CROUCH: So they can't -- it's got to be declared as an emergency from the county or some other emergency management coordinator?

MR. SANTABARBARA: Yeah. So it could be a period of extremely cold temperatures, it could be a snowstorm, it could be a -- it could be a number of things. But that would be up to the officials. But let me just see here. So that's -- I'm sorry. That -- so there's two -- two sections in the bill. So the first qualifying emergency is a declared Federal, State or local state of emergency has been declared, or under severe weather or similar circumstances placing an individual in imminent danger of death or injury, such as not having heat for weeks at a time. Something like -- of that nature would also trigger this law to take effect, so...

MR. CROUCH: So, if the county emergency management coordinator declares that we've got this cold weather, it's going to be a huge storm or whatever, and the customer thinks, *Well, I might run out of propane*. He's not out yet, but he might run out, he thinks he might run out. So he can declare an emergency and call the company and say, *I need to be topped off right away?*

MR. SANTABARBARA: So, the -- Section B of the qualifying emergencies states that you have to be in -- in imminent danger of -- of -- not -- of death or injuries. That would mean not having heat at all.

MR. CROUCH: So even if he had 100 gallons in a tank, then this wouldn't apply?

MR. SANTABARBARA: I don't think it would apply, no.

MR. CROUCH: Even though he thought he was going to run out --

MR. SANTABARBARA: Again, I'm going to refer you to the part of the bill where the Commissioner of Ag and Markets will make those determinations as to when, you know, how low the tank has to be, what the percentage is, so on and so forth. They're going to take a look at it and they're going to spell this out as to when you can do it. Obviously, if you have, you know, 90 percent filled -- your tank is 90 percent full, I don't think that's going to be -- qualify as -- as one of these circumstances. So but Ag and Markets will come up with those regulations, give specific numbers. They know it best,

they're going to take a look at this. We want to give them the freedom to do that, too.

MR. CROUCH: Okay. Now, most fuel oil, propane companies, they deliver on a degree-day basis. They keep track of your normal usage so they're there. They always try to be there early.

MR. SANTABARBARA: Yeah.

MR. CROUCH: And so they pretty much know where you stand as far as, you know, your supply. There are customers that even under these contractual arrangements that operate on a will-call basis because they don't -- they don't want to all of a sudden get a bill that they hadn't expected this week. They think they want to wait until they see it down to 10 percent or whatever and then call. But if it's a declared -- a customer declares an emergency situation because he's -- thinks he's not going to have enough propane to get through the weekend or something like that because of the extreme cold weather, normal companies charge a delivery charge which if it's outside of their normal realm. On a will-call basis, they'll tell you, *Okay, we'll have a truck coming by in four days. That's -- that's the day our route comes in.* And -- but if they have to have a special drop, they typically charge \$150 for that special drop because they have to take that truck out of their normal schedule and out of the mileage -- as far as mileage goes, it's out of the way. And I'm understanding that this bill would prevent any additional charges.

MR. SANTABARBARA: So if there are surcharges, which do exist now for special deliveries and a number of other

circumstances, if does exist now. They can do that. They can continue to charge those. What they can't do is go above and beyond just because the -- the circumstance -- the circumstances are in effect here. So if they had a surcharge to make a special delivery, they can still charge that. They just can't charge any more.

MR. CROUCH: So they could -- they -- they still could charge \$150, whatever company delivers, or -- or --

MR. SANTABARBARA: Whatever their normal rates are. So, whatever their rates are today or whatever is in effect for every customer would have to -- it would have to be the same for these customers as well.

MR. CROUCH: Thank you.

On the -- on the bill, Mr. Speaker.

ACTING SPEAKER D. ROSENTHAL: On the bill.

MR. CROUCH: I appreciate the sponsor answering the questions, but I -- I still have a very large concern on the liability issue, because you've got a company that's invested in the -- the steel tank and the regulators and all this stuff, and they've -- they've -- they're obligated to go out and test it. And I understand that, you know, if -- if the tank is empty, any -- any new supplier has to go out and test that tank and test the system. I understand that. But if the liability -- if something happens, the new supplier comes out and damages the regulator or the valve or something like that, I don't think that they're going to just stand up there and say, *Hey, I did it. I'm going to pay for it.* Most of the time they're going to head out and not

-- not own up to the damage. I have a real problem with the potential liability on this. And quite frankly, there's nothing in our State laws right now. We don't have a container bill. There's nothing preventing this customer from calling up XYZ propane dealer and saying, *Look, I'm not getting my supply from this other guy. I need to have a delivery.* The contract -- if the -- if the company's not delivering as per the contract, basically, I think the contract is broken at that point in time and the customer could go on and -- and obtain propane for -- anywhere he can -- he can find it. I liken this to if I put gas in your car, than I -- I'm -- I'm able to drive that as much as I want to until the tank runs out. And regardless of, you know, your liability, you're still liable. If I had an accident, you're still liable because it's your insurance company.

And so I think we're -- we're going down a slippery slope here as far as the liability issue, and I'm -- I'm very, very much against this bill. Thank you.

ACTING SPEAKER D. ROSENTHAL: Thank you.  
Mr. Palmesano.

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

MR. SANTABARBARA: Yes.

ACTING SPEAKER D. ROSENTHAL: The sponsor yields.

MR. PALMESANO: Thank you, Mr. Santabarbara.

MR. SANTABARBARA: Yes.



MR. PALMESANO: First I want to say I know the intention behind this bill is well-intended, and I know we've discussed this on the floor before and we kind of talked about it in private. So I applaud your -- from that perspective. But I do have some questions and concerns similar to along the line as our colleague did. Specific -- so we've already established, first of all, that if a -- a company is not fulfilling their responsibility, there's nothing preventing an individual from calling another company and asking them to come fill up their tanks as of right now. Is that correct? If they're breaking the contract, that -- there's nothing that prevents --

MR. SANTABARBARA: Well, there is. They -- they -- they're not permitted to do it with -- with a leased tank. So there is something preventing them from doing it.

MR. PALMESANO: All right. Well, if they're -- if they're -- if they're violating the law. Okay. Let's go to the other issue I want to talk about, is the property rights issue. Because I think that's another concern, because if you have one company that owns the tank and then someone else comes in to service that tank and you -- you -- that's someone else's property, so to be able to allow that to happen, certainly, I think calls in the right -- property rights, and from a -- from a -- from a perspective, doesn't that -- doesn't that affect property rights from an individual's perspective?

MR. SANTABARBARA: Well, propane companies have to be certified. They all have minimum qualifications to meet, they all -- they all have to know how to do inspections. They're all

licensed, they all have to be trained. All the employees have to be trained. So they all operate under the same circum -- under the same guidelines, under the same requirements. So Propane Company A and Propane Company B, they all have been trained exactly the same how to -- what to look for, how to handle -- handle these tanks. When tanks are deficient, when tanks can't be filled, what tests have to be done. So whether it's a leased tank or -- you know, people that own their tanks, they call different suppliers all the time. So, you know, the owner owns the tank but they got Company A, Company B, Company C all coming to service that same tank because they all operate under the same training and the same requirements. So this is -- this is exactly the same as if you owned your tank.

MR. PALMESANO: Well, along that line, same line, if -- if you are not happy with your propane dealer, don't you have the ability right now -- you can contact another dealer and ask them to switch over and ask them to come and they would -- they would come, swap out the tank, put in a new tank, certify it, make sure it's okay to work?

MR. SANTABARBARA: Yeah, you could do that. That's a very lengthy process. That takes time. I actually did one of those during that cold spell a few years back when this was happening. It was a -- a bit of time to find somebody during that period of high demand to get out there to actually install the sister tank and remove the connections and put them -- connect them to the -- to the house and get the tank filled. So that could take days for that to happen. So

every day that goes by - and in this case it was an elderly couple - every day that goes by is a day without heat. So what this bill is trying to do to is to address those days where people are waiting. So that certainly is an option. They could do that. But what do we do in the meantime? In the meantime, we should be able to test that tank. All propane companies know how to perform these tests, make sure it's good, get some propane in there, get some heat in the house while they're making decisions on what to do next.

MR. PALMESANO: My other question before I get into a couple other issues, how -- and should have asked this first, I apologize -- how has this bill changed from last year or past years?

MR. SANTABARBARA: We --

MR. PALMESANO: You keep talking about Ag and Markets. Is Ag and Markets a new proponent to this?

MR. SANTABARBARA: Yes. That's -- that's new. We clarified the regs, what the regs would include. We clarified what the qualifying emergencies would be. And we clarified the customer's -- that's right -- the customer's responsibility, what their require -- what's required on their part before they can go to another company. So just come clarifications. We met with the Propane Association and some other individuals to find out how we could address some concerns, and we did the best we could to include as much as we could in this bill. So that's why it's a -- it's a B version now.

MR. PALMESANO: Is there -- is there not any concern that if anyone can just come in and -- and -- and work on

someone's tank at any time and if there's some damage is done, and now getting to the liability issue because we don't know -- someone comes in, they're working on it. They might fill up or they might damage it and then something happens. It could be a leak that they caused, it could be damage that happens and then an accident happens. Now the problem -- concern that's raised is, as you've mentioned in -- and stated that the liability would fall with the existing tank owner, even though they weren't the ones there working on it, might have caused the problem on it. You don't know how, so now that liability still falls with them, and I think that's the concern about having anyone being able to come in and fill a tank in that perspective, isn't it?

MR. SANTABARBARA: But what you described now happens with people that own their tanks. So they go to multiple suppliers all the time. They're all qualified, they all have to do these inspections. So it's not a concern because it happens right now with people that own their tanks. They can call anybody. They can call somebody from out-of-State to come and fill it if they wanted to. That -- you -- you -- you'd have somebody come and fill that tank that's qualified to do so. So these inspections and multiple suppliers on a single tank, that's what the inspections are for. That's why you have to -- once a tank is -- is put into service it requires an inspection after 12 years, five years after that. Those inspections have to happen. When a tank is empty, when there's no more gas in it, a leak test is required. You have to inspect all the connections. All the propane companies have to be able to do this or they would -- they would not be allowed

to do business in New York State.

MR. PALMESANO: So when someone owns their own tank versus when it's a lease, then that homeowner would own the tank, so they -- they -- they would basically assume some liability from that perspective by owning the tank, by letting other people come in. Whereas if it's leased, the owner of the tank who has it and someone else comes in, doesn't that kind of muddy up the liability issue a little bit? Are you concerned about that?

MR. SANTABARBARA: No, liability is unchanged. Liability would be addressed -- it would be addressed today if something -- if something were to happen. It would be addressed exactly the same way. And, you know, and again, the -- Ag and Markets is going to come up with regulations. It's going to be in these -- this is going to be in addition -- in -- in addition to these propane contracts. There will be a clause in there, there -- it'll spell out their out their bill of rights, their responsibilities. It'll talk about this specifically so everybody will be on the same page, everybody will know what their responsibilities are.

MR. PALMESANO: How's -- how's severe weather actually defined? Because when I read it it looks like -- then it kind of goes on and when I read the part of the bill, it goes on to talk about imminent danger. Is that basically where the definition of severe weather is?

MR. SANTABARBARA: So the imminent -- the imminent danger is --

MR. PALMESANO: How that's determined?

MR. SANTABARBARA: -- you know, the imminent danger is there's no heat, no propane, and it's, you know, sub -- sub-zero temperatures. So, you know, cold temperatures.

MR. PALMESANO: Okay. Thank you, Mr. Speaker. Mr. -- Mr. Speaker, on the bill. Thank you, Ang.

ACTING SPEAKER D. ROSENTHAL: On the bill.

MR. PALMESANO: Yes. First I just want to say again to the sponsor of the bill, I know your intentions are well meant -- meant by this legislation. I know he's made some changes to the bill, some positive changes, I think, in some regard. But I still can't get past this issue of the liability issue. I think that's a concern that still needs to be adjudicated. I think we'll be -- problems as we move forward with this implementation of it. Certainly, Ag and Markets has got their work cut out for them when they're trying to develop this. I think that's an issue that we're concerned about. I think all the -- obviously, the property rights issue is another issue that I'm concerned about. You know, how -- when someone comes in and can work on someone else's tank, I just think that poses a problem and creates a lot of gray area. I also think you got a contractual issue, because basically you're taking contracts and changing the language of contracts. That's got to be -- that's got to be ameliorated -- ameliorated a little bit as well. And I know Ag and Markets is got to look at that, so that's one thing I think we need to look at. I just think -- I have some concerns with this legislation. Again, I think he's well-intended what he's trying

to do. But based on the points that we brought up in this discussion, I'm going to be voting in the negative and I would encourage my colleagues to do the same.

Thank you, Mr. Speaker.

ACTING SPEAKER D. ROSENTHAL: Mr. McDonough.

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

MR. SANTABARBARA: Yes.

ACTING SPEAKER D. ROSENTHAL: The sponsor yields.

MR. MCDONOUGH: Thank you, Mr. Santabarbara.  
I think I heard in your opening that you said - and correct me if I'm wrong - this happened several times in your district during a cold snap. Is that what generated this bill?

MR. SANTABARBARA: For the past two years, yes.

MR. MCDONOUGH: Okay. Let me ask you this:  
These are the situations where people did call a different contra -- different supplier, right? Because they were out of gas and they couldn't get their regular supplier.

MR. SANTABARBARA: I'm not -- I guess I -- part of it I didn't hear. I'm sorry.

MR. MCDONOUGH: I'm sorry. Would you say that again?

MR. SANTABARBARA: Go ahead. Could you repeat what you said?

MR. MCDONOUGH: Did they -- is this situations where they called another supplier because they thought they were out of gas or they were out of -- out of -- because, you know --

MR. SANTABARBARA: No, they didn't call another supplier. They had repeatedly called their supplier who then failed to show up, or promised to show up on several occasions and then didn't show up at all.

MR. MCDONOUGH: Okay.

MR. SANTABARBARA: And it just kept getting delayed. And that's when we heard about people just trying to find different ways to heat their home in the meantime, which causes more of a danger with little space heaters and hooking up -- doing -- doing things that they shouldn't have to do.

MR. MCDONOUGH: Okay. Well, as was discussed by my colleagues about possible liability, in any of those situations -- I guess you were familiar with each of those situations? Was there any claim of liability by either party?

MR. SANTABARBARA: You know, I don't know the answer to that. The -- you're saying did they -- did they go -- did they take action afterwards?

MR. MCDONOUGH: Yeah, like the original supplier who didn't show up, as you say --

MR. SANTABARBARA: So what happened with



the contract or happened with the -- that, I don't know. I -- I think at least a few of them ended up changing suppliers. They just -- they just had them take their tank back and they had a new tank installed. I don't -- I -- I don't know what happened with every situation.

MR. MCDONOUGH: So would you say, then, in those situations you're aware of, it was successful in so part as the customer was concerned?

MR. SANTABARBARA: No, because they went for days -- so the bill is trying to address those days where you don't have any heat, not what happens afterwards. I'm sure there's remedies that exist now that you can, you know, change supplier, change tanks. You can do a number of things. But what happens in the meantime when you have seven, eight, nine days without heat, that's what the bill is intended do address.

MR. MCDONOUGH: Okay. So they didn't have heat, but did they -- in those situations that you're aware of, did they finally get the supply by a different supplier or was it by their original contractor?

MR. SANTABARBARA: They eventually had their original -- some of them switched -- you know, were able to switch suppliers, get a new tank installed, after -- again, after a period without heat. Some of them did eventually -- the delivery did eventually make it there, but in some cases it was beyond a week. It was ten days, even more in some cases.

MR. MCDONOUGH: But you never heard of any

follow-up liability from either part, right?

MR. SANTABARBARA: The liability, I can't speak to that because I don't know specifically for each situation, no.

MR. MCDONOUGH: The liability, you said what?

MR. SANTABARBARA: I don't know what happened with each specific situation. And again, these are the calls that came to me. There may be more that I don't even know.

MR. MCDONOUGH: Okay. But there is that possibility, wouldn't you say?

MR. SANTABARBARA: Possibility of -- of what?

MR. MCDONOUGH: Some liability from either party. I know you don't know because they didn't come to you --

MR. SANTABARBARA: Again, it depends on the -- I can only describe, you know, the -- the circumstances I witnessed. I don't know for every case. I don't know.

MR. MCDONOUGH: Okay. Thank you very much.

MR. SANTABARBARA: Thank you.

MR. MCDONOUGH: Thank you, Mr. Speaker.

ACTING SPEAKER D. ROSENTHAL: Read the last section.

THE CLERK: This act shall take effect on the 120th day.

ACTING SPEAKER D. ROSENTHAL: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Crouch to explain his vote.

MR. CROUCH: Thank you, Mr. Speaker. Just to reiterate, I have deep concerns about the liability issue on this. Also, it's just -- you know, there's -- the sponsor has admitted that they have all had their fuel situation or their propane situation taken care of. And, you know, ultimately, there also is no law currently in New York State that would prevent them from getting propane from another supplier. This kind of looks to me like a solution looking for a problem, so I would -- I would encourage a no vote.

Thank you.

ACTING SPEAKER D. ROSENTHAL: Mr. Crouch in the negative.

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

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

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

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

The Clerk will read.

THE CLERK: Senate No. S00494, Calendar No. 359, Senator Rivera (A06980, Blake, Arroyo, Aubry, Barron, Carroll,

Dickens, D'Urso, Glick, Hyndman, Jaffee, Jean-Pierre, Lavine, Lentol, Lifton, Mosley, Seawright, Simon, Steck, Taylor, Vanel, L. Rosenthal, Quart, Perry. An act to amend the Insurance Law, in relation to charitable bail organizations.

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

MR. BLAKE: Thank you, Mr. Speaker and colleagues. This bill would reduce the certification fee for a nonprofit from \$1,000 to \$500; would increase the amount that they're able to provide for bail from \$2,000 to \$10,000; would clarify who can provide bail; and in addition, remove restrictions so a nonprofit can provide support in more than one county.

ACTING SPEAKER AUBRY: Mr. Ra.

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

MR. BLAKE: Absolutely.

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

MR. BLAKE: Absolutely.

MR. RA: Thank -- thank you, Mr. Blake. I just wanted to go through a little bit how this is impacted by the criminal justice reform, you know, efforts that were made in -- in this year's State Budget, and -- and also how -- how this changes the current law with regard to this. So, you mentioned, you know, the certification fee is being reduced from \$1,000 to \$500 and the ability to operate in

multiple counties. So what happens currently? These organizations can only incorporate and -- and operate within a single county?

MR. BLAKE: Correct.

MR. RA: Now, would the same organization be able to operate in multiple counties by paying different fees or they're completely restricted?

MR. BLAKE: You're -- you're just paying one fee and then at that point you'll be able to operate in multiple counties to provide bail for those in need.

MR. RA: Okay. Now, there's also a change with regard to the -- the amount of money that -- that they can deposit. Now is -- is that being done because, presumably, you're dealing with higher amounts as opposed to -- I think, you know, traditionally, many of these were involved in misdemeanors and other less serious crimes that are no longer eligible for bail, correct?

MR. BLAKE: Partially, yes. So in -- in part, we're raising the amount because of the need. We've seen this across the State, Statewide. There was a study, *And Presumed Innocent for a Price*, that in a four-year span there were more than 90, 000 New Yorkers who needed assistance. That was larger than the amount -- in particular, you have within the City itself 45,000 in New York City that needed assistance beyond this amount. And so we just wanted to provide more support for individuals that needed the help. And -- and -- and in addition, Mr. Ra, to your -- your point that you made mention of, just for clarity, most of the time, 80 percent of cases are actually

dismissed. And so it's important that we make it clear that a lot of people are -- are incarcerated and sitting there purely because they could not afford it and, therefore, we wanted to increase it to a larger amount to help more people to be able to go home.

MR. RA: Okay. And another question I had is, can, you know, under multiple -- under -- I'm sorry, under current law or under this, can multiple of these charitable bail organizations, you know, put up bail for a defendant? Like, if the defendant -- say there's \$100,000 in bail set. Can ten different organizations put up \$10,000 each to make the bail for that individual?

MR. BLAKE: I mean, in -- in theory, yes. But, you know, practically, we're not seeing that happen across the board. When we see the many groups who've engaged with the Bail Project, Bronx Defenders, R.F.K. Foundation, et cetera, they've all conveyed support around this. And -- and -- as -- Mr. Ra, as you know, there's been overwhelming support in this Chamber. Last year this passed 127 to 9, so clearly, I think we can all agree the necessity of this as -- as well as the organizations as well.

MR. RA: Well I -- and -- and I thank you for -- for that comment. I know that many -- you know, this seems like a -- a good approach to -- to addressing the issue of -- of people in -- in minor offenses that were sitting -- sitting in jail, you know, because they couldn't -- they couldn't afford bail. I think the concern that many of us may have now under the changes in the criminal justice reform this year is that, you know, we're talking about -- it's going to be more

likely that -- that these charitable organizations are posting bail for -- for more serious and potentially violent crimes, violent felonies. Is that not correct?

MR. BLAKE: Theoretically, yes. But as again, as you know, most times you can have a -- a violent occurrence in terms of a charge but it's actually not a violent activity that happened, so first of all. Second, in 2017 only 20 percent of felony charges actually led to felony convictions, so it's important that we don't create the stigma out there of something negative happening in a larger degree. And so the larger amount that we're trying to provide is just to help more people, it's not to help more serious offenders get out.

MR. RA: Okay. Thank you very much, Mr. Blake.

Mr. Speaker, on the bill.

ACTING SPEAKER D. ROSENTHAL: On the bill.

MR. RA: Just briefly. You know, I -- as -- as was stated, there has been widespread support in the past for -- for bills of this nature. But there is a -- a concern now in terms of the way that our -- our criminal justice laws have now changed in New York State. We have a number of crimes that, you know -- and I know this is negotiated and there are people in this Chamber who feel like the criminal justice reforms in this year's budget didn't go far enough, and there are people in this Chamber that think there are, you know, that there are crimes that no longer have bail eligible for them that should. And, you know, these charitable bail organizations are presumably going to be involved in potentially more serious crimes than -- than

they were in the past, both by virtue of just need because there is not bail for -- for many of these lower-level crimes any longer, but also because of the fact that there's going to be a change in terms of, you know, the amount of money that can be put up. And -- and you know, presumably if -- when the bail is higher we're -- we're probably talking about a more serious crime that people have been -- that people have been accused of. So, you know, whether it's some of the, you know, drug offenses that -- that continue to be within -- within, you know, eligibility for bail or -- or some of the other types of violent felonies, you know, there -- there is major concern that under these circumstances, the individual doesn't have, you know, any real skin in the game if they were to be -- have this money put up by -- by another entity, and -- and it reduces the incentive to return to court.

So for that reason, I'm going to be casting my vote in the negative. Thank you.

ACTING SPEAKER D. ROSENTHAL: Mr. Blake.

MR. BLAKE: On the bill.

ACTING SPEAKER D. ROSENTHAL: On the bill.

MR. BLAKE: It -- it is important for us to answer to understand the importance of this. And -- and I -- I first want to commend those that worked on -- on bail before. Of course we know Assemblymember Walker, Speaker Heastie, Assemblymember Lentol and so many others, respectively. Just to put into context, many times when we're talking about providing a bail and the necessity of this, 96 percent of the time persons return back for their appearance. Research



has showed from UPenn and from George Mason, for example, when they actually eliminated bail in Philadelphia there was no increase at all in crime rates and the -- and the rates the defendants returning actually stayed as it was before. Moreover, this is just about doing what's right and making sure we're actually helping individuals who otherwise would be sitting there languishing for too long. We know the impacts. Persons have become unemployed, they have challenges in terms of providing costs when they go home. When we think about the numbers itself, 450,000 people are in jail according to the Equal Justice Under the Law, purely because they were not able to pay bail. So to everyone that has worked on this, to Dan, to Marty to the entire team, this is actually providing justice for so many who need it. And in particular for those of us in South Bronx, we -- we regularly highlight and never forget what happened with Kalief Browder and the challenges that happened with him and his family. And he was there purely because he could not able to afford bail. And so to the Bronx Defenders, to Just Leadership USA, the Justice League NYC, the R.F.K. Foundation and so many others, this is just making it very clear that you can be able to help someone rather than being incarcerated, and that's why we're encouraging all our colleagues to vote for this bill in the affirmative.

Thank you, Mr. Speaker.

ACTING SPEAKER D. ROSENTHAL: Ms.

Walker.

MS. WALKER: On the -- on the bill, Mr. Speaker.

ACTING SPEAKER D. ROSENTHAL: On the bill.

MS. WALKER: So, I would like to take this opportunity to commend the sponsor. This really just sort of completes -- well, begins the process of completion of a package of criminal justice reforms. And unfortunately, during our budget conversations, charitable bail, though it was extremely necessary, didn't make it across the finish line. So I really want to commend Mr. Blake for remaining steadfast in order to bring this home, because so many people have -- have -- already had an opportunity to benefit from charitable bail, but there are so many more who sit in need. And it reminds me of a young man who came into our district offices one day, because he had to basically go and -- and turn himself in for something that he knew was a questionable set of circumstances. Bail was placed on him for whatever the situation was. It was pretty minor; however, bail was placed on him. And we were able to avail this young man of the services for charitable bail. And there are a number of organizations including the Center for New Leadership, who stepped up in support of this young man who had a 9-month-old child at home and who worked every day for the Salvation Army. And, of course, it was disheartening to see his mother, his girlfriend and his sister go back and forth over who was going to pay bail. So the daughter was complaining -- the -- the girlfriend was complaining about the fact that the child needed food and she needed Pampers. The grandmother was complaining about the fact that she needed to take care of her prescription drugs. And the sister was complaining

because she was like, *Well if I do this, then who's going to pay my rent that month?* And so we were able to utilize this service, and they paid bail on his behalf. But unfortunately, that wasn't the end of the story. Even though bail was placed on him, there was a \$1 hold that was put on this young man. And so I got on the telephone and I decided to -- to start the telephone calls again. Talking to the girlfriend. Talking to the sister. Talking to the grandmother. Just to ask somebody to go downtown to pay this \$1 hold that was placed on him. And unfortunately, the family basically said they didn't have the car fare to get downtown to go and pay \$1. So, of course, it's important for us to recognize that this is poverty that's holding so many of our individuals back.

But today is a great day. I look forward to voting in the affirmative, and I definitely encourage my colleagues to do the same. This is definitely a groundbreaking piece of legislation that we are in dire need of. So thank you, again, Mr. Blake.

ACTING SPEAKER D. ROSENTHAL: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER D. ROSENTHAL: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Quart to explain his vote.

MR. QUART: Thank you, Mr. Speaker, for allowing me the opportunity to explain my vote. I want to commend the

sponsor on this important piece of legislation. Until such time as we're able to completely eliminate cash bail from the State of New York, bail funds such as those that operate in Brooklyn and the Bronx will be necessary. This is an important anti-poverty measure in that thousands of people in our criminal courts will still be subject to cash bail that they and their family cannot afford. This is not the full solution, but in light of the limitations and what we're able to accomplish, still important reforms in April, this will be an important step in filling that gap. So until such time as we can completely eliminate cash bail, remove the financial element of whether one is able to obtain their liberty -- liberty or not, this is an important piece of legislation.

I commend the sponsor, I withdraw my request and vote in the affirmative.

ACTING SPEAKER D. ROSENTHAL: Mr. Quart in the affirmative.

Mr. Epstein.

MR. EPSTEIN: Thank you. I'd like to rise to explain my vote. So I just want to just echo what I've heard from both the sponsor of the bill and other -- other members. I want to thank Mr. Blake for bringing this forward. As a former Legal Services lawyer, I've worked with organizations all over the City that this is an exact problem they're trying to solve. People languishing in court on Rikers Island -- in jail on Rikers Island because they can't afford to cover the bail. This is an important way to get people back into their lives, back

to work, and for people who are just arrested without being convicted. Bail is set for all sorts of reasons, but mostly a tax on poverty. And what we're trying to say here is just because you're low-income doesn't mean you have to languish in jail, can't go back to work, can't go back to your home, can't support your family.

This is an important step in the right direction and I want to applaud the sponsor. I'll vote in the affirmative.

ACTING SPEAKER D. ROSENTHAL: Mr. Epstein in the affirmative.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07373, Calendar No. 550, Glick, Stirpe, Fahy. An act to amend the Education Law, in relation to requirements for the New York State Science, Technology, Engineering and Mathematics Incentive Program.

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

An explanation is requested, Ms. Glick.

MS. GLICK: Certainly, Mr. Speaker. The bill addresses the New York State STEM Scholarship. What it does is reduce the requirement that one who has received the scholarship be required to work full-time, specifically in one of the enumerated

STEM professions for five years before -- otherwise, it reverts to a loan. The Excelsior Scholarship only requires a recipient to live in the State for the four or five years for post-graduation, based on whether they got the scholarship for a four- or five-year period. We made this change because we have heard from a number of individuals who have not been able to get a job in their area, their geographic area, in the specific science area or technology area in which they received their education. And we don't think it's fair to have that revert to a loan because the STEM industries in their geographic area have not yet come to full fruition.

ACTING SPEAKER AUBRY: Mr. Walczyk.

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

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

MS. GLICK: Sure.

ACTING SPEAKER AUBRY: Ms. Glick yields.

MR. WALCZYK: I appreciate that. When the STEM program was created, what was the intent? What was the -- the crux behind this program? What was the goal?

MS. GLICK: Well, the initial impetus, I believe, if I recall, was as you may know, it -- it is a scholarship that can be received by a student who has graduated in the top 10 percent of their high school if they have studied STEM; one of the science, technology, energy, mathematics --

ACTING SPEAKER AUBRY: Shh. Ladies and gentlemen.

MS. GLICK: -- areas. And at -- initially it was a full tuition at either SUNY or CUNY. And I believe - though we would have to check with the gentleman downstairs - but I believe that the original impetus came from a desire to have those students who were at the top of their class, frequently recruited to private colleges, to choose to go to SUNY or CUNY. Over time, this was something that we -- we are supportive of, but we've also now opened it up to private colleges, number one. And number two, we have found that in some geographic areas there's a paucity of openings in those fields that would be one of the enumerated occupations. And we don't want to disadvantage students who graduated in the top 10 percent of their high schools and have gone through college successfully, but simply can't find a spot in a STEM occupation, although the bill does require them to be working. Something that the Excelsior does not require.

MR. WALCZYK: Thanks very much. And, Mr. Speaker, through you, if the sponsor would continue to yield I'd -- I wonder if you could tell us why the requirement for a full-time job in a STEM occupation was then placed if this was really to pump up SUNY schools and their STEM programs and steal recruitment away from private institutions? Why do we put a five-year requirement for a full-time job in a STEM occupation in New York State as a requirement in the original STEM program?

MS. GLICK: Well, I think it probably was two

things, although it was a gubernatorial initiative so I think probably the best answer could come from the Second Floor. But I would hazard a guess, and that was to look to the future and see that many of the jobs of the future would be within those areas, and wanting to ensure that we gave a -- an incentive to students to go to school in New York State, and thereby encourage them to stay in New York State.

MR. WALCZYK: Yeah, I -- I would have to agree there. Why do you think it's difficult for students these days that are graduating with a STEM degree to find that full-time job and meet that requirement?

MS. GLICK: Well, it's very possible that it's only a small number. We don't have figures yet from HESC as to the dimensions, but we did receive some communications from some students, and we felt it was unjust for students who had successfully graduated college in a STEM discipline for that to then revert to a loan just because they had not yet, in a six-month window, identified a job in their geographic area. It may be that in some parts of the State there is less of a problem than in others.

MR. WALCZYK: So if we've -- if we've opened up this incentive to privates as well as the SUNY institution and there aren't those jobs within New York State, why are we still providing this incentive? Why does the program still exist?

MS. GLICK: Well, I don't think that it is everywhere that there are -- is an inability to obtain employment. We did open it



up to privates, by the way. They get the equivalent of a SUNY tuition, so the award is not necessarily the full tuition at a particular college, but it is a scholarship that matches the SUNY scholarship, the SUNY tuition. And I think that it may be very successful. I think it's just that in some places, the economy in this arena may not be as strong as it is in other parts of the State, and if people wish to be living in maybe Horseheads and return home to their family and there's nothing in the immediate area, they should not be disadvantaged by virtue of having that turn into a loan. It may be that in a year they are able to find employment in some part of the State.

MR. WALCZYK: I appreciate that answer and also the -- it was part of your explanation, talking about the geographical challenges for certain students that are graduating and finding -- and I -- when you say "area," I think you mean in the vocational area in STEM and also their geographical area which they happen to live, reside or go to school. Does your bill remove the requirement that they stay in New York for a period of five years?

MS. GLICK: They have to not only live, but they have to be working.

MR. WALCZYK: So at least maintaining a part-time job.

MS. GLICK: At the very least.

MR. WALCZYK: What do you envision the -- the terms and conditions of the service contract with HESC looking like moving forward? It is just those two provisions that come out?

MS. GLICK: Well, for the time being, until we're sure that throughout the State we have a robust STEM industry in all parts of the State.

MR. WALCZYK: I appreciate that. Thanks very much.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. WALCZYK: So when we talk about STEM programs and higher education, we look at the industry and I think this is a -- a perfect example. They've expanded the scope and then removed some of the requirements. We're -- we're getting pretty far away from the original intent of the legislation that would -- that was put in place. We're removing the requirement to work full-time in New York State. We're removing the requirement to find work in a STEM job. I think it's time for us to look back at ourselves, look a lot more about some of the bills that we've passed today, perhaps, and how unfriendly they are to some of those STEM jobs, some of those jobs that would be available to our graduating class. And when we look at the legislation that we've done this Session, we've expanded to eligible non-citizens of the United States for our higher education program. So when I look at an opportunity for someone from Toronto, maybe, to get an engineering degree at the University of Buffalo, they may decide that they want to come -- become eligible by coming over to the United States of America, living in Buffalo for a year, going to the University of Buffalo on our taxpayers, and their

only requirement now with this bill is that they maintain a part-time job for the next five years in New York State.

So I plan to vote no and I urge my colleagues to do also.

ACTING SPEAKER AUBRY: Ms. -- Ms. Glick.

MS. GLICK: Mr. Speaker, on the bill. I -- I would just say that it is our hope that people would understand that we will have figures in the future about the success of the program in terms of the numbers of students who actually get jobs in STEM fields. It's a relatively new program. But we were moved by students who felt that they had worked hard in high school in order to graduate in the top 10 percent of their class and had, in fact, graduated successfully from one of our colleges. The Excelsior program requires someone to stay in the State for four or five years. It doesn't even require them to get a job. So we feel that this is recognizing the importance of them finding work and beginning to pay taxes back to the State, and in the long run we hope that they will find employment in not just their particular geographic area, but in the specific discipline for which they were educated. And it may be that there are STEM jobs in different disciplines in their community, just not in the STEM field in which they studied. So, we just want to be certain that we're fair to students and we don't make a promise and then break that promise. So I would hope that people would understand that this is an attempt to say to the brightest students of New York that, *We were happy to support your -- your endeavors, and we hope that in the near future you will be*

*working in a field for which you were educated.* But we are not going to, after six months, turn that scholarship into a loan.

Thank you, Mr. Speaker. I would urge a yes vote.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, we're just about there. We want to add -- put three more things on the table tonight. There are two bills from the main Calendar. One of them is Calendar No. 228 by Ms. Solages, and it's on page 52. The other one is Calendar No. 572 by Mr. O'Donnell. It's on page 73. And then I also need, Mr. Speaker, to advance the A- and the B-Calendar.

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

MRS. PEOPLES-STOKES: So from that A-Calendar, Mr. Speaker --

ACTING SPEAKER AUBRY: Yes.

MRS. PEOPLES-STOKES: -- we're going to be taking up Rules Report No. 422 by Mr. Pretlow.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A02317-B, Calendar No. 228, Solages. An act to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to the composition of the local advisory board for the Belmont Racetrack facility.

(Pause)

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.)

Withdraw the roll call.

Mr. Goodell.

MR. GOODELL: An explanation?

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

MS. SOLAGES: No problem. This bill would create a community advisory committee for the community of or surrounding Belmont Park.

ACTING SPEAKER AUBRY: Mr. Garbarino.

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

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

MS. SOLAGES: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GARBARINO: Thank you, Ms. Solages. Can you explain to me, what is the job of the local advisory board?

MS. SOLAGES: And so the communities of Elmont, Floral Park and Queens just want to bring parity to the -- the Racing and Wagering Law. Currently, Aqueduct and Saratoga have a community advisory committee. So this committee brings input, questions, concerns of the community to NYRA, which runs all of the three major tracks, and this one would be for Belmont Park.

ACTING SPEAKER AUBRY: Mr. --

MR. GARBARINO: Um --

ACTING SPEAKER AUBRY: Proceed.

MR. GARBARINO: Okay. So do they have any specific jobs in this legislation? Because I know in this -- in the law there are specific jobs -- there's a specific job for the Saratoga Advisory Committee to do. Is there anything specific that this committee is going to be in charge of?

MS. SOLAGES: Well, this board receives no financial compensation. The role of this board is to advise NYRA to any issues that the committee wants to speak to. So, there's not a set agenda, it's open for just a fluid communication between the community and also NYRA, which runs the track.

MR. GARBARINO: Okay. How often does this board meet or can it meet?

MS. SOLAGES: So, in statute we require them to

meet twice a year at minimum, but they're welcome to meet as many times they want.

MR. GARBARINO: Okay. And now who do -- who does the advisory board advise?

MS. SOLAGES: And so, they advise NYRA, which is the New York State -- New York Racing Association.

MR. GARBARINO: Okay. And so any issues correct? Like, anything that a resident might bring in front -- in front of the board?

MS. SOLAGES: Yeah. This is just an avenue for the community to be able to speak. So we give each municipality, including Queens Community Board 13, an option to basically speak about issues that are happening in the racetrack, outside the racetrack. Anything they would like to bring forth. There's no set agenda, because we don't want to legislate community input. We want to make sure it's a free-flowing, you know, conversation.

MR. GARBARINO: Does the board take votes on anything?

MS. SOLAGES: So, they -- they don't have to strictly take votes, it could be just a conversation. We don't legislate that. We don't speak to that in the legislation.

MR. GARBARINO: Do you -- currently with the Aqueduct or Saratoga boards, do they -- do they take votes on, you know, maybe it's -- it's -- I believe this is 15-member board, just like the other two are both 15-member boards. You know, is there a

possibility that all of a sudden eight of the members are going to want one thing and seven of the members are going to be want something else and there's a -- a majority vote?

MS. SOLAGES: So -- so it's an advisory board, so there's nothing that -- you know, it's just having -- would be able to communicate, and so there's no veto power, there's nothing of that sort because it's -- it's a hope that NYRA is a good neighbor and it's able to listen to the community. And so right now there is no forum in which people have to have any recourse when it comes to a conversation. So right now if I'm a lay citizen and I have a concern with NYRA, I would have to call their corporate number and have a conversation. This would put in place an avenue in which people can actually have a conversation and get NYRA into the room and have a conversation with them.

MR. GARBARINO: Okay. But like you just said, no -- no recourse. So now the resident goes -- right now you said they can call NYRA's number, they're not getting anywhere. So what -- what's the difference of going to this -- what's the difference of going to this advisory board if they -- if they have no --

MS. SOLAGES: You would have 15 people that hopefully would help advocate on this issue. Fifteen people, including individuals appointed by the Town of Hempstead, Nassau County, Floral Park, South Floral Park and Community Board 13. And so 15 people, 13 of them which is people who live in the community because the requirement -- some of the requirement is that you have to



actually live in Elmont, Floral Park, South Floral Park. And so we had hoped that community members would help community members, but that's not something you can legislate. We hope that it occurs organically.

MR. GARBARINO: I understand. But can they -- but can now these community members that we're putting on this board make NYRA do anything?

MS. SOLAGES: You know, we -- we hope that they listen to the community. We can't legislate or force someone to -- to put action. But this is -- as it says, an advisory committee, and they can make recommendations, which is more than what's happening right now. There is no advisory committee. Belmont -- excuse me, Aqueduct has an advisory committee, Saratoga has an advisory committee. And so this legislation brings parity to all the racing tracks and giving Belmont an advisory committee.

MR. GARBARINO: Okay. So the board is made up of 15 members, five members from Nassau County to be appointed by the County Executive.

MS. SOLAGES: Correct.

MR. GARBARINO: Two from the Town of Hempstead to be appointed by the Supervisor.

MS. SOLAGES: Correct.

MR. GARBARINO: Two from the Mayor of the Village of Floral Park, subject to Village Board approval.

MS. SOLAGES: Correct.

MR. GARBARINO: One member to be appointed by the Mayor of the Village of South Floral Park, subject to Village Board approval, and three members to be appointed by NYRA.

MS. SOLAGES: Correct.

MR. GARBARINO: So I see that the -- the members appointed by the Mayor of the Village of Floral Park and the Mayor of South Floral Park have -- their appointments are subject to Village Board approval, but --

MS. SOLAGES: They -- they requested that language. I believe they requested that language to be entered.

MR. GARBARINO: Is there a reason why Nassau County's appointments and Hempstead's appointments are not --

MS. SOLAGES: It just brings clarity. They don't even have to actually appoint. We didn't have to in -- include that language, but we just wanted to make it clear so that there's no bureaucracy when it comes to appointments. What happens is sometimes these -- these municipalities don't appoint anyone to the board because there's politics or whatnot. Not speaking that Nassau County or the Town of Hempstead is engaged in that. We just wanted to make it clear who makes the appointment. We just want to ensure that people are able to be part of this advisory committee and be able to participate and protect the community and have a voice for the community.

MR. GARBARINO: But the Town of Hempstead and the County of Nassau, their appointments -- the County of

Nassau's appointment is not subject to approval by the County Legislature, and the Town of Hempstead's appointments is not subject to approval by the Town Board, correct?

MS. SOLAGES: So, I did reach out to the Nassau County, and typically these appointments are not really done legislatively. And so, you know, we just wanted to ensure that the Nassau County Executive would have that say. It's not -- from my research reaching out to counsel, talking to individual legislators, appointments such as these are not done by the full 19 members of the Nassau County Legislature.

MR. GARBARINO: Okay. Here you -- you require members reside -- I believe six of the members need to reside in the -- in Elmont.

MS. SOLAGES: The Hamlet of Elmont, correct because --

MR. GARBARINO: The Hamlet of Elmont. In this bill, Elmont has no designated geographic boundary.

MS. SOLAGES: Unfortunately.

MR. GARBARINO: So how are you going to determine whether or not someone resides?

MS. SOLAGES: They have to live in 11003 zip code.

MR. GARBARINO: So is this --

MS. SOLAGES: That's Elmont.

MR. GARBARINO: That's Elmont. So that's the zip

code.

MS. SOLAGES: It's 11003.

MR. GARBARINO: Okay. Is that -- so that's required. You know, is that -- should that be put (inaudible) in here?

MS. SOLAGES: Yes, because we -- so if you look at the geographic location of Belmont Park, it -- it's surrounded by three communities: Queens, Floral Park -- sorry, four communities: Queens, Floral Park, South Floral Park and Elmont. And so we wanted to ensure that people who sat on this advisory committee comes from those communities. Not from Massapequa - even I have no offense to Massapequa - or any other place beyond -- you know, they can -- they can be appointed because there are slots for people who don't live in the community. But since this is a community advisory board we want to ensure that the community members sat on it. And so when say Elmont the intent is 11003.

MR. GARBARINO: Is there a reason why there's six members have to be from Elmont and only one from South Floral Park and two from Floral Park?

MS. SOLAGES: Because South -- South Floral Park is a small -- very small village, and so -- I think it's like 400, if not 400 people living there. And Floral Park, they requested that amount, and Elmont is a larger geographic area around Belmont Park.

MR. GARBARINO: Okay. Thank you very much.

MS. SOLAGES: No problem.

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: Senate No. S06208, Calendar No. 572, Senator Jackson (A07749, O'Donnell, Bichotte, Reyes, Dickens, Taylor, Colton, Reilly). An act to amend the Education Law, in relation to contracts for the transportation of school children.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. O'Donnell.

MR. O'DONNELL: Well, I could give you a short one or a long one. In 1979 there was a bus strike in the City of New York. An agreement was reached with unions and the City to contain EPP -- Employee Provision Protections -- in the bids in order to get the school bus drivers back to work. Subsequent to 1979, additional routes were added. Those employees do not have EPPs in their contracts. This bill fixes that by making sure that all of the contracts that are let out for bid or proposals by New York City con -- contain EPPs. It's an overnight success, Mr. Goodell. It's only taken ten years to do this. Two court cases, two vetoes. But this bill is agreed to by the State of New York, the City of New York, the bus drivers, the bus driver contractors. Everyone is in agreement that this is the right way

to do this. And the language that contains the EPPs is the identical language to what was put in the agreement in 1979.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

ACTING SPEAKER AUBRY: Will you yield, Mr. O'Donnell?

MR. O'DONNELL: With pleasure.

ACTING SPEAKER AUBRY: Mr. O'Donnell yields.

MR. GOODELL: Thank you, Mr. O'Donnell. You mentioned this has been vetoed a couple of times by the Governor. Has the language been changed since it was vetoed?

MR. O'DONNELL: The language has been changed, but the vetoes involved two different things. The first veto said this belongs in the budget. So if you may remember, in March we were trying to put it into the budget. And the second veto said there was a court case that ruled that requests for bids, RFBs, cannot have these provisions in them. A subsequent court case has ruled that RFBs can have these provisions in them as long as the City justifies their existence. So the vetoes were around whether or not it should be in the budget, and around a court decision which has been modified. And this agreement reflects an agreement by the City and the State about who actually pays for these.

MR. GOODELL: And who actually pays for these?

MR. O'DONNELL: The City of New York.

MR. GOODELL: The Governor in his veto mentioned a cost, and he had put the cost in the range of \$40- to \$50 million a year in additional cost. Can you address that concern?

MR. O'DONNELL: To be quite frank, not really. I have never been able to get anyone in the City or State to tell me exactly what the cost would be. You have to understand that most of the bus drivers who drive our schoolchildren are covered by them already. So there are only a -- a smaller percentage are not covered by the EPPs. So it is not clear to me or to anyone exactly what those costs will be, but the City has agreed to bear it.

MR. GOODELL: I see.

MR. O'DONNELL: So as to avoid bus drivers going on strike again in September.

MR. GOODELL: I -- I see that there is also a reference to a five-year report or analysis done apparently by the -- the bus organizations that indicated that this legislation would cost New York taxpayers \$1.348 billion over a five-year period. Are you aware of that study, and what are your thoughts on it?

MR. O'DONNELL: I'm not aware of that study. I'm unaware of the accuracy of the study. I can tell you that the people who generated that study are now in favor of this -- of this piece of legislation. Because they understand that stabilizing the workforce and playing -- paying them comparable wages to other bus drivers is both in the best interests of the companies, the schoolchildren, and the

City.

MR. GOODELL: Back in 2018, about a year ago, March 26, 2018, 17 bus companies actually brought a lawsuit challenging E -- EPPs, and the Court ruled in -- in their favor. Are those 17 bus companies now on board?

MR. O'DONNELL: The -- the -- as I mentioned in my introduction, the case you're referencing was when the court ruled that requests for bids can't have additional limitations in them because requests for bids require the lowest common bidder. Subsequently, the Court has ruled that the City is, in fact, allowed to put these sort of the things in a request for bid as long as they provide the justification for doing so.

MR. GOODELL: Well, if the court has ruled that the City can put these provisions in their bids, why do we need this legislation?

MR. O'DONNELL: That's a great question, Mr. Goodell. But the real answer to the question is --

MR. GOODELL: You know, once every few years.

MR. O'DONNELL: The real answer to the question is, everybody involved - and most importantly, me - wants this to go away forever. And so in this moment where the Governor and the City and the unions and the drivers and the bus contractors all say this is the right solution, I think that that's the right way to go.

MR. GOODELL: Thank you very much. I appreciate your comments and I appreciate getting the additional



background information.

MR. O'DONNELL: You're very welcome.

MR. GOODELL: On the bill, sir.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: I appreciate the comments of my colleague. I thought they were very helpful. As he mentioned, there have been various court cases challenging these issues. Back in 2011 the Court of Appeals actually ruled that a EPP was illegal because it was not designed to save the public money, it was not intended to obtain the best service, and according to the Court, was an invitation to waste and facilitated favoritism. And that decision was confirmed just a year ago, I believe, in -- in March of 2018. And so there has been a lot of concern that this type of provision is very expensive, limits competition, does not facilitate the best service at the best price, and that I think was the concern that was raised and established to the satisfaction in at least a couple of court cases. As my colleague pointed out, the litigation has not stopped, so this will certainly stop that portion of the litigation and -- and for that it certainly will achieve that objective. But in terms of saving taxpayer money, I think the jury is certainly out on that.

Thank you, sir, and thank you to my colleague.

ACTING SPEAKER AUBRY: Thank you.

Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. REILLY: I just want to commend the sponsor for this legislation. Over the past decade, serving as a member of the Community Education Council 31 and advocating for our children in Staten Island, especially when it comes to yellow school bus service, when then-Mayor Bloomberg put out the bids and took away the EPP, and throughout the court cases we saw that there was a -- a big impact on our students and the experience of having bus drivers, yellow school bus drivers, transporting our most precious cargo, really dealt a blow. We saw that school buses were getting lost for two-and-a-half hours at a time. I specifically worked on at least five cases like that over the last six years. And you know what? We've made some notations during this debate about the Court of Appeals case, and one thing that I noticed that when I was sharing information over the past several years about the EPP was that although the Court did rule that at the time, these EPP provisions were contrary to what the intent was about saving the City money. But I think in the long run what we've seen is that it actually cost the City more money because we took away those experienced drivers. And also the Court went on to say -- and unfortunately, the prior administration at City Hall in New York City didn't elaborate on this -- the Court went on to state, *Indeed, this goal could be achieved by substantially less restrictive measures, such as the imposition of an experience requirement in the bidding specifications.* The EPP sets that, and it helps provide that we have the drivers with the experience that will be able to transport our -- our

children in a safe and efficient manner.

And once again, I commend the sponsor on this legislation and all the people that were behind it, and -- and everybody that worked for several years on this. So I will be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. O'Donnell to explain his vote.

MR. O'DONNELL: Thank you very much. It has been a very long journey. I want to thank the Speaker, the current and former Chairs of the Education Committee, the current Chair of the Ways and Means Committee, for their steadfast support. As many of you know, I've worked very hard on dealing with the issue of bullying. And one of the things that was fascinating to me was a child's first interaction with a school is not walking into a school building, but walking onto a school bus. And what this does is provide to make sure that those children are in buses with experienced matrons and experienced drivers who understand and know the children. The children who are currently now not protected by EPPs are often the most vulnerable. And, of course, any journey, it's the last step that takes the longest time. So there was a concern raised a couple of weeks ago that this would have a negative impact on after-school bus

contracts. So I have a letter from the New York City Department of Education: *To whom it may concern: Most of the schools participating in the after 4:00 p.m. service are either providing the transportation services themselves or contracting for the transportation services themselves. For these -- these schools, the EPP bill would not apply after 4:00 p.m. transportation services. The remainder of the schools, 53, participating in the after 4:00 p.m. service choose to have the DOE provide the transportation through the DOE contracting process. These routes are already EPP routes. Let me repeat that. They are already EPP routes and, therefore, will not be subject to any anticipated increased costs as a result of this legislation. Sincerely, Ursulina Ramirez, Chief Operating Officer.*

I want to thank everyone, and -- and I'm -- I'm begging the Governor to please sign it so I can stop talking about school bus contracts. Thank you very much.

ACTING SPEAKER AUBRY: Mr. O'Donnell in the affirmative.

Ms. Bichotte.

MS. BICHOTTE: Thank you, Mr. Speaker, for allowing me to explain my vote. First, I want to thank the sponsor for really fighting hard for many years to bring this to the floor over and over and getting this passed. This bill would require the inclusion of Employee Protection Provisions, EPPs, in all and current future school bus contracts in New York City. Employment Protection Provisions are absolutely essential to ensure that school bus workers can keep

their jobs and pensions, regardless of the employer turnover. And with this legislation, we can restore the stability to a system which provides a vital public service, ensure that our school bus drivers, mechanics, attendants can depend on fair wages, reliable pensions, and save taxpayers millions of dollars by reducing turnover and liability costs for pension withdrawals. Also in restating the EPP requirements, at the State level we can signal to those who take care of our most vulnerable population, our children, of course, and our special needs communities, that we are finally taking care them. And so I just want to say to the many members -- members of the district who are school drivers, I have just want to say to them (speaking foreign language).

Thank you.

ACTING SPEAKER AUBRY: Ms. Bichotte in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08088, Rules Report No. 422, Pretlow. An act to amend the Tax Law, in relation to revising the period of authorization for the County of Westchester's additional 1 percent rate of sales and compensating use tax and the expiration of the Westchester County Spending Limitation Act; to amend Chapter 272 of the Laws of 1991, amending the Tax Law relating to the method of disposition of sales and compensating use tax

revenue in Westchester County and enacting the Westchester County Spending Limitation Act, in relation to revising the period of authorization for the County of Westchester's additional 1 percent rate of sales; and to amend a chapter of the laws of 2019, amending the Tax Law relating to authorizing the County of Westchester to impose an additional rate of sales and compensating use tax, as proposed in legislative bills numbers S.4940-B and A.7081, in relation to the period of authorization for Westchester's additional 1 percent rate of sales.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we can now go to page 27 and just start at Rules Report No. 231.

ACTING SPEAKER AUBRY: On the main Calendar.

MRS. PEOPLES-STOKES: On the main Calendar,

yes.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A00168-A, Rules Report No. 231, L. Rosenthal, Dinowitz, Gunther, Weprin, Buchwald, Jaffee, Fahy, D'Urso. An act in relation to establishing Brendan's Law; and to amend the Social Services Law, in relation to requiring cordless window coverings in child day care centers and certain other facilities.

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

The bill is laid aside.

THE CLERK: Assembly No. A00268, Rules Report No. 232, Cahill. An act to amend the Insurance Law, in relation to expanding the availability of meaningful service contracts to protect New Yorkers leasing automobiles for their personal use from unanticipated "lease-end" charges related to excess use or wear and tear of the leased vehicle.

ACTING SPEAKER AUBRY: On a motion by Mr. Cahill, 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. A00710-A, Rules Report No. 233, Niou, Abinanti, Barron, Carroll, Colton, Cusick, De La Rosa, Dickens, Dilan, Glick, Gottfried, Hevesi, Kim, Mosley, Ortiz, Peoples-Stokes, Pretlow, Quart, Richardson, L. Rosenthal, Simon, Simotas, Abbate, Lentol, Pheffer Amato, Blake, Seawright, Epstein, Englebright, Frontus, Solages, Reyes. An act to amend the amount the Public Health Law, in relation to the closure of nursing homes.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00888, Rules Report No. 234, Jones, Stec. An act to amend the Highway Law, in relation to designating a portion of the State highway system as the "Steve Godlewski Memorial Bridge."

ACTING SPEAKER AUBRY: On a motion by Mr. Jones, 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. A01162-A, Rules Report No. 235, Gottfried, McDonald. An act to amend the Public Health Law, in relation to execution of orders not to resuscitate and orders pertaining to life-sustaining treatments; and to repeal certain provisions of such law relating thereto.

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

The bill is laid aside.

THE CLERK: Assembly No. A01204-A, Rules Report No. 236, Peoples-Stokes, Gottfried, Mosley, Jaffee, Galef, Jean-Pierre, De La Rosa, Simotas, Weprin, Bronson, Epstein, Cruz, Rodriguez, Hevesi, Richardson. An act to amend the Public Health Law and the Executive Law, in relation to HIV post-exposure prophylaxis and other health care services for sexual assault victims.

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. A01267-C, Rules Report No. 237, Perry, Paulin, Raia, DiPietro, Peoples-Stokes, Brabenec, Seawright, Blake. An act to amend the Non-for-Profit Corporation Law and the Business Corporation Law, in relation to cooperative purchase applications.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01304, Rules Report No. 238, L. Rosenthal, Englebright, Otis, Cook, Weprin, Abinanti, Lifton, Mosley, Colton, Galef, Carroll, D'Urso, Reyes, Epstein, Fahy. An act to amend the Environmental Conservation Law, in relation to prohibiting coal tar in pavement products.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01416-C, Rules Report No. 239, Santabarbara. An act to amend the Public Service Law, in relation to information cable television companies must provide to subscribers regarding availability of required equipment at retail.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01483, Rules Report No. 240, Santabarbara, Rivera, Woerner, Lavine, Perry, Stirpe, Colton. An act to amend the Economic Development Law and the Public Service Law, in relation to small business energy assistance and advocacy services.

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

Read the last section.

THE CLERK: This act shall take effect September 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. A01826-A, Rules Report No. 241, Pichardo, Taylor, Arroyo, Epstein. An act to amend the Banking Law, in relation to remittances of moneys by agents of licensed transmitters of money.

ACTING SPEAKER AUBRY: On a motion by Mr. Pichardo, 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. A01845-B, Rules Report No. 242, M.G. Miller, Blake. An act to amend the Banking Law, in relation to what mortgage applicants need to know pamphlet on residential mortgages.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02101-A, Rules Report No. 243, Woerner, D'Urso, Sayegh, Arroyo, Stirpe, Santabarbara, Lupardo, Ramos, Lifton, Burke, Cruz, Blake, Gottfried, Frontus, Glick, Griffin, Raynor, Reyes. An act to amend the Labor Law, in relation to additional information provided to employees on public work contracts.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02199-A, Rules Report No. 244, Joyner, Davila, Jaffee, Wright, Jean-Pierre, Walker, Arroyo, L. Rosenthal, Epstein, Sayegh, Dickens, Simon, Williams, Lavine, Hevesi, Cruz, D'Urso, Pichardo. An act to amend the Family Court Act and the Social Services Law, in relation to orders committing guardianship and custody of a child.

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

The bill is laid aside.

THE CLERK: Assembly No. A02314, Rules Report No. 245, Solages, Rodriguez. An act authorizing Seventh Day Church of God of the Apostolic Faith to receive retroactive real property tax-exempt status.

ACTING SPEAKER AUBRY: On a motion by Ms. Solages, 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. A02361, Rules Report No. 246, Dinowitz, D. Rosenthal. An act to amend the Civil Practice Law and Rules, in relation to increasing the fixed fees for services provided by sheriffs.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02479-A, Rules Report No. 247, Dinowitz, L. Rosenthal, Mosley, Galef, Abinanti, Jaffee, Fahy, Colton, Crespo, Ortiz, Weprin, Lavine, Arroyo, Reyes. An act to amend the Labor Law, in relation to prohibiting an employer from requesting or requiring that an employee or applicant disclose any user name, password, or other means for accessing a personal account through specified electronic communications devices.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02655, Rules Report No. 248, Englebright, Colton, Lifton, Gottfried, Galef, L. Rosenthal, Arroyo, Buchwald, Cook, Simon, Seawright, Fahy, Abinanti, Ortiz, Quart, Carroll, Steck, Paulin, Dinowitz, Taylor, Peoples-Stokes, Glick, Reyes, D'Urso, Griffin. An act to amend the Environmental Conservation Law, in relation to the uniform treatment of waste.

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

THE CLERK: Assembly No. A02698-A, Rules Report No. 249, Lentol, Weprin. An act to amend the Alcoholic Beverage Control Law, in relation to authorizing the issuance of a license to certain motion picture theatres.

ACTING SPEAKER AUBRY: On a motion by Mr.

Lentol, 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. A02766-A, Rules Report No. 250, Hevesi, Fahy. An act to amend the Social Services Law, in relation to standards and training for child day care.

ACTING SPEAKER AUBRY: On a motion by Mr. Hevesi, 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. A02946, Rules Report No. 251, Solages, Lupardo, Cruz, Ortiz, McDonald, Stirpe, Romeo, Griffin, Buchwald, Sayegh, Epstein, Jaffee, Dickens, Crespo, Simon, Blake, Montesano, Williams, Hyndman, Raynor. An act to amend the Economic Development Law, the New York State Urban Development Corporation Act and the Executive Law, in relation to small business crime prevention services.

ACTING SPEAKER AUBRY: On a motion by Ms. Solages, 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.

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 and colleagues, I want to thank you so much for the awesome cooperation today. We have gotten an awful lot of work done today. I appreciate you. And I will acknowledge, full disclosure, I do expect the same level of participation on tomorrow.

So, Mr. Speaker, with that, do we have any further



housekeeping and/or resolutions?

ACTING SPEAKER AUBRY: Certainly.

Housekeeping on the B-Calendar. On a motion by Mr. Palmesano, page 7, Rules Report No. 459, Bill No. 7577-A, amendments are received and adopted.

Many fine resolutions here. We will take them up with one vote.

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

(Whereupon, Assembly Resolution Nos. 591-599 were unanimously adopted.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I now move that the Assembly stand adjourned until 10:00 a.m., Tuesday June the 18th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly will stand adjourned until 10:00 a.m. promptly tomorrow.

(Whereupon, at 9:44 p.m., the Assembly stood adjourned until Tuesday, June 18th at 10:00 a.m., that being a Session day.)